

Five (or Fewer) Steps to Secure Appropriate Special Education Services During COVID School Closures

1. Review Your IEP and Document What Happened Last Spring.

- Read Section 6 and 7:** Read the Measurable Annual Goals and Specially Designed Services of the IEP.
- Document the Difference:** Write down the difference between what Section 7 says and what is proposed for fall.
- Make a Good Faith Effort:** Determine IF and HOW you can help in the delivery of services/instruction this fall.
 - Write down how you assisted in the spring (or why you were not able to assist).
- Write Down What Was Missed:** Write down what services/instruction listed in Section 7 were provided/not provided in the spring.
- Gather Evidence:** Collect whatever information you have (from spring / summer) to illustrate that instruction was not provided or was not appropriate.
 - **Calendar:** Use a calendar of when instruction and therapies were provided.
 - **Videos:** Use videos of attention or behavior struggles.
 - **Challenge Areas:** Identify areas on the IEP that indicate challenges in focus / behavior / comprehension that would support in-person instruction (or instruction as provided on the IEP).
 - **Progress Reports:** Use progress reports from the spring, or even last school year if needed.

2. Request an IEP Amendment Meeting to be Held Within 1-2 Weeks.

- Request Meeting:** Make a respectful request in writing for an IEP amendment meeting.
- Give 5 Potential Dates:** Provide at least 5 potential dates for the meeting, all within the next 1-2 weeks.
- Include Specific Requests:** If you have a specific request for change of delivery (*i.e.* that occupational therapy occur in person, in accordance with the IEP), then include it in the request for the meeting.
 - **Important Note:** Even if you do not request an amendment meeting to change the delivery method of services, an IEP amendment meeting is necessary if the school is proposing virtual delivery of services and the IEP has not yet been amended to reflect this change of placement and/or change in the child's LRE.
 - **Limit the Amendment:** The IEP amendment for virtual delivery of instruction / therapies should only include the method of delivery (from in-person to virtual) and should not reduce the minutes of services provided for in the IEP, even if the minutes for virtual instruction / therapies falls short of the regularly-provided minutes.

3. Attend the IEP Meeting and Provide the Info Gathered from Step 1.

- In the Meeting, Make a Clear Request:** Request instruction / therapies in a manner that you believe will be: 1) most appropriate and 2) safe considering social distancing requirements.
 - In classroom instruction may not be available, but small group or 1:1 may be.
 - You are entitled to appropriate services (*i.e.* FAPE), not the ideal services.
- Additional Assessments:** Request any needed additional assessments to measure potential regression from spring (or from the last progress report in 2019-20).
 - May request that the STAR or MAP assessments be used to progress monitor.
 - May request other curriculum-based assessments used with ETR.
- Alternatives to In-Person Services:** Depending on need and availability of staff, you may also consider requesting:
 - **Home Instruction:** Home instruction for certain subjects requiring intervention.
 - **Aide:** A 1:1 aide to help with the delivery of therapies and/or instruction.
 - **Service Provider:** Use of a third-party service provider to deliver the services in-person, if the school is not capable of providing the services with its own staff.
 - You may consider contacting a service provider, confirming the availability of in-person instruction and having the name of the provider ready for the meeting if needed. You may also consider asking your school's Special Education Director what providers they use, if any.
 - **Document in Writing:** If you make these requests, be sure to do so in writing, or, if made in a meeting, be sure the requests are added to the Prior Written Notice (PWN) documenting the meeting. PWN is required when the school proposes (or refuses) to initiate or change the identification, evaluation, or educational placement of your child, or when the school proposes (or refuses) to initiate or change the provision of FAPE.
 - If your request is not on the PWN, contact the Special Education Director or case manager requesting that it be added.



If you and the school agree on the delivery of services, stop at the end of step 3.

- Be sure that your full agreement is reflected in the PWN and the IEP.
- To pursue recovery services or compensatory education from missed or ineffective instruction, continue to step 4.



