



## Ohio Administrative Code

### Rule 3301-51-20 Admission, transfer, suspension, and expulsion standard for the Ohio state schools for the blind and deaf.

Effective: March 26, 2015

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#### (A) Admission

##### (1) Assessment -

(a) All children referred for placement at the Ohio school for the deaf or the Ohio state school for the blind will be given an initial evaluation by the school district of residence, which shall be conducted in accordance with rules 3301-51-05 and 3301-51-06 of the Administrative Code, and may include, but is not limited to, the following:

(i) For deaf/hard of hearing students: the communication needs of students; the student's and family's preferred mode of communication; the student's linguistic needs; the severity of the hearing loss and potential use of residual hearing; the student's academic level; the social, emotional, and cultural needs of the student; opportunities for deaf/hard of hearing peer interactions and communication; consideration of the curriculum content and method of delivery; the student's need for direct instruction and interaction with teachers; opportunities for participation in extra-curricular activities; and access to specialists who are familiar with the needs of deaf/hard of hearing students.

(ii) For students with blindness or visual impairment: interpretation of medical vision examination information from an optometrist or ophthalmologist; functional vision, visual efficiency, low vision aids assessment; tactile, auditory, and other sensory skills; assessment of use of learning media (braille and print); cognitive development and intellectual functioning; academic skills; gross and fine motor development; orientation and mobility skills; career and vocational skills; daily living, recreation, and leisure skills; technology and skills for student access to the curriculum; environmental adaptations and accommodations necessary to meet the student's learning needs.

(b) The superintendent of the residential school may request an evaluation by the residential school's evaluation center if the information provided by the school district of residence does not satisfy the criteria needed for placement consideration. Evaluation by the residential school's evaluation center



shall also be conducted in accordance with rules 3301-51-05 and 3301-51-06 of the Administrative Code.

(2) Placement -

(a) The superintendent of the school district of residence shall convene an individualized education program (IEP) team meeting to review the evaluation's findings, child's needs, and to determine placement.

(b) The placement decision shall be based on the eligibility and free appropriate public education (FAPE) requirements contained in the operating standards for Ohio educational agencies serving children with disabilities, which are available on the Ohio department of education's website ([education.ohio.gov](http://education.ohio.gov)) along with the following standards:

(i) That there is adequate space in the facility and/or program;

(ii) That the child meets the federal definition of a hearing impairment (including deafness), a visual impairment (including blindness) or the child meets the definition of deaf-blindness as defined in the federal register at 34 C.F.R. 300.9 (December 2008); and

(iii) That the child has the potential for physical, emotional, and social maturity to adjust to the discipline of formal instruction and group living.

(3) Appeal procedure - If the residential school superintendent objects to the placement decision by the referring school district superintendent and the IEP team, then the following procedures shall be followed:

(a) The residential school superintendent shall make a written objection to the superintendent of the school district of residence stating the specific reasons for objecting to the placement. A copy of the written objection shall be provided to the parents of the child. The superintendent of the school district of residence shall conduct a review, hold a hearing, and shall notify in writing all parties involved, including the parents, of his/her decision within twenty days.



(b) If the superintendent of the school district of residence and the residential school superintendent cannot resolve their disagreement over placement of a child, then a representative of the Ohio department of education will conduct an administrative review of the facts of the case, may hold an informal hearing with those involved, issue a placement decision within twenty days of the conference and communicate that decision in writing to the superintendent of the school district of residence, the residential school superintendent, and the parents of the child.

(c) The superintendent of the school district of residence or the residential school superintendent may present a formal objection in writing within twenty days to the board of education and the superintendent of the school district of residence and request an impartial due process hearing. A copy of the written objection shall be provided to the parents of the child.

(d) An impartial hearing officer, appointed by the Ohio department of education, shall conduct a hearing to review the placement decision. The parents shall be provided with prior written notice regarding the hearing. The decision of the hearing officer shall be final, except that any party to the hearing may appeal the finding or decision in accordance with division (H) of section 3323.05 of the Revised Code.

