



New State Budget Contains Numerous Special Ed Items

Ohio's state budget bill was overwhelmingly approved by both the House and Senate on June 27, 2007, and has been approved by the Governor. The bill went into effect on July 1, the first day of Fiscal Year (FY) 2008. Outlined below are special education and special education-related items included in Am. Sub. H.B. 119, the FY 2008-2009 state budget bill.

1. Maintains funding for special education weights at 90% of 2001 costs. However, due primarily to changes in the *state share* of education funding, special education weighted funding increases to \$472 million in '08 (+7.7%) and to \$513 million in '09 (+8.7%).
2. Converts Department of Youth Services, Department of Rehabilitation and Correction and Department of Mental Health institutions from a system of special education funding based on classroom and related service units to weighted funding.
3. Reimburses school districts and joint vocational school districts part of their costs incurred for serving special education students that have financially catastrophic conditions. Funding stands at \$19.8 million in FY '08 and \$20.5 million in FY '09. This amount will reimburse schools for about 60% of the formula.
4. Provides federal IDEA funding to school districts, county boards of MR/DD, Department of Youth Services, community schools and chartered non-public schools.

Federal funding for FY '08 is \$500 million and is \$415 million in FY '09.

5. Maintains funding of \$2.9 million in each fiscal year to reimburse districts for half of their costs to provide home instruction to three types of special education students – severe behavioral handicapped, orthopedic and health impaired.
6. Maintains funding of \$2.8 million in each fiscal year to fund 96 school psychology interns placed in school districts.
7. Maintains funding of \$1.5 million in each fiscal year to support 60 parent mentors located in districts and educational service centers statewide.
8. Provides additional 10 parent-mentors in FY '08 with \$250,000 in federal Temporary Assistance to Needy Families (TANF) funds from the Department of Job and Family Services. There is a provision that allows for the carry over of unspent FY '08 TANF funds into FY '09.
9. Supports approximately 2,040 preschool special education units, an increase of 16 units over the total supported in FY 2007.
10. Provides all-day, every day kindergarten services to children in 132 districts.

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11. Increases funding for the Early Childhood Education program by 52.6% in FY '08 and 8.6% in FY '09.

12. Earmarks \$325,000 in each fiscal year from the Special Education Enhancements line item in the ODE budget for the Ohio Center for Autism and Low Incidence to contract with the Delaware-Union Educational Service Center for the provision of autism transition services.

13. Provides \$13.7 million in each fiscal year to ESCs for school improvement. This funding is divided between two line items with \$10.387 million in the School Improvements line item and \$3.312 million in the Foundation Funding line item.

14. Includes a \$650,000 earmark in each fiscal year for Project More for one-to-one reading mentoring in the Special Education Enhancements line item.

15. Includes a \$650,000 earmark in each fiscal year for the Collaborative Language and Literacy Instruction Project in the Special Education Enhancements line item.

16. Earmarks \$500,000 in FY '08 and \$300,000 in FY '09 in the Help Me Grow line item (Department of Health) for an Autism Diagnosis Education Pilot Program. The program is designed to educate health care professionals, educational personnel, childcare providers, parents, and community-based service providers about autism spectrum disorders; to promote appropriate autism diagnosis standards; and to encourage regional coordination of information and autism related services.

17. Retained the Average Daily Membership school count conducted in February, the second of two counts conducted each school year.

18. Expands state Children's Health Insurance Program coverage to children from families with income of 200% of the federal poverty level (FPL) to up to 300% of the FPL. Individuals in this new expansion will be required to pay premiums for the insurance.

19. Creates a Medicaid buy-in plan for children from families with income above 300% of the FPL. The buy-in plan is for individuals under the age of 19, who have not had creditable health insurance for at least six months and who meet other eligibility requirements. Requires the Director of Job and Family Services to seek federal matching funds for the Children's Buy-In Program under Medicaid or the state Children's Health Insurance Program but requires the Director to implement the Children's Buy-In Program with state funds only if federal matching funds are denied.

20. Expands Medicaid eligibility for former foster children under the age of 21.

21. Creates an Executive Medicaid Administration to manage all Medicaid policies and functions and to promote the efficient and effective delivery of health care. The responsibilities of this body shall include implementation of recommendations of the Ohio Medicaid Administrative Study Council, except for the recommendation for the creation of a separate Medicaid department.

