Chapter 3311 Educational Choice Scholarship Program

3311-01 Definitions

In addition to the terms defined in section 3310.01 of the Revised Code, the following terms are defined as they are used in the rules in this chapter:

(A) "Applicant" is any parent, or any student who is at least eighteen years of age, who is seeking an educational choice scholarship for an eligible student;

(B) "Department" means Ohio department of education.

(C) "Designated building" is a school building on the list published on the department's website (education.ohio.gov) in accordance with rule 3301-11-03 of the Administrative Code.

(D) "Enrolled" has the same meaning as in division (E) of section 3317.03 of the Revised Code;

(E) "Excused absence" is an absence from school approved by the administrator of a chartered nonpublic school on the basis of one or more of the conditions listed in paragraph (B)(2) of rule 3301-69-02 of the Administrative Code;

(F) "Family income" is the income of the applicant and his or her household and means the total before tax earnings of adult family members who are not claimed as dependents for federal income tax purposes, including wages, salary, commissions, tips, self-employment net profits, Social Security, Retirement Survivor Disability Insurance (RSDI), veteran’s benefits, Railroad Retirement, disability workers compensation, unemployment benefits, child support, alimony, spousal support, pensions, retirement benefits, rental income, and lottery/gaming winnings. Income excludes public assistance programs, foster care or kinship payments, general relief, loans, grants and scholarships for educational expenses and earned income of a child who is a student;

(G) "Household" means the eligible student and the legal guardian of the eligible student, the spouse of the legal guardian or birth parent of any child under the age of eighteen, and children under age 18 specified in RC 3310.033 (A)(4) which the legal guardian also has custody, and children of the parent or legal guardian of the eligible student who are fulltime students aged 22 or less, disabled or blind adults or children related to the parent or legal guardian of the eligible student and relatives who are age 65 and who are claimed as a dependent for federal income tax purposes.

Comment: Definitions of "income" and "household" provide additional clarity.
(H) "Local financial assistance program." "Financial aid" is a program (not administered by the state of Ohio), the purpose of which is to provide financial assistance to students attending nonpublic schools;

(I) "Parent" has the same meaning as in section 3313.98 of the Revised Code; and

(J) "Scholarship recipient" is a student who has been awarded, has accepted and has received an educational choice scholarship.

(K) “Tuition discounts” means those discounts offered by the private school provider such as a discount for multiple students, a parishioner, etc.

(L) “Attendance Zone” means the geographical area, set by the public school district, to determine the particular school a student would attend in their district of residence.

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3310.09, 3310.10, 3310.11, 3310.12, 3310.13, 3310.14, 3310.15, 3310.16, 3310.17
3301-11-03 List of designated buildings used in eligibility determination; assignment areas.

(A) No later than November 15 each year, the department shall publish a list of school buildings that fulfill any of the criteria described in division (A), (B), (C), (D) or (E) of section 3310.03 of the Revised Code. The list shall specify any school building among those listed that is likely to cease operations during the school year in which the list is issued. The list shall also specifying any school building that is not accepting students during the school year following the school year in which the list is issued. The department shall remove from the list any school building that has ceased operations or fulfills the criteria described in division (Ei) of section 3301.03 of the Revised Code.

(B) Not later than the first day of January December 15 of each year, the superintendent of each school district within which each of the school buildings listed pursuant to paragraph (A) of this rule is located, or the superintendent’s designee, shall specify one of the following for each school building:

1. That the attendance zone assignment area of the school building for the current school year is the entire school district;

2. That the school building has no attendance zone assignment area,

3. A detailed description of the attendance zone assignment area of the building including the street names and address number ranges of residences from which students living at such residences would be assigned to attend the building.

In the case of a building with no attendance zone assignment area, the superintendent shall provide any district assignment policies or procedures that would lead to students being assigned to the building.

The superintendent, or the superintendent’s designee, shall also indicate whether any attendance zone assignment area changes have been adopted that will impact the attendance zone assignment areas of those schools listed pursuant to paragraph (A) of this rule during the current school year or in the year following the current school year.

(C) The Department may determine a student as eligible if a district superintendent or their designee fails to provide the required attendance zone information by the established deadline.

