



Ohio Administrative Code Rule 3301-101-01 Definitions.

Effective: March 28, 2019

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 a special needs 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 special needs scholarship program;

(B) Alternative public provider means either of the following providers that agrees to enroll a child in the providers special education program to implement the child's individualized education program and to which the eligible applicant 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 or the child's school district of residence, if different;

(2) A public entity other than a school district.

(C) Special needs scholarship program has the same meaning as the Jon Peterson special needs scholarship program established in section 3310.52 of the Revised Code;

(D) Category one child is a child who has been identified with a disability of speech or language impairment as defined in rule 3301-51-01 of the Administrative Code;

(E) Category two child is a child who has been identified as specific learning disabled as that term is defined in rule 3301-51-01 of the Administrative Code, a child who has an intellectual disability as that term is defined in rule 3301-51-01 of the Administrative Code, or a child who has other health impairment-minor as defined in section 3317.02 of the Revised Code;



(F) "Category three" child is a child who has been identified with a hearing impairment or is severe behavior disabled as that term is defined in rule 3301-51-01 of the Administrative Code or as severe behavior disabled;

(G) Category four child is a child who has been identified with a vision impairment as that term is defined in rule 3301-51-01 of the Administrative Code or as having another health impairment-major, as defined in section 3317.02 of the Revised Code;

(H) Category five child is a child who has been identified with an orthopedic impairment or as having multiple disabilities as those terms are defined in rule 3301-51-01 of the Administrative Code;

(I) Category six child is a child who has been identified as autistic as that term is defined in rule 3301-51-01 of the Administrative Code, as having traumatic brain injuries as that term is defined in rule 3301-51-01 of the Administrative Code, or as deaf-blindness as that term is defined in rule 3301-51-01 of the Administrative Code;

(J) "Department" shall mean the Ohio department of education;

(K) "IDEA" shall mean 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;

(L) Entitled to attend school means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code;

(M) "FAPE" shall mean free and appropriate public education under the Rehabilitation Act of 1973 and the Individual with Disabilities Education Act;

(N) "IEP" shall mean individualized education program that consists of a written statement described in section 3323.011 of the Revised Code that is developed, reviewed, and revised in accordance with rule 3301-51-07 of the Administrative Code;



(O) Eligible applicant means any of the following:

(1) The natural or adoptive parents, 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 as designated by the court. If the court issues a shared parenting decree, either parent is an eligible applicant. Notwithstanding the foregoing, a parent whose custodial rights have been terminated is not an eligible applicant;

(2) A custodian who has been granted temporary, legal, or permanent custody by a court;

(3) A guardian who has been appointed by a court;

(4) A grandparent when a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code;

(5) A surrogate parent appointed pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and is at least eighteen years of age.

(P) "Modify services" means to provide services identified on the IEP at a different frequency or in a different amount than specified on the IEP, as measured by goals and objectives, 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;

(Q) Qualified special education child is a child for whom all of the following conditions apply:

(1) The child is at least five years of age and less than twenty-two years of age;

(2) The school district of residence, or the school district which the child is entitled to attend under



the circumstances set forth in paragraph (B) of rule 3301-101-05 of the Administrative Code, has identified the child as a child with a disability;

(3) The school district of residence, or the school district which the child is entitled to attend under the circumstances set forth in paragraph (B) of rule 3301-101-05 of the Administrative Code, has developed an individualized education program under Chapter 3323. of the Revised Code for the child; and

(4) The child either:

(a) Was enrolled in the school district in which the child is entitled to attend school in any grade from kindergarten 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 kindergarten 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.

(R) Registered private provider means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code;

(S) Primary Provider, for a child with more than one provider, means the provider responsible for submission and maintenance of the child's scholarship application and the administration of the state assessment to the child;

(T) Scholarship means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code;

(U) School district of residence has the same meaning as in section 3323.01 of the Revised Code, but does not include any community school established under Chapter 3314. of the Revised Code;

(V) Special education program means a school or provider that provides special education and related services to children with disabilities.