

Ohio Special Education Profile 2019



**Ohio Coalition for the Education of
Children with Disabilities**



Mission

The mission of the Ohio Coalition for the Education of Children with Disabilities, (OCECD), is to endorse and promote efforts to provide appropriate quality education for children and youth with disabilities. We do so in the belief that all children have a right to a meaningful and relevant education. This belief affirms the dignity of each child or youth with disabilities, whose needs are unique and whose needs must be met equally and appropriately.

OCECD is dedicated to ensuring that every child with disabilities is provided a free, appropriate public education. We will continually strive to improve the quality of our services for all children and youth with disabilities in Ohio.

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Dear Special Education Stakeholders,

Welcome to the Ohio Coalition for the Education of Children with Disabilities' (OCECD) 2019 *Ohio Special Education Profile*.

This resource and reference guide, which first debuted in 2011, provides a profile of Ohio's special education system and the educational needs and outcomes of students with disabilities. The report's central message is that, despite its challenges and constraints, Ohio's state and local investments in students with disabilities produce substantial results for them, their families, and the broader community. These investments empower students to advance educationally and vocationally and, in the vast majority of cases, to become self-sufficient citizens.

In the 2018-2019 school year, students with disabilities accounted for 15.45% or 256,525 of the 1.66 million public school students in the state of Ohio. This means that over one in seven students has a documented disability and related Individualized Education Plan (IEP), as required under state and federal law.

It is important to note that this profile is a retrospective review of the special education policy and funding landscape in Ohio through the 2018-2019 academic year, the latest year for which information is readily available. There are a number of issues that have arisen in 2020 that will directly impact students with disabilities, including the COVID-19 pandemic and related policy responses, the Doe settlement, pending changes to state operating standards for the education of children with disabilities, and preschool special education rule changes. These and other 2020 policy and funding related issues will be covered in the 2020 *Profile*.

As a state-level parent and professional advocacy and support organization, OCECD is deeply committed to working with the Ohio legislature, the Office of the Governor, the Ohio Department of Education (ODE) and other relevant state agencies regarding special education policy and program issues. This work is done with the goal of improving special education services and outcomes for students with disabilities in Ohio.

OCECD will continue to work hard to ensure that all Ohio children with special needs receive a free and appropriate public education in an environment that enables them to reach their highest potential. Together, we can continue making a major difference for every student with disabilities.

Sincerely,

Lisa Hickman, PhD
Executive Director

Ohio Special Education Profile 2019

Overview

This resource and reference guide provides a clear overview of the complex story of special education in Ohio. The profile contains state and federal data through the 2018-2019 academic year and is designed to serve as an informational resource for parents, professionals, policy makers, and the broader statewide community.

Ohio's system of public education, and the corresponding laws and regulations related to the provision of services to students with disabilities are driven in large part by federally mandated services under the Individuals with Disabilities Education Act (IDEA) and associated federal funding. Together, federal special education laws and related funding serve as important policy levers to ensure states are properly enforcing federal law, and the resident school districts that serve students are providing a free and appropriate education in the least restrictive environment possible. These important policy design elements will be explored in greater detail throughout the *Ohio Special Education Profile*.

Previous editions of this *Profile* have examined the *Doe v. Ohio* special education funding case, the state's seclusion and restraint policies, the shortages of special education teachers and related services personnel, and special education disproportionality. An update on each of these important issues is provided in the 2019 *Ohio Special Education Profile*.

What is the Ohio Coalition for the Education of Children with Disabilities?

Established in 1972, The Ohio Coalition for the Education of Children with Disabilities (OCECD) is a statewide, nonprofit organization headquartered in Marion, Ohio. Composed of over 40 parent and professional organizations, it provides special education related training, education and public policy support services for parents, professionals, and other special education stakeholders, including the general public and its elected officials. The Coalition's focus includes all children with disabilities birth through age 26.

OCECD's experienced staff, many of whom have children or other family members with disabilities, are available to assist individuals or groups with information about Special Education in public and community schools, resources for parents and professionals, community-based services, transition from high school to employment/college in the community, and much more.

As a state-level organization, OCECD is an important policy development organization deeply committed to working with the state legislature, the Office of the Governor, and state agencies on legislative and policy issues of importance to Ohio's children with disabilities.

OCECD is a non-profit organization and has 501 (c) 3 tax-exempt status.

What Is Special Education?

