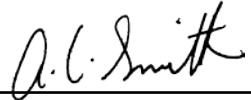




SUBJECT: Special Education	PAGE <u> 1 </u> OF <u> 12 </u>
	NUMBER: 57-EDU-11
RULE/CODE REFERENCE: Individuals with Disabilities Education Act PL 108-446; 34 CRF parts 300 and 303; ORC 3323.091; ODE Operating Standards for Ohio's Schools Serving Children with Disabilities	SUPERSEDES: 57-EDU-11 dated 04/23/18
RELATED ACA STANDARDS:	EFFECTIVE DATE: January 6, 2020
	APPROVED: 

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to establish a uniform policy for the operation of special education programs and the monitoring thereof within the Ohio Department of Rehabilitation and Correction (ODRC).

III. APPLICABILITY

This policy applies to all persons employed by the ODRC, contractors providing a service to ODRC, inmates and volunteers. This policy is not applicable to the Corrections Training Academy (CTA) or the Division of Parole and Community Services (DPCS).

IV. DEFINITIONS

Accommodation - The process of adapting methodology and/or delivery of instruction. A student's individual education program (IEP) will have any necessary accommodations for the student.

Child Find - The procedures to locate, identify and evaluate all inmates under 22 years of age who need special education.

Confidentiality - Relates to the collection, storage, disclosure, and destruction of personally identifiable information. Only those staff with a legitimate educational interest will have access to special education records.

Education Management File (EMF) - An accurate and complete record pertaining to the educational activity of each inmate. Copies of all documents related to an inmate's education program shall be maintained in the education management file except documents related to special education programming.

Evaluation Team Report (ETR) - A comprehensive evaluation conducted by a multidisciplinary team that provides a group of qualified individuals with enough information to determine whether a student has a disability and needs special education and/or related services. Formerly known as the Multifactor Evaluation.

Extended Restrictive Housing (ERH) - A security classification level represented as “E” in the Departmental Offender Tracking System (DOTS). ERH is the most restrictive security level in the ODRC reserved for inmates who constitute the greatest threat to the safety and security of the community, staff, others, and/or the secure operations of a correctional facility.

High School Equivalency (HSE) Tests - Any of three tests (i.e., GED, HiSET, TASC) approved by the State of Ohio for adults and approved juveniles to demonstrate comparable skills necessary for completing high school education. Candidates meeting test requirements receive the Ohio High School Equivalency Diploma.

Individual Education Program (IEP) - A written plan describing the student’s present levels of performance which contains measurable, individualized student goals/objectives and the special education, related services, program modifications, and supplementary aids and services to be provided.

Individual Education Program (IEP) Team - A team of people with a bona-fide interest in the student’s education that convenes to develop, review, and revise the student’s individual education program at least annually to determine if the goals are being achieved.

Intervention Assistance Team (IAT) - A general education component in which a multidisciplinary team focuses on specific concerns that may affect a student’s educational progress, regardless of age. The IAT process may become a component in the Evaluation Team Report process for students under 22 years of age.

Intervention Specialist - The intervention specialist is responsible for all aspects of special education services and compliance and may provide additional intervention to students not identified for Special Education services as needed. They are required to adhere to all regulations outlined in the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities*. It is the responsibility of the intervention specialist to ensure that all students identified with a disability are given the same learning opportunities as non-disabled students. The intervention specialist will work closely with the classroom teacher in making sure that student needs are met, IEP goals are taught and IEP provisions are followed.

Limited Privilege Housing (LPH) - Assignment of an inmate to a designated area for the purpose of reducing privileges, controlling movement, and reducing access to other inmates. An LPH inmate is considered general population and shall have access to prison services, although that access can be reasonably limited as part of privilege reduction. Designated out-of-cell time shall be more than two (2) hours daily.

Modification - The process of changing the curriculum to meet the needs of the student.

