



Ohio Administrative Code

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

Effective: July 1, 2023

(A) Definitions

(1) "Deaf/hard of hearing" refers to children who qualify under the special education eligibility categories of deafness and hearing impairment.

(2) "Deaf-blindness" mean co-occurring hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

(3) "Deafness" means a hearing impairment that is so severe that a child is impaired in processing linguistic information through hearing, with or without amplification that adversely affect a child's educational performance.

(4) "Hearing impairment" means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in rule 3301-51-01 of the Administrative Code.

(5) "Parent" means:

(a) A biological or adoptive parent of a child but not a foster parent of a child;

(b) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the state if the child is a ward of the state);

(c) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or



(d) A surrogate parent who has been appointed in accordance with rule 3301-51-05 of the Administrative Code.

(e) Except as provided in paragraph (A)(5)(f) of this rule, the biological or adoptive parent, when attempting to act as the parent under this rule and when more than one party is qualified under this rule to act as a parent, must be presumed to be the parent for purpose of this chapter of the Administrative Code unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(f) If a judicial decree or order identifies a specific person or persons under paragraphs (A)(5)(a) to (A)(5)(c) of this rule to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent for purposes of this rule.

(6) "School district of residence" means:

(a) The school district in which the child's parents reside;

(b) If the child is enrolled in a community school, the community school is considered to be the "school district of residence";

(c) If the school district specified in paragraph (A)(6)(a) or (A)(6)(b) of this rule cannot be determined, the last school district in which the child's parents are known to have resided if the parents' whereabouts are unknown;

(d) Notwithstanding paragraphs (A)(6)(a) to (A)(6)(d) of this rule, if a school district is required by section 3313.65 of the Revised Code to pay tuition for a child, that district shall be the child's school district of residence.

(7) "Visual impairment" including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance.

(a) The term "visual impairment" includes partial blindness, deafness, deaf-blindness, blindness, or



multiple disabilities if one of the disabilities is vision related;

(b) The term "visual impairment" does not include a disorder in which one or more of the basic psychological processes, such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(B) Admission

(1) Evaluation

(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 children: the communication needs of children; the child's and parent's preferred mode of communication; the child's linguistic needs; the severity of the hearing loss and potential use of residual hearing; the child's academic level; the social, emotional, and cultural needs of the child; opportunities for deaf/hard of hearing peer interactions and communication; consideration of the curriculum content and method of delivery; the child'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 children.

(ii) For children 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 child access to the curriculum; environmental adaptations and accommodations necessary to meet the child's learning needs.

(b) The superintendent(s) of the state school for the deaf and the state school for the blind, or their designee, may request an evaluation by the evaluation team at the state school for the deaf or the



state school for the blind if the information provided by the school district of residence does not satisfy the criteria needed for placement consideration. Evaluation by the state school for the deaf or the state school for the blind's evaluation team 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, or his or her designee, 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 rules 3301-51-01 through 3301-51-10 and rule 3301-51-21 of the Administrative Code Ohio Operating Standards for the Education of Children with Disabilities 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. 300.89 ; 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 superintendent(s) of the state school for the deaf and the state school for the blind objects to the placement decision by the referring school district superintendent and the Individualized Education Program (IEP) team, then the following procedures shall be followed:

(a) The superintendent(s) of the state school for the deaf and the state school for the blind 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 an informal hearing, and shall notify in writing all parties involved, including the parents, of his or her decision within twenty days.

(b) If the superintendent of the school district of residence and the superintendent(s) of the state school for the deaf and the state school for the blind 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 informal hearing and communicate that decision in writing to the superintendent of the school district of residence, the superintendent(s), and the parents of the child.

(c) The superintendent of the school district of residence or the superintendent(s) of the state school for the deaf and the state school for the blind may present a formal objection in writing within twenty days to the school district of residence's board of education and the superintendent 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 school for the deaf or the state school for the blind and the child's district of residence and the parent of the child agree otherwise; or, if applying for initial admission to a public school, shall, with the consent of the parents, 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 state school for the deaf or the state school for the blind pursuant to section 3323.04 of the Revised Code.

(e) Nothing in this rule shall preclude a parent from exercising rights available to them in rules 3301-



51-01 through 3301-51-10 of the Administrative Code, the Ohio Operating Standards for the Education of Children with Disabilities.

(C) Dismissal program

(1) If, in the judgment of the superintendent(s) of the state school for the deaf and the state school for the blind and the Individualized Education Program (IEP) team, the program is not appropriate for the child, the superintendent(s) of the state school for the deaf and the state school for the blind shall inform the superintendent of the school district of residence and the parent in writing of his or her intention to dismiss the child from the state school for the deaf or the state school for the blind in accordance with the authority contained in section 3325.03 of the Revised Code. Such written notice shall state the reasons supporting the superintendent(s) of the state school for the deaf and the state school for the blind's intention to dismiss the child.

(2) The superintendent(s) of the state school for the deaf and the state school for the blind may request an evaluation. Parental consent is required in accordance with paragraph (C)(4) of rule 3301-51-05 of the Administrative Code. Results of the evaluation will be provided to the superintendent(s) of the state school for the deaf and the state school for the blind, the Individualized Education Program (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 (B)(3)(a) to (B)(3)(d) of this rule regarding the appeal procedure identified in paragraph (B)(3) of this rule shall be followed. The educational status of the child shall not change until all appeal proceedings are completed.

(D) Suspension, expulsion and temporary removal shall follow procedures outlined in section 3313.668 of the Revised Code and in paragraphs (K)(19) to (K)(25) 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(s) of the state school for the deaf and the state school for the blind or designee.

(2) All suspensions and expulsions will be approved by the superintendent(s) of the state school for the deaf and the state school for the blind 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 and his or her parent shall be given:

(i) Written notice of and reasons for the intended suspension.

(ii) An opportunity to appear at an informal hearing before the superintendent(s) of the state school for the deaf and the state school for the blind or his or her designee and challenge the reasons for the intended suspension.

(b) Prior to expulsion the child and his or her parent shall be given:

(i) Written notice of and reasons for the intention to expel the child.

(ii) An opportunity to appear at an informal hearing before the superintendent(s) of the state school for the deaf and the state school for the blind or his or her designee to challenge the reasons for the intended expulsion. The time and place of the informal hearing shall be designated in the notice.

(iii) The state school for the deaf and the state school for the blind shall consult with the school district of residence to ensure the provision of a free, appropriate public education (FAPE), and compliance with the Individuals with Disabilities Education Improvement Act (December 2004) during the expulsion.

(c) Special circumstances warranting temporary removal. The state school for the deaf and the state school for the blind may remove a child to an interim alternative educational setting as determined by the individualized education program (IEP) team 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)(19)(g) of rule 3301-51-05 of the Administrative Code.

(i) The parent of a child temporarily removed shall be given written notice of the reasons for removal as soon as practicable after the removal.

(ii) The state school for the deaf or the state school for the blind shall conduct a hearing within seventy-two hours from the time of the removal order notice.

(iii) The state school for the deaf or the state school for the blind 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 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 right of appeal to a representative of the Ohio department of education. Notice shall be given within twenty-four hours after the suspension or expulsion.