4. Request Recovery Services or Compensatory Education.

- **Recovery Services or Comp Ed:** If you believe your child may be entitled to recovery services or compensatory education from missed or inappropriately delivered instruction in the spring or fall:
 - Use the data you collected in Step 1 to request recovery services or compensatory ed for any time missed in the spring and/or fall.
 - You should attempt to do this in the same IEP amendment meeting in which you requested alternate delivery of services, but you can make the request later if necessary.
 - Make sure the request is in writing or documented on the PWN.
- **Good Faith:** Continue to make a good faith effort to receive the instruction in the fall. Provide help IF you can--and document it. This will be important if you need to move to Step 5.
- **Records:** Keep records of all instruction provided (virtual or otherwise) and records of all assessments/benchmarks completed. Keep all progress reports that document regression or no growth.
- **Continue to Document:** Record your child's struggles for fall services just as was done in Step 1 for spring / summer.
 - Use this DRO resource for more information on IEP goal and data tracking for comp ed: https://www.disabilityrightsohio.org/esy_covid
- **If you believe the offered recovery services / compensatory ed is appropriate, stop at step 4.**
 - Be sure that your full agreement is reflected in the PWN, and ultimately on the amended IEP.
 - Continue to monitor the delivery of services and progress as you would normally, however.
 - If you believe that the instruction and/or recovery services/compensatory education agreed upon are not appropriate, and have supporting documentation, you may choose to initiate dispute resolution (Step 5).



5. Initiate Dispute Resolution with the Department of Education.

- **Dispute Resolution:** You should consider initiating dispute resolution through ODE if:
 - 1) You have not been able to secure the delivery of services as listed on the IEP and believe that virtual delivery is not appropriate, OR
 - 2) You believe that the school has not offered an appropriate plan for recovery services or compensatory education.
- **Several Options:** Dispute resolution does not automatically mean filing a complaint. Several options exist that are free for parents to use, including:
 - Early resolution.
 - Facilitated meeting.
 - Mediation.
 - Formal state complaint.
 - Due process complaint.
 - **Information sheets on each step are attached.
- **Contact ODE to Get Started:** For any of these options, contact:

Ohio Department of Education
Office for Exceptional Children
25 South Front Street
Columbus, OH 43215
Phone: 877-644-6338
Email: OECMediationFacilitation@education.ohio.gov
- **Get Additional Help:** You may also consider contacting a special education advocate or attorney to assist in helping through any of the five steps outlined above.



Early Resolution Information Sheet



The Office for Exceptional Children (OEC) at the Ohio Department of Education has an Education Program Specialist (EPS) available to provide further explanation about federal and state laws relating to special education, describe the options that are available to parents, inform parents of procedural safeguards, identify other agencies and support services, and describe available remedies and how parents can proceed. This is an informal process that may alleviate the need to file a formal written complaint or due-process complaint.

Consider taking the following steps prior to calling:

- Contact your child's teacher, parent mentor, counselor, principal, parent representative at your [State Support Team \(SST\)](#) or [Parent Information Training Center](#) to discuss the issue or concern which you have.
- Discuss the situation with your school district's special education director.
- If neither of these steps resolve your concern, call the Education Program Specialist (EPS) in the Office for Exceptional Children (OEC) at the Ohio Department of Education for information regarding your questions about the [Individuals with Disabilities Education Act \(IDEA\)](#) or the [Operating Standards for the Education of Children with Disabilities](#) (the Operating Standards).

When I call, what information should I give to the EPS and how should I prepare for the call?

- The district and school your child attends.
- Your concerns and special circumstances regarding your child.
- With whom you have communicated with in your district.
- What was the result of your communication with the district?
- Be prepared to take notes regarding the information provided by the EPS.

When I call, how will the EPS assist me?

- The EPS will provide clarification about federal and state Special Education laws and how to understand them specifically to your child.

