1 🔲	School Choice + Ohio Scholarships
	Mark Weiker, Esq
	mark@education-rights.com www.Lawyers4Students.com
2 🔲	Overview of Session
	■ Educational Options

- Types of Schools
- Benefits and Limitations for Special Ed Students
- How Schools are Funded
  - How to pay for them
  - Taxpayer funded
  - Private tuition
  - EdChoice Scholarship
  - Jon Peterson or Autism Scholarship

#### **Types of Schools**

- Traditional Public Schools
- Career & Tech Schools (11-12)
- Charter Schools
- Alternative Schools
- Private Schools
- Homeschooling
- Open Enrollment

4

- Traditional Public Schools
  - School district of residence (bricks and mortar)
  - Alternative Schools (often for behavior interventions, discipline, etc.)
  - Includes online academies, STEM or magnet schools
  - COST: Tuition-free if attending residential district
  - TRANSPORTATION: provided by public school for k-8 living > 2miles
  - DISCIPLINE: Due process and MDR required
- Special Education Impact
  - Are public schools and funded partially by federal funds:
    - Bound by IDEA, ADA, state operating standards, public records laws, FERPA...
  - Responsible for finding children with disabilities, evaluation, creation of the IEP if qualified for services and service
  - Required attendance / enrollment in school district of residence
  - Have access to dispute resolution through DoE

5

Career & Technical (CTE) Schools

- Most serve grade 11-12, but some courses offered as early as MS
- Focused on careers, workforce development, transition to college
- Programs in construction technology, transportation systems, agriculture, environmental studies, manufacturing technology, IT, business, marketing, hospitality/tourism, human services, arts, law, and education.
- Typically serve several districts surrounding the C&T school
- COST: Tuition-free if attending local CTE
- TRANSPORTATION: provided by public school or CTE
- DISCIPLINE: Due process and MDR required
- Special Education Impact
  - Are public schools bound by IDEA, ADA, state operating standards, public records laws, FERPA...
    - Must service students with disabilities in accordance with IEP
  - Have access to dispute resolution through DoE
    - School district of residence retains responsibility for IEP development and implementation if dually enrolled at traditional public school and CTE

## Public Charter Schools (aka "Community Schools")

- Charter Schools
  - Bricks and mortar schools and online schools (e-Schools)
  - Alternative to public school district of residence
  - Subject to less regulation than traditional public schools
  - COST: Tuition free (per-pupil funding redirected)
  - TRANSPORTATION BY PUBLIC SCHOOL:
    - Ohio: provided by public school to k-8 if the charter school is 30 minutes or less in travel time from the public school building where the student would be assigned.
  - DISCIPLINE: Due process and MDR required
- Special Education Impact
  - Charter schools are public schools bound by IDEA, ADA, state operating standards, public records laws, FERPA...
    - Must service students with disabilities in accordance with IEP
    - This is true even with an online school (community school)
  - Have access to dispute resolution through DoE
  - Obligations mostly shift from traditional school to charter school (except for child find and creation of IEP)

#### 7 Alternative Schools

- Definition: Alternative schools are separate, non-traditional programs established to provide personalized educational services for students who:
  - (1) Are at risk of not graduating with their class; and/or
  - (2) Have individual needs (usually behavioral) that are not being met in a traditional setting.

- Alternative schools can be operated by:
  - The public school of residence (and most often are);
  - An ISD or ESC (aka a support organization); or
  - By a charter school.
- Special Education Impact
  - Regardless of who operates the school, the school is bound by IDEA, ADA, state operating standards, public records laws, FERPA...(all are public schools)
    - Must service students with disabilities in accordance with IEP
  - Parents have access to dispute resolution through DoE
  - Depending on the situation, IDEA obligations may be shared between the school district of residence and the entity operating the alternative school.

#### **Private (Nonpublic) Schools**

- Private Schools
  - Includes private religious (sectarian/parochial) and nonreligious schools
  - Includes private schools serving students with disabilities
  - COST: Private tuition, scholarship or district-placed
  - TRANSPORTATION BY PUBLIC SCHOOL:
    - Ohio: Required by public school to k-8 (or k12 if provided to its own students) if the charter school is 30 minutes or less in travel time from the public-school building where the student would be assigned.
      - May also offer payments-in-lieu of transportation if transportation is "impractical."
    - Mich: provided by public school to k-12 only if the charter school is the nearest stateapproved private school the student could attend, and only if the district already provides transportation for same-age peers.
  - DISCIPLINE: NO due process or MDR required
- Special Education Impact
  - Private schools are <u>not bound</u> by IDEA, state operating standards for CWD, public records laws, FERPA, ADA or 504
    - Often offer a service plan developed from public school IEP
  - NO access to dispute resolution through DoE
  - Traditional public school retains responsibility for child find and IEP creation, but NOT FAPE unless the student is district-placed
  - NOTE: Private schools can be bound by the ADA by accepting federal education funds;
     Required to provide reasonable accommodations which are not unduly burdensome

#### 9 Ohio EdChoice Scholarship

- Ohio state funds to attend any participating PRIVATE school.
- Amount: \$6166 for grades K–8 and \$8408 for grades 9-12 (EdChoice will pay either the scholarship amount or the private school's actual tuition amount, whichever is less).
- Eligibility: expanded for 2023-24 and includes:

- Those attending the lowest performing 20% of school buildings in district of residence
- Students who no longer qualify for the JPS or Autism Scholarship;
- Students who are foster children;
- Students placed with a guardian, legal custodian or in kinship care.
- 2023-24 Expansion: Students who DO NOT meet any of the preceding criteria may still be eligible for the scholarship if they meet the following criteria:
  - Family household income is at or below 450 percent of the Federal Poverty Guidelines
    - If a family's household income is at or below 450 percent of the FPL = max award
    - If a family's household income is at or above 451 percent of the FPL = award is prorated
- Applications for 2025-26: remain open through June 30th, 2025.

