

**For Students with Disabilities and their Parents:  
A Comparison of Rights Under IDEA and Chapter 3323 to  
the Autism Scholarship Program**

<b>IDEA and Chapter 3323</b>	<b>Autism Scholarship Program</b>
<p>A public school district must provide a <b>Free Appropriate Public Education (FAPE)</b> to students with disabilities. A <b>Free Appropriate Public Education</b> includes special education and related services that:</p> <ul style="list-style-type: none"> <li>• Are provided at no cost;</li> <li>• Meet the standards of the Ohio Department of Education and Workforce;</li> <li>• Include an appropriate preschool, elementary, or secondary school education; and</li> <li>• Are provided in conformity with an IEP that meets Ohio’s standards for IEPs.</li> </ul> <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 Autism Scholarship Program is a unilaterally privately placed student and is <b>not entitled to FAPE</b>.</p>
<p>A FAPE must be provided at no cost to the parents.</p>	<p>A participating student receives a scholarship of up to \$32,445 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 <b>EVALUATE</b> students with suspected disabilities, including students who attend private programs within the district.</p>	<p>A public school district is required to <b>EVALUATE</b> students with suspected disabilities, including students who attend private programs within the district.</p>
<p>A public school district prepares an <b>initial IEP</b> once a student has been determined eligible under IDEA.</p>	<p>A public school district prepares an <b>initial IEP</b> 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><b>Delivery of services.</b> The school district is required to provide all services set forth in the IEP.</p>	<p><b>Delivery of services.</b> 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><b>Annual review of IEP.</b> Each year, or more often if appropriate, the IEP Team reviews the IEP.</p>	<p><b>Annual review of IEP.</b> The IEP Team reviews the IEP each year.</p>

<p><b>Reevaluation.</b> The school district reevaluates the student every three years, unless the parent and district agree that reevaluation is not necessary.</p>	<p><b>Reevaluation.</b> The school district will reevaluate the student every three years, unless the parent and district agree that reevaluation is not necessary.</p>
<p><b>Independent Educational Evaluation.</b> 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><b>Independent Educational Evaluation.</b> 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><b>Mediation.</b> DEW provides mediation at no cost to resolve disputes under IDEA.</p>	<p><b>Mediation.</b> DEW 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><b>Facilitated IEPs.</b> DEW provides facilitators to assist in the development of IEPs, if requested.</p>	<p><b>Facilitated IEPs.</b> DEW provides facilitators to assist in the development of IEPs, if requested.</p>
<p><b>Complaints.</b> DEW 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><b>Complaints.</b> DEW 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>DEW will investigate written complaints that a provider has violated one of the requirements set forth in the Autism scholarship statutes or rules.</p>
<p><b>Due Process Requests.</b> 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><b>Due Process Requests.</b> 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><b>Manifestation Determination.</b> 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><b>Manifestation Determination.</b> 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>