



## Ohio Administrative Code

### Rule 3301-101-03 Eligibility to receive a scholarship.

Effective: March 28, 2019

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(A) A child shall meet the following conditions to be eligible to participate in the scholarship program:

(1) The child shall be at least five years of age and less than twenty-two years of age at the beginning of the school year for which the scholarship is sought;

(2) The school district in which the child is entitled to attend school, or the child's school district of residence, if different, has identified the child as a child with a disability under 20 U.S.C. 1401(3) and division (A) of section 3323.01 of the Revised Code;

(3) The school district in which the child is entitled to attend school, or the child's school district of residence, if different, has completed an IEP for the child;

(a) If the child is a first-time applicant, no administrative or judicial proceedings as defined in paragraph (A) of rule 3301-101-01 of the Administrative Code are pending regarding the contents of the IEP;

(b) If the child is seeking a subsequent scholarship, the existence of administrative or judicial proceedings about the subsequent IEP does not affect continued eligibility for a scholarship.

(c) Administrative or judicial proceedings regarding the services provided by the district do not affect the child's eligibility for a scholarship.

(4) The child was either:

(a) 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 is first sought;  
or



(b) Eligible to enter grade kindergarten through twelve in the school district in which the child is entitled to attend school in the year for which a scholarship is sought.

(5) The child and the child's parents are in compliance with the state compulsory attendance law established under Chapter 3321. of the Revised Code. A child may satisfy the compulsory attendance requirements by attending a public school, a nonpublic school that has been chartered by the state board of education, a nonpublic school with a conditional charter issued by the department (<http://codes.ohio.gov/oac/3301-39-03>), a nonchartered, nontax supported school, or has been excused from attendance by the resident school district superintendent, including for the purpose of home education.

(B) A child is not eligible for a scholarship if the department has approved and the applicant has accepted a scholarship for the child under the educational choice scholarship pilot program, the autism scholarship program, or the pilot project scholarship program for the same year in which a scholarship is sought, unless the applicant relinquishes the scholarship awarded under the other program upon acceptance of a scholarship under the Jon Peterson scholarship program.

(C) In order to maintain eligibility for a scholarship, a student must take each state test or alternate assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 or 3313.619 of the Revised Code, unless pursuant to section 3301.0711 of the Revised Code, the IEP states otherwise or the provider of the special education program meets the conditions set forth in that section or the student received a scholarship award for the first time after the state testing window closed.