



Ohio Administrative Code

Rule 3301-55-01 Minimum standards for establishing 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: April 28, 2022

(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.

(B) Responsibilities of the state developmental centers and hospitals. A state developmental center or hospital shall provide a special education program for eligible children appropriately 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 children.

(1) State developmental centers operated by the department of developmental disabilities shall provide programs to serve school-age children 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 children who are determined eligible under rule 3301-51-06 of the Administrative Code. State developmental centers operated by the department of developmental disabilities may provide programs to serve preschool children who are eligible for preschool special education services under rule 3301-51-11 of the Administrative Code;

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

(a) Are admitted to a center or hospital under the department of 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 child may be enrolled in the program if admitted to the center or hospital on a day basis.

(D) Special educational program requirements.

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

(a) Confidentiality and personal information systems in section 3319.321 and Chapter 1347. of the Revised Code, regarding safeguarding of student records.

(b) Scope of obligation in section 3321.04 of the Revised Code, regarding student attendance and attendance strategies.

(c) Education of children with disabilities in Chapter 3323. of the Revised Code, education of children with disabilities.

(d) All applicable state and local health and safety codes.

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

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

(E) School district of residence requirements.

(1) The school district of residence of the child placed in a special education program under this rule, shall ensure compliance with the following:

(a) A free education to be provided; hours in a school year pursuant to section 3313.48 of the Revised Code.

(b) Policy regarding suspension, expulsion, removal, and permanent exclusion pursuant to section 3313.661 of the Revised Code, policy regarding suspension or expulsion specifies the types of



misconduct for which a pupil may be suspended, expelled, or removed, except that if the section is inconsistent with the Individuals with Disabilities Education Act (2006), then the Individuals with Disabilities Education Act shall control.

(c) Immunization of pupils, immunization record, annual summary pursuant to section 3313.67 of the Revised Code, required immunizations.

(d) Emergency Medical Authorization pursuant to section 3313.712 of the Revised Code, emergency medical authorization.

(e) Purpose and definitions pursuant to rule 3301-35-01 of the Administrative Code, the purpose and definitions for the operating standards for kindergarten to twelfth grade.

(f) Governance, leadership, and strategic planning pursuant to rule 3301-35-02 of the Administrative Code, services that identify student health and safety concerns and opportunities for access to appropriate related resources.

(g) Board of health shall inspect schools and may close them pursuant to section 3707.26 of the Revised Code, regarding inspection of schools by the board of health.

(F) Evaluation and establishing special education programs.

(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 by the department of education to the state board of education for establishing 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.