

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 356

**Senator Brenner
Cosponsors: Senators Maharath, O'Brien**

A BILL

To amend sections 3317.013 and 3323.01 of the
Revised Code regarding the education of children
experiencing developmental delays and state
operating funding for districts and schools
educating them.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3317.013 and 3323.01 of the
Revised Code be amended to read as follows:

Sec. 3317.013. The multiples for the following categories
of special education programs, as these programs are defined for
purposes of Chapter 3323. of the Revised Code, are as follows:

(A) A multiple of 0.2435 for students whose primary or
only identified disability is a speech and language disability,
as this term is defined pursuant to Chapter 3323. of the Revised
Code;

(B) A multiple of 0.6179 for students identified as
specific learning disabled ~~or~~, developmentally disabled, or
developmentally delayed, as these terms are defined pursuant to
Chapter 3323. of the Revised Code, identified as having an other

health impairment-minor, or identified as a preschool child who 19
is developmentally delayed; 20

(C) A multiple of 1.4845 for students identified as 21
hearing disabled or severe behavior disabled, as these terms are 22
defined pursuant to Chapter 3323. of the Revised Code; 23

(D) A multiple of 1.9812 for students identified as vision 24
impaired, as this term is defined pursuant to Chapter 3323. of 25
the Revised Code, or as having an other health impairment-major; 26

(E) A multiple of 2.6830 for students identified as 27
orthopedically disabled or as having multiple disabilities, as 28
these terms are defined pursuant to Chapter 3323. of the Revised 29
Code; 30

(F) A multiple of 3.9554 for students identified as 31
autistic, having traumatic brain injuries, or as both visually 32
and hearing impaired, as these terms are defined pursuant to 33
Chapter 3323. of the Revised Code. 34

Sec. 3323.01. As used in this chapter: 35

(A) "Child with a disability" means a child who is at 36
least three years of age and less than twenty-two years of age; 37
who has an intellectual disability, a hearing impairment 38
(including deafness), a speech or language impairment, a visual 39
impairment (including blindness), a serious emotional 40
disturbance, an orthopedic impairment, autism, traumatic brain 41
injury, an other health impairment, a specific learning 42
disability (including dyslexia), deaf-blindness, or multiple 43
disabilities; and who, by reason thereof, needs special 44
education and related services. 45

A "child with a disability" may include a child who is at 46
least three years of age and less than ~~six~~ten years of age; who 47

is experiencing developmental delays, as defined by standards 48
adopted by the state board of education and as measured by 49
appropriate diagnostic instruments and procedures in one or more 50
of the following areas: physical development, cognitive 51
development, communication development, social or emotional 52
development, or adaptive development; and who, by reason 53
thereof, needs special education and related services. 54

(B) "Free appropriate public education" means special 55
education and related services that meet all of the following: 56

(1) Are provided at public expense, under public 57
supervision and direction, and without charge; 58

(2) Meet the standards of the state board of education; 59

(3) Include an appropriate preschool, elementary, or 60
secondary education as otherwise provided by the law of this 61
state; 62

(4) Are provided for each child with a disability in 63
conformity with the child's individualized education program. 64

(C) "Homeless children" means "homeless children and 65
youths" as defined in section 725 of the "McKinney-Vento 66
Homeless Assistance Act," 42 U.S.C. 11434a. 67

(D) "Individualized education program" or "IEP" means the 68
written statement described in section 3323.011 of the Revised 69
Code. 70

(E) "Individualized education program team" or "IEP team" 71
means a group of individuals composed of: 72

(1) The parents of a child with a disability; 73

(2) At least one regular education teacher of the child, 74

if the child is or may be participating in the regular education environment;	75 76
(3) At least one special education teacher, or where appropriate, at least one special education provider of the child;	77 78 79
(4) A representative of the school district who meets all of the following:	80 81
(a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;	82 83 84
(b) Is knowledgeable about the general education curriculum;	85 86
(c) Is knowledgeable about the availability of resources of the school district.	87 88
(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team as described in divisions (E) (2) to (4) of this section;	89 90 91
(6) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;	92 93 94 95
(7) Whenever appropriate, the child with a disability.	96
(F) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.	97 98 99
(G) "Other educational agency" means a department, division, bureau, office, institution, board, commission,	100 101

committee, authority, or other state or local agency, which is 102
not a city, local, or exempted village school district or an 103
agency administered by the department of developmental 104
disabilities, that provides or seeks to provide special 105
education or related services to children with disabilities. The 106
term "other educational agency" includes a joint vocational 107
school district. 108

(H) "Parent" of a child with a disability, except as used 109
in sections 3323.09 and 3323.141 of the Revised Code, means: 110

(1) A natural or adoptive parent of a child but not a 111
foster parent of a child; 112

(2) A guardian, but not the state if the child is a ward 113
of the state; 114

(3) An individual acting in the place of a natural or 115
adoptive parent, including a grandparent, stepparent, or other 116
relative, with whom the child lives, or an individual who is 117
legally responsible for the child's welfare; 118

(4) An individual assigned to be a surrogate parent, 119
provided the individual is not prohibited by this chapter from 120
serving as a surrogate parent for a child. 121

(I) "Preschool child with a disability" means a child with 122
a disability who is at least three years of age but is not of 123
compulsory school age, as defined under section 3321.01 of the 124
Revised Code, and who is not currently enrolled in kindergarten. 125

(J) "Related services" means transportation, and such 126
developmental, corrective, and other supportive services 127
(including speech-language pathology and audiology services, 128
interpreting services, psychological services, physical and 129
occupational therapy, recreation, including therapeutic 130

recreation, school nurse services designed to enable a child 131
with a disability to receive a free appropriate public education 132
as described in the individualized education program of the 133
child, counseling services, including rehabilitation counseling, 134
orientation and mobility services, school health services, 135
social work services in schools, and parent counseling and 136
training, and medical services, except that such medical 137
services shall be for diagnostic and evaluation purposes only) 138
as may be required to assist a child with a disability to 139
benefit from special education, and includes the early 140
identification and assessment of disabling conditions in 141
children. "Related services" does not include a medical device 142
that is surgically implanted, or the replacement of such device. 143

(K) "School district" means a city, local, or exempted 144
village school district. 145

(L) "School district of residence," as used in sections 146
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 147
means: 148

(1) The school district in which the child's natural or 149
adoptive parents reside; 150

(2) If the school district specified in division (L)(1) of 151
this section cannot be determined, the last school district in 152
which the child's natural or adoptive parents are known to have 153
resided if the parents' whereabouts are unknown; 154

(3) If the school district specified in division ~~(M)~~(L)(2) 155
of this section cannot be determined, the school district 156
determined under section 2151.362 of the Revised Code, or if no 157
district has been so determined, the school district as 158
determined by the probate court of the county in which the child 159

resides.	160
(4) Notwithstanding divisions (M) (L)(1) to (3) of this	161
section, if a school district is required by section 3313.65 of	162
the Revised Code to pay tuition for a child, that district shall	163
be the child's school district of residence.	164
(M) "Special education" means specially designed	165
instruction, at no cost to parents, to meet the unique needs of	166
a child with a disability. "Special education" includes	167
instruction conducted in the classroom, in the home, in	168
hospitals and institutions, and in other settings, including an	169
early childhood education setting, and instruction in physical	170
education.	171
(N) "Student with a visual impairment" means any person	172
who is less than twenty-two years of age and who has a visual	173
impairment as that term is defined in this section.	174
(O) "Transition services" means a coordinated set of	175
activities for a child with a disability that meet all of the	176
following:	177
(1) Is designed to be within a results-oriented process,	178
that is focused on improving the academic and functional	179
achievement of the child with a disability to facilitate the	180
child's movement from school to post-school activities,	181
including post-secondary education; vocational education;	182
integrated employment (including supported employment);	183
continuing and adult education; adult services; independent	184
living; or community participation;	185
(2) Is based on the individual child's needs, taking into	186
account the child's strengths, preferences, and interests;	187
(3) Includes instruction, related services, community	188

experiences, the development of employment and other post-school	189
adult living objectives, and, when appropriate, acquisition of	190
daily living skills and functional vocational evaluation.	191
"Transition services" for children with disabilities may	192
be special education, if provided as specially designed	193
instruction, or may be a related service, if required to assist	194
a child with a disability to benefit from special education.	195
(P) "Visual impairment" for any individual means that one	196
of the following applies to the individual:	197
(1) The individual has a visual acuity of 20/200 or less	198
in the better eye with correcting lenses or has a limited field	199
of vision in the better eye such that the widest diameter	200
subtends an angular distance of no greater than twenty degrees.	201
(2) The individual has a medically indicated expectation	202
of meeting the requirements of division (P) (1) of this section	203
over a period of time.	204
(3) The individual has a medically diagnosed and medically	205
uncorrectable limitation in visual functioning that adversely	206
affects the individual's ability to read and write standard	207
print at levels expected of the individual's peers of comparable	208
ability and grade level.	209
(Q) "Ward of the state" has the same meaning as in section	210
602(36) of the "Individuals with Disabilities Education	211
Improvement Act of 2004," 20 U.S.C. 1401(36).	212
Section 2. That existing sections 3317.013 and 3323.01 of	213
the Revised Code are hereby repealed.	214