Ohio | Department of Education

AUTISM SCHOLARSHIP PROGRAM

CHAPTER 3301-103 OF THE OHIO ADMINISTRATIVE CODE

EFFECTIVE JULY 1, 2009

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3301-103-01 Definitions.

The following terms are defined as they are used in this chapter of the Administrative Code:

(A) "Administrative or judicial mediations or proceedings" includes, but is not limited to, pending written complaints, mediations, or due process hearings with respect to the content of the individualized education program (IEP) that an alternative public provider or registered private provider would implement if an autism scholarship is awarded to a child whose parent has applied for a scholarship for his or her child; or is implementing if a child was awarded a scholarship and is participating in the autism scholarship program.

(B) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:

(1) A school district that is not the school district in which the child is entitled to attend school;

(2) A public entity other than a school district.

(C) "Approval date" means the date of the Ohio department of education's written notice to the parent, informing the parent that his or her child has been awarded a scholarship under the autism scholarship program based on the parent's application, including the district's assurance, that documents the child is a qualified special education child.

(D) "Autism scholarship program" has the same meaning as the autism scholarship program established in section 3310.41 of the Revised Code.

(E) "Category six special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division (F) of section 3317.013 [3317.01.3] of the Revised Code and reported under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.

Beginning in fiscal year 2007, the district's category six special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(F) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(G) "Formula ADM" means, for a city, local, or exempted village school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (A) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(H) "Individualized education program (IEP)" means the written statement described in section 3323.011 [3323.01.1] of the Revised Code.

(I) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case parent means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, parent means the parent with residual parental rights, privileges, and responsibilities. When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, parent means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, parent means the grandparent that executed the affidavit.

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

(K) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.

(L) "Qualified special education child" is a child for whom all of the following conditions apply:

(1) The school district in which the child is entitled to attend school has identified the child as a child with autism. A child who has been identified as having a pervasive developmental disorder – not otherwise specified (PDD-NOS) shall be considered to be a child with autism for purposes of section 3310.41 of the Revised Code;

(2) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child; and

(3) The child either:

(a) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this chapter is first sought for the child; or

(b) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this chapter is first sought for 3301-103-01 2 the child.

(M) "Registered private provider" means a nonpublic school or other nonpublic entity or person that has been approved by the Ohio department of education to participate in the autism scholarship program established under section 3310.41 of the Revised Code.

(N) "Scholarship year" means a year beginning July first and continuing through June thirtieth of the following year.

(O) "School district" means a city, local, or exempted village school district but does not include any community school established under Chapter 3314. of the Revised Code;

(P) "School district of residence" means:

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

(2) If the school district specified in paragraph (P)(1) of this rule cannot be determined, the last school district in which the child's natural or adoptive parents are known to have resided if the parents' whereabouts are unknown;

(3) If the school district specified in paragraph (P)(2) of this rule cannot be determined, the school district determined under section 2151.362 [2151.36.2] of the Revised Code, or if no district has been so determined, the school district as determined by the probate court of the county in which the child resides;

(4) Notwithstanding paragraphs (P)(1) to (P)(3) of this rule, if a school district is required by section 3313.65 of the Revised Code to pay tuition for a child, that district shall be the child's school district of residence for the purposes of Chapter 3301-103 of the Administrative Code.

(Q) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

3301-103-01 3
Replaces: 3301-103-01
Effective: 07/01/2009
R.C. 119.032 review dates: 07/01/2014
Promulgated Under: 119.03
Statutory Authority: 3301.07, 3310.41
Rule Amplifies: 3310.41
Prior Effective Dates: 1-8-04

3301-103-02 Autism scholarship program established.

(A) The purpose of the rules in Chapter 3301-103 of the Administrative Code is to prescribe procedures to implement the autism scholarship program established in section 3310.41 of the Revised Code.

(B) The Ohio department of education shall pay a scholarship to the parent of each qualified special education child upon application of the parent pursuant to procedures and deadlines established by the state board of education's rules in Chapter 3301-103 of the Administrative Code.

(C) Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program (IEP) and that is operated by an alternative public provider or by a registered private provider.

(D) The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's IEP once the IEP is finalized.

