

*****DRAFT - NOT FOR FILING*****

3301-83-21 Supplementary provisions for county boards of developmental disabilities.

(A) As used in this rule, the following definitions apply:

- (1) "Behavioral ~~support~~ intervention plan" means a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills and by providing positive behavior intervention and supports and services to address behavior, as set forth in rule 3301-35-15 ~~written statement for a special needs child that is developed and implemented in accordance with paragraph (E) of rule 3301-51-02 of the Administrative Code.~~
- (2) "Individualized ~~education program~~ habilitation plan" ~~has the same meaning as used in rule 3501-51-07 of the Administrative Code~~ means a written plan of intervention and action that is developed on the basis of a comprehensive evaluation.
- (3) "County board" means a county board of developmental disabilities.
- (4) "Department" means Ohio department of education and workforce.

(B) The county board ~~may shall~~ provide transportation services for children ages three to twenty-one eligible for transportation and enrolled in department-funded programs, subject to an agreement with the district in which the child resides, the county board and the parent or guardian. The nature and extent of transportation services to be provided to each individual served ~~will shall~~ be determined through the individualized education program that may include a ~~or~~ behavioral intervention support ~~plan~~ ~~process~~. The determination ~~will shall~~ be reviewed annually.

- (1) When it is determined through the individualized education program ~~and or~~ behavioral ~~support~~ intervention plan process that transportation other than that provided by the county board is an integral part of the education or habilitation of the individual, the county board ~~will shall~~ provide reimbursement for transportation to the parent or guardian. Under these circumstances, a written agreement between the county board and the parent or guardian ~~will shall~~ be obtained prior to the provision of such transportation services. Documentation of this agreement ~~will shall~~ be kept on file.
- (2) The county board will report its transportation costs to the department according to rule 3301-83-01 of the Administrative Code. ~~Reimbursement of transportation costs paid to a parent or guardian may be approved as part of the transportation operating subsidy from the department with prior written agreement between the county board and the parent or guardian.~~

(C) The county board ~~will shall~~ maintain ~~meet or exceed~~ the insurance requirement for transportation vehicles and pupils as identified in section 3327.09 ~~Chapter 3327~~ of the Revised Code.

(D) A school bus driver ~~will shall~~ have a current and valid "American Red Cross" first-aid certificate or equivalent first aid training.

(E) All new bus drivers, assistants, and substitutes ~~will shall~~ attend, prior to their assignment to a bus with passengers on board, an orientation which includes a review of the vehicle operator's manual and a practical overview of the characteristics and needs of individuals to be transported.

(F) The county board ~~will shall~~ adopt a policy and procedures that ensure assistance is provided to individuals while being transported on county board vehicles according to ~~when~~ the individualized education program ~~or behavioral support plan~~ indicating ~~indicates~~ a need for such assistance.

Commented [FH1]: Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed, and to correct the name of the agency consistent with HB 33 (135th GA).

Commented [FH2]: Language in paragraph (A) and throughout the rule is updated based on feedback from county boards of developmental disability as to current terminology. "Behavioral support plan" is replaced with "behavioral intervention plan" as defined in rule 3301-35-15; "individualized habilitation plan" is replaced with "individual education program" (IEP) as referenced in rule 3301-51-07.

Commented [FH3]: Language in paragraph (B) is updated to clarify and reflect current processes.

Commented [FH4]: Language in (B)(2) is stricken as it is duplicative of language in (B)(1).

Commented [FH5]: Statutory citation added for ease of reference.

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(G) Individuals ~~will~~ shall be picked up and returned to the location of their residences unless other arrangements have been agreed upon by the county board program and the responsible parent or guardian.

(H) All pupil transportation provided for children ages three through twenty-one ~~will~~ must comply with all pupil transportation rules as identified in Chapter 3301-83 of the Administrative Code and rule 3301-51-10 of the Administrative Code. As provided in section 3327.01 of the Revised Code, a board of education will provide transportation as a related service for all children with disabilities living in the school district who are enrolled in a nonpublic school if the school district is provided with supporting documentation from the child's individual education program developed pursuant to chapter 3323. of the Revised Code or an individual service plan developed pursuant to section 5126.41 of the Revised Code.

Commented [FH6]: Reference to language added by HB 33 (135th GA) to R.C. 3327.01 is added for clarification.