

## **RESOLUTION PERTAINING TO SPECIAL EDUCATION MODEL POLICIES AND PROCEDURES**

**WHEREAS**, RC 3323.08 requires each school district to provide assurances to the Ohio Department of Education and Workforce (DEW) that the district will provide for the education of children with disabilities within its jurisdiction and has in effect policies, procedures, and programs that are consistent with the policies and procedures adopted by DEW; and

**WHEREAS**, DEW developed a document entitled “Special Education Model Policies and Procedures” (“Model Policies”) that a board of education may adopt to fulfill the requirement described in the preceding paragraph; and

**WHEREAS**, on January 27, 2025 the Board approved to adopt and implement DEW’s 2024 Model Policies; and

**WHEREAS**, the District subsequently learned that the 2024 Model Policies contain certain statements that conflict with existing state and federal laws and/or applicable case law:

**WHEREAS**, the Board is interested in rescinding its earlier action and instead adopting a slightly modified version of DEW’s 2024 Model Policies that is consistent with existing state and federal laws and/or case law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education hereby rescinds the previously adopted DEW’s 2024 Model Policies and adopts DEW’s 2024 Model Policies in their entirety except for the following sentences, which are specifically rejected in their current form and will not be implemented as written. The Board directs that the language identified below is either modified as specified, or, where indicated, deleted to ensure the district complies with applicable state and federal laws and/or case law:

- **P.10. Destruction of Educational Records.**
  - *Original Language*: “Ensures the information is destroyed at the request of the parents.”
  - *Action*: Replace sentence with “Once a parent is notified that personally identifiable information maintained by the district is no longer required to provide educational services to their child, or is not otherwise required to be maintained by the district based on state or federal law or applicable record retention schedules, the parent may request that the information be destroyed.”
- **P.14. Independent Education Evaluation at Public Expense.**
  - *Original Language*: “An educational agency may not impose conditions or timelines related to obtaining an IEE, except for the criteria described above.”
  - *Action*: Delete this sentence in its entirety.
- **P. 33. Extended School Year.**

- *Original Language*: “The IEP team should consider emerging skills as part of the IEP process for children who are exhibiting beginning skillsets.”
- *Action*: Delete this sentence in its entirety.
- **P. 42. Services**
  - *Original Language*: :Although not required, educational agencies are encouraged to provide services during short-term removals to assist children with disabilities to continue to make progress toward their IEP goals and prevent them from falling behind.”
  - *Action*: Delete this sentence in its entirety.

**BE IT FURTHER RESOLVED**, that the Board directs all staff in the District to use and comply with the modified Model Policies as set forth above. The Board further authorizes the Superintendent to notify DEW of the Board’s adoption of the modified Model Policies through DEW’s monitoring systems by uploading a copy of this Board resolution; and

**BE IT FURTHER RESOLVED**, the Board acknowledges that the Model Policies, while comprehensive, do not include every requirement set forth in the IDEA, the regulations implementing IDEA, the Operating Standards, the Ohio Revised Code, and/or the Ohio Administrative Code, and the Board recognizes its obligation to follow these laws and regulations, as well as applicable caselaw, in the event there is a conflict between their requirements and the Board-adopted Model Policies.