Operating Standards for Ohio Schools - Ohio operating standards for school districts and schools establish specific expectations and guidelines for use in creating learning conditions that meet student needs and achieve state and local educational goals and objectives.

Parent - A natural parent, a guardian other than the state, a surrogate parent, or the child at age 18.

Procedural Safeguards - The legal rights to which special education students and their parents (for those under 18 years of age) are entitled by federal law.

Progress Report - The documentation of student achievement or advancement, or lack thereof, of student's IEP goals. Progress reports will be provided to parent(s) of any student under the age of 18 years on a quarterly basis.

Red-flagged - A term used for educational records requiring direct attention by educational staff. These inmates are under the age of 22 years and may require intervention.

Related Services - Developmental, corrective and other support services needed to assist a student with a disability to benefit from special education.

Restrictive Housing (RH) - Housing that separates an inmate from the general population and restricts the inmate to their cell twenty-two (22) hours or more per day.

Special Education - The process of adapting the content, methodology and/or delivery of instruction to meet the unique needs of a student with a disability and to ensure access to the general curriculum so the student can meet the education standards that apply to all inmates served by the Ohio Central School System (OCSS).

Surrogate Parent - A person who serves in place of a parent solely as it relates to the ETR/IEP processes when a child has no known parent or guardian. This person must be trained as a surrogate in accordance with the training prescribed by the Ohio Department of Education. A surrogate parent may not be an employee of ODRC pursuant to ORC section 3323.051, Ohio Department of Education or any other agency involved in the education or care of the child, or who has an interest that conflicts with the interest of the child.

Transitional Program Unit (TPU) - A specialized housing unit requiring close supervision of inmates that are placed in restrictive housing, extended restrictive housing, or may be placed in limited privilege housing.

V. POLICY

It is the policy of the ODRC to locate, identify, and evaluate inmates under 22 years of age who have a confirmed or suspected disability and provide a free, appropriate public education in accordance with federal and state guidelines.

VI. PROCEDURES

A. Reception Centers

1. All inmates shall be assessed at the assigned reception center according to the provisions of ODRC Policy 57-EDU-01, Inmate Assessment and Placement in Educational Programs.

2. The records for any inmate under 22 years of age shall be red-flagged at reception by the intervention specialist and sent to the parent institution when any of the following occur:
 - a. The inmate or parent (for the students under the age of 18 years) states they have a disability. In the absence of corroborating documentation, further assessment shall be conducted.
 - b. The inmate, parent, or agency for the student under the age of 18 years suspects a disability and requests an initial evaluation. An Evaluation Team Report (PR-06 ETR) must then be conducted. (See section VI.D below)
 - c. An Evaluation Team Report (ETR) or Individual Education Program Plan (IEP) is received from the previous school which indicates the inmate has a disability and has been receiving special education services. The inmate is a student with a disability.
3. In addition, the educational records of an inmate under the age of 18 years may also be red-flagged and further assessment is warranted when there is a two-year discrepancy between a score on any standardized assessment and the student's chronological grade placement.
4. In accordance with the Federal Child Find Guidelines, any inmate under the age of 22 years who demonstrates a need for additional assessment shall be referred to their parent institution's Intervention Assistance Team (IAT).
5. Inmates may be referred to education at any time for further assessments or placement in special education if:
 - a. Any staff member, student, or parent (if the child is under the age of 18 years) refers the student. Completion of the Referral for Evaluation form (PR-04) is required to complete the referral. This form is only for initial evaluations, not re-evaluations.
 - b. A transcript, ETR, or IEP arrives indicating a disability and/or previous special education services.
 - c. The inmate self-reports or parent reports previous special education services or asks to be evaluated. Completion of the Referral for Evaluation (PR-04) is required to complete the self-referral. This form is only for initial evaluations, not re-evaluations.
6. Inmates under the age of 18 years who are processed at the reception centers (i.e., CRC, LORCI, and ORW) shall be transferred to their parent institution and complete the testing assessments within seven (7) calendar days of arrival.

