

## TO BE RESCINDED

3301-103-01           **Definitions.**

The following terms are defined as they are used in this chapter:

- (A) "Administrative or judicial mediations or proceedings" includes, but is not limited to, case conferences, administrative reviews, written complaints, mediations, or due process hearings which address the current individualized education program (IEP) that would be implemented under the autism scholarship program.
- (B) "Approval date" means the date of written notice by the Ohio department of education, to the parent, informing them that their child is eligible and has been awarded a scholarship under the autism scholarship program.
- (C) "Autism scholarship program" has the same meaning as the "pilot project special education scholarship program".
- (D) "Category six special education ADM" means the average daily membership of students receiving special education services for the handicap specified in division (F) of section 3317.013 of the Revised Code and reported under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.
- (E) "Entitled to attend school" means entitled to attend school in a school district pursuant to sections 3313.64 and 3313.65 of the Revised Code.
- (F) "Family" means persons who are related to the child which includes, but is not limited to, grandparents, parents, spouse, children, whether dependent or not, grandchildren, brothers, sisters, or any person related by blood or marriage and residing in the same household.
- (G) "Formula ADM" means, for a city, local or exempted village school district, the number reported pursuant to division (A) of section 3317.02 of the Revised Code.
- (H) "Individualized education program" has the same meaning as in section 3323.01 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 in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means

the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(J) "Public 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;

(K) "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 autistic; and

(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 the child.

(L) "Registered private provider" means a nonpublic school or other nonpublic entity or person that has been approved by the department of education to participate in the autism scholarship program established under section 41.33 of H.B. 95.

(M) "School district of residence" means:

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

(2) If the school district specified in paragraph (M)(1) of this rule cannot be determined, the last school district in which the child's parents are known to

have resided if the parents' whereabouts are unknown;

- (3) If the school district specified in paragraph (M)(2) of this rule cannot be determined, the school district determined by the court, or if no district has been so determined, the school district as determined by probate court of the county in which the child resides. The school district of residence that had been established under section 3323.01 of the Revised Code on December 12, 1983, shall remain the child's school district of residence unless a district of residence can be determined under paragraph (M)(1) or (M)(2) of this rule.
- (4) Notwithstanding paragraph (M)(1) to (M)(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 this chapter.

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CERTIFIED ELECTRONICALLY

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Certification

03/13/2009

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Date

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