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3301-11-04 Eligibility for program participation.

The department shall not award a scholarship under section 3310.02 or 3310.032 of the Revised Code until first determining eligibility for other available scholarship programs. This determination shall be made by evaluating a student’s eligibility for scholarship programs in the following order:

(A) The pilot project scholarship program established in section 3313.975 of the Revised Code;

(B) The educational choice scholarship program established in section 3310.02 of the Revised Code; and

(C) The expansion of educational choice scholarship program established in section 3310.032 of the Revised Code.

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3310.06, 3310.07, 3310.08, 3310.09, 3310.10, 3310.11, 3310.12, 3310.13, 3310.14, 3310.15, 3310.16, 3310.17, 3319.975
3301-11-05 Application for program participation.

(A) Not later than thirty days prior to the beginning of the application period, the Department will publish all application materials and guidance for the upcoming fiscal year and provide training to all approved providers regarding updates and changes to the program prior to the opening of the application period.

(B)(A) An applicant seeking a scholarship for a student who is not a scholarship recipient participant in the year in which the application is being submitted shall submit an application to the department in the manner established and posted by the department on its website (www.education.ohio.gov) and provide the information determined specified by the department to be that is necessary to determine eligibility and make scholarship award determinations award scholarships. Such information may include, but not be limited to, the following:

1. Information and documentation required by the department necessary to identify the student, including but not limited to, the student's first name, middle initial, last name, and date of birth;

2. Information and documentation required to identify and contact the student's parents or guardians;

3. Information and documentation required to determine program eligibility including, but not limited to the student's residential address, district of residence, school in which the student is enrolled, the school to which a community school student would have been assigned at the time of application, or to which a kindergartener would be assigned in the school year for which the scholarship is being sought, and grade level;

4. Information and documentation related to the chartered nonpublic school in which the student has been accepted for enrollment;

5. Information and documentation related to the determination of the correct scholarship amount, including, but not limited to the names of other students in the same household attending or planning to attend the same chartered nonpublic school; or

6. An indication, if applicable, that the student's family income is at or below two hundred percent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code;

(C) A scholarship recipient seeking to continue to receive a scholarship in the year subsequent to a year in which a scholarship was received may be required to submit an application to the department in the manner established by the department and provide the information and documentation that the department has determined necessary for the effective implementation of the program. Such information may include those items specified in paragraph (A) of this rule. Scholarships for students for whom eligibility has not been terminated pursuant to rule 3301-11-09 of the Administrative Code may be renewed until the student has completed grade twelve.
(DC) If any scholarship application includes an indication that the student's family income is at or below two hundred percent of the federal poverty guidelines, the applicant shall also be required to provide such documentation as specified by the department to verify the income of any and all members of the student's household. Such documentation shall be specified by the department and may include, but shall not be limited to, copies of federal tax return which may include a 1099 form, and state income tax returns, W-2 forms, letters of employment separation or termination, and the final paystub, 1099 forms, and statements of unemployment benefits, workers compensation benefits, child support benefits, and pension or retirement benefits received. Additionally, the applicant may voluntarily provide identification information, including the social security numbers of the members of the student's household, to facilitate procedures for the verification of income. The application process and forms shall clearly indicate that the provision of social security numbers is strictly optional to the applicant, and that procedures are in place to ensure the confidentiality of the information.

(EB) In submitting an application for a scholarship, the applicant shall agree to the following:

(1) That the information provided on the application is true and correct;

(2) For students with family income above two hundred percent of the federal poverty guidelines, that if a scholarship is received, and the scholarship amount is less than the tuition of the chartered nonpublic school, payment of the difference is the responsibility of the applicant, and the applicant may have the opportunity to provide services in-kind in accordance with division (B) of section 3310.13 of the Revised Code;

(3) That the chartered nonpublic school and the department will be informed of changes in family income that would impact whether or not the student is at or below two hundred percent of the federal poverty guidelines annually with submission of the application;

(4) That the chartered nonpublic school and the department will be informed immediately within two weeks of any change in the student's residential address;