B. Parent Institutions

1. Inmates who have been referred by the red-flagged process shall have their records reviewed and be interviewed by the appropriate staff for further actions.

- a. An inmate with an IEP, regardless of status, shall be interviewed by the intervention specialist within seven (7) calendar days of arrival to the parent institution. If the inmate accepts special education services, they shall be enrolled into school within ten (10) calendar days. Otherwise, they shall be referred for placement in accordance with ODRC Policy 57-EDU-01, Inmate Assessment and Placement in Education Programs.
 - b. If a student who is red-flagged as having a disability and enters a transitional program unit (TPU) immediately upon arriving at the institution accepts special education services, they shall be immediately enrolled in school and placed on a class roster and serviced as a student in the TPU until they can attend classes in school.
 - c. A student involved in the ETR process shall be monitored by the intervention specialist to ensure compliance in accordance with Federal Law (IDEIA) and Operating Standards for Ohio's Schools Serving Children with Disabilities (ORC 3301-51-01 TO 11).
 - d. All student referrals shall be reviewed for placement in accordance with ODRC Policy 57-EDU-01, Inmate Assessment and Placement in Education Programs.
 - e. When an inmate is referred by the red-flagged process, the procedures outlined in ODRC Policy 57-EDU-01, Inmate Assessment and Placement in Education Programs, shall be followed.
2. Inmates may be referred to education at any time for further assessment or placement in special education if:
 - a. Any staff member, inmate self-report, or parent reports refers the student. Completion of the Referral for Evaluation (PR-04) is required to complete the referral. This form is only for initial evaluations, not re-evaluations.
 - b. A transcript, ETR, or IEP arrives indicating a disability and/or previous special education services.
 - c. The inmate or parent (for students under the age of 18 years) self-reports previous special education services or asks to be evaluated. Completion of the Referral for Evaluation (PR-04) is required to complete for all referrals. This form is only for initial evaluations, not re-evaluations.

C. Evaluation Team

1. An evaluation team consisting of the school administrator, regular classroom teacher(s), intervention specialist, student, parent (if the child is under the age of 18 years), and other personnel, as appropriate, must conduct an ETR (PR-06) for any student under the age of 22 years suspected of having a disability.
 - a. The intervention specialist shall complete a Prior Written Notice to Parents (PR-01) and send it to the student or parent (if the child is under the age of 18 years).

- b. The intervention specialist shall also complete a Parent Invitation (PR-02). This invitation is for the evaluation planning meeting.
 - i. If a parent(s) does not respond to the PR-01, then three (3) attempts shall be made to contact the parents for invitation for students under the age of 18 years. Two (2) written invitations by email and certified mail and one (1) documented phone call are required for verification. All contacts shall be completed within fifteen (15) calendar days.
 - ii. If the student is under the age of 18 years, a surrogate parent must be appointed if a parent cannot be identified or located.
 - iii. If parents do not respond to contacts made for students under the age of 18 years, then the ETR process moves forward. In this situation, no appointment of a surrogate parent is required.
- c. The intervention specialist is responsible for conducting the ETR planning meeting. This meeting may be facilitated by the following means: face to face, video conference or telephone interview. The following members are required to sign and date the ETR planning form: school administrator, regular education teacher, intervention specialist, and student or parent (if the child is under the age of 18 years).
- d. During the ETR planning meeting, the intervention specialist shall complete the Consent for Evaluation (PR05) in a timely manner, no more than thirty (30) calendar days from consent for services. This form must be signed by the student or parent (if the child is under the age of 18 years) and the school district representative (school administrator). The school administrator shall also complete Part 3 of the PR-05 form. If the school administrator has attended by video conference or phone interview during the meeting, they shall confirm verbally that the student or parent (if the child is under the age of 18 years) received a copy of the evaluation plan and a copy of the procedural safeguards. In this case, immediately upon conclusion of the meeting, the intervention specialist shall scan a copy of the PR-05 to the school administrator for the purpose of obtaining their signature. Immediately upon receipt of the PR-05, the school administrator shall sign and scan a copy of the PR-05 back to the intervention specialist for filing.
- e. If consent is given, the ETR process shall proceed and be completed within sixty (60) calendar days from signed consent.
- f. When completing initial evaluation, the ETR team shall document interventions and support provided to the student prior to the completion of the initial evaluation team report.
- g. The evaluation team, at the planning meeting, shall consider and document that the evaluation addresses all areas of the suspected disability.
- h. If consent is refused by the student or parent (students under the age of 18 years), the ETR process shall not proceed any further.

