



Ohio Administrative Code

Rule 3301-101-05 Responsibilities of the school district of residence and the school district that the student is entitled to attend.

Effective: March 28, 2019

(A) Evaluation, reevaluation, and IEP. Except as provided in paragraph (B) of this rule, the school district of residence is responsible for Child Find as set forth in rule 3301-51-03 of the Administrative Code and the following activities regarding the application for a scholarship and the administration of the 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 a scholarship for his/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 under 20 U.S.C. 1401(3) and division (A) of section 3323.01 of the Revised Code. The child shall be a child with one of the disabilities listed and defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code. By reason of that disability, the child shall require special education and related services, as the term special education is defined in paragraph (B)(60)(a)(i) of rule 3301-51-01 of the Administrative Code and as the term related services is defined in paragraph (B)(54) 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, the child is considered to be a child with a disability for purposes of the scholarship program;

(4) Evaluations and IEPs shall be completed for scholarship students within the timeframes set forth in rules 3301-51-06 and 3301-51-07 of the Administrative Code, respectively. If the child has been identified as a child with a disability under IDEA pursuant to a current evaluation team report under IDEA but the child does not have an IEP because the child is not currently enrolled in a public school, the district of residence shall prepare an initial IEP within thirty calendar days of receiving a request for an IEP from an applicant;

(5) If the district of residence determines that the child is a child with a disability, the district of



residence shall conduct re-evaluations 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. If the child is attending a chartered or non-chartered nonpublic school, the district where the school is located is responsible for the re-evaluation of these children;

(6) If the district of residence determines that the child is a child with a disability, the district of residence shall develop an IEP that offers FAPE to the child;

(7) The district of residence shall annually update the IEP of each child participating in the scholarship program. Districts shall involve personnel from the provider in the process of updating the IEPs for children participating in the program;

(8) The district is not obligated to provide a child participating in the scholarship program with FAPE, however, the child may be eligible to receive services under IDEA;

(9) If, at any time, a parent of a child participating in the scholarship program decides to return the child to the district of residence, the district of residence shall be required to provide the child with FAPE.

(B) Circumstances when the district in which the provider is located shall conduct evaluations and re-evaluations. As required by rule 3301-51-08 of the Administrative Code, the school district in which a chartered or non-chartered nonpublic school is located is responsible for the evaluation and re-evaluation of children with disabilities enrolled by their parents in nonpublic schools. Thus, if an applicant is currently enrolled by their parents in a nonpublic school, the school district in which a chartered or non-chartered nonpublic school is located is responsible for evaluating those students.

(C) Circumstances under which the district in which the child is entitled to attend school may develop the IEP. The district in which the child is entitled to attend school, if different than the school district of residence, may develop the IEP in the following circumstances:

(1) The school district of residence has delegated these responsibilities to that school district;

(2) The school district of residence has failed to respond to an invitation from the district to



participate in an IEP meeting; or

(3) The school district developed the previous IEP for the child because it was legally obligated to although it was not the district of residence.

(D) Reporting. The district of residence or the district in which the child is entitled to attend school shall notify the department within thirty days of the withdrawal date when a child has withdrawn from the scholarship program and returned to the district.

(E) Transportation. A child attending a special education program with a scholarship shall continue to be entitled to transportation to and from that program as set forth in Chapter 3327. of the Revised Code.