Special education is governed by federal law and corresponding state laws. Under the federal Individuals with Disabilities Education Act (IDEA), special education is defined as:

- *Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.*¹

But how is special education defined? The general term of special education broadly identifies the academic, physical, intellectual, and social-emotional instruction offered to children who are faced with one or more disabilities.

Student IEPs serve as the foundation, both educationally and legally, for special education services. These IEPs are prepared by special education professionals, and include input from parents and students, as appropriate. Based on evaluation driven IEPs, special education provides necessary supplemental education and related support services, such as occupational and physical therapy, for every student with special educational needs.

Under IDEA, there are 13 disability categories²:

1. Autism
2. Deaf-blindness
3. Developmental Delay
4. Emotional Disturbance
5. Hearing Impairment
6. Intellectual Disability
7. Multiple Disabilities
8. Orthopedic Impairment
9. Other Health Impairment
10. Specific Learning Disability
11. Speech or Language Impairment
12. Traumatic Brain Injury
13. Visual Impairment, including blindness

What is the Relationship between the Federal and State Government?

Special education services became federally mandated in 1975 with passage of the Education for Handicapped Children Act, which later became known as the Individuals with Disabilities Education Act or IDEA. Under IDEA, states receiving federal funding support are required to provide a free and appropriate public education, or FAPE, as a condition of receiving funds. Additionally, federal law requires states to maintain a funding commitment to students with disabilities through a maintenance of effort (MOE) requirement, whereby states cannot reduce their funding support for students with disabilities without risking a loss of federal funding. While Congress has appropriation authority for up to 40% of the average per pupil expenditure for students with disabilities, most states estimate that federal funding amounts to less than 15% overall.

Ultimately, IDEA spells out what states must do to provide FAPE and meet the needs of students with disabilities, thus driving state funding and policy. It is up to the states to

¹ <https://sites.ed.gov/idea/regs/b/a/300.39>

² <https://sites.ed.gov/idea/regs/b/a/300.8>

interpret the federal laws and regulations and in turn, to enact their own laws and administrative rules on how to apply them. From a bottom-line perspective, state laws cannot contradict IDEA, nor can they provide *less* than the federal law requires on issues including eligibility for FAPE, placement in the least restrictive environment (LRE), early intervention services, procedural safeguards, and transition services.

At the local community level, students with disabilities are largely served by traditional public school districts which are under the control of local school boards that are responsible for ensuring students receive all eligible services pursuant to state and federal laws and regulations.

What is Ohio's Special Education Student Profile?

Ohio ranks seventh among the fifty states in the number of students with disabilities, accounting for 3.85% of all students with disabilities nationally.³ This is consistent with Ohio's position as the 7th largest state overall, representing 3.56% of the total U.S. population.

Ohio's 256,525 public school students with disabilities represent about one in seven of the state's 1.66 million public school students. As such, special education funding and policy issues are an integral part of the state's education policy picture. From a national perspective, Ohio ranks 7th (2018-2019) in terms of the number of students with IEPs, ages 3-21, according to the U.S. Department of Education's *EdFacts* Warehouse.⁴

There are six clusters of disabilities and related funding weights under Ohio law.⁵ The majority of students represented in these weights are of average intelligence as measured by standardized assessments, and graduate from high school with their "typical" regular education peers. Many students with disabilities advance to postsecondary education successfully, though the need for additional progress on this front is significant.



³ Part B Child Count 2018, National Center for Education Statistics, retrieved from https://nces.ed.gov/programs/digest/d19/tables/dt19_204.30.asp

⁴ <https://www2.ed.gov/about/inits/ed/edfacts/index.html>

⁵ https://www.lsc.ohio.gov/documents/reference/current/schoolfunding/sfcr_feb2019.pdf

Federal Special Education Laws: Why Do They Matter?

In the U.S., the fundamental special education governing law is the Individuals with Disabilities Education Act (IDEA). Special education programs were made mandatory in 1975 when Congress passed the Education for All Handicapped Children Act (EHA) in response to discriminatory treatment of students with disabilities by public educational entities.

The EHA was later modified to strengthen protections for people with disabilities and renamed the Individuals with Disabilities Education Act (IDEA). IDEA requires that IEPs are fully funded, and that students with special needs are provided with a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) that is appropriate to the student's needs. It requires states to provide special education in accordance with federal standards as a condition for receiving federal funds.

Under IDEA, students with disabilities, ages 3 through 21, are entitled to receive special educational services through their local public school district. All students with special needs are assessed, and then an IEP is developed that outlines how the school will meet the student's individual educational needs.