- i. Consideration must include diagnostics performed by school psychologist and any other person with a bona fide interest in the student's education.
2. The intervention specialist shall follow the ETR planning form and conduct/schedule assessment areas related to suspected disabilities.
 - a. Standardized tests must be used for their validated purposes and administered by trained, qualified personnel.
 - b. A Medical Diagnostic Evaluation (DRC4307) is a component of this evaluation and shall be provided by an advanced level provider at no cost to the inmate.
3. Upon completion of assessment areas related to suspected disabilities, the intervention specialist shall complete a draft of the Evaluation Team Report (PR-06).
4. The intervention specialist shall complete a Parent Invitation (PR-02). This form shall be sent to the student or parent (if the child is under the age of 18 years). This invitation is for the evaluation team meeting.
5. The evaluation team shall finalize the Evaluation Team Report (PR-06) and determine if a disability exists. If the student is eligible for special education services, an IEP meeting is convened. (See IEP Process)
6. The IEP team shall conduct a re-evaluation of the ETR every three (3) years. The intervention specialist shall track and schedule the re-evaluation prior to expiration.

D. ETR - Special Circumstances

1. If a current ETR is received from a prior school district, the IEP team shall review the report's finding which allows the IEP team to:
 - a. Determine if additional evaluations are needed. The evaluations shall then be scheduled and conducted;
 - b. Determine if the ETR is accurate, then no further evaluations shall be conducted;
 - c. Make modifications for bona-fide security and compelling penological reasons.
2. If an expired ETR (more than 3 years old) is received from a prior school district or Ohio Central School System (OCSS), the IEP team is required to conduct a re-evaluation of the expired ETR.

If the student is under the age of 18 years, a surrogate parent must be appointed if a parent cannot be identified.

3. A student or parent (if the child is under the age of 18 years) may request a re-evaluation of disability or educational need at any time, but not more than once per year.

E. Individual Education Program Process

1. The IEP team shall consist of the student, parent (if the student is under the age of 18 years), regular classroom teacher(s) of the inmate, intervention specialist, the school administrator, and any other person with knowledge or expertise regarding the student. The meeting may be facilitated by the following means; face-to-face, video conference, or by telephone. In this case, immediately upon conclusion of the meeting, the intervention specialist shall scan a copy of the signature page of the IEP to the school administrator for the purpose of obtaining his/her signature. Immediately upon receipt of the IEP signature page, the school administrator shall sign and scan a copy of the page and send it back to the intervention specialist for filing.
2. Once the student is determined to have a disability, the intervention specialist shall complete a draft of the Individual Education Program (PR-07).
3. The intervention specialist shall complete the Prior Written Notice to Parents (PR-01) and send it to the student or parent (if the child is under the age of 18 years).
4. The intervention specialist shall complete the Parent Invitation (PR-02). This invitation is for the IEP meeting. The following process shall be implemented for each student:
 - a. If a parent(s) does not respond to the PR-01, then three (3) attempts shall be made to contact the parents for invitation for students under the age of 18 years. Two (2) written invitations by email and certified mail and one (1) documented phone call are required for verification. All contacts shall be completed within fifteen (15) calendar days.
 - b. If the student is under the age of 18 years, a surrogate parent must be appointed if a parent cannot be identified.
 - c. If parents do not respond to contacts made for students under the age of 18 years, the ETR process moves forward. In this situation, no appointment of a surrogate parent is required.
5. The IEP team shall finalize and implement the Individual Education Program (PR-07) within thirty (30) calendar days of student eligibility determination.
6. The IEP shall be updated annually until the age of 22 years or more often if there is a change in disability.
7. Students under the age of 18 years and their parents shall receive a Procedural Safeguards notice during the IEP team meeting and a Notice of a Transfer of Rights at Majority on the child's 17th birthday.
8. A parent (if the child is under the age of 18 years) shall be provided with a completed copy of the IEP and Procedural Safeguards. The student shall be provided access to the IEP and Procedural Safeguards in the school area and shall be given a copy upon their release.

