



JON PETERSON SPECIAL NEEDS SCHOLARSHIP

Feb. 2, 2012

Q&A for Catholic school administrators preparing to participate in the Jon Peterson Special Needs Scholarship Program

1. Q: What is the role of the Catholic school if it enrolls a student on a Jon Peterson Scholarship?

Answer – A Catholic school may serve in one of three roles when educating students on Jon Peterson Scholarships. First, the Catholic school serves as the site for the scholarship student to receive general education and for providers to deliver special education services to the student. Secondly, the school is the site for the scholarship student to receive general education, but the student receives special education services off campus from one or more providers. In both roles, the Catholic school is neither registered as a provider in the Jon Peterson Scholarship Program, nor does it provide a special education program for the scholarship student. Thirdly, the Catholic school is a registered provider in the Jon Peterson Scholarship Program and offers a special education program to the student. As a registered provider, the school is required to comply with the following:

- That it will register with the ODE in accordance with the procedures established by the ODE;
- That it will not discriminate on the basis of race, color, or national origin, regardless whether the school/provider receives federal funding;
- That it will comply with applicable sections of the Ohio Revised Code – 3319.39, 3319.391 and 3310.392 – regarding background checks;
- That teaching and nonteaching professionals it employs will hold credentials that are appropriate for the scholarship student, as determined by the ODE;
- That employees (including any subcontractors and subcontractor's employees) will hold appropriate credentials from the Ohio board of education or from a national or state board for their specific professions, and these credentials shall be applicable to the special education or related services that the provider or employee will be providing;

Note – *If the school uses volunteers to assist in providing special education and related services for a scholarship student, the volunteers shall be directly supervised by a person meeting the applicable credentials for the services provided. The school is not required to have an intervention specialist on staff for scholarship students.*

- That it will obtain approval of its special education program by the ODE;



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- That it will meet all applicable health and safety standards established by law;
- That it will provide a record of the implementation of the IEP and a record of the student's progress to the school district, which completed the IEP;
- That it will retain documentation regarding scholarship students as required by the ODE;
- That it will notify an eligible applicant in writing of its reasons for declining to enroll the child receiving a scholarship;
- That it will demonstrate fiscal soundness by providing the ODE with a written statement confirming that it has adequate liability, property and casualty insurance;
- That it will ensure there are no outstanding claims for recovery from the auditor of state;
- That it annually communicate to the ODE its tuition, or fee structure, including all discounts and other adjustments offered or available;
- That it will prepare a profile of its special education program that contains the methods of instruction that will be utilized to provide services to scholarship students and the qualification of teachers, instructors and all other employees or subcontractors who will provide services to scholarship students;
- That it will provide a profile (please see directly above) to parents/legal guardians whose children are eligible for a Jon Peterson Scholarship;
- That it will administer tests or alternative assessments to students receiving scholarships and enrolled in grade levels for which tests are regularly administered in accordance with 3301.0710 and 3301.0712 of the Revised Code.
- That it will make its facilities and records available for announced or unannounced visits by the ODE to ensure that it is complying with the implementation of the Program;
- That it will establish sufficient student attendance for record/keeping procedures, including processes for documentation or excused absences;
- That it will establish reliable systems to ensure confidentiality of student records;
- That it will refund to the state any amounts overpaid on behalf of a student due to ineligibility, disenrollment, expulsion, data error, or for any other reason;
- That it will dis-enroll any scholarship student once a determination is made that the student will no longer attend school.
- That it will allow the ODE to monitor compliance with the provisions of this rule and of other laws and rules as they apply to chartered nonpublic schools and shall provide at the request of the ODE such information and copies of records as necessary to ensure compliance, including:
 - information and records pertaining to school staff and volunteers;
 - information and records related to school policies and procedures, including, but not limited to the parent or student handbook, admission policies, and withdrawal and transfer policies.
 - information and records related to building, vehicle and operational safety including, but not limited to fire inspection reports, food services and vehicle inspection reports.



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2. **Q: Is a participating Catholic school serving as the special education provider required to offer all of the services in accordance with the scholarship student's Individual Education Plan (IEP)?**

Answer – No. Although the IEP contains documented needs for the scholarship student, parents, not the IEP, determine which services will be provided for the scholarship student. If parents/legal guardians demand services that exceed the total cost of the scholarship, parents are required to pay the additional costs. However, at least one special education service within the IEP must be provided to the scholarship student for the scholarship to remain in effect.

3. **Q: Does the parent or the school determine the special education program for the scholarship student?**

Answer – The scholarship is intended to permit the parent or legal guardian of a qualified special education child the choice to send the child to a special education program. Provided that the school is adhering to anti-discriminatory language of the Code of Federal Regulations (2000d), and the school is registered as the special education provider, it may refuse to educate a student on a Jon Peterson scholarship, if the parents/legal guardians of the scholarship student demand a special education program that is inconsistent with what the school offers.