- The EPS will offer steps or different ideas to help solve the issues you are having with your child's school.
- EPS will provide information for additional dispute resolution processes such as Mediation, Facilitation, Formal Complaints, and Due Process Complaints.

Other services may be needed:

- If the EPS cannot answer all of your questions or the problem or concern is not under the jurisdiction of IDEA or the Operating Standards, the EPS will give you other resources to contact.
- Other resources with which EPS can connect you with could include your school district administration, other offices within the Ohio Department of Education (such as the Office for Professional Conduct), or outside agencies or organizations (such as the Office for Civil Rights).

Are there issues that the EPS is unable to help with?

The EPS is unable to provide assistance in the following areas:

- 504 Plans; Contact the [Office for Civil Rights \(OCR\)](#)
- Discrimination; Contact the [OCR](#)
- Bullying issues; Contact the [Department's Center for P-20 Safety and Security](#)
- Advocacy; Contact the [Ohio Coalition for the Education of Children with Disabilities \(OCECD\)](#)
- Child Abuse; call your counties' [Department of Child and Family Services](#)
- Professional Conduct (issues with school staff); [Contact the Department's Office of Professional Conduct](#)

Contact Information

- Call: (877) 644-6338
- Contact via email: exceptionalchildren@education.ohio.gov

Facilitation Information Sheet

Facilitation takes place in a team meeting such as an individualized education program (IEP) team meeting, evaluation planning meeting or an evaluation team meeting. The facilitator is a neutral, third party who is not a member of the team and does not make any decisions for the team. Having a facilitator assists the team in being productive and keeping the focus on the student. Facilitators are professional mediators who have been trained by the Office for Exceptional Children in special education processes.

What are the benefits of facilitation?

The parents and the school:

- Keep the focus on the student;
- Are in control of the outcome;
- Move forward to write a document to which everyone can agree;
- Better understand the other's point of view;
- Can settle the issues more quickly; and
- Do not have to pay for it.

How do we ask for a facilitator?

The parents and the school:

- Agree to ask for a facilitator;
- Contact the Office for Exceptional Children. It does not matter who contacts the office;
- Can contact the office's Dispute Resolution section and ask for the mediation/facilitation coordinator at 877-644-6338;
- Receive an explanation of the process and have questions answered by the mediation/facilitation coordinator;
- Get a letter from the mediation/facilitation coordinator explaining how to select a facilitator and receive information about the facilitators who are available;
- Agree to a facilitator and let the Office for Exceptional Children know their selection. The office will assign the selected facilitator;

- Receive assistance from the facilitator in scheduling the meeting; and
- Contact the office for other options, if the schedule of the team meeting is already set.

What happens at the meeting?

The parents and the school:

- Begin the team meeting as they usually would. The facilitator will ask questions and help the team get back on track if the meeting is not focusing on the student or is not moving forward in a useful way;
- Can complete the individualized education program, planning form or evaluation team report at the meeting, schedule other meetings to complete the process or move on to some other process; and
- Are asked to evaluate the facilitation process and the facilitator to help the Office for Exceptional Children make the process better.

**Office for Exceptional Children
Mediation/Facilitation Coordinator**
877-644-6338
OECMediationFacilitation@education.ohio.gov



Mediation

Information Sheet

Mediation is a meeting where parents and schools agree to have a neutral, third party (a professional mediator) come to a meeting to help them resolve disagreements about the education of a student with a disability or a student who might have a disability. Mediation is available to parents and schools any time there is disagreement. No one has to file a complaint or due process before mediating. Mediation may take a few hours, so parents and schools should plan to set aside a whole day for the meetings.

What are the benefits of mediation?

The parents and the school:

- Keep the focus on the student;
- Are in control of the outcome;
- Are more satisfied with the outcome when they have worked out the agreement together;
- Better understand the other's point of view;
- Can settle the issues more quickly; and
- Do not have to pay for it.

How do we ask for a mediator?

