

Comparison of Rights of Students with Disabilities and their Families under State and Federal Special Education Law and under the Wisconsin Special Needs Scholarship Program

| <p align="center">Enrolled in Public School IDEA and Chapter 115</p> | <p align="center">Special Needs Scholarship Program 115.7915 Parentally-Placed Private School</p> |
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| <p>A public school district must provide a free appropriate public education to students with disabilities.</p> <p>A free appropriate public education (FAPE) includes special education and related services that:</p> <ul style="list-style-type: none"> • Are provided at no cost to parents • Include an appropriate preschool, elementary or secondary school education; • Are provided consistent with an Individualized Education Program (IEP); and • Meet the standards of the Wisconsin Department of Public Instruction <p>Special education is specially designed instruction to meet the needs of the student with a disability.</p> <p>Examples of related services include speech-language therapy, physical and occupational therapy, audiology services, counseling services, and transportation.</p> <p>A public school district must also provide supplementary aids and services to allow the student to participate in regular education. Examples of supplementary aids and services include assistive technology devices or software, modification of assignments or tests, and use of specialized equipment.</p> | <p>Students participating in the Special Needs Scholarship Program are parentally placed private school students.</p> <p>No FAPE entitlement.</p> <p>A participating student receives a scholarship in an amount set forth in state law to pay for attendance at an approved private school. Additional tuition or fees may be charged to students.</p> |
| <p>Individualized Education Program (IEP)</p> <p>A public school district is required to develop an IEP for each student with a disability. The IEP must describe how the student is currently performing, and include annual goals and services so the student can make progress both toward attaining the annual goals and meeting grade-level expectations. The IEP must also describe how the student’s parents will be informed of the student’s progress.</p> <p>The IEP team must meet at least annually to review the IEP, and revise it as necessary.</p> <p>A public school district must fully implement the IEP and provide all services described in the IEP. If the IEP is not fully implemented, the parent can seek relief, including compensatory services, under the state special education complaint process, mediation, or due process.</p> | <p>A participating private school is required to implement the most recent IEP or services plan, as modified by agreement between the private school and the student’s parent. There are no rights to relief if disputes arise and no requirement for an annual review of the IEP.</p> |

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| <p>Child Find A public school district is responsible for identifying, locating and evaluating students with suspected disabilities, including parentally-placed students in private schools.</p> | |
| <p>Reevaluation A public school district must generally reevaluate students with disabilities at least once every three years.</p> | <p>Upon the request of the student’s resident school district, the IEP team must conduct a reevaluation no more frequently than once every 3 years.</p> |
| <p>Independent Educational Evaluation (IEE) Parents may obtain an IEE free of charge if the parent disagrees with an evaluation conducted by the public school district, unless the school district initiates a due process hearing to defend its evaluation.</p> | <p>Parents of participating students retain the right to an IEE free of charge if they disagree with an evaluation conducted by a public school district, unless the school district initiates a due process hearing to defend its evaluation.</p> |
| <p>Discipline Students with disabilities are entitled to protections regarding school disciplinary practices. Some of these protections include providing educational services when a student is suspended more than 10 days in a school year.</p> | |
| <p>Mediation Mediation is available through the Wisconsin Special Education Mediation System (WSEMS) at no cost to parents, to resolve disputes in public schools under special education law.</p> <p>This covers a wide range of issues that include evaluations, development of the IEP, implementation of the IEP, where services will be provided, and disciplinary practices.</p> | <p>Access to the mediation system is limited to disputes with the public school district over the evaluation of their child.</p> |
| <p>State Special Education Complaints Parents may file a complaint with the Department of Public Instruction (DPI) if they believe the public school district did not follow state or federal special education law.</p> <p>This covers a wide range of issues that include evaluations, development of the IEP, implementation of the IEP, where services will be provided, and disciplinary practices.</p> | <p>Parents may file a state IDEA complaint with the DPI only regarding disputes concerning the evaluation of their child by the public school district.</p> |

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| <p>Due Process Hearings Parents may request a due process hearing about disputes regarding the identification, evaluation, educational placement or provision of a free appropriate public education by a public school district.</p> <p>This covers a wide range of issues that include evaluations, development of the IEP, implementation of the IEP, where services will be provided, and disciplinary practices.</p> | <p>Parents may request a due process hearing only regarding the evaluation of their child by a public school district.</p> |
| <p>Records Parents of students with disabilities must be allowed to review all special education records maintained by the public school district.</p> | <p>Parents of students with disabilities have the right to review special education records maintained by the public school district.</p> |
| <p>Prior Written Notice Public school districts must provide parents with written notice before any activity affecting a student’s special education identification, evaluation, educational placement or the provision of FAPE.</p> | |