#### **Open Enrollment**

- Districts may allow students from surrounding districts to enroll
- District participation is voluntary
  - This will be included in the BOE policies adopted and published by the district and includes options for:
  - Intra-district (within the district buildings)
  - Inter-district (between districts)
- May include limits on # of students admitted
- May limit within grade levels / programs
- Transportation is not provided
- In Ohio, school may consider discipline, racial balance in a building, classroom capacity, and recent discipline.
- Special ed students may be denied if needed programs are not offered.

#### 11 🔲

#### Homeschooling

- In Ohio, parents interested in educating their children at home may do so by notifying their local school district superintendent.
- EXCUSED: If requirements are met, the district superintendent releases the student from required compulsory school attendance.
- RETURN TO SCHOOL: If a home educated student returns to a public school, the district superintendent determines the appropriate grade level for the student. Additional testing may be warranted.
- DISTRICT retains responsibility to ID students with disabilities, evaluate them and create the IEP.

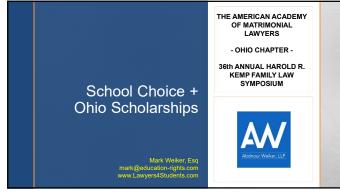
#### 12 Ohio Scholarships Available

- Autism Scholarship:
  - Available to any student identified by their district as a child with autism and for whom the district has created an IEP. Allows parents to send children to a special education program other than the school district of residence and receive services outlined in the IEP. The autism scholarship amount is the lesser of the fee charged for the child by the special education program or up to \$32,445 per program year.
    - March 31 deadline each year

- Jon Peterson Scholarship:
- For students between kindergarten and age 22 who haven't met graduation requirements yet and who have an Individualized Education Program (IEP) from their district. Amount based on the primary disability on the ETR.
  - May apply year-round.
- NOTE FAPE IS WAIVED:
  - The district of residence is not required to make FAPE available to a child with a disability who resides in the district and is participating in either scholarship program (JPS or the Autism Scholarship).

14 School Choice +
Ohio Scholarships

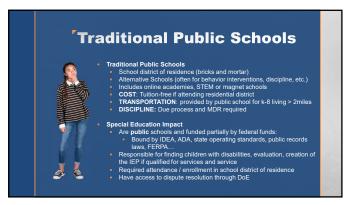
Mark Weiker, Esq mark@education-rights.com www.Lawyers4Students.com



## Overview of Session - Educational Options - Types of Schools - Benefits and Limitations for Special Ed Students - How Schools are Funded - How to pay for them - Taxpayer funded - Private tuition - EdChoice Scholarship - Jon Peterson or Autism Scholarship

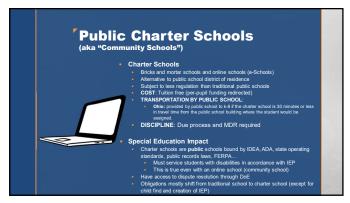
2







5



#### **Alternative Schools**

- Definition: Alternative schools are separate, non-traditional programs established to provide personalized educational services for students who:

  (1) Are at risk of not graduating with their class; and/or
  (2) Have individual needs (usually behavioral) that are not being met in a traditional setting.
- Alternative schools can be operated by:
  The public school of residence (and most often are);
  An ISD or ESC (aka a support organization); or
  By a charter school.

- Special Education Impact
- Regardless of who operates the school, the school is bound by IDEA, ADA, state operating standards, public records laws, FERPA...(all are public schools)

  Must service students with disabilities in accordance with IEP Parents have access to dispute resolution through DoE Depending on the situation, IDEA obligations may be shared between the school district of residence and the entity operating the alternative school.

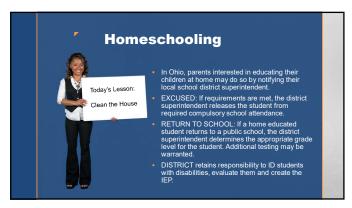
7



8

### Ohio EdChoice Scholarship Ohio state funds to attend any participating PRIVATE school. Amount: \$6166 for grades K-8 and \$8408 for grades 9-12 (EdChoice will pay either the scholarship amount or the private school's actual tuition amount, whichever is less). Eligibility: expanded for 2023-24 and includes: Those attending the lowest performing 20% of school buildings in district of residence Students who no longer qualify for the JPS or Autism Scholarship; Students who are foster children; Students placed with a guardian, legal custodian or in kinship care. 2023-24 Expansion: Students who DO NOT meet any of the preceding criteria may still be eligible for the scholarship if they meet the following criteria: Family household income is at or below 450 percent of the Federal Poverty Guidelines If a family's household income is at or below 450 percent of the FPL = max award If a family's household income is at or above 451 percent of the FPL = award is prorated Applications for 2025-26: remain open through June 30th, 2025.





11

# Ohio Scholarships Available • Autism Scholarship: Available to any student identified by their district as a child with autism and for whom the district has created an IEP Allows parents to send children to a special education program other than the school district of residence and receive services coulding in the IEP. The autisms schokarship amount is the lesser of the fee charged for the child by the special education program or up to \$32,445 per program year. March 31 deadline each year Jon Peterson Scholarship: For students between inintegration and age 22 who haven't met graduation requirements yet and who have an individualized Education Program (IEP) from their district. Amount based on the primary disability on the ETR. May apply year-round. NOTE - FAPE IS WAIVED: The district of residence is not required to make FAPE available to a child with a disability who resides in the district and is participating in either scholarship program (JPS or the Autism Scholarship).