The parents and the school:

- Agree to ask for a mediator;
- Contact the Office for Exceptional Children. It does not matter who makes the contact;
- Can contact the office's Dispute Resolution section and ask for the mediation/facilitation coordinator at 877-644-6338;
- Receive an explanation of the process and get questions answered by the mediation/facilitation coordinator;
- Get a letter from the mediation/facilitation coordinator explaining how to select a mediator and receive information about the mediators who are available;
- Agree to a mediator and let the Office for Exceptional Children know who they have selected. The office will assign the selected mediator;

- Are contacted by the mediator who will assist them in scheduling the meeting;
- Are offered mediation whenever a state complaint has been filed or a due process hearing has been requested; and
- Do NOT have to file a complaint or make a due process hearing request to ask for mediation.

What happens at the meeting?

The parents and the school:

- Work with the mediator to decide what the issues are and what the possible resolutions are;
- Complete a written agreement about the issues that are resolved;
- May go to court to enforce the agreement if either does not do what the agreement requires; and
- Are asked to evaluate the mediation process and the mediator to help the Office for Exceptional Children make the process better.



**Office for Exceptional Children
Mediation/Facilitation Coordinator**
877-644-6338
OECMediationFacilitation@education.ohio.gov

Complaint Information Sheet



A complaint is a formal request to the Ohio Department of Education to investigate potential violations of the Individuals with Disabilities Education Act (IDEA) or the Ohio Operating Standards for the Education of Children with Disabilities, which have occurred no more than one year ago. An Education Program Specialist (EPS) from the Office for Exceptional Children (OEC) conducts a neutral investigation in order to come to a formal resolution of the issues.

Who may file a complaint?

- A parent, guardian or any individual or organization may file a complaint.

What does the complaint need to include?

- The student's name, address and school district or other agency you believe violated the IDEA or the Operating Standards.
- The original signature and contact information of the complainant.
- Statements that the school district or public agency violated special education laws, and facts upon which such statements are based.
- Proposed resolutions.
- The complainant may use this [complaint form](#) or write a letter to file the complaint.

Where is a complaint filed?

Mail the complaint to:
The Ohio Department of Education
Office for Exceptional Children
Attn: Assistant Director of Dispute Resolution
25 South Front Street
4th Floor, MS 409
Columbus, Ohio 43215

What does ODE do with my complaint?

- An Education Program Specialist (EPS) reviews the complaint and will identify issues for investigation. A letter of allegation is sent to the complainant and district or other agency with the alleged issues and will request documentation specific to the issues.
- An EPS conducts a neutral investigation by reviewing the documentation provided by both parties. When needed, the EPS may request additional information, conduct interviews, or conduct a site visit where the alleged violations occurred.

- Using the facts provided by the complainant and the district, the EPS will determine if a violation took place and write a letter of findings that is sent to the complainant and the district or public agency.

How long is the complaint investigation?

- The Department must issue a letter of findings no later than 60 days after receiving the complaint. The time line may be extended due to exceptional circumstances, or, if both parties agree to extend the timeline to resolve the complaint through an alternative dispute resolution option, such as mediation or facilitation.

What happens after the investigation?

- If no violations are found, the complaint is closed.
- If it was determined there was a violation, the EPS will issue student specific and/or district or public agency corrective action within the letter of findings.
- The district or public agency must complete the corrective action by the identified date.

Can complaints be resolved through facilitation or mediation?

- In many instances, mediation and facilitation may result with an early resolution of the complaint.
- Parties are offered mediation and/or facilitation upon receipt of the complaint and are encouraged to use these processes.
- Click [here](#) for information on mediation and facilitation.

What happens if I file a complaint and I have requested a due process hearing?

- The Department cannot investigate issues that are currently the subject of a due-process hearing, or have been previously resolved in a due-process hearing.

