

Overview of Preschool Special Education Rule 3301-51-11

Updated January 2023



LEARNER'S OBJECTIVES

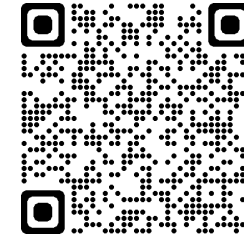
Identify new parts of 3301-51-11

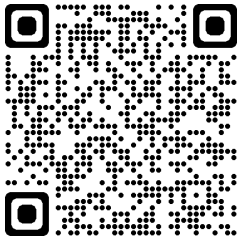

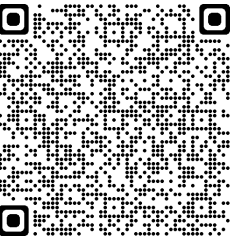
Know where to go for more information

Submit questions

FOLLOW ALONG

Preschool Special Education webpage:
[Preschool Special Education](#)



<p>New PSE Rule</p>	<p>Policy Statement on Inclusion</p>	<p>Preschool Universal Supports</p>
<p>Support for LRE Section of Preschool Rule</p>	<p>Indicator 12 Early Childhood Transition</p>	<p>Preschool Teacher Qualifications</p>
<p>Waiver Form and Waiver Guidance</p>	<p>Preschool Inclusion: Ohio's Guidance</p>	<p>A Guide to Transportation for Preschool Students with Disabilities</p>
<p>Preschool Licensing Rule: Preschool Licensing</p> 	<p>Operating Standards: Operating Standards and Guidance</p> 	<p>ETR and IEP forms: Ohio Required and Optional Forms</p> 

OHIO'S VISION FOR PRESCHOOL SPECIAL EDUCATION

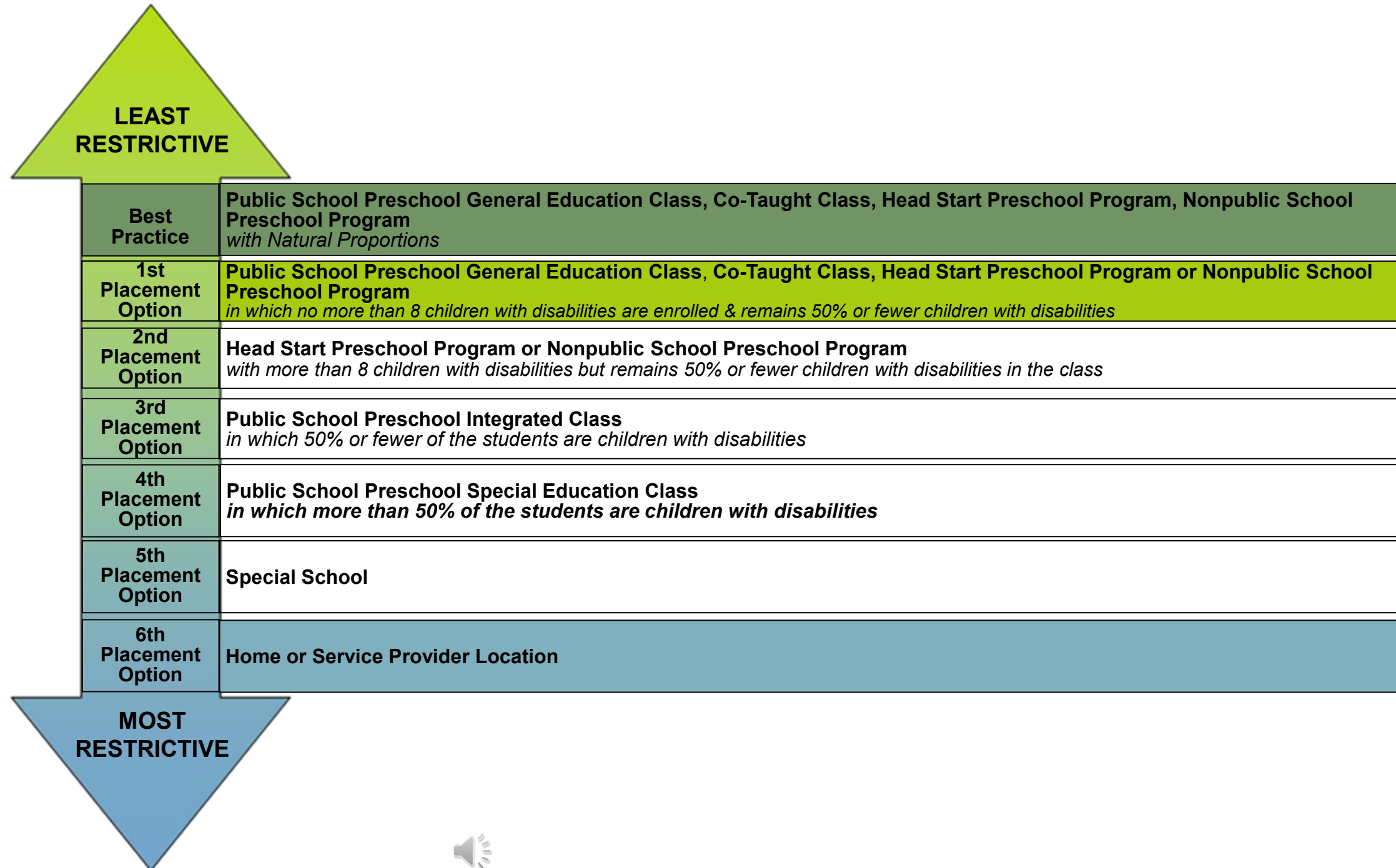
Each young child with a disability is challenged, prepared and empowered for his/her future by having access to an inclusive high-quality early childhood program where each child is provided individualized and appropriate support in meeting high expectations.

FREE APPROPRIATE PUBLIC EDUCATION

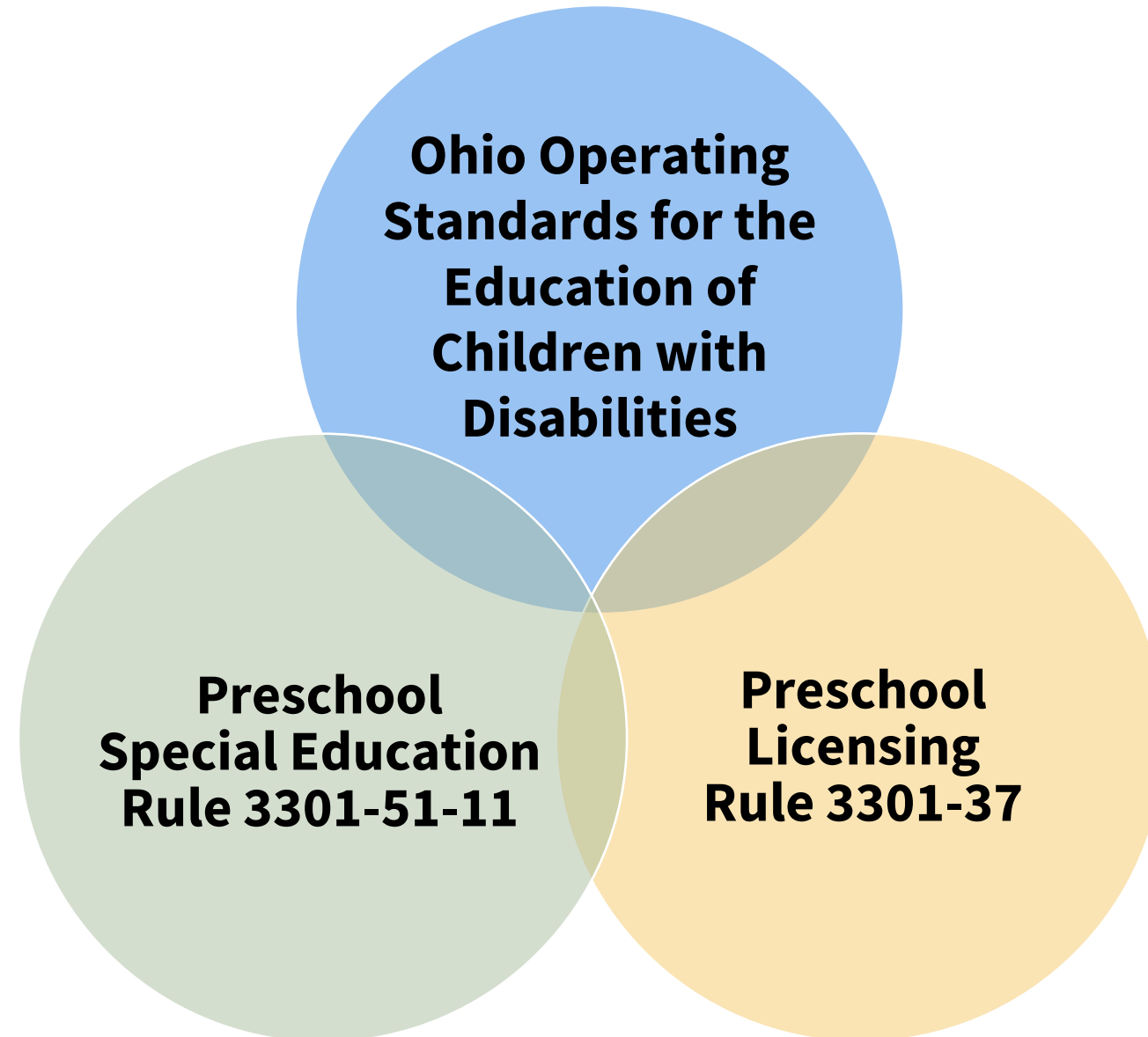
F } At no cost to parent
A }
P } General education
E } +
Special education