(5) That the student will shall not be eligible to receive scholarships in subsequent years if a student who qualifies for a scholarship under 3310.03 (A) if a student moves outside the current district of residence unless the student transfers to a new resident district and otherwise would be assigned to a designated building in the new resident district; fails to take each state test prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code; or is absent from school for more than twenty days, not including documented excused absences;

(6) That only one application per chartered nonpublic school per scholarship program for the student has been submitted;

(7) That the applicant has received and understands the policy handbook of the chartered nonpublic school and will abide by its provisions;
(8) That the applicant agrees to abide by the dispute resolution process outlined in rule 3301-11-14 of the Administrative Code;

(9) That the scholarship amount will only be applied to the tuition of the enrolling school and that the parent or guardian may be required to pay other fees and costs as prescribed by the policies of the school;

(10) That the applicant will apply for any and all financial aid or tuition discounts and adjustments made regularly available to the students attending the chartered nonpublic school in which the student is accepted for enrollment;

(11) That the applicant understands that any optional information as specified in paragraph (C) of this rule provided by the applicant is being provided voluntarily; and

(12) Any other representations prescribed by the department determined to be necessary to ensure the effective implementation of the program and compliance with Chapter 3310. of the Revised Code.

(PE) Application for program participation shall be made on forms or through electronic means as prescribed by the department. Applicants may designate, in writing, another entity to submit the application on behalf of the applicant. Such designation may be made only to entities approved pursuant to rule 3301-11-12 of the Administrative Code.

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3301-11-06 Errors specified by public school district.

In order to ensure compliance with the provisions of this Chapter 3301-11 of the Administrative Code and Chapter 3310. of the Revised Code, within thirty calendar days of receiving a student application, public school districts shall specify errors in application and continuing eligibility information that would affect scholarship awards and payments. Such errors shall include:

(A) For applicants seeking scholarships for the first time, that the designated building in which the applicant claims the student is enrolled, or in the case of a student attending a community school, in which the applicant claims the student would otherwise be enrolled, or in the case of a student entering kindergarten, in which the applicant claims the student would be assigned in the year the scholarship is sought, is incorrect;

(B) That the resident district of the student for whom the application is made or for whom a scholarship has been awarded and for whom payment is being made is not the district listed on the scholarship application;

(C) That a student for whom a scholarship has been awarded and for whom payment is being made is enrolled and attending a school of the public school district or a community school; and

(D) Any other error defined by the department that, if specified, would assist in the implementation of this chapter.

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Comment: This rule is no longer necessary with the change to direct funding of scholarships instead of through a deduction of districts' state aid.
3301-11-07 Awarding scholarships.

(A) The applicant shall be notified of a scholarship award via mail within thirty days of award determination.

(B) If an eligible student who is awarded a scholarship subsequently decides the scholarship will not be utilized, the applicant shall notify the department of his or her irrevocable election to decline the scholarship within 60 days of the decision. The department may establish dates by when such notifications shall be made.

(C) Any eligible student who has not been awarded a scholarship shall be placed on a waiting list maintained by the department. Scholarships shall be awarded to eligible students on the waiting list as they are declined by other applicants in a manner consistent with section 3310.02 or 3310.032 of the Revised Code, as applicable, until such date as may be established by the department.

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3301-11-08 Transfer of scholarship.

(A) Scholarships awarded pursuant to this program may be transferred to another chartered nonpublic school listed pursuant to rule 3301-11-11 of the Administrative Code. The applicant and the chartered nonpublic school accepting the transferred student shall notify the department in the manner prescribed by the department as required by rule 3301-11-05. The applicant may designate in writing that the chartered nonpublic school enrolling the student notify the department on behalf of the applicant. Scholarships are not transferable to any other student.

(B) In the case where a child transfers during the course of the school year to another chartered nonpublic school, the department shall prorate the amounts paid to each school based on the period of attendance at each school relative to the minimum number of hours each school is open for instruction with pupils in attendance, as described in section 3313.48 of the Revised Code.

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3310.09, 3310.10, 3310.11, 3310.12, 3310.13, 3310.14, 3310.15, 3310.16, 3310.17
Prior Effective Dates: 2/24/2006
3301-11-09 Termination of eligibility.

