

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

November, 2011

<u>IDEA and Chapter 3323</u>	<u>Peterson Scholarship Program</u>
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: • 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. Special education is specially designed instruction to meet the needs of a child with a disability. Examples of related services include transportation, speech-language pathology services, audiology services, interpreting services, physical and occupational therapy, recreation, and counseling services.	A child who participates in the Jon Peterson Scholarship Program is a unilaterally privately placed student, and is not entitled to FAPE.
A FAPE must be provided at no cost to the parents.	A participating student receives a scholarship of up to \$20,000 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.
A public school district is required to EVALUATE students with suspected disabilities, including students who attend private programs within the district.	A public school district is required to EVALUATE students with suspected disabilities, including students who attend private programs within the district.
A public school district prepares an initial IEP once a student has been determined eligible under IDEA.	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.
Delivery of services. The school district is required to provide all services set forth in the IEP.	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.
Annual review of IEP. Each year, or more often if appropriate, the IEP Team reviews the IEP.	Annual review of IEP. The IEP Team reviews the IEP each year.
Reevaluation. The school district reevaluates the student every three years, unless the parent and district agree that reevaluation is not necessary.	Reevaluation. The school district will reevaluate the student every three years, unless the parent and district agree that reevaluation is not necessary.
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.	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.
Mediation. ODE provides mediation at no cost to resolve disputes under IDEA.	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.
Facilitated IEPs. ODE provides facilitators to assist in the development of IEPs, if requested.	Facilitated IEPs. ODE provides facilitators to assist in the development of IEPs, if requested.
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.	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. ODE will investigate written complaints that a provider has violated one of the requirements set forth in the Peterson scholarship statutes or rules.
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.	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.

Application Deadlines for the Peterson Scholarship Program are:

April 15 - for school terms beginning between July 1 and December 31

November 15 - for school terms that begin between January 1 and June 30