(E) The following prohibitions and provisions apply to the program:

(1) A scholarship shall not be awarded to the parent of a child while the child's IEP is being developed by the school district in which the child is entitled to attend school or while any administrative or judicial mediation or proceedings with respect to the content of the child's IEP that is being implemented or would be implemented under the autism scholarship program are pending.

(2) A scholarship under this section shall not be used:

(a) For a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school district or other public provider; or

(b) For a child to attend a community school established under Chapter 3314. of the Revised Code.

(3) Nothing in section 3310.41 of the Revised Code or in the rules of Chapter 3301-103 of the Administrative Code or any other rules adopted by the state board of education shall prohibit a parent whose child attends a public special education program under a contract, compact, or other bilateral agreement, or a parent whose child attends a community school, from applying for and accepting a scholarship under section 3310.41 of the Revised Code or under the rules of Chapter 3301-103 of the

Administrative Code so that the parent may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program for which the parent is required to pay for services for the child.

3301-103-02 2
Replaces: 3301-103-02
Effective: 07/01/2009
R.C. 119.032 review dates: 07/01/2014
Promulgated Under: 119.03
Statutory Authority: 3301.07, 3310.41
Rule Amplifies: 3310.41
Prior Effective Dates: 1-8-04

3301-103-03 Application and eligibility to receive a scholarship.

(A) Application

The initial application process is used to determine whether a child meets the definition of a qualified special education child. The reapplication process for succeeding years is used primarily to identify continued eligibility and interest in the program.

(1) If the parent of a child who meets all of the criteria in paragraphs (B)(1) to (B)(5) of this rule wishes to have the child participate in the autism scholarship program, the parent must complete and submit an annual application for the scholarship, along with all required information, forms, and affidavits, in accordance with rules of the state board of education and guidelines established by the Ohio department of education.

(2) As part of the annual application process, the parent shall provide a signed written consent that requires the school district of residence to release the following records to the alternative public provider or the registered private provider who will be implementing the child's individualized education program (IEP):

(a) The current IEP;

(b) The evaluation team report of the current evaluation;

(c) All progress reports and interim reports from the previous school year;

(d) The previous year's IEP.

(B) Eligibility

Eligibility is determined by the following criteria:

(1) The school district in which the child is entitled to attend school has identified the child as a child with autism. A child who has been identified as having a pervasive developmental disorder – not otherwise specified (PDD-NOS) - shall be considered to be a child with autism for purposes of the autism scholarship program established in section 3310.41 of the Revised Code;

(2) The child has a current IEP created by the district of residence's IEP team;

(3) The child's current IEP is finalized and all parties, including the parent, are in agreement with the IEP. There are no administrative or judicial mediations or proceedings, as defined in paragraph (A) of rule 3301-103-01 of the Administrative Code, pending with respect to the content of the IEP that is being implemented or would be implemented under the autism scholarship program;

(4) The child is between the ages of three and twenty-one years, inclusive;

(5) The child either was enrolled in the school district in which the child is entitled to attend school (school district of residence) in any grade from preschool through twelve in the school year prior to the year in which a scholarship is first sought for the child or is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school (school district of residence) in the school year in which a scholarship is first sought for the child.

(C) Prohibitions

(1) The scholarship shall not be used for a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district of residence and another school district or other public provider.

(2) The scholarship shall not be used for a child to attend a community school established under Chapter 3314. of the Revised Code.

(3) Nothing in this rule shall prohibit a parent whose child attends a public special education program under a contract, compact, or other bilateral agreement, or a parent whose child attends a community school, from applying for and accepting a scholarship under this rule so that the parent may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program for which the parent is required to pay for services for the child.

(D) Written notification of approval or disapproval

(1) Once a child has been approved or disapproved to receive a scholarship through the autism scholarship program, the child's parent shall be notified of the approval or disapproval, in writing, by the Ohio department of education. A copy of this notification shall be sent to the superintendent of the child's district of residence.

(2) Scholarships awarded under the autism scholarship program shall be valid from the date of the Ohio department of education's written notification of approval to the end of the scholarship year, provided all program requirements have been met.

(3) No scholarship funds shall be expended for services the child received prior to the parent of the child receiving written notification from the Ohio department of education that the child has been approved for a scholarship and prior to placement of the child with an alternative public provider or registered private provider.