Due Process Information Sheet

A due process complaint is a written document used to request a due process hearing. Parents, school districts or other agencies (for example, county boards of developmental disabilities or the Department of Youth Services) may request a due process hearing. A due process hearing is a legal process that is a hearing before an impartial hearing officer to resolve a dispute about the identification, evaluation and placement of a student or the provision of a free appropriate public education (FAPE). After listening to the testimony of the witnesses and reviewing the evidence, the impartial hearing officer will issue a decision.

How do I request a due process hearing?

You may complete the Office for Exceptional Children's Due Process Complaint and Request for a Due Process Hearing form available on the Ohio Department of Education's website, (search Dispute Resolution), or you may submit your own written due process complaint and hearing request.

The due process complaint must have the following information:

- The student's name;
- The student's address or the contact information for a homeless student;
- The name of the student's school;
- A description of the specific problem concerning the student; and
- The facts relating to the problem and ideas or suggestions to resolve the matter.

You must send this request to the school district and a copy to the Office for Exceptional Children, Dispute Resolution, 25. S. Front St., Columbus, OH 43215, or fax a copy to (614) 728-1097.

The due process resolution meeting

A resolution meeting is a dispute resolution process that, by law, must take place within 15 calendar days after a parent files a due process complaint. Participants include the parent, someone from the school district who can make decisions on behalf of the district and individualized education program (IEP) team members who have knowledge about the facts in the due process complaint. The parent and school district decide together which members of the IEP team should attend. The district may not have an attorney present if the parent does not have an attorney present. The Office for Exceptional Children can provide a facilitator for the resolution meeting.

The resolution meeting must occur unless the parent and district both agree in writing not to have the meeting or agree to use the mediation process instead. If the parent refuses to attend the resolution meeting, the district may ask the impartial hearing officer to dismiss the case. If the district does not arrange the resolution meeting, the parent may ask the impartial hearing officer to start the hearing immediately.

Benefits of resolution meetings

Working together to resolve disputes can prevent the need for a due process hearing, which can be costly and damage the relationships between educators and parents. The Resolution Meeting is an opportunity for the parents and school district to openly share their concerns and problem solve.

The Resolution Meeting keeps the decision making between the parents and the school district. In a due process hearing, the impartial hearing officer, a third party, will decide how to resolve the dispute. You may request a facilitator from the Office for Exceptional Children.

What happens at a due process hearing?

- The due process hearing is a formal proceeding that is conducted by the impartial hearing officer. Each side presents information through witnesses and evidence.
- The district will be represented by an attorney. Parents may represent themselves or be represented by an attorney.
- The impartial hearing officer considers the information presented by each side and may ask questions of the witnesses. The impartial hearing officer makes a final written decision about the dispute. The impartial hearing officer is neutral and knowledgeable about special education law.

Ohio's Dispute Resolution Processes

Information Chart

	EARLY COMPLAINT RESOLUTION	FACILITATION	MEDIATION	FORMAL WRITTEN COMPLAINT	DUE PROCESS COMPLAINT (HEARING)	EXPEDITED DUE PROCESS (HEARING)
Who can Initiate the Process	Parent or public agency contacts the Ohio Department of Education, Office for Exceptional Children, for assistance	Parent or public agency, but must be voluntary for both	Parent or public agency, but must be voluntary for both	Any individual or organization	Parent or district/school or student who has reached the age of majority	Parent or district/school or student who has reached the age of majority
Time Limits	None	None	None	One year from date of alleged violation	Two years from when the party knew or should have known of the alleged problem	Two years from when the party knew or should have known of the alleged problem
Purpose	In most cases, to deal with issues related to Individuals with Disabilities Education Act (IDEA), communication or complaint resolution processes	Any meeting related to an evaluation or Individual Education Plan (IEP)	Any matter under IDEA including matters arising from a formal written complaint or due process (with some exceptions)	Alleged violations of IDEA or the Operating Standards for Ohio schools	Any matter relating to the identification, evaluation or educational placement or provision of a free appropriate public education (with some exceptions)	Only for disagreement about disciplinary placement or disagreement with manifestation determination
Timeline to Resolve Issues	None	None, but must meet IEP or evaluation deadlines	None	60 days from when the Office for Exceptional Children receives the complaint unless extension granted or parties resolve earlier	No more 45 days from the end of the resolution (maximum of 30 days). Public agency must convene a resolution meeting within 15 days of receipt of the complaint, unless parties agree to waive it, or agree to mediate (other factors may affect timeline)	No more than 30 school days (20 school days for the hearing and 10 school days to write the decision) from the end of the resolution period (maximum 15 calendar days). No extensions of time permitted.
Who Oversees Process	Education Program Specialist	Coordinator from the Ohio Department of Education	Coordinator from the Ohio Department of Education	Coordinator from the Ohio Department of Education	Due Process Coordinator assigns Hearing Officer	Due Process Coordinator assigns Hearing Officer
Decision Makers	Parties involved	IEP or Evaluation Team	Parties involved	Education Program Specialist or Attorney Complaint Consultant	Hearing Officer	Hearing Officer