LEAST RESTRICTIVE ENVIRONMENT



OHIO'S RULES



PART 1: DEFINITIONS



DEFINITIONS

3301-51-11(A)(1)

Full-Day Class Session

Half-Day Class Session

Itinerant Services

Kindergarten Age Eligible

Support for School Personnel
Services

CLASS SESSIONS 3301-51-11(A)(1)(B)(C)

**Full-Day
Class Session**

4 or more hours

**Half-Day
Class Session**

Fewer than 4 hours

ITINERANT SERVICES 3301-51-11(A)(1)(D)



KINDERGARTEN AGE ELIGIBLE 3301-51-11(A)(E)

Age 5 or 6 by District Kindergarten Eligibility Date

- August 1
- September 30



SUPPORT FOR SCHOOL PERSONNEL SERVICES 3301-51-11(A)(I)



DEFINITIONS

3301-51-11(A)(1)

Co-Taught class

Public School preschool general education class

Public school preschool integrated class

Public school preschool special education class

Service provider location

Teacher

Class Size

Class Make up

Example

Delivery of Services/Least Restrictive Environment in Ohio Administrative Code 3301-51-11(J)(1-5)

This document is intended to support preschool administrators, teachers, intervention specialists, school psychologists and related service providers regarding the Delivery of Services and Least Restrictive Environment section of the revised Preschool Special Education rule 3301-51-11. The information contained in this document is to serve as a resource in the following areas: definitions of continuum terms, locations of educational services continuum, educator qualification requirements and itinerant services.

Definitions of Least Restrictive Environment Continuum 3301-51-11(A)(1)

LRE Continuum Term	Rule Definition	Further Clarification from Rule or examples <i>(The examples shown may not reflect all possible scenarios.)</i>
Co-taught class	A class operated by a public school, educational service center, or county board of developmental disabilities that is taught by two licensed teachers: one licensed general education teacher and one licensed intervention specialist	Teachers: <ul style="list-style-type: none">• Both teachers are assigned to the classroom for the full duration of each class session• All children in the co-taught class are on the general education teacher's roster; the children with disabilities are also counted in the intervention specialists' caseload. Class Size & Makeup: <ul style="list-style-type: none">• Max of 8 children with disabilities• Follows general education licensing rules for ratio and group size requirements Example: <ul style="list-style-type: none">• General education preschool classroom with 20 children (12 children without disabilities and 8 children with disabilities). Both teachers lead the class which meets 4 days a week 3hrs and 15 min. per day.
Public School Preschool General Education Class	A class taught by a general education teacher or dual-licensed teacher with a maximum of eight children	Teacher: <ul style="list-style-type: none">• Lead teacher holds a general education license

CO-TAUGHT CLASS

Definition

3301-51-11(A)(1)(a)

Teacher

Class Size & Makeup

Example



PUBLIC SCHOOL PRESCHOOL GENERAL EDUCATION CLASS

Definition

**3301-51-
11(A)(1)(g)(i)**

Teacher

Class Size & Makeup

Example



PUBLIC SCHOOL PRESCHOOL GENERAL EDUCATION CLASS

3301-51-11(A)(1)(g)(i)(e)

~~Beginning July 1, 2020, includes a~~ A maximum of ~~eight~~ ~~six~~ children with disabilities (i.e., children with IEPs) enrolled in a public school preschool general education class that is taught by a general education teacher who meets the lead qualifications outlined in paragraph (A)(1)(a)(ii) of this rule, and the class must ~~be made up of fifty per cent or fewer~~ ~~have more~~ children ~~with~~out disabilities enrolled than children ~~with~~out disabilities; the department may grant a waiver (on a case-by-case basis) for additional children with disabilities to be enrolled.

PUBLIC SCHOOL PRESCHOOL INTEGRATED CLASS

Definition

**3301-51-
11(A)(1)(g)(ii)**

**Teacher
Class Size & Makeup
Example**



PUBLIC SCHOOL PRESCHOOL INTEGRATED CLASS

3301-51-11(A)(1)(g)(ii)(c)

Fifty per cent or fewer of the students in the class are children with disabilities; and



PUBLIC SCHOOL PRESCHOOL SPECIAL EDUCATION CLASS

Definition

3301-51-11(A)(1)(f)

Teacher

Class Size & Makeup

Example



SERVICE PROVIDER LOCATION (NOT A CLASS)

Definition

3301-51-11(A)(h)

**Service Provider
Group Makeup
Example**



PRESCHOOL TEACHER QUALIFICATIONS

PRESCHOOL TEACHER QUALIFICATIONS¹

Preschool General Education Teacher	Dual License Teacher for Preschool Integrated² Class	Preschool Special Education Teacher
<i>The lead teacher of the general education class cannot serve as the intervention specialist of record or individualized education program (IEP) case manager for any children with disabilities (children with IEPs), even if the individual holds appropriate licensure for those roles.</i>	<i>Taught by a general education teacher or dual-licensed teacher who meets the lead teacher qualifications for a preschool special education class. Fifty percent of the students in the class are children with disabilities</i>	<i>A class in which the lead teacher is responsible for specially designed instruction for one or more children with IEPs enrolled in the class. and at least 51 percent of the students enrolled in the class are children with disabilities.</i>
Prekindergarten License	Prekindergarten License Alone or With Prekindergarten Special Needs 196097 Or Early Education of the Handicapped (Ages 3-6) 196095	Prekindergarten License With Prekindergarten Special Needs 196097 Or Early Education of the Handicapped (Ages 3-6) 196095
Early Childhood License	Early Childhood License (P-3) Alone or With Prekindergarten Special Needs 196097	Early Childhood License (P-3) With Prekindergarten Special Needs 196097

PRESCHOOL LICENSING RULE 3301-51-11 (B)



FREE APPROPRIATE PUBLIC EDUCATION 3301-51-11 (C)



PART 2: CHILD FIND, CONFIDENTIALITY & PROCEDURAL SAFEGUARDS



CHILD FIND 3301-51-11 (D)

Located

Identified

Evaluated

DEVELOPMENTAL DELAY 3301-51-11 (D)(1)

Districts may use the term under the following conditions:

- Based upon individual needs of the child
- Evaluation Results
- Areas of Delay

Requirement to rule out other categories was removed.

