



Ohio Administrative Code

Rule 5120-9-45 Temporary exclusion from educational requirement.

Effective: January 9, 2020

(A) Except as provided by this rule, all inmates who have not obtained a high school diploma or equivalency shall take courses leading toward an Ohio certificate of high school equivalence, an Ohio high school diploma pursuant to section 3313.61 of the Revised Code, or courses that provide vocational training.

(B) The department may exclude certain inmates from the requirement to take courses as described in paragraph (A) of this rule for clearly established medical, mental health or security reasons pursuant to section 5145.06 of the Revised Code. Such exclusion from the mandatory requirement shall be temporary in nature, based on the criteria established by this rule, and pursuant to the procedure established in this rule.

(C) The managing officer of each correctional facility shall establish an education exclusion review committee. The committee shall be comprised of the health care administrator of the facility, the mental health administrator or mental health manager of the facility, and the principal or assistant principal of the facility. The managing officer may designate other competent and credentialed staff persons to the committee in place of the named positions. The committee shall meet when necessary to review applications for exclusion at the direction of the managing officer, but shall meet no less than once every six months. The managing officer may designate a staff person to assist the committee, and to ensure its adherence to time frames as described in this rule. Staff members are entitled to no additional compensation for service on this committee.

(D) Any correctional facility staff member or inmate may submit a request for an exclusion from the requirement to take courses. The request for exclusion shall be submitted on a form designated for that purpose. The request for exclusion shall be directed to the, managing officer, who shall refer it to the committee.

(E) Any request for exclusion from the requirement to take courses shall describe what condition or circumstance supports the exclusion of the particular inmate from the requirement to take courses.



The criteria for exclusion from the requirement to take courses are as follows:

(1) Medical. A request for exclusion based on medical reasons shall be accompanied by a written statement from the institutional physician that the inmate, based on a diagnosed medical condition, is incapable of meaningful participation in an educational class or vocational training environment.

(2) Mental health. A request for exclusion based on mental health reasons shall be accompanied by a written statement from the institutional mental health administrator or mental health manager that the inmate, based on a diagnosed mental health condition, is incapable of meaningful participation in an educational class or vocational training environment.

(3) Security. Inmates in restrictive housing, who are on death row, or have a security level of E, are excluded from the educational requirement for security reasons. However, upon an inmate's written request, the inmate may have access to coursework as described in paragraph (A) of this rule as appropriate for their security status.

(4) Inmates admitted as patients to, Franklin medical center or Frazier health center are excluded from the educational requirement, while in patient status. However, upon an inmate's written request, the inmate may have access to coursework as described in paragraph (A) of this rule as appropriate for their medical or mental health status.

(F) The educational exclusion review committee shall review each request for exclusion within thirty days after its referral from the managing officer. The committee may require institutional staff to provide additional information if necessary. The committee shall either approve or deny the request and provide a written determination to the staff person submitting the request, to the inmate, to the education department, and to the managing officer.

(G) The grant of exclusion from mandatory education is in effect until the circumstances of the inmate changes or for a six-month period, whichever is shorter. The committee shall review each grant of exclusion, and may require institutional staff to provide updated information if necessary. The committee may continue, modify, or remove the exclusion as warranted. The committee shall provide a written determination of its review to the inmate, the education department, the referring clinical area when applicable and to the managing officer.