

## TO BE RESCINDED

3301-103-07

**Standards and eligibility for registered private providers.**

- (A) No private provider shall receive scholarship payments from parents pursuant to the autism scholarship program until the private provider is registered with the department of education. The department of education shall register any private provider that meets the following requirements:
- (1) A private provider makes application to the department of education per guidelines established by the department of education and that application is approved;
  - (2) The private provider indicates, in writing, its commitment to follow all requirements for a state-sponsored autism scholarship program participant specified in rule 3301-103-01 to rule 3301-103-08 of the Administrative Code, including but not limited to, the requirements for admitting qualified special education children pursuant to rule 3301-103-03 of the Administrative Code;
  - (3) The private provider meets the minimum standards of the applicable professional organization for individual or non-school providers;
  - (4) The private provider is internet-based and/or is located within the boundaries of the state of Ohio.
  - (5) The private provider has on file or is willing to obtain, prior to providing any special education and/or related services to children exercising an autism scholarship, a current criminal records check from the superintendent of the Ohio bureau of criminal identification and investigation pursuant to rule 109:5-1-01 of the Administrative Code. The current criminal records check shall be on file for all individuals working as or under the auspices of a private provider who may or shall be in any position as a person responsible for the care, custody, or control of a child. A criminal records check is current if it is not more than one year old or was not more than one year old at the time of hiring the employee, or engaging the volunteer, and the person has remained an owner, employee, or volunteer of the private provider continuously since the time of the initial criminal records check.
  - (6) The private provider, as part of the registration process, shall provide to the department of education an affidavit assuring the department of education that a current criminal records check is on file for all owners, employees, subcontractors and volunteers. The affidavit will also assure the department that the provider has a written policy addressing the private provider's

practices to ensure that said private provider does not discriminate on the basis of race, ethnicity, natural origin, religion, gender, disability, age or ancestry;

- (7) The private provider demonstrates fiscal soundness. A private provider shall demonstrate fiscal soundness by:
- (a) Being in operation for at least one full school year prior to enrolling children participating in the autism scholarship program; and
  - (b) Providing the department of education with a written statement by a certified public accountant confirming that the private provider has adequate liability and property and casualty insurance; and
  - (c) Having no outstanding claims for recovery from the auditor of state; and
  - (d) Submitting a fee schedule and description of the special education and/or related services that the private provider will be providing as part of the autism scholarship program; and
  - (e) The owner or owners will also verify in a written statement that they have sufficient capital or credit to operate during the upcoming school year serving the number of children anticipated with expected revenues from fees charged and other sources that may be expected; or
  - (f) Filing with the department of education a surety bond or letter of credit for the amount equal to the scholarship funds for that school year.
- (8) The private provider holds, and employs individuals who hold, appropriate credentials from the state board of education or appropriate credentials from a national or state board for their specific profession. If the private provider contracts with another provider that will be providing special education and/or related services to children in the autism scholarship program, then the contracted provider, any subcontractors and employees or volunteers of both the contracted and subcontracted providers must also hold appropriate credentials from the department of education or credentials from a national or state board for their specific profession.
- (9) If any of the parties named in paragraph (A)(8) of this rule have credentials that are currently revoked by the Ohio department of education, then that party cannot be a registered private provider even though they may hold credentials from a national or state board for their specific profession.

- (10) If a provider holds appropriate credentials from a department of education from a state other than the state of Ohio those credentials will be recognized as "appropriate credentials" under paragraph (A)(8) of this rule unless the person has credentials that are currently revoked by the Ohio department of education.
  - (11) The private provider must meet all applicable state and local health and safety codes;
  - (12) The private provider will provide a statement to the parent, and to the child's school district of residence as often as it is sent to the parent, of how the child's progress toward the annual goals will be measured and how the child's parents will be regularly informed of:
    - (a) Their child's progress toward the annual goals, and
    - (b) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.
  - (13) The private provider complies with state and federal laws regarding the delivery of services to children with disabilities, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the American with Disabilities Act (ADA), Families Educational Rights and Privacy Act (FERPA), Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA) and Chapter 3323. of the Revised Code.
- (B) A private provider, who wishes to continue to provide special education and related services to children in the autism scholarship program during the 2005 fiscal year must submit an affidavit, prescribed by the department of education, showing that the private provider still meets all requirements for registration. Affidavits not received by the deadline established by the department of education are ineligible for consideration.
- (C) A registered private provider will participate in an on-site monitoring visit upon the request of the department of education.
- (D) The registered private provider shall make their written policies and practices readily available to all parents in the state of Ohio requesting this information and will do so without charge to the parent.
- (E) The department of education shall revoke the registration of any registered private

provider if the department of education determines that the registered private provider is in violation of this rule or in violation of any guidelines established by the department of education.

- (F) If a private provider's registration is revoked, the private provider is entitled to and may request a Chapter 119. hearing per the Revised Code.
- (G) All private providers that participate in the scholarship program must be approved and registered by the department of education. The department of education will make a list of all registered private providers available to any parent within the state of Ohio.

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CERTIFIED ELECTRONICALLY

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Certification

03/13/2009

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Date

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