



## Ohio Administrative Code

**Rule 3301-55-01 Minimum standards for chartering special education programs in state developmental centers and hospitals of the department of developmental disabilities and the department of mental health and addiction services.**

**Effective: February 1, 2016**

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(A) Definitions. All terms used in this rule shall be considered as defined in rules 3301-35-01 and 3301-51-01 of the Administrative Code. Rule 3301-35-01 of the Administrative Code sets forth the definitions for the minimum standards for elementary and secondary schools and rule 3301-51-01 of the Administrative Code sets forth the definitions for the rules governing the education of children with disabilities.

(B) Responsibilities of the state developmental centers and hospitals. A state developmental center or hospital shall provide a special education program for eligible students placed in such programs pursuant to Chapter 3301-51 of the Administrative Code, which sets forth the procedural safeguards for special education programs.

(C) Eligible students.

(1) State developmental centers operated by the department of developmental disabilities shall provide programs to serve school-age students with disabilities who are determined eligible under rule 3301-51-06 of the Administrative Code; and state hospitals operated by the department of mental health and addiction services shall provide programs to serve school-age students with emotional disturbance who are determined eligible under rule 3301-51-06 of the Administrative Code.

(2) The program shall be offered to such students who:

(a) Are admitted to a center or hospital under the department developmental disabilities or the department of mental health and addiction services; and

(b) Are eligible under Chapter 5119. or 5123. of the Revised Code which relate to the department of mental health and addiction services and the department of developmental disabilities, respectively.



(3) A student may be enrolled in the program if admitted to the center or hospital on a day basis.

(D) Educational program requirements.

(1) All program personnel shall comply with the following statutes and related rules:

(a) Section 3313.48 of the Revised Code, free education to be provided, hours in a school year.

(b) Section 3313.661 of the Revised Code, policy regarding suspension or expulsion, except that if the section is inconsistent with the Individuals with Disabilities Education Act, the Individuals with Disabilities Education Act shall control.

(c) Section 3313.67 of the Revised Code, required immunizations.

(d) Section 3313.712 of the Revised Code, emergency medical authorization.

(e) Section 3319.321 and Chapter 1347. of the Revised Code, safeguarding of student records.

(f) Section 3321.04 of the Revised Code, student attendance.

(g) Chapter 3323. of the Revised Code, education of children with disabilities.

(h) Section 3707.26 of the Revised Code, inspection of schools by the board of health.

(i) Section 3737.73 of the Revised Code, drills and rapid dismissals.

(j) Rule 3301-35-01 of the Administrative Code, the purpose and definitions for the operating standards for kindergarten to twelfth grade.

(k) Paragraph (C) of rule 3301-35-02 of the Administrative Code, services that identify student health and safety concerns and opportunities for access to appropriate related resources.



(l) Student attendance strategies in accordance with section 3321.04 of the Revised Code.

(m) Chapter 3301-51 of the Administrative Code, Ohio operating standards for the education of children with disabilities.

(2) The department of developmental disabilities and the department of mental health and addiction services may ask that an innovative pilot program be exempted from specific laws or rules pursuant to section 3302.07 of the Revised Code and rule 3301-46-01 of the Administrative Code.

(E) Evaluation and chartering.

(1) The program shall be evaluated by the department of education to determine if such program is in compliance with this rule. After the initial evaluation of the program, the program shall be monitored by the department of education as determined appropriate by the department.

(2) The program shall be recommended to the state board of education for chartering if the program meets the requirements specified in this rule and those set forth in Chapter 3301-51 of the Administrative Code relating to the education of children with disabilities.