(E) Transportation

A child attending a special education program with a scholarship shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

(F) New application after exiting program

A parent of a child who has exited the program and wishes to return must reapply by submitting a new application in accordance with rules of the state board of education and guidelines established by the Ohio department of education.

3301-103-03 3
Replaces: 3301-103-03
Effective: 07/01/2009
R.C. 119.032 review dates: 07/01/2014
Promulgated Under: 119.03
Statutory Authority: 3301.07, 3310.41
Rule Amplifies: 3310.41
Prior Effective Dates: 1-8-04

3301-103-04 Responsibilities of a school district of residence.

(A) Evaluation, reevaluation, and individualized education program (IEP)

The school district of residence shall carry out the following activities when a parent of a child is applying for an autism scholarship for his or her child or when a child has received a scholarship and is participating in the autism scholarship program:

(1) The district of residence shall conduct an initial evaluation of a child in accordance with rule 3301-51-06 of the Administrative Code if a parent is applying for an autism scholarship for his or her child and the district suspects that the child is a child with a disability.

(2) The district of residence shall determine whether the child is a child with a disability as the term “child with a disability” is defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code. The child must be a child with one of the disabilities listed and defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code or with a developmental delay, as provided in paragraph (B)(10)(c) of rule 3301-51-01 of the Administrative Code. By reason of that disability or developmental delay, the child must need special education and related services, as the term “special education” is defined in paragraph (B)(58) of rule 3301-51-01 of the Administrative Code and as the term "related services" is defined in paragraph (B)(52) of rule 3301-51-01 of the Administrative Code.

(3) If the district of residence determines that the child is a child with a disability under the category of autism in accordance with paragraph (A)(2) of this rule, the child is considered to be a child with autism for purposes of the autism scholarship program.

(4) If the district of residence determines that the child is a child with a disability under another category or is a child with a developmental delay in accordance with paragraph (A)(2) of this rule and the child has been identified as having a pervasive developmental disorder – not otherwise specified (PDD-NOS) - the child is considered to be a child with autism for purposes of the autism scholarship program.

(5) If the district of residence determines that the child is a child with a disability, the district of residence shall conduct reevaluations of the child in accordance with rule 3301-51-06 of the Administrative Code unless the child is attending either a chartered or non-chartered nonpublic school. The district where the chartered or non-chartered nonpublic school is located is responsible for the reevaluation of these children.

(6) If the district of residence determines that the child is a child with a disability, the district of residence shall provide the child with an annual IEP that makes a free appropriate public education (FAPE) available to the child.

(7) The district is not obligated to provide a child participating in the autism scholarship program with FAPE while a parent of the child is receiving funds from the autism scholarship program.

(8) If, at any time, a parent of a child participating in the autism scholarship program decides to no longer accept funds under the autism scholarship program and the child returns to the district of residence for special education and related services, then the district of residence will be required to provide the child with FAPE.

(B) Filing complaints and due process requests

(1) Although the district of residence is not required to make FAPE available to a child with a disability who resides in the district and is participating in the autism scholarship program, the parent of a child participating in the autism scholarship program has the right to file a written complaint or a due process complaint and request for a due process hearing as provided by rule 3301-51-05 of the Administrative Code. A complaint or due process complaint and request for a due process hearing must allege that the district of residence violated a requirement of the Individuals with Disabilities Education Improvement Act of 2004 at 20 U.S.C. 1400, Public Law 108-446 of the 108th Congress, December 3, 2004 (IDEA) or Chapter 3323. of the Revised Code, but may not allege a violation of any of the requirements involving the implementation of the IEP and the conferring of FAPE.

(2) The parent of a child participating in the autism scholarship program has the right to file with the Ohio department of education a written complaint that alleges that a provider serving his or her child under the autism scholarship program violated a requirement that applies to a provider under section 3310.41 of the Revised Code and the rules adopted by the state board of education under that section of law. The Ohio department of education shall respond to the complaint as determined appropriate by the department.

(C) Assessments

Children participating in the autism scholarship program, who will have their IEPs implemented by either another school district or a chartered nonpublic school, will participate in state assessments in accordance with rules of the state board of education regarding participation in assessments. For those children in grades three through eight, the IEP team will address the issue of achievement and diagnostic testing prior to the child's participating in the autism scholarship program, and those decisions will be recorded on the child's current IEP. For those children who are in grades nine through twelve, the issue of earning credits towards graduation as well as the issuance of a diploma will be addressed prior to the child's participating in the autism scholarship program, and those decisions will be documented on the child's current IEP.