9. Regular classroom teachers shall be provided access to a copy their students' IEP/IEP Goals. These records must be kept secure and confidential.
10. Staff must comply with the Operating Standards for Ohio's Schools Serving Children with Disabilities (ORC 3301-51-01 TO 11.) Staff shall review and implement Ohio Department of Education's ETR and IEP annotations.

F. IEP Process

1. If a current IEP is received from a prior school district, the IEP team shall review the IEP which allows the IEP team to:
 - a. Immediately enroll the student into an appropriate educational program;
 - b. Make modifications for bona-fide security and penological reasons;
 - c. Gather observations from the classroom teachers, intervention specialist and other qualified professionals;
 - d. Make modifications to the current IEP, if deemed necessary.
2. If an expired IEP is received from a prior school district, the IEP team shall review the IEP which allows the team to:
 - a. Immediately enroll the student into an appropriate educational program;
 - b. Immediately develop a new IEP based on the expired IEP and make modifications for bona-fide security or compelling peneological reasons;
 - c. Re-evaluate the ETR, if received or not, and follow the procedures outlined in section VI.E above;
 - d. Gather observations from the classroom teachers, intervention specialist and other qualified professionals;
 - e. Develop a current IEP (see section VI.E);
 - f. Exit the student from special education services if it is determined the student no longer qualifies for services.
3. Students with an IEP who are placed in a TPU for disciplinary reasons will continue to receive modified services as documented within their IEP. The IEP team must develop a new IEP or make up the school days which were missed, unless procedures to service the inmates in the TPU are written into the current IEP. Any education staff member delivering those services shall sign the Restrictive Housing Program Staff Activity Log (DRC4112) whenever they visit the inmate in the unit. Each student's IEP shall reflect how they will receive service if placed in an alternative security setting for a penological reason.
4. The IEP team may determine to enroll a student with a disability, whose reading score is less than 231, into a career technical program if it is in the best interest of the student. The IEP shall include goals and accommodations for the student to access the program.
5. A student with a disability who has received an HSE may return to school to pursue a regular high school diploma or a career technical program until his/her 22nd birthday. The IEP team shall continue with the current IEP and make modifications.

G. Special Education Process Timelines

Child Find		On-Going
Oral Request for Evaluation by Parent or Student	When an oral request is made to any school professional or administrator, the school entity must provide the permission to evaluate-evaluation request form to the parents or student if age 18 or above.	Within 10 calendar days
Evaluation	Time to conduct evaluation and complete report after informed consent received from parent or student if age 18 or above. Time prior to IEP meeting for evaluation report to be issued. Review ETR	60 calendar days Within 30 school days At least Tri-Annually
Individualized Education Program (IEP)	Time following evaluation report to develop IEP Time from development of IEP to implementation Review of IEP	Within 30 calendar days ASAP or within 10 calendar days At least annually Note: If you find an inappropriate IEP then it must be corrected immediately.
Oral Request for Reevaluation by Parent or Student	When an oral request is made to any school professional or administrator, the school entity must provide the permission to reevaluate-reevaluation request form to the parents or student if age 18 or above.	Within 10 calendar days
Reevaluation	All students receiving Special Education Services	Must be reevaluated at least once every 3 years.