(i) The educational status of the child will not be changed unless the state or the child's district of residence and the parents or guardian of the child agree otherwise; or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in a public school program until all such proceedings have been completed.

(ii) Cost incurred in the impartial due process hearing procedure will be divided equally between the referring school district and the receiving state residential school pursuant to section 3323.04 of the Revised Code.

(e) Nothing in this rule shall preclude a parent or guardian from exercising rights available to them in the operating standards for Ohio educational agencies serving children with disabilities.

**(B) Dismissal program**

(1) If, in the judgment of the residential school superintendent and the IEP team, the program is not



appropriate for the child, the residential school superintendent shall inform the superintendent of the school district of residence and the parent in writing of his intention to dismiss the child from the residential school in accordance with the authority contained in section 3325.03 of the Revised Code. Such written notice shall state the reasons supporting the residential school superintendent's intention to dismiss the child.

(2) The residential school superintendent may request an evaluation. Parental consent is required in accordance with paragraph (C)(3) of rule 3301-51-05 of the Administrative Code. Results of the evaluation will be provided to the residential school superintendent, the IEP team, the superintendent of the school district of residence, and the parents.

(3) If the superintendent of the school district of residence or the parent of the child objects to the intention to dismiss the child, the steps in paragraphs (A)(3)(a) to (A)(3)(d) of this rule regarding the appeal procedure identified in paragraph (A)(3) of this rule shall be followed. The educational status of the child shall not change until all appeal proceedings are completed.

(C) Suspension, expulsion and temporary removal shall follow procedures outlined in paragraphs (K)(20) to (K)(26) of rule 3301-51-05 of the Administrative Code.

(1) Suspension, expulsion or temporary removal may result from one or more of the following: damaging or attempting to damage property on or off campus; disrupting school or other campus and dormitory activities; any acts of violence, force, coercion, extortion or threat; assault or attempted assault on other pupils or employees; possessing, using, transmitting or concealing any weapon, alcohol or drug; arson or attempted arson; theft; reckless operation of a vehicle on or near campus; truancy; or any other personal and/or social behavior deemed unacceptable by the superintendent or principal.

(2) All suspensions and expulsions will be formalized by the residential school superintendent and shall be in accordance with the procedures identified below:

(a) Suspension shall not exceed ten school days in a given school year. Prior to suspension, the child shall be given:



- (i) Written notice of and reasons for the intended suspension.
  - (ii) An opportunity to appear at an informal hearing before the residential school superintendent or his designee and challenge the reasons for the intended suspension.
- (b) Prior to expulsion the child and his parent, guardian or custodian shall be given:
- (i) Written notice of and reasons for the intention to expel the child.
  - (ii) Provide them an opportunity to appear before the residential school superintendent or his designee to challenge the reasons. The time and place of the hearing shall be designated in the notice.
  - (iii) The residential school shall consult with the school district of residence to ensure the provision of a free, appropriate public education, and compliance with the Individuals with Disabilities Education Improvement Act (December 2004) during the expulsion.
- (c) Special circumstances warranting temporary removal. The residential school may remove a child to an interim alternative educational setting for not more than forty-five school days without regard to whether the behavior is determined to be a manifestation of the child's disability in the special circumstances outlined in paragraph (K)(20)(g) of rule 3301-51-05 of the Administrative Code.
- (i) The parents or guardian of a child temporarily removed shall be given written notice of the reasons for removal as soon as practicable after the removal.
  - (ii) The residential school shall conduct a hearing within seventy-two hours from the time of the removal order.
  - (iii) The residential school shall immediately consult with the school district of residence regarding an interim alternative educational setting, emergency health service, and a change of placement.
- (3) Suspension, expulsion, and temporary removal notices shall be sent to the child's parent, guardian or custodian, a representative of the Ohio department of education, and the superintendent of the school district of residence. The notice shall include reasons for suspension or expulsion and the



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right of appeal to a representative of the state department of education. Notice shall be given within twenty-four hours after the suspension or expulsion.