(D) Reporting

The district of residence will notify the department of education promptly when a child in its district has withdrawn from the autism scholarship program and returned to the district.

3301-103-04 3
Replaces: 3301-103-04, 3301-103-08
Effective: 07/01/2009
R.C. 119.032 review dates: 07/01/2014
Promulgated Under: 119.03
Statutory Authority: 3301.07, 3310.41
Rule Amplifies: 3310.41
Prior Effective Dates: 1-8-04

3301-103-05 Program participation.

(A) The parent of a child participating in the autism scholarship program shall assure that the office for exceptional children, Ohio department of education, has at all times current contact information for the parent and child and providers who are implementing the child's individualized education program and current information about the status of the child's participation in the autism scholarship program.

(1) This information shall include the names and current addresses and telephone numbers for the child and parent and for the providers who are providing a special education program for the child.

(2) This information shall include written notification by United States mail, in accordance with this rule and guidelines established by the Ohio department of education, of the beginning service date, the child's move to another provider or to another school district of residence, the addition of providers, and the child's withdrawal from the autism scholarship program. The parent shall also notify the school district of residence of the beginning service date.

(B) If a parent of a child participating in the autism scholarship program decides to move the child from one provider to another provider during the current school year, the parent shall notify the current provider and the office for exceptional children, Ohio department of education, in writing by United States mail in accordance with guidelines established by the Ohio department of education. The notice shall include the name, address, and telephone number of the child and parents and the name, address, and telephone number of both the current and the new providers.

(C) If a parent of a child participating in the autism scholarship program decides to add providers during the current school year, the parent shall notify the office for exceptional children, Ohio department of education, in writing by United States mail in accordance with guidelines established by the Ohio department of education. The notice shall include the name, address, and telephone number of the child and parents and the name, address, and telephone number of each additional provider.

(D) If a child is transferring to a new school district of residence, the parent of the child shall inform the current school district and the office for exceptional children, Ohio department of education, in writing by United States mail. The notice shall include the name, address, and telephone number of the child and parents and the name, address, and telephone number of both the current and the new school district of residence.

(E) If a parent of a child participating in the autism scholarship program decides to withdraw the child from the program, the parent shall provide notice of the withdrawal to the school district of residence, the providers, and the office for exceptional children, Ohio department of education, in accordance with guidelines established by the Ohio department of

education. The notice shall include the name, address, and telephone number of the child and parents.

(F) If a parent or provider informs the school district of residence and the office for exceptional children, Ohio department of education, in writing, that the parent is withdrawing the child from the autism scholarship program prior to the end of the current school year the child's scholarship is immediately null and void when the child is withdrawn. If a scholarship becomes null and void, the parent and the school district of residence will be notified, in writing, by the Ohio department of education. The department's notice shall include information indicating whether the child is eligible to be reinstated into the program.

(G) If a parent withdraws the child from the program or the child becomes ineligible to participate in the program, the parent shall immediately notify the school district of residence, in writing, that the child will be returning to the district of residence. This notice shall include the date the child will be returning to the district.

3301-103-05 2
Replaces: 3301-103-05
Effective: 07/01/2009
R.C. 119.032 review dates: 07/01/2014
Promulgated Under: 119.03
Statutory Authority: 3301.07, 3310.41
Rule Amplifies: 3310.41
Prior Effective Dates: 1-8-04

3301-103-06 Application and participation of providers.

(A) No private provider shall receive scholarship payments from parents pursuant to the autism scholarship program until the private provider is registered with the Ohio department of education. The Ohio department of education shall register any private provider that meets the following requirements:

(1) A private provider makes application to the Ohio department of education in accordance with rules of the state board of education and guidelines established by the Ohio department of education and that application is approved.

(2) The private provider indicates, in writing, its commitment to follow all requirements for a private provider specified in rules 3301-103-01 to 3301-103-07 of the Administrative Code, including but not limited to, the requirements for accepting qualified special education children pursuant to rule 3301-103-03 of the Administrative Code.