Ohio Falls Short on IDEA Targets

The U.S. Department of Education (DOE) has issued its first determination letters on state implementation of the Individuals with Disabilities Education Act (IDEA). Ohio fell into the bottom third of the nation on early intervention for children with disabilities and showed need for further assistance in meeting IDEA benchmarks for pre-K through high school – in the latter category, missing agreed targets on half of all federal indicators.

IDEA was amended in 2004 to require all states to disclose annually whether they are meeting the educational needs of special needs children in the "least restrictive environment," or part B of the act; as well as early childhood needs from birth to two years of age, or part C. The Ohio Department of Education is responsible for implementation of part B, while the Ohio Department of Health is responsible for implementation of part C.

After Ohio submitted its first state performance plan under IDEA last year, federal officials pointed to "longstanding noncompliance" by the state in several areas and asked for progress in this year's revised performance plan and annual performance report. Those documents were submitted to the U.S. Department of Education in February 2007.

The feds offer a mixed review of the performance plan and annual report in DOE letters sent in July to Superintendent Susan Tave Zelman and ODH Director Alvin Jackson. The letters warn ODE and ODH of possible remedies should the state fail to meet part B and C guidelines in the future. Washington could designate Ohio a "high-risk" grantee and take over direction of state-level funds for "least restrictive environment" programs and, in addition to those possibilities, could require ODH to

prepare a corrective action plan or forgo up to 50% of its grant money for early intervention.

In a number of instances, federal officials say ODE's data is simply "not valid and reliable," making actual compliance or noncompliance difficult to prove.

The feds cite particular problems with the transition between agencies from part C to part B. They said the state had individualized education plans in place for new three-year-olds in only 79% of all cases; even then, figures were once again deemed "not valid and reliable." In general, they report that ODE "discussed correction activities, but did not demonstrate timely correction."

Federal officials had some good things to say about state implementation of IDEA, having singled out only two of 20 part B indicators in its letter. "Balancing these factors were areas reflecting a high level of performance or correction, specifically that the state reported 100% compliance for Indicators 16 and 17," DOE told Zelman, noting timely complaint resolution and due process hearings for individualized education plans. "We commend the state for its performance in Indicators 16 and 17 and hope that the state will be able to demonstrate that it meets requirements in its next annual performance report."

Under early childhood intervention, the feds told Jackson that while ODH had failed to report data for roughly one-third of all part C indicators, DOE remained hopeful that he

see **OHIO FALLS SHORT**, page 6

'Parents Don't Need Lawyer' Supreme Court Decides

On May 21, the Supreme Court ruled in favor of Ohio parents who choose to sue a school district over their children's special education needs under the Individuals with Disabilities Education Act (IDEA). The Court held that parents do not need to be represented by a lawyer. Instead parents have independent, enforceable rights under IDEA and that they may represent themselves in court to vindicate those rights. This decision came from the Supreme Court's review of the Winkelman v. Parma City School District case.

The Winkelmans originally sued the Parma City School District under IDEA seeking an appropriate educational placement for their son with autism. The Winkelmans, who are not lawyers, acted as their son's attorney during the administrative proceedings and in the district court. However, the parents were told that they were entitled to represent their child in administrative proceedings, but not in federal court. The parents argued that because they could not afford to pay for an attorney, they were denied access to the courts.

The United States Court of Appeals for the Sixth Circuit ruled that the parents could not proceed without a lawyer to represent their child. The federal courts of appeals were split on the issue of whether a parent can proceed on IDEA issues without a lawyer in federal court, and the Supreme Court accepted the case to resolve this issue.

In ruling that the parents may represent their own interests, the Supreme Court said that it need not reach the parents' alternative argument, which concerns whether IDEA entitles parents to litigate their child's claims without legal representation. So long as parents can represent their own interests,

they can most likely represent their child's interests too.