Early Intervention, Part C of IDEA, is the process of providing services, education, and support to young children who are deemed to have a diagnosed physical or mental condition (with a high probability of resulting in a developmental delay), an existing delay, or a child who is at-risk of developing a delay or special need that may affect their development or impede their education. The purpose of early intervention is to lessen the effects of the disability or delay. Services, which are available from birth to three years of age, are designed to identify and meet a child's needs in five developmental areas: physical development, intellectual development, communication, social emotional development, and adaptive development.

Federal IDEA law requires each state to provide the following:

- **Full Educational Opportunity Goal** - The state must have on record with the U.S. Secretary of Education detailed policies and procedures to provide a full educational opportunity to all children with disabilities, from birth through 21 years of age.
- **Child Find** - The state must have in effect policies and procedures to ensure that all children with disabilities, including children attending private schools, who need special education and related services are identified, located, and evaluated.
- **Least Restrictive Environment** - States shall have policies and procedures to ensure that each public agency, to the maximum extent appropriate, educates children with disabilities, including children in public or private institutions or other care facilities, with children who are nondisabled in the regular education environment.

- ***Continuum of Alternative Placements*** - Each public agency shall ensure a continuum of alternative placements to meet the needs of children with disabilities for special education and related services, including alternative placements such as instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. Supplemental services provided in conjunction with regular class placement must also be available to children with disabilities.

Additionally, IDEA requires that states use state funds to support special education and related services for children and families with children with disabilities as a part of qualifying for annual federal funds under Part B of IDEA. This level of state support, known as Maintenance of Effort (MOE), must, at a minimum, remain constant year to year.

IDEA stipulates that states must not reduce their level of state financial support for special education and related services for children with disabilities below the amount of that support from the preceding fiscal year. If a state fails to meet this requirement, the U.S. Secretary of Education will reduce the allocation of funds to the state for any fiscal year following the fiscal year in which the state failed to meet MOE.

Under limited circumstances, the Secretary is provided waiver authority (for one fiscal year at a time) for what are deemed to be exceptional or uncontrollable circumstances. However, if the department grants a waiver of MOE, the amount of financial support required of the state in future years is the same amount that would have been required in the absence of the waiver.

State Special Education Laws: Why Do They Matter?

Chapter 3323 of the Ohio Revised Code is the chapter of state statute that defines and governs the provision of services to students with disabilities in Ohio; it mirrors the requirements put forth under IDEA.⁶

Under Ohio law, a “child with a disability” means a child who is at least three years of age and less than twenty-two years of age; who has an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, a traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities; and who, by reason thereof, needs special education and related services.

A “child with a disability” also may include a child who is at least three years of age and less than six years of age who is experiencing developmental delays, as defined by standards adopted by the State Board of Education and as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: physical development, intellectual development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, needs special education and related services.

⁶ <http://codes.ohio.gov/orc/3323>

Special Education Funding in Ohio: How Does It Work?

Since 1913, Ohio school districts have had the responsibility of operating special education programs. Starting in 1945, Ohio's system of funding special education was based on instructional unit funding. Ohio's unit funding-based system, which focused primarily on funding a classroom teacher and related instructional expenses, remained unchanged for over 50 years.

In 1996, Ohio changed its separate special education unit funding model to a more integrated approach that provided those students with special education needs the same (local wealth equalized) per pupil state foundation funding as regular education students received. In addition, students with special needs were then provided a system of three weights, or multipliers, of the per pupil funding that all students received; these weights provided additional, supplemental funding based on the severity of disability.

In 2001, with OCECD leadership, these weights were updated to a six-weight, cost-based system that gained favorable national recognition. Unfortunately, this cost-based system was never fully funded.

Though essentially over-ridden by statewide school funding guarantees between FY 2009 and FY 2013, the state of Ohio continues to use a de facto six-weight system for funding special education. The state budget for 2014-2015 converted special education "weighted amounts" from multipliers to dollar amounts because the state eliminated the per pupil foundation amount, thus eliminating the ability to use the weights as multipliers. Nevertheless, the dollar amounts were intended to equate to the same funding levels that would have been produced under the previous cost-based weighted system. The state also applied a state share index to the weighted amounts. This policy shift was designed to rebalance state/local special education shares and not increase overall state/local special education funding; however, it required an increase in state special education funding of over 32% in FY 2014.

