

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.

Replaces: 3301-103-04, 3301-103-08

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3301.07, 3310.41
Rule Amplifies: 3310.41
Prior Effective Dates: 1-8-04