(3) The private provider meets the minimum standards of the applicable professional organization for individual or non-school providers. The private provider holds, and any employees hold, and any volunteers hold, appropriate credentials from the state board of education or appropriate credentials from a national or state board for their specific professions, and these credentials are related to the individualized education program (IEP) services they will be providing. If the private provider contracts with another provider who will be providing special education and related services to children in the autism scholarship program, the contracted provider and any subcontractors and employees or volunteers of both the contracted and subcontracted providers shall also hold appropriate credentials from the Ohio department of education or credentials from a national or state board for their specific professions.

(a) If any of the parties referenced in paragraph (A)(3) of this rule held credentials that are currently revoked by the Ohio department of education, that party cannot be a registered private provider, even though the party may hold credentials from a national or state board for his or her specific profession.

(b) If any of the parties referenced in paragraph (A)(3) of this rule holds appropriate credentials from a department of education of a state other than the state of Ohio, those credentials will be recognized as appropriate credentials under paragraph (A)(3) of this rule unless that party held credentials that are currently revoked by the Ohio department of education or by the department of education of another state.

(4) The private provider is physically located within the boundaries of the state of Ohio, and children served by the private provider shall be served within the state of Ohio.

(5) The private provider has on file, prior to providing any special education and related services to children participating in the autism scholarship program, a current criminal records check from the superintendent of the Ohio bureau of criminal identification and investigation pursuant to rule 109:5-1-01 of the Administrative Code. Current criminal records checks shall be on file for all owners, employees, contractors, and volunteers of a private provider. Each owner, employee, contractor, and volunteer of a private provider shall have on file a criminal records check that is not more than one year old on the date that the person becomes an owner, employee, contractor, or volunteer of the private provider. Thereafter, each owner, employee, contractor, or volunteer of a private provider shall undergo a criminal records check at least every five years from the date of the last criminal records check. A criminal records check is current if it meets the timeframes specified in this paragraph.

For purposes of paragraph (A)(5) of this rule, contractor includes any person who is under contract with a private provider and whose work involves routine interaction with a child in the autism scholarship program or regular responsibility for the care, custody, or control of a child in the autism scholarship program. For purposes of paragraph (A)(5) of this rule, volunteer includes any person whose activities involve unsupervised access to a child. "Unsupervised access" to a child has the same meaning as in section 109.574 of the Revised Code.

The current criminal records check shall not indicate that any owner, employee, contractor, or volunteer of the private provider has been convicted of or pleaded guilty to a violation of any of the sections of law described in division (B)(1) of section 3319.39 of the Revised Code.

An owner, employee, contractor, or volunteer of a private provider who holds a license consistent with the meaning of license in division (A) of section 3319.31 of the Revised Code shall also meet all applicable requirements for criminal records checks that apply to a holder of that license. An owner, employee, contractor, or volunteer of a private provider who holds a license or certificate under another section of law shall also meet any requirements for criminal records checks that apply to a holder of that license or certificate.

An owner, employee, contractor, or volunteer of a private provider who is a driver of a school bus or motor van consistent with the meaning of a driver of a school bus or motor van under section 3327.10 of the Revised Code shall also meet all applicable requirements for criminal records checks under section 3327.10 of the Revised Code.

As part of the initial application for registration and subsequent annual reapplications for registration, a private provider shall submit to the Ohio department of education an affidavit assuring the Ohio department of education that a current criminal records check, as described above, is on file for all owners, employees, contractors, and volunteers of the private provider and assuring the department that the current criminal records checks do not show that any owner, employee, contractor, or volunteer of the

provider has been convicted of or pleaded guilty to a violation of any of the sections of law described in division (B)(1) of section 3319.39 of the Revised Code.

(6) The affidavit referenced above also shall assure the department that the provider has a written policy addressing the private provider's practices to ensure that said private provider does not discriminate on the basis of race, ethnicity, natural origin, religion, gender, disability, age, or ancestry.

