



Ohio Administrative Code

Rule 3301-101-12 Dispute resolution and due process requests.

Effective: June 27, 2024

(A) Although the district of residence is not obligated to make FAPE available to a child with a disability who resides in the district and is participating in the scholarship program, the parent of a child participating in the scholarship program has the right to file a written complaint or request for a due process hearing as provided by rule 3301-51-05 of the Administrative Code. A complaint or request for a due process hearing may allege that the district of residence violated a provision of IDEA but cannot allege a violation of any provision involving the implementation of the IEP and whether the child has received FAPE.

(B) Any dispute as to whether a student is a child with a disability, under 20 U.S.C. 1401(3) and division (A) of section 3323.01 of the Revised Code and thus satisfies the eligibility criteria set forth in paragraph (A)(2) of rule 3301-101-03 of the Administrative Code, will be resolved through the dispute resolution procedures set forth in IDEA and paragraph (K) of rule 3301-51-05 of the Administrative Code.

(C) An applicant or other aggrieved person has the right to file with the department scholarship office a written complaint alleging that a violation of one of the provisions set forth in sections 3310.51 to 3310.64 of the Revised Code and/or the rules of this chapter. A complaint will be forwarded, in writing, by the aggrieved party to the department. Attached to the complaint will be any documentation supporting the position of the aggrieved party. The department will review the documents and make any further inquiry deemed necessary. The department will be the final authority in the resolution of the complaint.
