

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.

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CERTIFIED ELECTRONICALLY

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Certification

03/13/2009

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Date

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