4. **Q: What does the scholarship pay for?**

Answer – The scholarship amount shall only be applied to the general tuition, special education services and fees that the participating school/provider charges.

5. **Q: Can parents pay for tuition so most of the scholarship is utilized for special education services?**

Answer – Yes.

6. **Q: Which district is responsible for initial evaluations and re-evaluations?**

Answer – If the public school district of residence is completing the IEP on behalf of the student, then it may conduct the initial evaluation, or rely upon past evaluations of the student. If the district where the private school is located is responsible for completing the IEP, then it may initiate the evaluation, or rely on past evaluations. The district where the private school is located is responsible for all re-evaluations of scholarship students.

7. **Q: Which district converts the Individual Service Plan, Academic Plan, or some other documented disability plan into an IEP for the student applying for a Jon Peterson Scholarship?**



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Answer – The public school district of residence is responsible for completing the IEP on behalf of the student. However, districts where private schools are located may complete the IEP if these responsibilities have been delegated to them by the school district of residence, or the school district of residence has failed to respond to an invitation about IEP meetings from the district where the private school is located.

8. Q: *What are the timelines for districts to conduct evaluations and complete an IEP for students to be awarded a scholarship?*

Answer – For a child with an Individual Service Plan, the district has 60 days to evaluate the child. This means the district has 60 days from the date of notice to determine if the child has a disability such that special education services are essential for the child to effectively learn. If a child is evaluated as having one of the following disabilities, speech, learning disabled, hearing/vision impairment, major health impairments, multi-handicapped and autism, traumatic brain injury, an IEP meeting shall occur within 30 days from the date of evaluation. The eligible applicant shall receive notice at least 10 days prior to the date of the IEP meeting.

9. Q: *Can a student receive a Jon Peterson Scholarship and still be eligible as a parentally placed child to receive special education services from IDEA, Part B?*

Answer – Yes. The scholarship is a state-sponsored scholarship, and special education services under Part B, IDEA, are federally-funded services. Federally-funded services can supplement, not supplant, the special education services the student receives from a Jon Peterson Scholarship.

10. Q: *Can state-funded Auxiliary Services be utilized for students who receive Jon Peterson Scholarships?*

Answer – Yes, provided that services supplement, not supplant, the Jon Peterson Scholarship. The school/provider and parents are to agree as to which special education services deemed necessary to educate the child will be provided for the child through the JPSP (see question #2). Auxiliary Services can be utilized to go beyond the special education services that have been agreed upon by the parents and school. Auxiliary Services can be used to extend hours of special education services, or provide additional services that the school/provider and parents agree would be beneficial for the scholarship student.

11. Q: *Can state-funded Auxiliary Services personnel be identified as the special education credentialed staff necessary for participation in the Jon Peterson program?*

Answer – No. Participating providers of the program must hire staff to fulfill the requirement of credentialed staff for approval of program participation. Identifying existing Auxiliary Staff as credentialed staff for implementation of the Jon Peterson Special Needs Scholarship Program would be considered double dipping. However, school-district personnel who also serve as private-sector providers can be retained in the latter capacity, provided that their employment as school district personnel does not overlap in their work as private-sector providers. In their



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capacity as private-sector providers, they participate as credentialed staff within the school's special education program.

12. Q: Can a student who is receiving one of the three existing state-sponsored scholarships/vouchers (Ed Choice, Cleveland Scholarship & Tutoring Program, Autism Scholarship Program) also apply for a Jon Peterson Scholarship?

Answer – Parents/legal guardians whose children are currently receiving one of three state-sponsored scholarships may apply for a Jon Peterson Scholarship on their children's behalf. Application for a Jon Peterson Scholarship does not disqualify a student from continuing to receive a scholarship from another program.

However, if the student is awarded a Jon Peterson Scholarship, then the child's parents/legal guardian must direct the award letter and acceptance form for the program that is selected for the child. Once this has occurred, the ODE documents that the child is only receiving one scholarship.

13. Q: Who receives payment of scholarship amounts?

Answer – Payment of scholarship amounts shall be made by check from the State Auditor and made payable in the name of both the eligible parent/legal guardian of the scholarship student and the provider in which the student is enrolled. Checks shall be mailed to the address provided by the provider.



The Ohio Advocates for Catholic Schools is a network to maximize advocacy efforts on behalf of Catholic schools, their students and teachers. OACS is intended to create strong grass roots support within Catholic-school communities. OACS will complement the Catholic Conference of Ohio's lobbying efforts in education to promote funding and services for our schools.



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