In FY 2013, the weighted formula was funded at approximately \$569 million. In FY 2014, in addition to general state school aid received by all students, the state funded special education weighted funding was increased to \$712.5 million. In addition, the state provides funding for special education preschool and special education enhancements, such as parent mentors, school psychologist interns, and other supplemental supports.

By FY 2019, primary and secondary education spending in Ohio amounted to \$8.38 billion. Of this, \$918 million (11%) was committed to special education. District foundation aid, known as opportunity grant funding, accounts for 57.7% of total state foundation aid. Targeted assistance, capacity aid, transportation, transitional aid, and categorical funding (like special education) make up the remainder. Special education categorical funding accounts for 10.7% of per pupil state aid.

Ohio’s special education model provides progressively larger financial weight to each of its six categories.

The categories and amounts are outlined in the chart below:

Special Education Weighted Funding Categories	
Category	Amount Per Pupil
1 – Speech Only	\$1,578
2 – Specific Learning disabled, developmentally disabled, intellectually disabled, other health-minor	\$4,005
3 – Hearing impaired, severe behavior disabled	\$9,622
4 – Vision impaired, other health-major	\$12,841
5 – Orthopedically impaired, multi-disabled	\$17,390
6 – Autism, traumatic brain injury, both visually and hearing impaired	\$25,637

Each special education student is counted in the district’s enrollment, or average daily membership (ADM), as one student for the purposes of calculating the district’s opportunity grant. These students are also counted in each district’s special education ADM, which is broken out by each special education category.

It is useful to see how funds are expended and in which disability category. For example, category 6 represents roughly 10% of the student population, but accounts for 36% of the funding.

A full breakdown by category is listed below:

Share of Special Education ADM & Funding by Category - FY 2018		
Category	% Share of ADM	% Share of Funding
1	11%	2%
2	66%	38%
3	7%	10%
4	1%	1%
5	5%	13%
6	10%	36%

In addition to foundation aid and categorical funding, there are also other state General Revenue Fund expenditures and targeted state funding through the special education enhancements line item of the Ohio Department of Education’s budget, including funding for a variety of school choice programs.

Other Major State General Revenue Fund (GRF) Activities and General State Support:

- ***Institution/CBDD Special Education Funding:*** Per-pupil funding for students with disabilities is distributed to the state developmental disabilities institutions and County Boards of Developmental Disabilities (CBDDs). Many of these boards operate educational programs in public schools and in separate educational facilities for students with disabilities. This funding also supports students with disabilities housed in state institutions that provide education and related services. This set-aside is considered a part of the foundation program.
- ***Catastrophic Special Education Aid:*** Historically, this program provides additional funding to districts to help support the needs of high-cost special education students. All disability conditions, except speech-only, are eligible. Districts, JVSs, and community schools are reimbursed for more than 50% of the costs above \$27,375 for students in categories 2 through 5, and more than 50% of the costs above \$32,850 for category 6 students. However, all payments are prorated to stay within the appropriation level.
- ***Special Education Targeted Funding***
 - ***School Psychology Interns:*** The subsidy helps ensure that there is an adequate supply of school psychologists to serve students with disabilities, by helping to support one year of supervised on-the-job training prior to licensing by the

Department. This nine-month, full-time internship is required prior to licensure per Ohio Administrative Code 3301-24-05. Funding will support 100 school psychology interns.

- **Parent Mentors:**⁷ Children with disabilities have diverse needs that require services from multiple community agencies and organizations. This program provides support and information to parents of children with disabilities and assists them in becoming involved partners in their children's education. For the 2018-2019 school year, funding supported 75 projects across the state, providing 91 parent mentors. Six projects were self-funded, including a total of seven parent mentors. Despite these numbers, 233 districts were not served by parent mentors.

- **Special Education School Choice Options**

- **The Autism Scholarship Program** is funded as a deduction from the state Formula Aid of each recipient's resident school. This funding is contained within the General State Support – Formula Aid set-aside in ODE's General State Support program series, which is part of the Foundation Program.
- **The Jon Peterson Special Needs Scholarship Program** is funded as a deduction from the Formula Aid of each recipient's resident school district. This funding is contained within the General State Support – Formula Aid set-aside in ODE's General State Support program series.



⁷ In full disclosure, OCECD received grant funds from ODE during the 2019 year (and still does receive these funds) to provide technical assistance to the Ohio parent mentor projects.