Quick Reference Chart of Special Education Options in Ohio

	Traditional Public School, In Person Classes	Traditional Public School, Virtual Learning Option	Charter School (a.k.a. Community School, including Statewide eSchools)	Homeschooling	Private School
Will my child receive a Free and Appropriate Public Education (FAPE)?	Yes	Yes	Yes	No	FAPE is not required, even if the school is tailored to serve students with special needs
How will special education services be delivered?	As identified on the IEP, typically in person	Virtual with the possibility of in-person if deemed necessary for your child	Services will be delivered in the manner that all students receive their instruction	By the parent, but scholarships could cover the cost of outside providers to provide in-person services, including therapies and interventions	Services will be delivered in the manner that all students receive their instruction
Is my district of residence responsible for evaluating my child if I suspect a disability?	Yes	Yes	Yes, but parent needs to make an official request for an evaluation with the district of residence	Yes, but parent needs to make an official request for an evaluation with the district of residence	Yes, but parent needs to make an official request for an evaluation with the district of residence
Can I use JPS or Autism Scholarship funds to pay for services?	No	No	No	Yes	Yes

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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 \$27,000 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</p>

	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.	<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>
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.
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.	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.

Jon Peterson Special Needs Scholarship

FY 2021 Maximum Scholarship Amounts by Category

The Jon Peterson Special Needs Scholarship Program provides scholarships for children to receive special education services through a private or alternative public school provider. The chart below evidences the maximum scholarship amount based upon a child's special education category. The child must be enrolled in the scholarship program for the entire school year to receive the full scholarship amount. Parents are responsible for costs exceeding these amounts in addition to services not identified in the Individualized Education Program (IEP).

The coronavirus pandemic has, and will continue to have, a negative impact on the state's financial position. The state's plan to manage revenue shortfalls and ensure a balanced budget in FY21 continues to be developed. As a result, the maximum award amount listed for each category may be reduced at a later date.

FY 2021 (July 1, 2020 – June 30, 2021)

1	Speech or Language Impairment*	\$7,598
2	Specific Learning Disability, Intellectual Disability or OHI-minor	\$10,025
3	Hearing Impaired or Emotional Disturbance	\$15,642
4	Vision Impaired or OHI-major	\$18,861
5	Orthopedic Impairment or Multi-handicapped	\$23,410
6	Autism, Traumatic Brain Injury, or Hearing and Vision Impaired	\$27,000

***Category 1 (Speech or Language Impairment) students may only utilize their scholarship to pay for related services that are included in the IEP. The Jon Peterson Scholarship cannot be used to pay tuition at the nonpublic school.**

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their

These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- 2/3 for qualifying reasons #4 and 6 below up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- | | |
|---|--|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar <p>Health and Human Services.</p> |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who

proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information

1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd

