Office for Exceptional Children

Guidance for Waiver Application

The Ohio Department of Education (ODE), Office for Exceptional Children (OEC), may grant a waiver for up to one school year (OAC 3301-51-09(K)). All elements of the request must be met prior to approval.

ODE shall not grant waivers of the standards provided under IDEA, Ohio Revised Code (ORC) Chapter 3323 or OAC 3301-51 to public agencies if the result is the denial of a free appropriate public education (FAPE) to children with disabilities.

Additional requirements for waivers are set forth in the Doe Consent Order (October 2009).

Specific guidance for each section of the Waiver Application follow:

1. **District and Staff Information:** Provide the district name, IRN, County, school year of the waiver request, building name and IRN in the first section of the waiver. Please also provide the contact person that will monitor the waiver action plan and ensure the final report is submitted by June 30.

2. **Prior Waiver:** Please indicate in this section if a prior waiver was granted and the year it was granted.

3. **School-age Service Provider Rule 3301-51-09:**

   a. Intervention Specialist providing specially designed instruction for class types listed in 3301-51-09(I)(2)(a-g): list the name of each service provider, their ODE license number, types of students on their caseload, List each student's SSID number, age in years and months and the disability category. Check the blue box if you have additional names that will be entered on page 4, number 8. Enter workload information by entering the percentage of time spent in direct service to students, the percentage of direct service time on intensive need students and weekly time on planning/collaboration.

   b. Other Service Provider (if applicable):   If the provider is an occupational or physical therapist enter the number of occupational /physical therapists assistants supervised. List the name of the service provider, their license number, their ODE license number, number of students on their caseload, service providers' full time status. Check the blue box if you have additional names that will be entered on page 4, number 8. Enter workload information by entering the percentage of time spent in direct service to students, the percentage of direct service time on intensive need students and weekly time on planning/collaboration.

   c. Transition Services: Please enter the name and the number of caseload. Check the blue box if you have additional names that will be entered on page 4, number 8.

   d. Supervisory Services: Select Supervisory Type by clicking in the boxing and hitting the up and down arrows until you find the correct type. Check the blue box if you have additional names that will be entered on page 4, number 8.

4. **Duration:** Indicate specific timeframe for which the waiver is requested. Enter a start and end date that does not exceed June 30 of the current school year. Please note that the waiver request cannot be retroactive and if granted will be in effect from the date of receipt by OEC.

5. **Parent Notification:** Provide the date the notice was sent to all parents of the affected students and attach a copy of the notice. Please enter the date of the notice in the box that was provided. Please see the Waiver Application Checklist for parent notice requirements.

6. **Rationale for the Waiver:** Describe the reasons why the waiver is being requested including steps that were taken to avoid the necessity of a waiver.

    a. What did the district/IEP team consider prior to applying for a waiver? (Itemize the steps taken explaining why the district has been unable to resolve the issue)

    b. Explain why this placement is appropriate for the impacted students including rationale for why this is the least restrictive environment (LRE) for the child/children.

7. **Waiver Action Plan:** Provide an action plan and timeline for bringing the district into compliance within the school year and no later than June 30th of the school year in which the request was granted. The action plan will outline action steps the district will take as well as an implementation timeline and monitoring data. In-depth action planning will include plans and processes districts will take in the future to prevent the need for a waiver in the future.

The contact person listed in section one will be responsible for implementing the Waiver Action Plan.

Example of a completed Waiver Action Plan:

Waiver Action Plan		
Plan for meeting 3301-51-09 Delivery of Services: A plan and timeline must be submitted to bring the district/DD School/ESC classroom into compliance with the Operating Standards no later than June 30th of the current school year.		
Goal 1: Reduce age range to 60 months within the designated classroom by June 6, 2015		
Action Steps	**Monitoring Data**	**Implementation Timeline**
1. Oldest student will join same age peers for all specials and social studies	Progress reports grades	Sept 1st new schedule developed to keep instructional time period for Students in Resource Room within 60 month limit

8. **Additional Service Providers:**
    This section is only required if you are applying for more than one of a provider type.

    a. Intervention Specialist (Additional Providers) Please list the name of each service provider, their license number and types of students in the caseload. List the SSID of the students affected, their age in years and months as well as the disability category for each student.

    b. Other Service Providers List the name of the service provider, their license number, their ODE license number, number of students on their caseload, service providers' full time status. Check the blue box if you have additional names that will be entered on page 4 number 8.

    c. <u>Transition Services Please provide the name</u> Please enter the name and the number of caseload.

    d. <u>Supervisory Services</u> (if applicable): Select Supervisory Type by clicking in the boxing and hitting the up and down arrows until you find the correct type.

9. **Assurances:** The district superintendent signs to the assurances in the application.

Waiver Application Checklist: Before returning the completed Waiver Application, please use the checklist in the application below to make sure you have all required supporting documents. **Incomplete applications will be returned.**

Submission: Return completed Waiver Application and required documentation by e-mail to: **oecwaiver@education.ohio.gov**

Requirements for Waivers that are Not Approved: If the district is not granted the waiver, the district must either:

1. Provide documentation verifying compliance; or

2. Provide a corrective action plan as to how the district will come into compliance with the date that corrective action must be completed. Should a district or other provider fail to meet the timeline in their corrective action plan, ODE-OEC may delay and ultimately move to withhold applicable state and/or federal funds.

Approval Notification

ODE-OEC will notify the district contact person by email regarding the status of the Waiver Application within 14 business days of receiving the application.

If you have questions, please contact: 614-466-0946 or e-mail oecwaiver@education.ohio.gov

Monitoring

Further review may be conducted when ODE-OEC deems it appropriate. Further review may include, but is not limited to: a review of documentation pertaining to student progress; review of documentation pertaining to implementation of the required plan to remedy the need for the waiver; and/or an on-site visit to inspect the appropriateness of services or facilities.

Final Report

Due by June 30th of current school year:

Final Report	
1. Page 1 of Waiver Application	For identification purposed

2.	**Waiver Action Plan**	Step by step process of correcting the need for a waiver come the new school year
3.	**Student Performance Data by SSID for students affected by the waiver**	
	a. Formative Assessment Data e.g. Student Learning Objectives (SLOs)	Summarize the data per student affected by the waiver.
	b. IEP progress data e.g. Present Level of Performance data and growth data/end of year data (comparison)	Do not include the IEP. If using IEP progress report data, summarize to include baseline and present level of performance data. Do not include the Student's name on any documentation.
	c. State assessment data/alternate assessment data	
	d. Progress Monitoring graphs	

Authority

Operating Standards for Ohio Educational Agencies Serving Children with Disabilities, Ohio Administrative Code 3301-51-09 Delivery of Services

[Ohio Administrative Code 33013-51-09 Delivery of Services](link)