As of April 6, 2023, a child may enter kindergarten with this disability category.

INTERAGENCY AGREEMENTS 3301-51-11 (D)(2)

- No change in requirements for partnerships between the district and:
 - Head Start
 - Early Intervention
 - Boards of DD
 - Educational Service Centers
- District required to engage in annual review of plan
- Shared responsibilities



*Strengthened language regarding the program administrator's responsibility for collaboration with all regional childcare providers

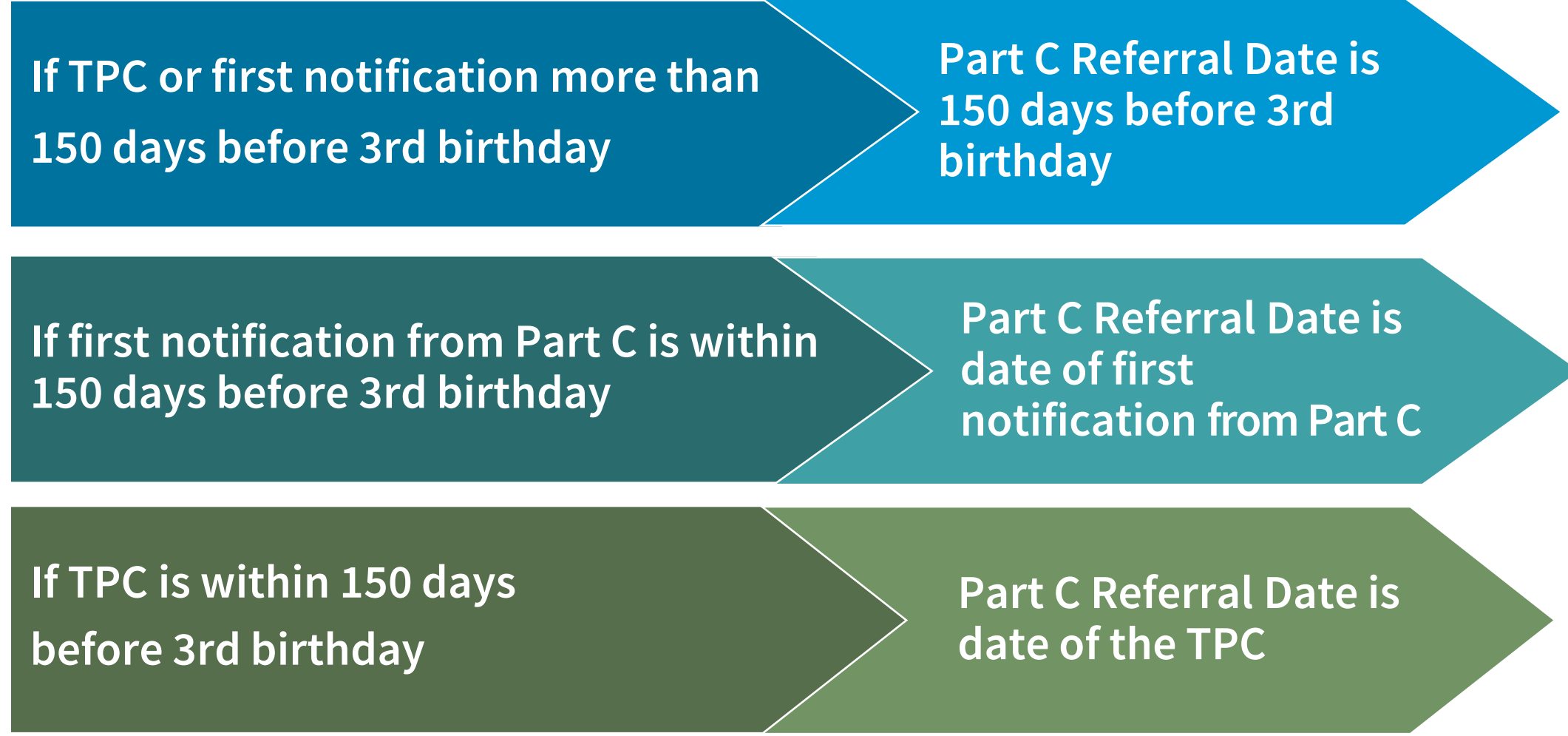
TRANSITION FROM PART C EARLY INTERVENTION 3301-51-11 (D)(3)(A)(I)

Cannot delay for residency disputes or absence of birth certificate

30-day period to obtain documentation and confirm residency

REFERRAL DATE FOR PART C TRANSITION 3301-51-11 (D)(3)(B)

Part C referral date will be the earliest of the following:



Record Protection

Record Access

CONFIDENTIALITY
3301-51-11 (E)

PROCEDURAL SAFEGUARDS 3301-51-11 (F)

Protections

Parent's Rights

Prior Written Notice

Dispute Resolution

PART 3: EVALUATION



ELIGIBILITY 3301-51-11(G)(1)

Required but not limited to:

- Data from Part C and/or from any community or preschool program providers **(NEW as of July 1, 2021)**
- Observations
- Information from parent or caregiver
- One criterion-referenced assessment
- One norm-referenced assessment

EVALUATION 3301-51-11 (G)

Note: Each developmental area must be assessed using one of the methods/data sources listed and all methods/data sources must be used at least once.

SEE OPERATING STANDARDS 3301-51-11 (C)(3)			ASSESSMENT METHODS/DATA SOURCES <i>(Indicate the position responsible for assessment and/or data collection, and report.)</i>				
DEVELOPMENTAL AREAS (Required for all)	EXISTING DATA AVAILABLE	ADDITIONAL DATA NEEDED	Structured Interview	Structured Observations *	Norm-Referenced Assessments	Criterion-Referenced Assessments	Data from Part C and/or Community or Preschool Program Provider**
ADAPTIVE BEHAVIOR	<input type="checkbox"/>	<input type="checkbox"/>					
COGNITION (including pre-academic)	<input type="checkbox"/>	<input type="checkbox"/>					
COMMUNICATION	<input type="checkbox"/>	<input type="checkbox"/>					
HEARING	<input type="checkbox"/>	<input type="checkbox"/>					
VISION	<input type="checkbox"/>	<input type="checkbox"/>					
SENSORY/MOTOR FUNCTIONING	<input type="checkbox"/>	<input type="checkbox"/>					
SOCIAL/EMOTIONAL FUNCTIONING	<input type="checkbox"/>	<input type="checkbox"/>					
BEHAVIORAL FUNCTIONING	<input type="checkbox"/>	<input type="checkbox"/>					
SPECIALIZED ASSESSMENTS: Required in some situations, see 3301-51-06 (E)(3)(i) and 3301-51-06 (H) .							
PHYSICAL EXAMINATION	<input type="checkbox"/>	<input type="checkbox"/>					
VISION EXAMINATION	<input type="checkbox"/>	<input type="checkbox"/>					
AUDIOLOGICAL EXAMINATION	<input type="checkbox"/>	<input type="checkbox"/>					
	<input type="checkbox"/>	<input type="checkbox"/>					
	<input type="checkbox"/>	<input type="checkbox"/>					



EVALUATION 3301-51-11 (G)(2)

For **Initial Evaluations** this group includes:

1. Parent
2. At least two representatives of the school district who collectively meet specific requirements
3. Additional group members for determining a specific learning disability (SLD)

EVALUATION 3301-51-11 (G)(2)

For **Reevaluations**, the IEP team is the qualified team and includes:

1. Parent
2. General education teacher
3. Special education provider
4. At least two representatives of the school district who collectively meet specific requirements
5. Other individuals who have knowledge or special expertise

PRESCHOOL AGE ELIGIBILITY 3301-51-11 (G)(4)

- Must be at least 3 and not 6
- Exceptions:
 - Younger than 3
 - If age eligible for Kindergarten, but not compulsory school age under the following conditions:
 - Consideration for school-age services
 - **As of April 6, 2023,**
 - No longer required to conduct reevaluation prior to age 6 for children under the category of Developmental Delay

INDIVIDUALIZED EDUCATION PROGRAM 3301-51-11 (H)

IEP Individualized Education Program		District: _____
THIS IEP WILL BE IMPLEMENTED DURING THE REGULAR SCHOOL TERM UNLESS NOTED IN SECTION 4 EXTENDED SCHOOL YEAR SERVICES		
CHILD'S INFORMATION		MEETING INFORMATION
NAME: _____	ID NUMBER: _____	MEETING DATE: _____
STREET: _____	GENDER: _____ GRADE: _____	MEETING TYPE:
CITY: _____	STATE: OH ZIP: _____	<input type="checkbox"/> INITIAL IEP
DATE OF BIRTH: _____		<input type="checkbox"/> ANNUAL REVIEW
DISTRICT OF RESIDENCE: _____	COUNTY OF RESIDENCE: _____	<input type="checkbox"/> REVIEW OTHER THAN ANNUAL REVIEW
	DISTRICT OF SERVICE: _____	_____
		<input type="checkbox"/> AMENDMENT
		<input type="checkbox"/> OTHER _____
Is the child in Preschool?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Will the child be 14 years old before the end of this IEP?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Is the child younger than 14 years of age but has transition and postsecondary goal information?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
IEP TIME LINES		
ETR COMPLETION DATE: _____		
NEXT ETR DUE DATE: _____		

PARENTALLY PLACED NONPUBLIC SCHOOL CHILDREN

3301-51-11 (I)

District of residence

IEP not ISP

PART 4: DELIVERY OF SERVICES/ LEAST RESTRICTIVE ENVIRONMENT



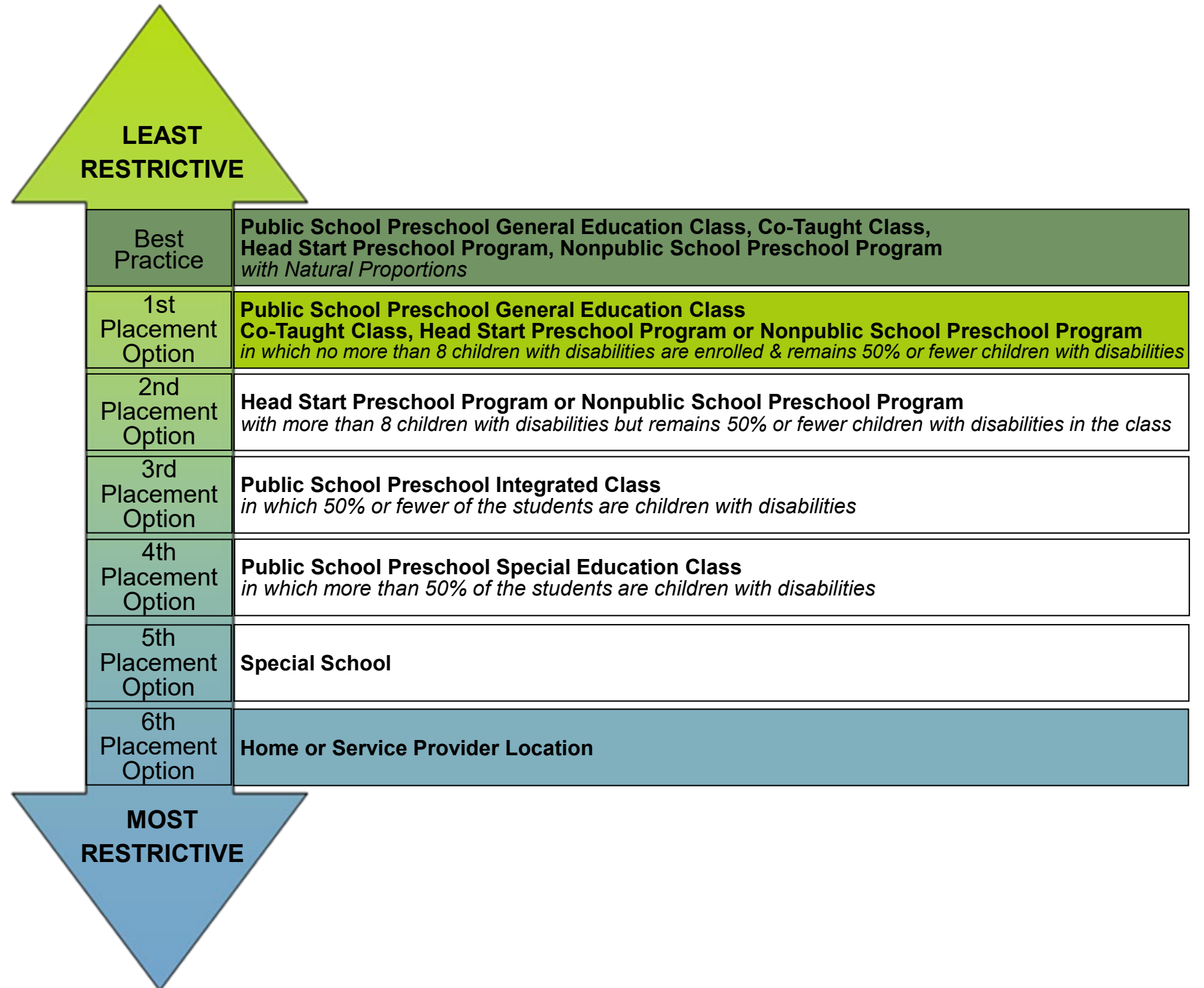
DELIVERY OF SERVICES/LEAST RESTRICTIVE ENVIRONMENT 3301-51-11 (J)

List of preschool service options in the community

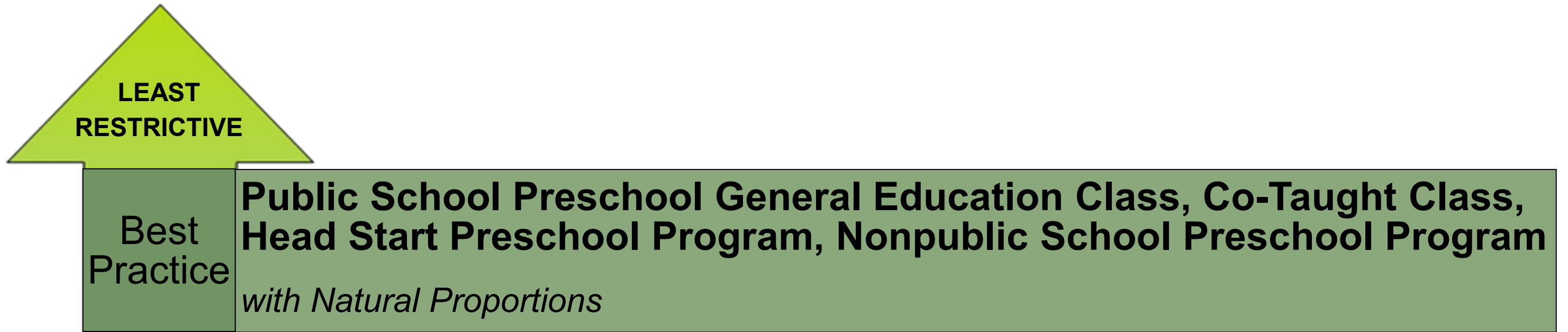
- Continuum of alternative placements
- Annual List
- Provided to parents during the evaluation process
- Not limited to the geographic boundaries of the district