(A) Eligibility to continue to receive a scholarship in the school year in which it is being received shall be terminated if any of the following occur:

(1) It is determined that the application made for the program contained false information that, had it been correct, would have caused the scholarship recipient to be ineligible for the program; or

(2) The scholarship recipient is withdrawn from, or is expelled from, the chartered nonpublic school in which the student is enrolled, and fails within thirty calendar days to enroll in another school listed pursuant to rule 3301-11-11 of the Administrative Code.

(B) Eligibility to receive scholarships in subsequent school years and submit an application for continuing eligibility pursuant to paragraph (B) of rule 3301-11-05 of the Administrative Code shall cease if the scholarship recipient fails to comply with the provisions of paragraphs (C)(1) to (C)(3) of rule 3301-11-04 of the Administrative Code.

(C) Eligibility to receive scholarships in subsequent school years shall not be terminated because a student failed to take a state test prescribed for the student's grade level if a determination is made by the department that the chartered nonpublic school in which the student was enrolled failed to meet its obligation to administer the test.

(D) The applicant and the chartered nonpublic school in which the student is enrolled shall be notified by mail of termination of eligibility. Such notification shall include the effective date of the termination.

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3310.09, 3310.10, 3310.11, 3310.12, 3310.13, 3310.14, 3310.15, 3310.16, 3310.17
Prior Effective Dates: 2/24/2006
3301-11-10 Payment of scholarship amounts.

(A) Payment of scholarship amounts shall be made by warrant of the auditor of state or other method authorized in Revised Code, made payable in the name of the parent or legal guardian custodian of the student, or if the student is at least eighteen years of age in the name of the student, and the chartered nonpublic school in which the student is enrolled. Warrants shall be mailed to the address provided by the chartered nonpublic school.

(B) The maximum amount awarded to an eligible student shall be the amount described in section 3310.09 of the Revised Code.

(C) The actual amount of each scholarship is made in accordance with shall be the amount described in section 3317.022–3310.08 of the Revised Code. For the purposes of calculating the amount of each scholarship under section 3310.08 of the Revised Code, the tuition of the chartered nonpublic school shall be the tuition amount specified by the chartered nonpublic school minus all other financial aid, discounts and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the scholarship amount shall be the lowest tuition to which the family is entitled.

(D) In the case where a child transfers during the course of the school year to another chartered nonpublic school with a different tuition, the department will adjust payments in accordance with section 3317.022 of the Revised Code, shall adjust payments in the manner described in paragraph (B) of rule 3301-11-08 of the Administrative Code.

(E) In the case where overpayments are made on behalf of a participating student, the department shall inform the chartered nonpublic school of the amount of the overpayment, and the chartered nonpublic school shall refund the amount to the department. The amount of the refund shall be calculated based on the period of attendance at the chartered nonpublic school relative to the minimum number of hours the school is open for instruction with pupils in attendance, as described in section 3313.48 of the Revised Code.

(F) In the case where a student withdraws or is expelled from the chartered nonpublic school, or where a student’s eligibility to continue to receive a scholarship is terminated pursuant to paragraph (A) of rule 3301-11-09 of the Administrative Code, payment of the scholarship amount will be prorated based on the number of days the student was enrolled at the chartered nonpublic school relative to the minimum number of hours the school is open for instruction with pupils in attendance, as described in section 3313.48 of the Revised Code. Funded enrollment would end as of the last day of the student’s attendance, or the effective date of the student’s termination, whichever is earlier.

(F) In the case where a scholarship is awarded post the provider’s start date, the scholarship is prorated from the enrollment start date through the end of the year. The parent is financially responsible for all fees accrued with the provider prior to the enrollment start date. Once
awarded, the actual amount of the scholarship will be prorated in accordance with this rule and section 3317.022 of the Revised Code.

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3301-11-11 Participation by chartered nonpublic schools.

(A) Not later than January 1 of each year, the department shall publish a list of chartered nonpublic schools that have indicated their willingness to participate in the scholarship programs established in sections 3310.02 and 3310.032 of the Revised Code. The list of approved nonpublic schools will be updated monthly. In addition to the requirements in sections 3310.01 to 3310.17 of the Revised Code, schools appearing on the list shall be those that, by signature of the principal or other governing authority, have made the following representations:

(1) That the school holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code, and that the school is currently in compliance with state operating standards that apply to chartered nonpublic schools as specified in Chapter 3301-35 of the Administrative Code;

(2) That the school will annually communicate to the department the tuition structure for the school including all discounts and other tuition adjustments offered or available;

(3) That the school will make its facilities and the records pertinent to the effective implementation of this chapter available at any time during regular business hours for announced or unannounced visits by department personnel responsible for ensuring compliance with this chapter, or by persons under contract with the department to perform compliance reviews;

(4) That the school has in place sufficient student attendance recordkeeping procedures, including processes for documentation of excused absences;

(5) That the school has in place systems to ensure the confidential nature of student records;

(6) That the school will promptly refund to the state any amounts overpaid on behalf of a student due to ineligibility, disenrollment, expulsion, data error, or for any other reason;

(7) That the school will abide by its admission policy fairly and without discrimination with regard to students applying for or having been awarded scholarships pursuant to this chapter;

(8) That the school will disenroll any scholarship student as soon as a determination is made that the student will no longer attend the school. Disenrollment shall be recorded as the last date that the student attended classes;

(9) That the school will allow the department to monitor compliance with the provisions of this rule and of other laws and rules as they apply to chartered nonpublic schools and shall provide at the request of the department such information and copies of records as may be necessary to ensure such compliance, including:
(a) Information and records related to school staff and volunteers including but not limited to license or certificate numbers, and background check results;

(b) Information and records related to school policies and procedures including but not limited to the parent or student handbook, admissions policies, and withdrawal and transfer policies; and

(c) Information and records related to building, vehicle and operational safety including but not limited to fire inspection reports, food service licenses and vehicle inspection reports.

(B) Any chartered nonpublic school that does not fulfill its obligations under Chapter 3301-11 of the Administrative Code may be disallowed from participation in the program for a period of time to be specified by the department, or until such time as the school can provide assurances satisfactory to the department that it shall fulfill its obligations.

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3301-11-12 Entities designated to file applications.

Chartered nonpublic schools listed pursuant to rule 3301-11-11 of the Administrative Code shall be authorized to file applications and the required documentation on behalf of applicants if so designated in writing by the applicant. The department may establish procedures that allow an applicant to designate other entities to file an application on the applicant's behalf. In no case shall any financial charge be made to the applicant for application assistance.

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Prior Effective Dates: 2/24/2006
3301-11-14 Dispute resolution.

(A) If, at any time, a dispute arises regarding the eligibility of a student to participate in the scholarship program or any other aspect of the operation of the program, the department shall be the final authority in the resolution of the dispute.

(1) A complaint shall be sent forwarded, in writing, by the aggrieved party to the department. Attached to the complaint shall be any documentation supporting the position of the aggrieved party.

(2) The department shall acknowledge receipt of the complaint within 3 business days, review the documents and make a final determination of eligibility within forty-five thirty days of receiving the complaint.

(3) Should the aggrieved party disagree with the determination, they may request a meeting with the department’s designee to review the determination. The requested meeting will take place within 14 days of the receipt of the request.

(4) Final determinations will be made and communicated to the school within 14 days of the review meeting.

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Prior Effective Dates: 2/24/2006
3301-11-15 Program administration.

Where not provided for in Revised Code or rule, the department shall establish dates that constitute the deadlines for the various activities related to the implementation of this chapter, later than the first of January prior to the school year to which the deadlines pertain. The department shall also adopt such procedures as it determines necessary to implement this chapter. Such procedures shall include, but not be limited to:

(A) Procedures for handling incomplete applications;

(B) Procedures for performing income verification;

(C) Procedures for administering conducting the lottery specified in rule 3301-11-07 of the Administrative Code;

(D) Procedures for resolving questions of legal guardianship;

(E) Procedures for improving program administration and client satisfaction through surveys and other processes; and

(F) Procedures for reissuance of lost or damaged warrants.

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