

Department of Education Update

VOICE Webinar Summary – August 18, 2025

Subject Matter Expert: Kerry Agins, Esquire, The Law Offices of Agins & Gilman LLC

Summary Overview

This session covered key federal and Ohio state education policy updates impacting special education, including proposed elimination of the U.S. Department of Education, legal challenges, and shifting executive priorities. Ohio's budget changes were highlighted, with increased reliance on scholarships and reduced public school special education funding. Recent changes to the Autism and John Peterson Scholarship programs expanded who qualifies, increased flexibility in choosing providers, and clarified application rights for parents and guardians. Kerry emphasized ongoing legal protections, advocacy strategies, and resources to help families navigate these changes.

Meeting notes:

- **Federal Education Policy and Legal Updates:** Kerry provided a comprehensive overview of recent federal developments affecting special education, including proposed elimination of the US Department of Education, legislative actions, executive orders, and ongoing court cases.
 - **Proposed Department Elimination:** Kerry explained that President Trump has proposed eliminating the US Department of Education, with suggestions to shift responsibilities for special education to the Department of Health and Human Services. However, no specific details have been provided, and such a change would require Congressional action.
 - **Legislative Actions:** Both the House and Senate have introduced identical bills (House Resolution 899 and a Senate counterpart) to terminate the Department of Education, but neither has advanced beyond committee, and neither includes details about the transition of responsibilities or funding.
 - **Executive Branch Priorities:** Kerry noted shifting priorities at the executive branch level, including changes in the Office for Civil Rights and the Office of Special Education Programs, with a focus on expanding school choice for families with special needs students.
 - **Court Cases and Funding:** Kerry described ongoing litigation related to staff reductions at the Office for Civil Rights, the impact on investigations, and

recent court decisions affecting the release of federal education funds, including a temporary restriction on over a billion dollars that was later released after legal challenges.

- **Section 504 Litigation:** Kerry discussed the Texas v. Becerra case, where 17 states challenged the inclusion of transgender-related medical issues under Section 504, initially seeking to declare the entire section unconstitutional, but later clarifying their position; the case remains pending with no changes to the law.
- **Ohio State Budget and Special Education Funding Shifts:** Kerry detailed the recent Ohio state budget changes, highlighting a shift in funding from public school districts to voucher and scholarship programs, with implications for special education services and the Autism and John Peterson Scholarships.
 - **Funding Reallocation:** The Ohio budget increased overall education spending but reduced special education funding for public school districts, reallocating those funds to voucher programs such as Ed Choice, Jon Peterson, and Autism Scholarships.
 - **Impact on Public Schools:** Kerry explained that the funding shift may result in larger class sizes, fewer resources, and increased pressure on public schools, with some districts already making cuts to special education services.
 - **Equity and Access Concerns:** Kerry raised concerns about the limited availability of providers, especially in rural areas, and the potential for increased costs to families if scholarship amounts do not cover all necessary services, as well as the variability in provider quality.
 - **Administrative and Billing Changes:** New requirements for scholarship providers include more detailed documentation of service times and restrictions on billing for administrative time, which may lead to increased service fees in the future.
- **Updates to Autism and John Peterson Scholarship Programs:** Kerry outlined recent legislative changes to the Autism and John Peterson Scholarship programs, including expanded eligibility, increased flexibility in providers, and clarification of parental rights.
 - **Eligibility Clarifications:** The new law confirms that homeschooled students and those in non-chartered, non-public schools are eligible for

scholarships up to age 22, provided they have not received a high school diploma.

- **Expanded Age Range and Providers:** Eligibility for the Jon Peterson Scholarship now includes students ages 3 to 5, and families can use multiple providers for the same or different services, with expanded options for virtual and in-person intervention.
- **Provider Qualifications:** The definition of who can provide intervention services has been broadened to include any licensed teacher or substitute, not just certified special education teachers, raising the importance of verifying provider credentials.
- **Parental Rights and Application:** The law clarifies who can apply as a parent or guardian, including legal guardians, grandparents with power of attorney, and students in foster care or with parents in the armed forces.
- **Pending Dual Scholarship Legislation:** A bill is pending that would allow students to receive both EdChoice and Autism or Jon Peterson Scholarships simultaneously, but no decision has been made yet.
- **Practical Guidance for Families Navigating Special Education:** Kerry addressed participant questions about advocacy, provider qualifications, and strategies for ensuring appropriate services, offering resources and support for families navigating changes in special education.
 - **Provider Credential Verification:** Kerry advised parents to use the Ohio Educator Lookup portal to verify the credentials of teachers and intervention specialists, and to request information from school administrators if needed.
 - **Advocacy Strategies:** Kerry encouraged parents to ask direct questions about staff training and qualifications during IEP meetings or through central office, emphasizing the importance of respectful but persistent advocacy.
 - **Impact of Funding Cuts:** Kerry acknowledged that funding cuts may lead to larger class sizes and fewer resources and advised parents to monitor changes in placement or service delivery, ensuring decisions are supported by data.
- **Legal Protections and Future Outlook for Special Education:** Kerry reassured participants that, despite policy shifts and funding uncertainties, federal and state legal protections for students with disabilities remain unchanged and emphasized the need for ongoing vigilance and advocacy.

