



## Ohio Administrative Code

### Rule 3301-101-02 Jon Peterson special needs scholarship program established.

Effective: March 28, 2019

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(A) The department shall pay a scholarship to the parent or other eligible applicant of each qualified special education child upon the submission of a fully completed application pursuant to procedures established by the state board of education's rules in this chapter.

(B) Each scholarship shall be used only to pay all or part of the tuition and fees for the child on whose behalf the scholarship is awarded to attend a special education program that provides services under the child's (IEP) in the following manner:

(1) For a special education program which is operated by an alternative public provider or by a registered private provider may be used in lieu of the child's special education program operated by the school district in which the child is entitled to attend school.

(2) Additional services agreed to in writing by the provider and eligible applicant that are not included in the IEP but are associated with educating the child. Upon written agreement with the eligible applicant, the provider may modify the services provided to the child through the development of measurable goals and objectives in addition to the services included in the IEP.

(C) The purpose of the scholarship is to permit the parent or other eligible applicant of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's IEP once the IEP is finalized, and other services agreed to in writing by the provider and eligible applicant that are not included in the IEP but are associated with educating the child. Upon written agreement with the eligible applicant, the provider may modify services provided to the child through the development of measurable goals and objectives in addition to or in lieu of the services included in the IEP.

(D) The following exclusions and provisions apply to the program:



(1) A scholarship shall not be awarded to the parent or other eligible applicant for a first-time scholarship while a child's IEP is being developed or while any administrative or judicial mediation or proceedings with respect to the content of the child's initial IEP are pending. Disputes regarding the development of subsequent IEPs do not affect the eligible applicants and the child's continued eligibility for scholarship payments. A parent or eligible applicant will not lose a scholarship while any administrative or judicial mediation or proceedings with respect to the content of the child's subsequent IEP are pending.

(2) The responsibility for developing the child's IEP lies with the school district in which the child is entitled to attend school, or the child's school district of residence, if different. The school district of residence has the primary responsibility for developing a child's IEP. The school district where the child is entitled to attend school may develop the IEP in accordance with paragraph (C) of 3301-101-05 of the Administrative Code.

(3) The eligible applicant is responsible for ensuring that a child receiving a scholarship has the services necessary to educate the child. Once the child is no longer enrolled in a public school district, the public school district is not obligated to provide the child with a FAPE.

(4) For purposes of Chapter 3323. of the Revised Code and IDEA, a scholarship recipient has only those rights that apply to all other unilaterally parentally placed children, with the exception of the right to have a public school district develop an IEP in accordance with division (B) of section 3310.53 of the Revised Code. To the extent that tuition and fees for the scholarship child exceed the scholarship amount, the eligible applicant is responsible for the payment of all amounts that exceed the scholarship amount in accordance with the terms agreed to between the eligible applicant and the providers.

(5) The eligible applicant is responsible for the allocation of scholarship funds if the eligible applicant has selected multiple providers.

(6) A scholarship under this section shall not be used for the following purposes:

(a) For a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school



and another school district or other public provider; or

(b) For a child to attend a community school established under Chapter 3314. of the Revised Code.

(7) Nothing in sections 3310.51 to 3310.64 of the Revised Code or in the rules in this chapter or any other rules adopted by the state board of education shall prohibit a parent or other eligible applicant whose child attends a public special education program under a contract, compact, or other bilateral agreement, or whose child attends a community school, from applying for and accepting a scholarship so that the applicant may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program operated by an alternative public provider or a registered private provider.