In December 2006, the Ohio Legal Rights Service (OLRS) joined with the Ohio Legal Assistance Foundation and the Equal Justice Foundation in filing a "Friend of the Court Brief" in the Winkelman case, supporting the parents' right to advance their IDEA claims on behalf of their minor child with a disability in federal court without a lawyer. (See OLRS Files a Friend of the Court Brief in the Winkelman Case - <http://olrs.ohio.gov/asp/winkelmanamicus.asp>)

Read the decision: Supreme Court of the United States, WINKELMAN, a minor, by and through his parents and legal guardians, WINKELMAN et ux., et al. v. PARMA CITY SCHOOL DISTRICT - <http://www.supremecourtus.gov/opinions/06pdf/05-983.pdf>

(This article is available on the Ohio Legal Rights Service website at <http://olrs.ohio.gov/asp/winkelmandecision.asp>)

Visual Impairments Conference in September

The American Council of the Blind of Ohio is presenting "*Building Blocks for a Brighter Future*" - a full day of free workshops and activities for both parents and children with visual impairments, at the Ohio State School for the Blind in Columbus on September 15, 8:30 a.m. to 4:00 p.m. The goals of this seminar are to give parents tools to work with, to encourage children to explore creative outlet through art, provide activities set up for family participation, and for families to meet one another. To register, call 1-800-835-2226 or send an e-mail message to Mary.hiland@sbcglobal.net.

Wages, Assessments, Transition Resources Available

Two New Guides for New Minimum Wage

On May 24 Congress passed a federal minimum wage rate increase, which will raise the minimum wage from \$5.15 to \$7.25 in three stages over two years. This rise is the first for the national minimum wage in this decade, the last having occurred in 1997. Given that many individuals with significant disabilities earn wages at or near the minimum wage, they are likely to be impacted by these changes. While the increase provides a wonderful opportunity for many individuals, questions may arise.

Two new publications from the Institute for Community Inclusion review how the minimum wage increase is relevant and provide guidance for both people with disabilities and service providers. These fact sheets will assist service providers and people with disabilities through the minimum wage change and its affect on benefits and other issues. "An Aid for Disability Service Providers" can be found at www.communityinclusion.org/article.php?article_id=203. "What it Means for People with Disabilities" can be found at www.communityinclusion.org/article.php?article_id=204

Learning Opportunities For Your Child Through Alternate Assessments

This booklet introduces parents to the "big ideas" contained in school improvement efforts under NCLB (No Child Left Behind) and IDEA (Individuals with Disabilities Education Act), and provides them with the information they need to help ensure that their children can benefit from these efforts. The end of this booklet identifies suggested sources of additional information that parents can use to help their children benefit from the nationwide education reform and

accountability efforts intended to ensure high expectations for all children. The booklet is available at www.ed.gov/parents/needs/speced/learning/index.html

Resources on Ninth Grade and Making a Smooth Transition into High School

The National High School Center has released a new set of resources focusing on how to support and guide a smooth transition into high school. "Ninth grade is a critical make-it-or-break-it year for many students and we wanted to highlight some of the best practices that are backed by research, as well as examples of what states and districts are doing now to ensure that entering high school students are well-supported," said Joseph R. Harris, Ph.D., Director of the National High School Center at the American Institutes for Research.

Resources include a fact sheet examining the "ninth grade bulge," the disproportionate number of ninth graders who are held back in the ninth grade, many of whom drop out by the tenth grade. In addition, a policy brief on "State and District-Level Support for Successful Transitions into High School" highlights research suggesting up to 40% of students are disengaged and not promoted from ninth to tenth grade on time, and examines what some states and districts are doing to address the issue. The following approaches to supporting a successful transition into high school, particularly for students who are at high risk of failure, are discussed:

- * Establish a data monitoring system to diagnose why students are struggling;

see **RESOURCES**, page 6

Don't Miss 5th Annual 'Partnering' Conference

The Ohio Coalition for the Education of Children with Disabilities is pleased to announce the upcoming *"Partnering for Progress: Improving Results for ALL Children"* conference on October 16 in Columbus, Ohio.

For the fifth year, OCECD is partnering with the Ohio Department of Education and other state level organizations to host this free conference. This one-day event offers informative sessions conducted by national and state leaders. The sessions are uniquely designed to help educators work together in the areas of standards, capacity and accountability to improve outcomes and results for students with disabilities and other at-risk youngsters.

Each year, attendance has increased and we have received positive feed-back from Ohio's professionals as well as parents of children with disabilities. If you have not

done so, please visit our website at www.ocecd.org to register. Or use the registration form on the next two pages of this newsletter. We look forward to seeing you there!

