

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, as defined in paragraph (J), 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~~ and documentation that 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 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 of the Revised Code. For the purposes of section 3310.41(A)(7)(b), the IEP is the most current IEP created by the district of residence’s IEP team.

(I) “Modify services” means to provide services identified on the IEP at a different frequency or in a different amount than specified on the IEP, or to provide services other than those identified on the IEP, but associated with educating the child. A parent and provider do not have the ability to independently amend or alter the IEP as written by the school district.

~~(J)~~(J) “Parent” has the same meaning as in section 3310.41 of the Revised Code.~~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.~~

~~(K)~~(K) “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.

~~(L)~~(L) “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.

~~(M)~~(M) “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. In addition, a child who has received a scholarship under the autism scholarship program based upon the identification of pervasive development disorder-not otherwise specified (PDD-NOS) prior to the 2013/2014 school year shall continue to be eligible for a scholarship despite

the changes related to this diagnosis in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (2013);

- (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.

~~(M)~~(N) “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)~~(O) “Scholarship year” means a year beginning July first and continuing through June thirtieth of the following year.

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

Effective:

Five Year Review (FYR) Dates: 8/17/2017

Certification

Date

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