DELIVERY OF SERVICES/ LEAST RESTRICTIVE ENVIRONMENT (LRE)

3301-51-11 (J)(2)



BEST PRACTICE OPTION



Natural Proportions:
including children with disabilities in proportion to their presence in the general population

1ST PLACEMENT OPTION

3301-51-11(J)(2)(a)

A public school preschool general education class or a non-public school preschool program in **which no more than eight children with disabilities are enrolled.**

DEFINITIONS

Public school preschool general education class

- Co-taught class

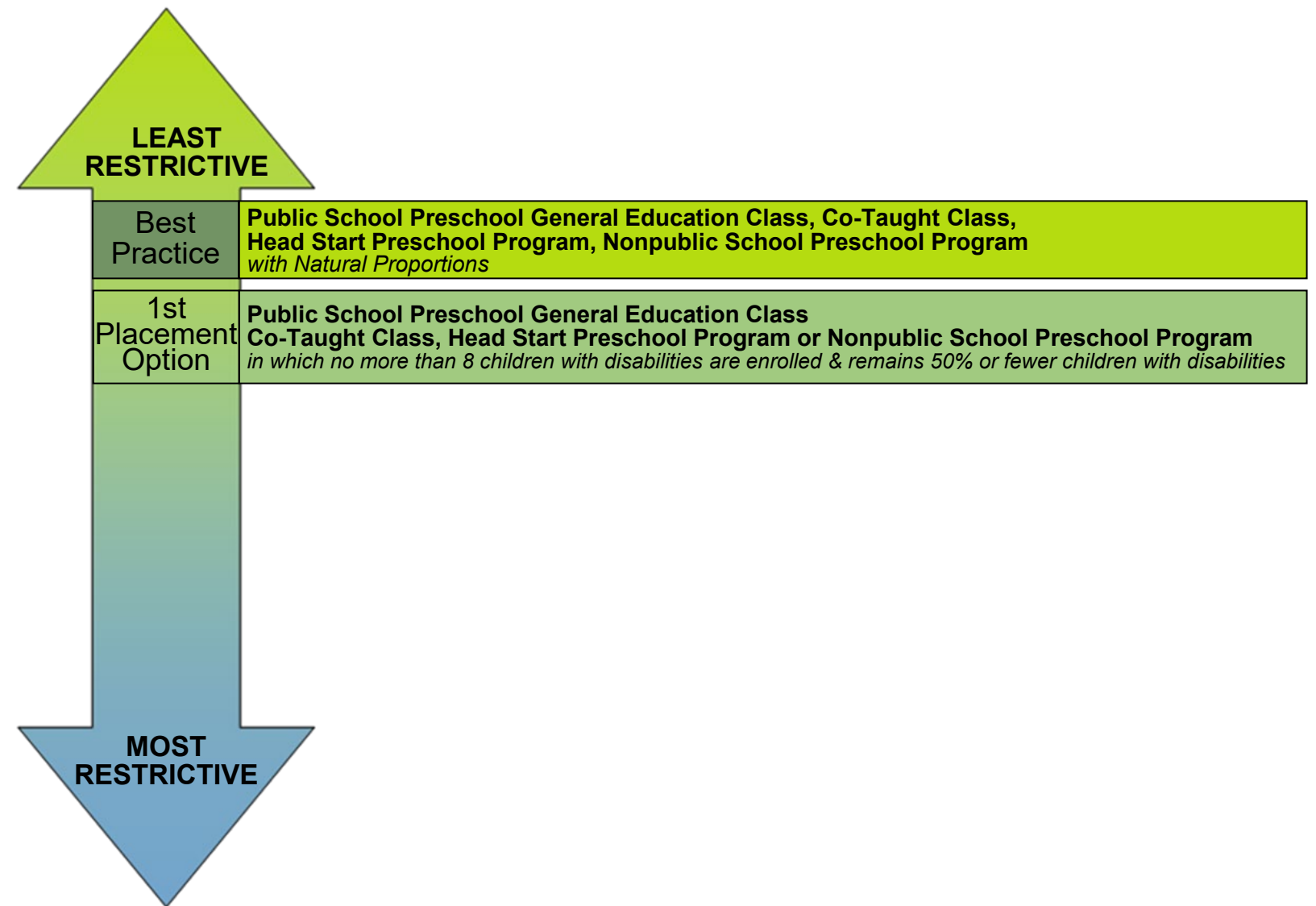
Non-public school preschool program

- Chartered non-public school licensed by ODE
- Program licensed by ODJFS (Head Start, community childcare)

PS CONTINUUM OF OPTIONS: BEST PRACTICE & 1ST PLACEMENT OPTIONS

- **1st Placement Option**

A public school preschool general education class or a non-public school preschool program in **which no more than eight children with disabilities are enrolled**



2ND PLACEMENT OPTION

3301-51-11(J)(2)(b)

A regular early childhood education setting **in which ~~less than~~ fifty percent or fewer** of the students are children with disabilities,

DEFINITIONS

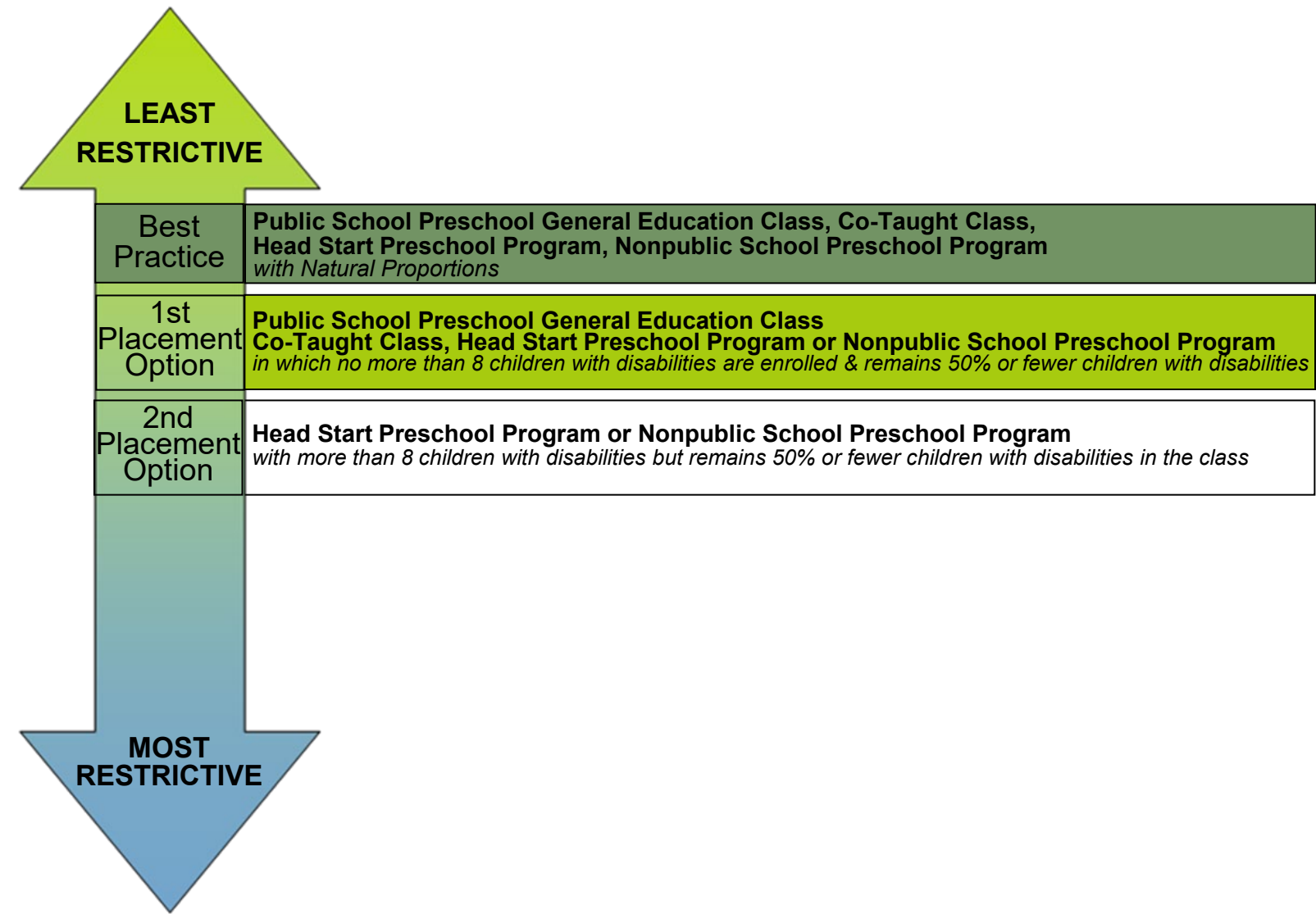
A **regular early childhood education** setting (must have 50% or fewer children with disabilities)