(7) The private provider demonstrates fiscal soundness. A private provider shall demonstrate fiscal soundness by meeting the following requirements:

(a) Being in operation for at least one full school year prior to enrolling children participating in the autism scholarship program;

(b) Providing the department of education with a written statement confirming that the private provider has adequate liability and property and casualty insurance;

(c) Having no outstanding claims for recovery from the auditor of state;

(d) Providing the parent with a fee schedule and description of the special education and related services that the private provider will be providing as part of the autism scholarship program and, upon request, making the fee schedule available to the Ohio department of education;

(e) Verifying in a written statement filed with the Ohio department of education that the owner has sufficient capital or credit in order to operate during the upcoming school year to serve the number of children accepted, taking into consideration expected revenues from fees charged and from other sources; and

(f) Filing with the Ohio department of education a surety bond or letter of credit for an amount equal to the scholarship funds for that school year.

(8) The private provider meets all applicable state and local health and safety codes.

(9) The private provider provides quarterly reports to the parent and to the child's school district of residence. These reports shall include but not be limited to the following:

(a) The child's progress toward meeting the annual goals stated on the child's current IEP and how the child's progress is being measured; and

(b) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

(10) The private provider complies with all applicable state and federal laws regarding the delivery of services to children with disabilities, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996, August 21, 1996, 42

U.S.C. 1320d-2 (HIPAA); the American with Disabilities Act of 1990, January 1990, 42 U.S.C. 12213 (ADA); Families Educational Rights and Privacy Act of 1974, August 1974, 20 U.S.C. 1232g (FERPA) and related federal regulations at 34 C.F.R Part 99 (2000); section 3319.321 of the Revised Code; the Rehabilitation Act of 1973 as amended by the Rehabilitation Act Amendments of 1998, August 1998, 29 U.S.C. 701 (2005); the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400, Public Law 108-446 of the 108th Congress, December 3, 2004 (IDEA) and related federal regulations at 34 C.F.R. Part 300 (October 13, 2006); and Chapter 3323. of the Revised Code and related state rules in Chapter 3301-51 of the Administrative Code (July 1, 2008).

(B) A private provider, who wishes to continue to provide special education and related services to children in the autism scholarship program in the succeeding fiscal year, must submit a completed new application for the succeeding year that includes an affidavit, prescribed by the Ohio department of education, in which the private provider swears or affirms that the private provider continues to meet all requirements for registration. The Ohio department of education must receive all applications and affidavits by July first of the current year from private providers who wish to participate in the autism scholarship program for the current program year that begins July first.

(C) A registered private provider will participate in an on-site monitoring visit upon the request of the Ohio department of education.

(D) The registered private provider shall make their written policies and practices readily available to all parents in the state of Ohio requesting this information and will do so without charge to the parent.

(E) The Ohio department of education may revoke the registration of a registered private provider if the department of education determines that the registered private provider is in violation of any of the provisions of section 3310.41 of the Revised Code, rules 3301-103-01 to 3301-103-07 of the Administrative Code, or program guidelines established by the Ohio department of education.

(F) If a private provider's registration is revoked, the private provider is entitled to and may request a hearing under Chapter 119. of the Revised Code.

(G) All private providers that participate in the scholarship program must be approved and registered by the Ohio department of education. The Ohio department of education will make a list of all registered private providers available to any parent within the state of Ohio.

(H) An alternative public provider for the autism scholarship program may agree to enroll a child in the alternative public provider's special education program if the child's parent would owe fees for the services provided to the child by the alternative public provider.

(1) An alternative public provider who agrees to participate in the autism scholarship program shall send a letter to the office for exceptional children, Ohio department of education, stating its intention to do the following:

(a) Serve as an alternative public provider for the autism scholarship program; and

(b) Implement the child's IEP in accordance with the provisions of the autism scholarship program.

(2) An alternative public provider which is a school district that is not the school district in which the child is entitled to attend school shall meet all requirements that apply to a school district.

(3) An alternative public provider that is a public entity other than a school district shall meet all requirements that apply to that public entity.

(4) The registration requirements that apply to a registered private provider do not apply to an alternative public provider, except an alternative public provider shall provide quarterly progress reports as required by paragraph (A)(9) of this rule and shall submit required cost reports. An alternative public provider may claim reimbursement only for the costs of the provider's services that implemented the child's IEP.

Replaces: 3301-103-06
Effective: 07/01/2009
R.C. 119.032 review dates: 07/01/2014
Promulgated Under: 119.03
Statutory Authority: 3301.07, 3310.41
Rule Amplifies: 3310.41
Prior Effective Dates: 1-8-04