A breakdown of special education funding for FY 2018-2019 follows below:

Special Education Funding Trendlines: 2018-2019

Total ODE Special Education	FY18 Budget	% share of budget	Annual Increase (As compared to 2017)	FY19 Budget	% share of budget	Annual Increase (As compared to 2018)
Special Education Weighted Funding - Traditional Districts	857,724,853	74.8%	3.6%	880,830,825	75.2%	2.7%
Special Education Weighted Funding - JVSs	36,842,272	3.2%	4.6%	37,198,420	3.2%	1.0%
Catastrophic Special Education	40,000,000	3.5%	0.0%	40,000,000	3.4%	0.0%
Parent Mentoring	1,350,000	0.1%	1.2%	1,350,000	0.1%	0.0%
School Psych Interns	3,000,000	0.3%	18.2%	3,000,000	0.3%	0.0%
CBDD/Institutions Weighted Funding	33,000,000	2.9%	-34.0%	33,000,000	2.8%	0.0%
OOD/ODE Collaboration	5,000,000	0.4%	0.0%	5,000,000	0.4%	0.0%
Preschool Special Education	110,000,000	9.6%	5.8%	110,000,000	9.4%	0.0%
Special Education Transportation	60,469,220	5.3%	0.0%	60,469,220	5.2%	0.0%
Total ODE Special Education Funding	1,147,386,345	100%	1.9%	1,170,848,464	100%	2.0%

Source: Legislative Service Commission and Ohio Department of Education Center for School Finance

These trends demonstrate relatively stable funding for special education for the 2-year period of FY 2018-2019, with increased funding for special education weights for both traditional and joint vocational school districts, preschool special education, and the school psych intern program. Increases in these areas, however, were offset by reductions in funding to County Boards of Developmental Disabilities. The result, overall, is stable funding with modest, but less than inflationary, increases for special education funding overall. This is part of a bigger state funding picture for primary and secondary education that received a modest cost of living adjustment.

Federal Funding

State funding for special education is supplemented with funding from the federal government.

- **Individuals with Disabilities Education Improvement Act (IDEA) (CFDA 84.027):** Federal funding is allocated directly to school districts, community schools, CBDDs, the

Ohio State School for the Blind, the Ohio School for the Deaf, the Ohio Department of Youth Services, and the Ohio Department of Rehabilitation and Corrections to provide special education services to students with disabilities. School districts are also allocated funding to offer services to resident students with disabilities who attend nonpublic schools. IDEA also funds state-level competitive grants to districts and regional service providers for professional development and educational outreach programs. Discretionary funds are used to support the state's compliance and performance indicators, reported annually to the U.S. Department of Education.

Additionally, an integral part of federal funding support is Ohio's award for IDEA Part B funds.

In 2016, as the result of fiscal monitoring by the U.S. Department of Education (USDOE), the Ohio Department of Education revised its allocation policies, procedures, and formula to be consistent with those specified in IDEA. The revised formula is calculated using the following components required under IDEA, Subgrants to Local Education Agencies (LEAs): base amount, population amount, and poverty amount. The revised formula will change LEA allocations.

In state fiscal year (SFY) 2019, Ohio allocated \$410.82 million to 1028 school districts, community schools, and County Boards of Developmental Disabilities.

Doe v. State of Ohio⁸

Doe v. State of Ohio is a class action lawsuit⁹ that was filed in federal court in 1993 as part of another lawsuit about funding and providing education in the State of Ohio. Disability Rights Ohio (DRO) became involved in the lawsuit on behalf of over 270,000 preschool and school age students with disabilities receiving special education services in Ohio, serving as attorneys for plaintiffs along with the Bazelon Center for Mental Health Law and Steptoe & Johnson LLP.¹⁰ The lawsuit was against the State of Ohio (defendant), which included those offices responsible for special education funding in Ohio's public schools: The Governor, General Assembly, State Superintendent, Ohio State Board of Education, and Ohio Department of Education. The goal of this lawsuit was to ensure that all Ohio public schools, principally 11 of Ohio's school districts (8 of which are large urban districts) have enough resources to give students with disabilities appropriate special education and related services and support in the least restrictive environment.¹¹ It included students with IEPs and students with 504s.

⁸ <https://casetext.com/case/doe-v-ohio>

⁹ https://www.disabilityrightsohio.org/assets/documents/sped_doe_v_state_of_ohio_update.pdf

¹⁰ <http://education.ohio.gov/getattachment/About/Legislative-Services/notice-of-proposed-class-action-settlement-doe.pdf>

¹¹ The case will be resolved through a comprehensive settlement agreement granted in March 2020 by U.S. District Court (Southern District of Ohio) Judge Michael Watson. At its heart, the agreement is designed to improve integration and academic achievement and related accountability requirements relative to the education of students with disabilities in Ohio. Our 2020 Special Education Profile Report will provide review and discussion of this settlement.