Classroom Type	Placement Option
General Education Class	1st
Integrated Class	3rd
Head Start Preschool Program	If 8 or more
Non-public School Preschool Program	If 8 or more

PS CONTINUUM OF OPTIONS: BEST PRACTICE – 2ND PLACEMENT OPTIONS

■ 2nd Placement Option

A regular early childhood education setting **in which less than fifty percent or fewer** of the students are children with disabilities



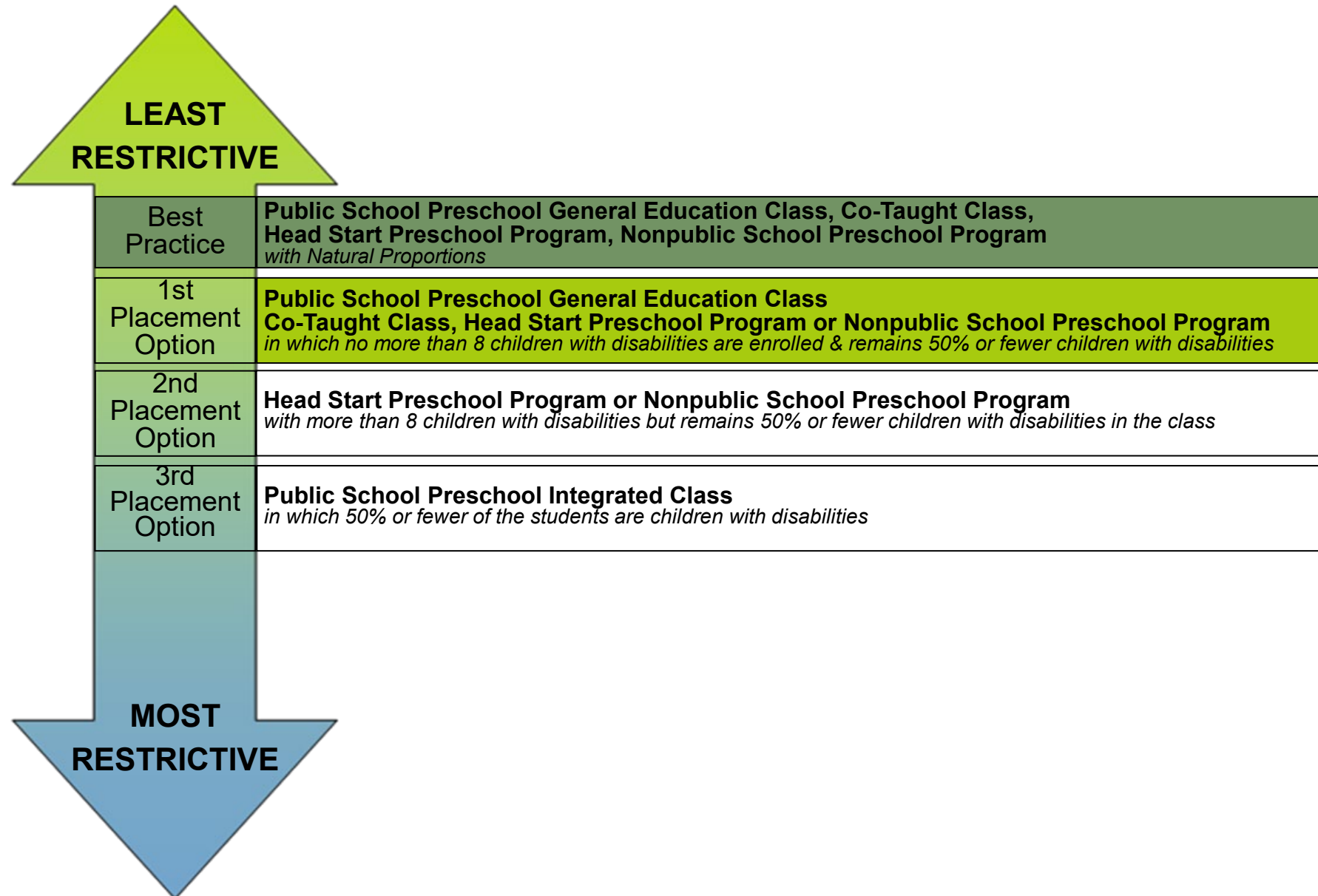
3RD PLACEMENT OPTION

3301-51-11(J)(2)(c)

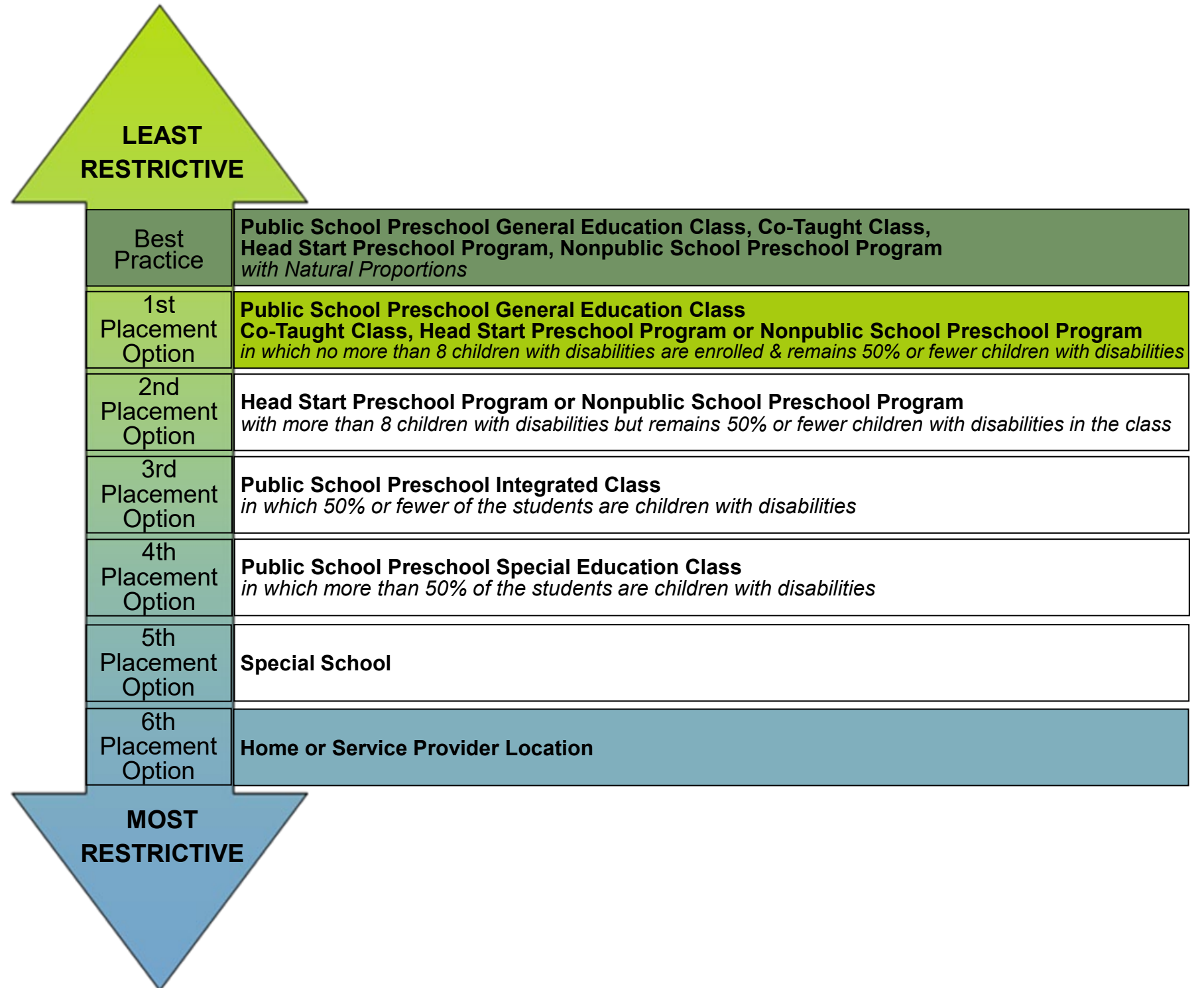
public school preschool integrated class in which ~~only~~ fifty per cent or fewer of the students are children with disabilities,