H. Exiting Procedures

1. A student exits special education in one of the following ways, with appropriate notation on the IEP:

- a. The student reaches their 22nd birthday; or
 - b. The student completes an HSE or High School Diploma; or
 - c. The IEP team determines the student no longer needs special education services; or
 - d. The student or parent (for students under the age of 18 years) refuses special education services.
2. When exiting a student out of special education, the following process shall be followed by utilizing the Prior Written Notice to Parents (PR-01) and Parent Invitation (PR-02) except that when the student ages out (reaches the age of 22 years) only a Prior Written Notice (PR-01) and a Progress Report (OP-06) is required. No meeting is required with this exception.
- a. An exit IEP meeting must be conducted.
 - b. At the meeting, the team shall update the IEP including a review and update of all the progress made toward the student's goals and objectives utilizing the Progress Report (OP-06).
 - c. If the exit IEP is by the student's or parent's (if the child is under the age of 18 years) choice, the student or parent (if the child is under 18 if the child is under the age of 18 years) shall mark that they revoke consent for all special education and related services. This is found in section 14 of the IEP (annual review/review other than annual review). In this case, the intervention specialist shall fill out a Prior Written Notice (PR-01) confirming the revocation of consent for services. The district will no longer implement the student's IEP and treat the student as any student without a disability.

I. Records

1. The special education record shall be created when the evaluation team determines a student is disabled or when an ETR or IEP arrives from a previous school placement. Prior to this time, paperwork shall be scanned into the education management file.
2. Special education files are secured in the guidance counselor's office, separate from the education management files.
3. Special education files may be removed from the guidance office and returned the same day by the school administrator, guidance counselor and intervention specialist.
4. In addition to the staff allowed unlimited access to special education files per ODRC Policy 07-ORD-09, Inmate Education Records, those education staff with a legitimate education reason may review special education records.
5. An Activity Log/Confidential Education Records (DRC4309) shall be maintained in each special education file and notations shall be completed each time the file is reviewed.
6. Psychological evaluations shall be maintained in the special education file only.

7. The official special education record shall be scanned to OnBase under the special education record file.
8. When a student transfers to another institution, his/her special education records must be mailed through the U.S. Post Office. These records shall be marked as confidential. Only the intervention specialist, education specialist, guidance counselor or school administrator at the receiving institution may open the envelope.
9. All intervention specialists shall submit a Monthly Special Education Report (DRC4346) electronically to the school administrator by the 1st of each month. The school administrator shall send it to the student support director by the 5th of each month. The Monthly Special Education Reports (DRC4346) shall be secured as they contain confidential information.
10. Classroom teachers and the intervention specialist shall document progress toward the IEP goals utilizing Progress Report (OP-06) with special education students by conducting a face-to-face consultation with the student at the end of each quarter. Copies of the report should be provided to the student, classroom teachers and intervention specialist.
 - a. The Progress Report (OP-06) shall document data including, but not limited to, direct student contact, general education classroom observations, general education classroom assistance, general education teacher conferences and other activities that pertain to obtaining information needed to complete the progress reports.
 - b. The Progress Report (OP-06) documentation shall be used to generate the progress report(s).
 - c. The Progress Report (OP-06) shall be maintained in the student's special education file.
11. Regular classroom teachers shall include student goals as they relate to the students IEP. These goals shall be captured on Student Educational Goal Agreements (DRC2488). It is the regular classroom teacher's responsibility to attend ERT/IEP meetings and implementation of the students IEP.
 - J. The OCSS is required by the Ohio Department of Education to hold an annual public meeting in compliance with State and Federal law (IDEA), to ensure proper application of services to an identified student within the OCSS.

Related Department Forms:

Student Educational Goal Agreements	DRC2488
Restrictive Housing Program Staff Activity Log	DRC4112
Medical Diagnostic Evaluation Form	DRC4307
Activity log-Confidential Education Records	DRC4309
Special Education Monthly Report	DRC4346