Plaintiffs claimed that Ohio’s system for funding special education in Ohio was denying children their federally mandated right to a free and appropriate public education (FAPE). Plaintiffs also alleged that because of inadequate funding, financially strapped school districts make decisions about the provision of services to students with disabilities based on available resources, instead of the individualized needs of students, as required by state and federal law. According to a DRO analysis, only 38.5% of students with disabilities in these districts learned in integrated settings, while 65.1% in all other districts were integrated. At the end of 2019, a proposed settlement was reached but the agreement will not be heard in the court for final approval until 2020.¹²

To understand the problems with the funding, it is important to go back to a 2000 study by the Ohio Coalition for the Education of Children with Disabilities, which recommended a six-weight special education funding system. Children would be placed into one of six disability categories, with more funding being awarded to support the education of children with more severe disabilities. The state legislature chose to adopt the recommendation, funding the program at 80% initially, with plans to ramp up to 100% over time. Funding has been stalled at an initially estimated 90% of the 2001 weights for over a decade and, in more recent times, has been further diluted by changes to the special education weights. These fiscal constraints provided Doe plaintiffs with more evidence that funding problems were exacerbating service delivery shortcomings.

Special Education Student Enrollment: What Is the Bottom Line?

In the 2018-2019 school year, Ohio’s students with disabilities accounted for 15.45% or 256,526 of the student population. This is up from 15.16% in 2017-2018. How does this compare? In the U.S. overall, 13.7% of all students were special education students in 2017-2018. The percentages varied by state, ranging from 9.2 percent in Texas to 19.2 percent in New York. Ohio’s special education enrollment trends are outlined in greater detail below:

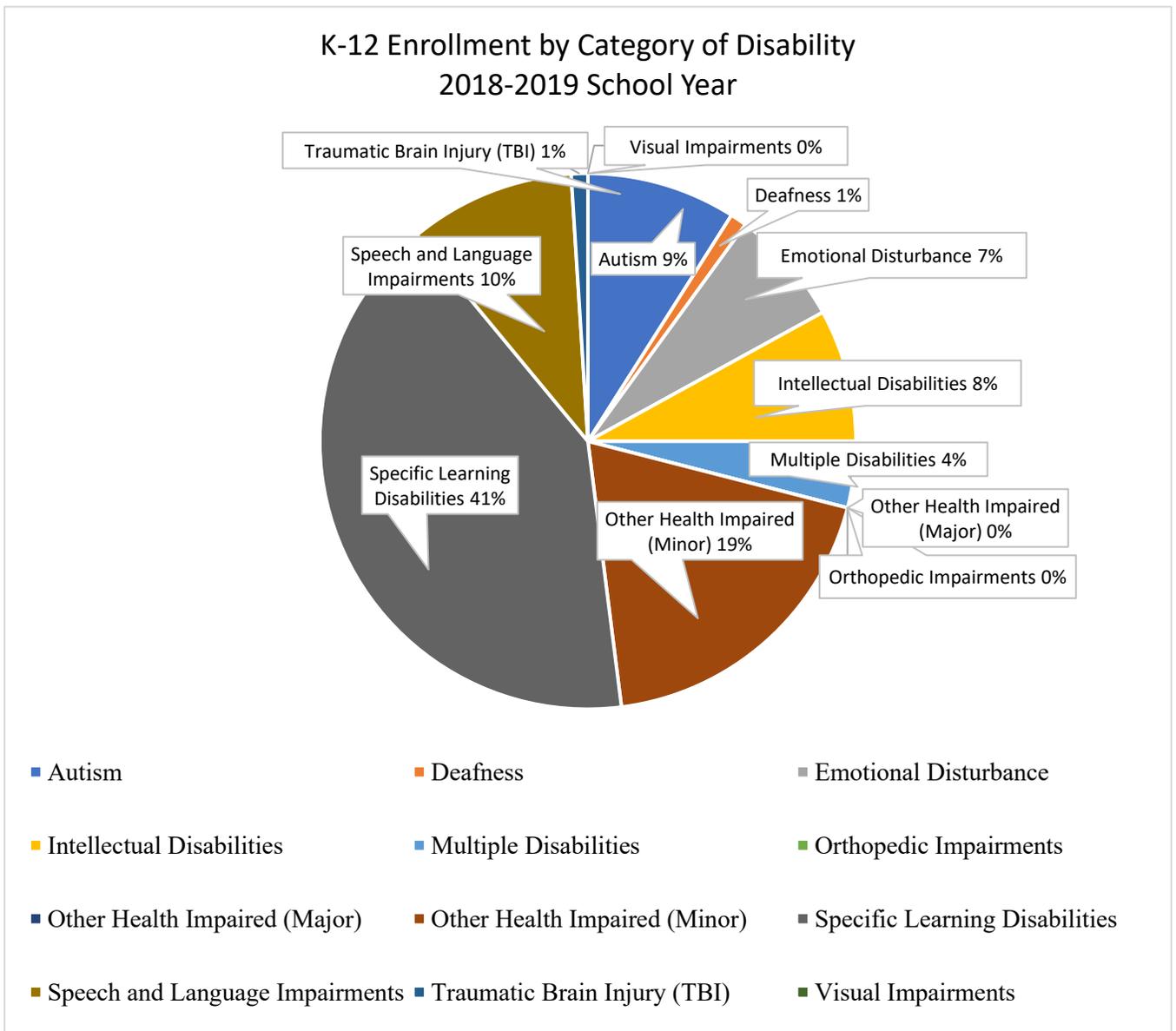
School Year	2018-2019	2017-2018	2016-2017
General Education Students	1,403,828.5	1,414,571.5	1,429,563.8
Students with Disabilities	256,525.7	252,735.9	244,777.3
TOTAL ENROLLMENT	1,660,354.2	1,667,307.4	1,674,341.1
SWD % of Enrollment	15.45%	15.16%	14.62%