PS CONTINUUM OF OPTIONS

BEST PRACTICE – 3RD PLACEMENT OPTIONS



PRESCHOOL CONTINUUM OF LRE PLACEMENT OPTIONS

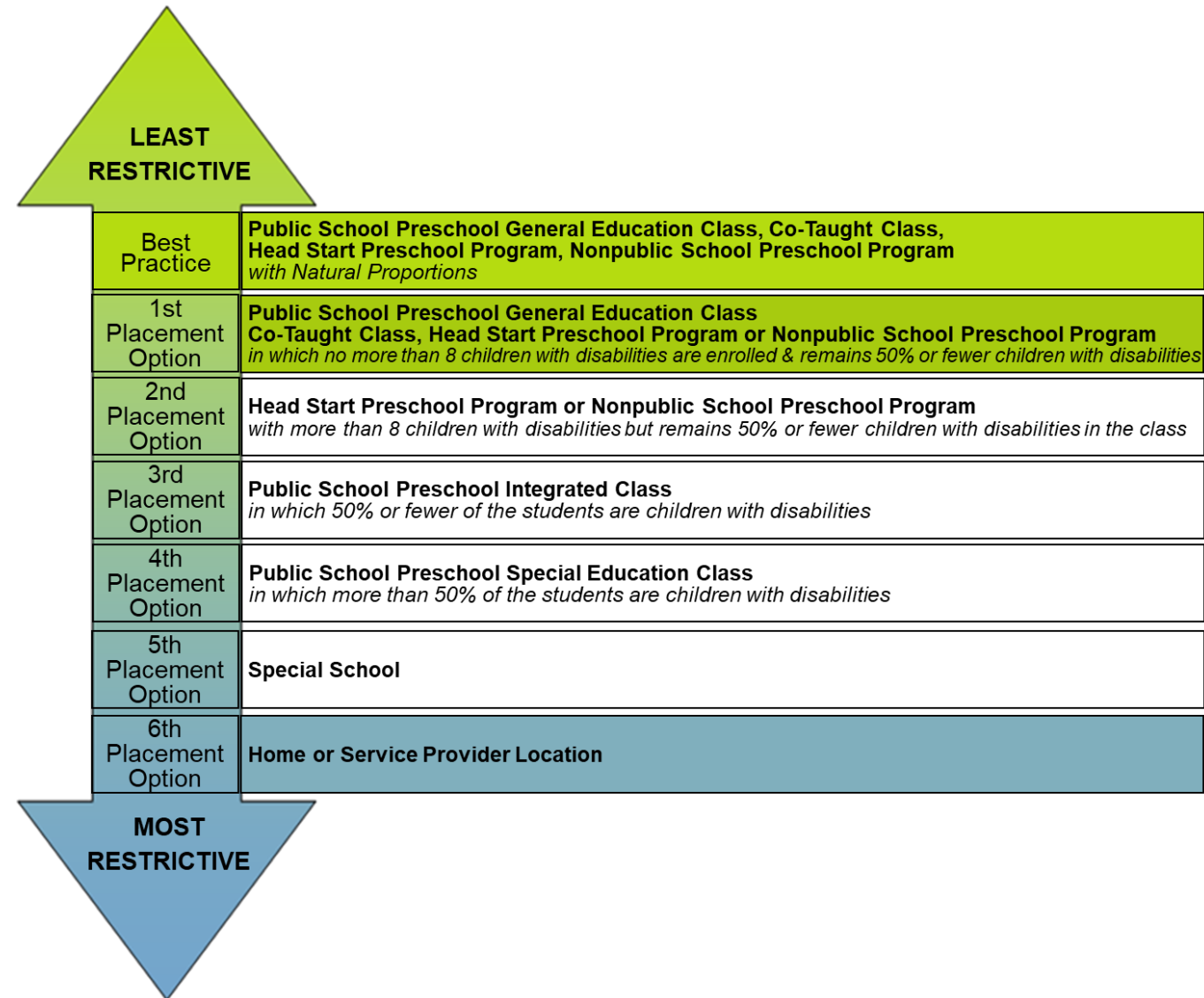


REGULAR EARLY CHILDHOOD SETTING

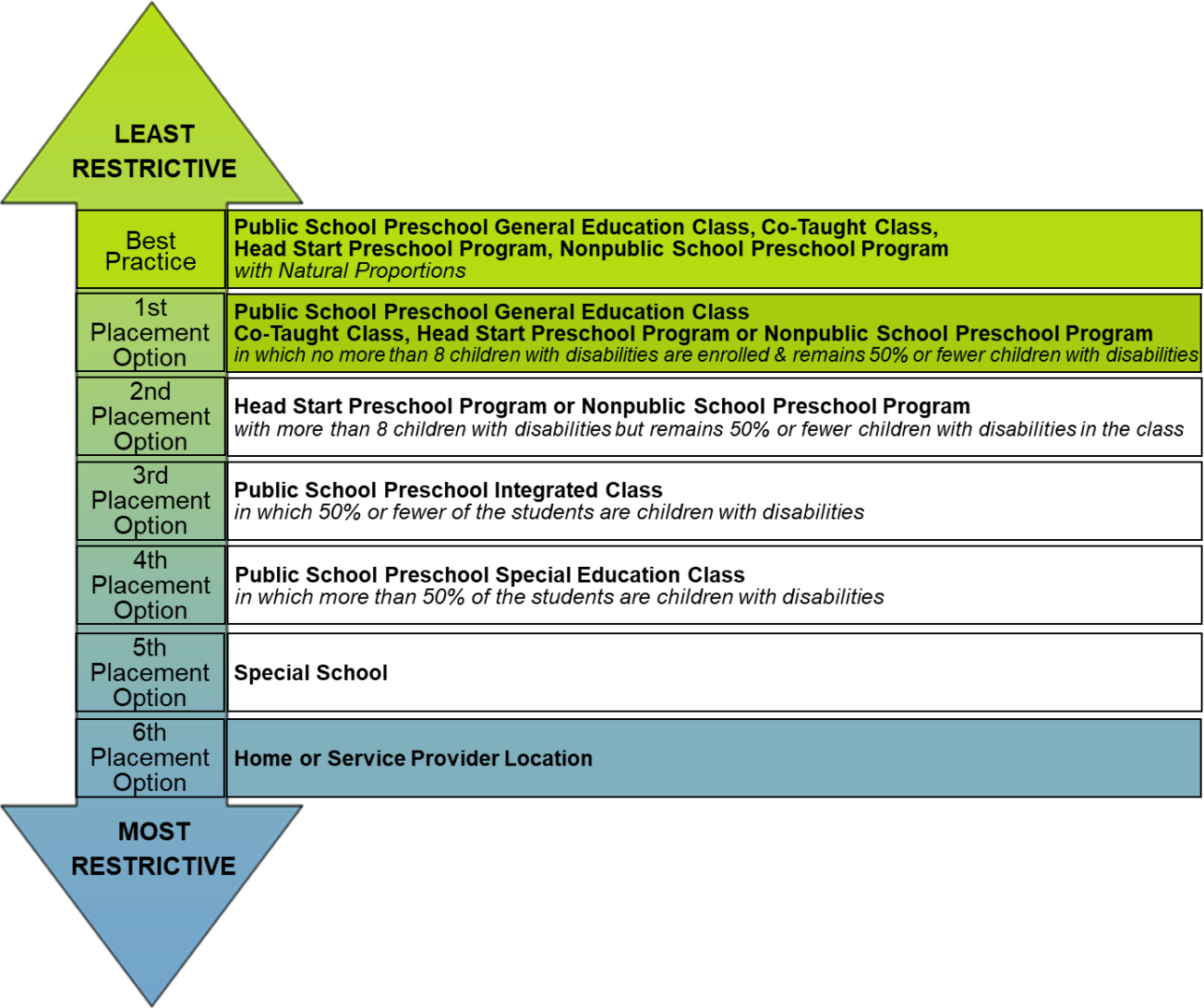
Regular Early Childhood Setting (Federal Reporting)						
General Education Setting (IEP Section 11)				2 nd Placement Option		3 rd Placement Option
Best Practice	1 st Placement Option					
Public school preschool general education, Non-public school preschool class, Head Start preschool class, natural proportions	Public school preschool general education class, 8 or less children with disabilities	Non-public school preschool class, 8 or less children with disabilities	Head Start preschool class, 8 or less children with disabilities	Non-public school preschool class, more than 8 children with disabilities	Head Start preschool class, more than 8 children with disabilities	Public school preschool integrated class

DELIVERY OF SERVICES/LEAST RESTRICTIVE ENVIRONMENT 3301-51-11 (J)(3)

- Placement Decision made annually by the IEP team



DELIVERY OF SERVICES/ LEAST RESTRICTIVE ENVIRONMENT 3301-51-11 (J)(4)



11 LEAST RESTRICTIVE ENVIRONMENT

For School Age:

Does the child attend the school they would attend if not disabled? YES NO

If no, justify:

Does this child receive all special education services with nondisabled peers? YES NO



PRESCHOOL SERVICES 3301-51-11 (J)(5)(B)

Home or service provider location

Minimum of 1 hour of instruction per week in the general education curriculum that includes SDI.

Any setting other than home or service provider location

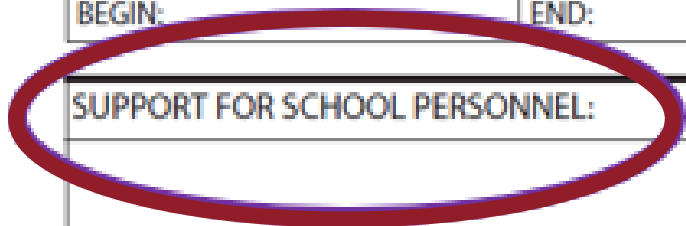
Minimum of 360 hours per year of programming which must include a minimum of 1 hour per week of SDI/related services

Support for school personnel services



PRESCHOOL SERVICES 3301-51-11 (J)(5)(C)

ACCOMMODATIONS:	
BEGIN:	END:
MODIFICATIONS:	
BEGIN:	END:
SUPPORT FOR SCHOOL PERSONNEL:	
BEGIN:	END:
SERVICE(S) TO SUPPORT MEDICAL NEEDS:	



PRESCHOOL TEACHER QUALIFICATIONS 3301-51-11 (J)(7)

PRESCHOOL TEACHER QUALIFICATIONS¹

Preschool General Education Teacher	Dual License Teacher for Preschool Integrated² Class	Preschool Special Education Teacher
<i>The lead teacher of the general education class cannot serve as the intervention specialist of record or individualized education program (IEP) case manager for any children with disabilities (children with IEPs), even if the individual holds appropriate licensure for those roles.</i>	<i>Taught by a general education teacher or dual-licensed teacher who meets the lead teacher qualifications for a preschool special education class. Fifty percent of the students in the class are children with disabilities</i>	<i>A class in which the lead teacher is responsible for specially designed instruction for one or more children with IEPs enrolled in the class. and at least 51 percent of the students enrolled in the class are children with disabilities.</i>
