

For Students with Disabilities and their Parents:
A Comparison of Rights Under IDEA and Chapter 3323
to the Jon Peterson Special Needs Scholarship Program

<u>IDEA and Chapter 3323</u>	<u>Peterson Scholarship Program</u>
<p>A public school district must provide a Free Appropriate Public Education (FAPE) to students with disabilities. A Free Appropriate Public Education includes special education and related services that:</p> <ul style="list-style-type: none"> • Are provided at no cost; • Meet the standards of the Ohio Department of Education; • Include an appropriate preschool, elementary, or secondary school education; and • Are provided in conformity with an IEP that meets Ohio’s standards for IEPs. <p>Special education is specially designed instruction to meet the needs of a child with a disability.</p> <p>Examples of related services include transportation, speech-language pathology services, audiology services, interpreting services, physical and occupational therapy, recreation, and counseling services.</p>	<p>A child who participates in the Jon Peterson Scholarship Program is a unilaterally privately placed student, and is not entitled to FAPE.</p>
<p>A FAPE must be provided at no cost to the parents.</p>	<p>A participating student receives a scholarship of up to \$30,000 to pay for a special education program at a registered private provider or alternative public provider. If the program costs more than the scholarship, the parents are responsible.</p>
<p>A public school district is required to EVALUATE students with suspected disabilities, including students who attend private programs within the district.</p>	<p>A public school district is required to EVALUATE students with suspected disabilities, including students who attend private programs within the district.</p>
<p>A public school district prepares an initial IEP once a student has been determined eligible under IDEA.</p>	<p>A public school district prepares an initial IEP once a student has been determined eligible under IDEA. A student is not eligible for a scholarship until the initial IEP has been finalized.</p>
<p>Delivery of services. The school district is required to provide all services set forth in the IEP.</p>	<p>Delivery of services. The scholarship shall be used only for the cost to attend a special education program that implements the child’s IEP. However, there is no requirement that the scholarship provider provide all of the services set forth on the IEP.</p>
<p>Annual review of IEP. Each year, or more often if appropriate, the IEP Team reviews the IEP.</p>	<p>Annual review of IEP. The IEP Team reviews the IEP each year.</p>

<p>Reevaluation. The school district reevaluates the student every three years, unless the parent and district agree that reevaluation is not necessary.</p>	<p>Reevaluation. The school district will reevaluate the student every three years, unless the parent and district agree that reevaluation is not necessary.</p>
<p>Independent Educational Evaluation. A parent is entitled to an IEE at public expense if the parent disagrees with an evaluation, unless the school district initiates due process to defend its evaluation.</p>	<p>Independent Educational Evaluation. A parent is entitled to an IEE at public expense if the parent disagrees with an evaluation, unless the school district initiates due process to defend its evaluation.</p>
<p>Mediation. ODE provides mediation at no cost to resolve disputes under IDEA.</p>	<p>Mediation. ODE provides mediation to resolve disputes between parents and the public school district surrounding the development of IEPs, but not disputes between parents and Scholarship providers.</p>
<p>Facilitated IEPs. ODE provides facilitators to assist in the development of IEPs, if requested.</p>	<p>Facilitated IEPs. ODE provides facilitators to assist in the development of IEPs, if requested.</p>
<p>Complaints. ODE investigates written complaints that allege that a school district of residence has violated a requirement of IDEA or Ohio Adm. Code 3301-51-05.</p>	<p>Complaints. ODE will investigate written complaints that a school district of residence has violated a requirement of IDEA or Ohio Adm. Code, but will not investigate allegations concerning the implementation of the IEP by a provider or whether the child has received FAPE.</p> <p>ODE will investigate written complaints that a provider has violated one of the requirements set forth in the Peterson scholarship statutes or rules.</p>
<p>Due Process Requests. Parents and students have the right to file a due process request in order to initiate an administrative proceeding challenging decisions related to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child.</p>	<p>Due Process Requests. A parent or student may file a request for due process challenging decisions related to the identification or evaluation of a child, but cannot file a request for due process related to the services provided by the private provider or whether the child has received FAPE while enrolled in the scholarship program.</p>
<p>Manifestation Determination. A public school district conducts a manifestation determination review when a student with a disability, because of a violation of the student code of conduct, is removed from his/her current educational setting for an extended period. The IEP team conducts this review to determine if the behavior of concern is a manifestation of the student’s disability or was the direct result of the public school district’s failure to implement the IEP. If the team determines that the behavior IS a manifestation, they must conduct a functional behavior assessment (FBA) and create a behavioral intervention plan (BIP) or review and modify the student’s existing BIP.</p>	<p>Manifestation Determination. Students are subject to the discipline policies of the private provider. The student may be suspended or expelled for violations of the provider’s code of conduct.</p>

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