Source: State Report Card Advanced Reports, Ohio Department of Education

¹² <http://education.ohio.gov/getattachment/About/Legislative-Services/notice-of-proposed-class-action-settlement-doe.pdf>

Ohio’s students with disabilities represent a broad diversity of students’ strengths, skills, and needs. The leading category of students with disabilities are those with Specific Learning Disabilities. Students with autism continue to represent a growing category of disability. For students with intellectual disabilities, Ohio is performing better than the national average as it relates to placement in inclusive learning environments. According to a January 2019 Equity in Education report by the Ohio Department of Education, 33% of Ohio’s students with intellectual disabilities spent at least 80% of their time in general education classes, compared to 17% nationally.¹³

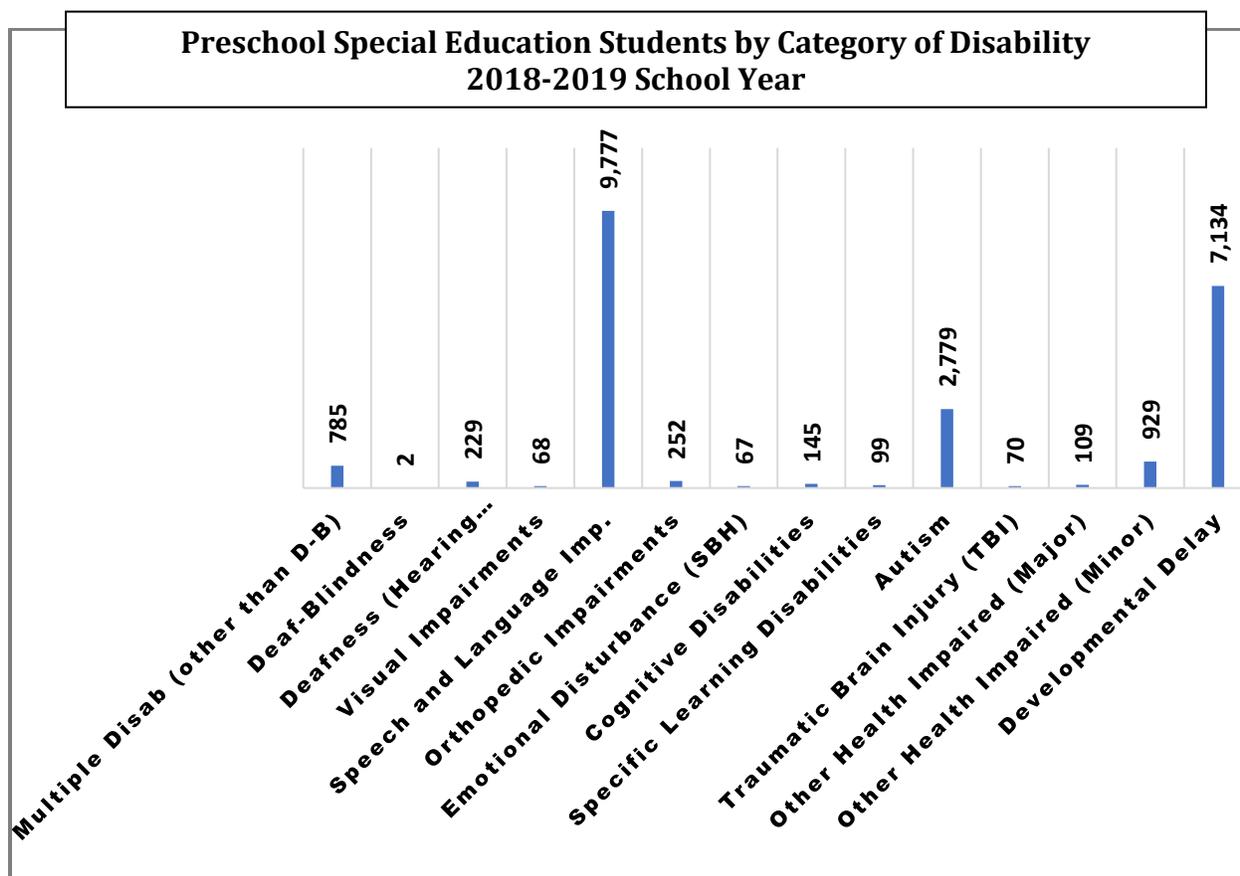
A breakdown, by disability category is reflected in the chart below.