Prekindergarten License	Prekindergarten License Alone or With Prekindergarten Special Needs 196097 Or Early Education of the Handicapped (Ages 3-6) 196095	Prekindergarten License With Prekindergarten Special Needs 196097 Or Early Education of the Handicapped (Ages 3-6) 196095
Early Childhood License	Early Childhood License (P-3) Alone or With Prekindergarten Special Needs 196097	Early Childhood License (P-3) With Prekindergarten Special Needs 196097

PRESCHOOL SUPERVISORY SERVICES 3301-51-11(J)(8)

(c) Preschool Licensing

(f) Step Up to Quality

(h) Collaborating with community childcare programs and preschools

SERVICE PROVIDER WORKLOAD DETERMINATION FOR DELIVERY OF SERVICES 3301-51-11 (J)(9)

Itinerant Services

(d) "Itinerant services" for a preschool child who is eligible for special education services means services provided by intervention specialists or related services personnel which occur in the setting where the child, the child and parent(s), or the child and caregiver are located.

Itinerant teacher caseload (3301-51-11 (J)(9)(a-e))	
Intervention specialists with eight or more half-day class sessions**	Cannot carry an additional itinerant caseload
Intervention specialists with four full-day class sessions*	Cannot carry an additional itinerant caseload
Intervention specialists responsible for six or seven half-day class sessions**	May serve up to 4 additional children on itinerant caseload
Intervention specialists responsible for up to five half-day sessions **	May serve up to 8 additional children on itinerant caseload
Intervention specialists with three full-day class sessions*	May serve up to 8 additional children on itinerant caseload
Intervention specialists with no classroom sessions	May serve up to 20 children on itinerant caseload
The Department may grant a waiver (on a case-by-case basis) to the itinerant caseload requirements in paragraphs (c) through (e) in this section for an intervention specialist to serve additional children with disabilities.	

PRESCHOOL SPECIAL EDUCATION WAIVERS

- a) Co-taught Class Waiver Rule 3301-51-11(A)(1)(a)(iii):**
Exceeding the maximum of eight children with disabilities
- b) Public School Preschool General Education Class Waiver Rule 3301-51-11(A)(1)(g)(i)(e):** Exceeding the maximum of **eight** children with disabilities.
- c) Itinerant Intervention Specialist Caseload Waiver Rule 3301-51-11(J)(9)(g):** Exceeding the maximum of twenty children with disabilities.

TRANSPORTATION

3301-51-11 (K)

Preschool
Section 8 - IEP
FAPE



QUESTIONS?

Preschool Special Education

(614) 369-3765

[preschoolspecialeducation@
childrenandyouth.ohio.gov](mailto:preschoolspecialeducation@childrenandyouth.ohio.gov)





Department of Children & Youth

CHILDRENANDYOUTH.OHIO.GOV