



Ohio Administrative Code Rule 3301-101-09 Participation by providers.

Effective: March 28, 2019

(A) Each year, the department shall publish a list of registered private providers and alternative public providers who are participating in the scholarship program.

(B) To participate in the program, a private provider shall register with the department in accordance with procedures established by the department. No private provider shall enroll scholarship students or receive scholarship payments until the private provider has registered with the department. To be eligible for registration, a private provider shall be able to demonstrate the following:

(1) That it shall not discriminate on the basis of race, color, or national origin, regardless of whether the provider receives federal financial assistance;

(2) That it is in compliance with sections 3319.39, 3319.391, and 3319.392 of the Revised Code regarding background checks as if it were a school district;

(3) That the teaching and nonteaching professionals employed by the provider hold credentials that are appropriate for the qualified special education children enrolled in the special education program that it operates as determined by the department. The teaching and nonteaching professionals directly providing special education and related services to a scholarship recipient shall meet the minimum standards of the applicable professional organization for individual or non-school providers. The private provider and employees shall hold appropriate credentials from the state board of education or from a national or state board for their specific professions, and these credentials shall be applicable to the special education or related services that the provider or employee will be providing. If the private provider contracts with another provider who will be providing special education and related services to children participating in the scholarship program, the contracted provider and any subcontractors or employees of both shall also hold appropriate credentials from the Ohio board of education or credentials from a national or state board for their specific profession;

(a) If any employee referenced in paragraph (B)(3) of this rule holds credentials issued by the Ohio



state board of education that are either currently suspended or have been revoked in accordance with Chapter 119. and section 3319.31 of the Revised Code, that individual shall not be permitted to provide services to a child receiving a scholarship, regardless of whether the individual holds credentials from a national or state board for his or her specific profession;

(b) If any employee referenced in paragraph (B)(3) of this rule holds appropriate credentials issued by a state other than Ohio, those credentials shall be recognized as appropriate credentials under paragraph (B)(3) of this rule unless that party holds credentials issued by the Ohio board of education that are either currently suspended or have been revoked in accordance with Chapter 119. and section 3319.31 of the Revised Code;

(c) If a provider uses volunteers to assist in providing special education and related services to a scholarship recipient, those volunteers shall be supervised by a person meeting the requirements in paragraph (B)(3) of this rule.

(4) That it has obtained approval of its educational program by the department, in accordance with procedures established by the department and located on the department's website;

(5) That it meets any and all applicable health and safety standards established by law;

(6) That it agrees to provide a record of the implementation of the IEP and a record of the students progress to the school district who wrote the IEP, in the form and manner prescribed by the department, and to cooperate with the district during the process of revising IEPs for scholarship students;

(7) That it agrees to retain the documentation and information identified in rule 3301-101-04 of the Administrative Code and any other documentation and information directly related to the students scholarship application for one year from the submission of the application.

(8) That it agrees to notify the eligible applicant in writing of its reasons for declining to enroll the child receiving a scholarship.

(9) That it is physically located within the boundaries of the state of Ohio, and all children served by



the provider shall be served within the state of Ohio, unless a registered private provider is otherwise approved by the Ohio department of education to provide services in another state to Ohio residents due to the provider's proximity to the child's school or residence or if an out-of-state provider meets the Ohio department of education's requirements to provide on-line services to Ohio residents.

(10) The private provider demonstrates fiscal soundness. A private provider shall demonstrate fiscal soundness by meeting the following requirements:

(a) Providing the department of education with a written statement confirming that the private provider has adequate liability and property and casualty insurance;

(b) Having no outstanding findings for recovery from the auditor of state; and

(c) Providing the parent with a fee schedule and description of the special education and related services that the private provider will be providing as part of the Jon Peterson scholarship program and making the fee schedule available to the Ohio department of education;

(C) To participate in the program, an alternative public provider shall notify the department in writing of its intent to participate in the Jon Peterson scholarship program. The registration requirements that apply to private providers do not apply to an alternative public provider. An alternative provider may utilize the scholarship program to enroll a child if the child's parent would owe fees for the services provided by the alternative public provider.

(D) A registered provider or alternative public provider shall make the following representations to the department in order to participate:

(1) That it shall annually communicate its tuition or fee structure including all discounts and other adjustments offered or available;

(2) That it shall prepare a profile of its special education program that contains the methods of instruction that will be utilized to provide services to children receiving scholarships and the qualifications of teachers, instructors, and all other employees or subcontractors who will provide services to scholarship children, in the form prescribed by the department;



- (3) That it shall provide the profile required by paragraph (D)(2) of this rule to eligible applicants;
- (4) In cases where it is listed on a scholarship as the primary provider, that it shall administer tests or alternate assessments to students receiving scholarships and enrolled in grade levels for which tests are regularly administered pursuant to sections 3301.0710 and 3301.0712 of the Revised Code, and that the results of such tests shall be reported to the department pursuant to procedures established by the department;
- (5) That it shall make its facilities and the records pertinent to the effective implementation of the requirements established by the rules in this chapter available at any time during regular business hours for announced or unannounced visits by the department, or by persons under contract with the department to perform compliance reviews;
- (6) That it has established sufficient student attendance recordkeeping procedures, including processes for documentation of excused absences;
- (7) That it has established reliable systems to ensure confidentiality of student records;
- (8) That it shall promptly refund to the state any amounts overpaid on behalf of a student due to ineligibility, disenrollment, expulsion, data error, or for any other reason;
- (9) That it shall disenroll any scholarship student once a determination is made that the student will no longer attend the school. Disenrollment shall be recorded as the last date the student attended classes;
- (10) That it shall allow the department to monitor compliance with the provisions of this rule and of other laws and rules as they apply to chartered nonpublic schools and shall provide at the request of the department such information and copies of records as may be necessary to ensure such compliance, including:
 - (a) Information and records related to school staff and volunteers, including, but not limited to, license or certificate numbers, and background check results;



(b) Information and records related to school policies and procedures including, but not limited to, the parent or student handbook, admissions policies, and withdrawal and transfer policies; and

(c) Information and records related to building, vehicle and operational safety including, but not limited to, fire inspection reports, food service licenses, and vehicle inspection reports.

(E) The department may revoke the registration of a private provider if the department determines that the private provider is in violation of any of the provisions of section 3310.58 of the Revised Code, the rules of this chapter, or program guidelines established by the department. In lieu of revocation, the department may suspend a registered provider from participating in the program until issues of noncompliance have been corrected to the satisfaction of the department.

(F) Any alternative public provider that fails to meet the requirements established by the rules of this chapter may be suspended from participation in the program for a period of time to be determined by the department, or until such time as the alternative public provider provides assurances to the satisfaction of the department that such requirements shall be met.

(G) If the department revokes or suspends a private provider's registration, the provider shall be entitled to and may request a hearing under Chapter 119. of the Revised Code.