Due to limited space, registration will be limited to the first 500. Please make sure all contact information is correct and legible to receive a registration confirmation in the same form as you registered and a reminder in September. There will be no walk in registrations, therefore, if you do not receive confirmation within two weeks, contact Connie Hudson at ocecdcsh@earthlink.net. Also, in advance of the conference, please mail your questions for Greg Maloney to OCECD (address on the registration form.)

Certificates of Attendance for 4.5 contact hours will be given at the door after handing in evaluations at the conclusion of the conference.

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- * Address the instructional needs of unprepared incoming high school students;
- * Personalize the learning environment to focus on individual students;
- * Build capacity within low-performing schools to address diverse student needs;
- * Create connections to the community, higher education, and employers to engage students and allow them to understand the relevance of their coursework.

For more information go to www.mdrc.org/announcement_hp_129.html or www.betterhighschools.org/

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would be able to show the department had met its obligations in the February 2008 report, as agreed by both parties under a Compliance Agreement signed last November.

Ohio faces the possibility of a "high-risk" designation if it falls into the "needs assistance" column for individualized education plans again next year, or if it falls into the "needs intervention" column for early childhood programs in two more consecutive years.

5th Annual Partnering for Progress: Improving Results for ALL Children Conference

Hosted by the Ohio Coalition for the Education of Children with Disabilities
in collaboration with the Ohio Department of Education, Office for Exceptional Children

Tuesday, October 16, 2007 FREE registration & lunch
Crown Plaza Hotel, Columbus (formerly Marriott North, 6500 Doubletree Avenue)

8:30-9:30 Registration and complimentary continental breakfast

9:30-11:45 Welcome and Keynote Address

_____ **I WILL ATTEND THE KEYNOTE ADDRESS:** Dr. Jane Wiechel,
Assoc. Superintendent of the Center for Students, Families and
Communities, Ohio Dept. of Education. "Accountability Improves Results
for Children with Disabilities: How Ohio Views the Progress of Children with
Disabilities Utilizing the Special Education Supports and Services"

12:00-1:45 _____ **I WILL ATTEND THE WALTER-HORN PARTNERING FOR PROGRESS
AWARDS LUNCHEON** (Luncheon will include lunch, presentation of awards for
school district teams for their innovative strategies for working with students with
special needs, and an update from Greg Maloney, Director, Office for Exceptional
Children, Ohio Department of Education)

Dietary accommodations: _____

2:00-3:00 Sessions *Mark your choices in the order of preference (some sessions are continued)*

- _____ Q & A for Parents with Greg Maloney
- _____ District/State Rating (continued through next session)
Lawrence Dennis, Tom Lather, Ann Skaggs, Office for Exceptional Children, ODE
- _____ Reading is Fundamental, Core Curriculum. How does this affect accountability
and children with disabilities? (continued through next session)
Angela Sangeorge, Director of the Office of Literacy, ODE
- _____ Transition, Part C, School and Post School (continued through next session)
Teresa Grossi, Director Center on Community Living and Careers, Indiana
Institute on Disability and Community University Center for Excellence
- _____ Measure Up, How Does Your School Measure Up? The Measure Up Tool
developed by the Center for Special Needs Population at Ohio State University
Don Washburn, former Superintendent and SERRC Director

(This is a 2 page form. Continued on next page.)

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3:15-4:15 Sessions

- _____ Q & A for Educators with Greg Maloney
- _____ District/State Rating (continued session)
- _____ Reading is Fundamental, Core Curriculum (continued session)
- _____ Transitions, Part C, School and Post School (continued session)
- _____ "Keeping Your Child with Disabilities Out of Juvenile Detention"
Elizabeth Gorman, Attorney, Legal Aid of Western Ohio, and Margaret Burley,
Executive Director, Ohio Coalition for the Education of Children with Disabilities

*Four ways to register by **September 28, 2007***

*at www.ocecd.org OR fax 937-842-2150 OR email ocecdcsh@earthlink.net
OR mail this form to OCECD, 165 West Center Street, Suite 302, Marion, OH 43302*

Name _____ Title _____

Business Name _____

Address _____ City _____
(zip code)

County _____ Email _____

Phone _____ Fax _____

Accommodations: Interpreter _____ Braille agenda _____ Other _____

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