- **Current Legal Protections:** Kerry emphasized that the Individuals with Disabilities Education Act (IDEA), Section 504, and related state laws continue to guarantee rights and services for students with disabilities, and no changes have been enacted to reduce these protections.
- **Limits of Funding as an Excuse:** Kerry clarified that lack of funding is not a legally valid reason for denying special education services; services must be provided, if necessary, regardless of cost, unless there are two equally appropriate options with different costs.
- **Monitoring and Advocacy:** Kerry stressed the importance of monitoring ongoing policy changes, participating in advocacy, and staying informed through programs like those offered by the Autism Society of Greater Akron.
- **Resources and Organizations for Special Education Support:** Kerry provided information about local and national organizations, legal resources, and advocacy groups available to support families and enforce educational rights for students with disabilities.
 - **Statewide and National Organizations:** Kerry listed Disability Rights Ohio, Ohio Coalition for the Education of Children with Disabilities (OCECD), and the Ohio Center for Autism and Low Incidence Disabilities (OCALI) as key statewide resources, and the Council of Parent Attorneys and Advocates (COPAA) as a national advocacy group.
 - **Legal Assistance:** Families can seek individual legal support from local attorneys specializing in IDEA and Section 504 disputes and may access information or advocacy services from the listed organizations.
- **Challenges in Transition and Vocational Services:** Kerry discussed the limitations in available providers for transition, vocational, and transportation services under scholarship programs, and highlighted the need for greater collaboration with area businesses.
 - **Provider Limitations:** Kerry explained that while theoretically any IEP-related service can be provided through a scholarship, the actual availability of providers for vocational and transportation services is limited, especially for transition-age students.

What We Can Do

- **Stay Informed & Share:**

- Autism Society of Greater Akron's upcoming September VOICE session:
<https://autismakron.org/septvoice/>
- Share updates with other families, school teams, and community groups to increase awareness.
- **Contact Legislators:**
 - Ohio State Legislators <https://www.legislature.ohio.gov>
 - U.S. Congress (Ohio Delegation)
<https://www.congress.gov/members?q={%22congress%22:118,%22state%22:%22OH%22}>
- **Encourage Local Advocacy:**
 - Attend local school board meetings to advocate for special education funding and service quality.
 - Support county levy renewals that fund school services.
 - Join Family Advisory Councils or similar committees to represent the voice of caregivers and students with disabilities.
- **Register Concerns Directly:**
 - Governor DeWine's Office <https://governor.ohio.gov>
 - Ohio Department of Education and Workforce <https://education.ohio.gov/>

Resources & Links (With Descriptions)

- **The Arc of Ohio** – Statewide advocacy group protecting the rights of people with intellectual and developmental disabilities.
<https://www.thearcofohio.org>
- **Ohio State Legislature Lookup** – Find and contact your state senator or representative.
<https://www.legislature.ohio.gov>
- **U.S. Congress Members from Ohio** – List of current Ohio senators and representatives in the 118th U.S. Congress.
<https://www.congress.gov/members?q={%22congress%22:118,%22state%22:%22OH%22}>
- **Governor Mike DeWine's Office** – Submit opinions or concerns directly to the governor's staff.
<https://governor.ohio.gov>
- **Ohio Department of Education and Workforce (ODEW)** – Oversees K–12 education and workforce programs, including special education services and policy implementation.
<https://education.ohio.gov>

- **Ohio Scholarship Programs** – Learn about scholarships for students with disabilities, including the Autism and Jon Peterson programs.
<https://education.ohio.gov/Topics/Other-Resources/Scholarships>
- **Ohio Educator Lookup Tool** – Verify credentials of intervention specialists, teachers, and providers.
<https://core.ode.state.oh.us/COREPortal/Educator>
- **Disability Rights Ohio** – Provides legal advocacy and rights protection for people with disabilities in Ohio.
<https://www.disabilityrightsohio.org>
- **Ohio Coalition for the Education of Children with Disabilities (OCECD)** – Offers family support, IEP assistance, training, and advocacy resources statewide.
<https://www.ocecd.org>
- **Ohio Center for Autism and Low Incidence (OCALI)** – Provides professional development, tools, and resources to improve outcomes for individuals with disabilities.
<https://www.ocali.org>
- **Council of Parent Attorneys and Advocates (COPAA)** – National network supporting legal rights and advocacy for students with disabilities and their families.
<https://www.copaa.org>
- **Autism Society of Greater Akron** – Webinar on Accessing Jon Peterson and Autism Scholarships – Recorded session explaining how to apply and qualify.
<https://autismakron.org/webinars/scholarships/>
- **Facebook Caregiver Support Group** – Autism Society of Greater Akron – Peer-to-peer support and discussion space for families.
<https://www.facebook.com/groups/autismcaregiversakron>
- **Autism Diagnosis Guides** – Autism Society of Greater Akron created these guides for individuals diagnosed with Autism in Ohio.
 - For children: <https://autismakron.org/support/for-children/>
 - For adults: <https://autismakron.org/support/for-adults/>