¹³ IDEA, State Performance Plan. Retrieved from <http://education.ohio.gov/Topics/Special-Education/State-Performance-Plan> and <https://sites.ed.gov/idea/spp-apr/>.

Children with Disabilities Age Birth through Age 5

As reported by the Ohio Department of Education in the *2020 Annual State Report on Preschool Children with Disabilities in Ohio*, 22,445 preschool aged children in Ohio received special education services in the 2018-2019 school year. This includes 9,777 children with speech and language impairments, 7,134 with developmental delays, and 2,779 children with autism.



Special Education Student Placement Options in Ohio¹⁴

There are many educational placement options for students with disabilities in Ohio. Because of enrollment caps and program capacity limitations, not all options, particularly scholarship or voucher programs, are available to all students, and should therefore be evaluated on a case-by-case basis.

¹⁴ Data for all placement options were generated through the Ohio Department of Education Report Card Advance Reports at <https://reportcard.education.ohio.gov/advanced>. Descriptions of placement options come from the LSC Catalog of Budget Line Items and LSC Greenbook available at <https://www.lsc.ohio.gov>

Traditional Public School. There are 610 city, exempted village, and local school districts in Ohio. Ohio's traditional public school districts serve nearly 1.7 million students. Under Ohio and federal law, a traditional public school district (the district where the student resides) is required to provide services, including supplementary services, to any student with disabilities who is at least three years of age and less than twenty-two years of age.

Career-Technical Education (CTE) or Joint Vocational School Districts (JVSD). CTEs or JVSDs provide occupational education in high schools. All traditional public schools must provide access to occupational education programs, either in their own schools, through CTEs or JVSDs, or by contracting through another school district. Federal IDEA requirements apply to CTEs and JVSDs; therefore, they must also comply with all criteria for workforce development programs.

County Boards of Developmental Disabilities (CBDD). Ohio has 88 County Boards of Developmental Disabilities, one in each county. While these boards provide early childhood and adult services, most no longer provide school-aged services (kindergarten-12th grade). Those that do generally limit services to students with low incidence disabilities. CBDDs serve approximately 2,700 school-aged students.

Home Instruction. Under Ohio law, the board of education of a school district must provide home instruction for children with disabilities who are at least three years of age and less than twenty-two years of age and who are unable to attend school, even with the help of special transportation. The board may arrange for the provision of home instruction for a child by a cooperative agreement or contract with a CBDD or another educational agency.

Chartered Non-Public School. A chartered non-public school is a private school that holds a valid charter issued by the State Board of Education and maintains compliance with the Operating Standards for Ohio's Schools. These schools are not supported by local or state tax dollars and require the family to pay tuition. Chartered non-public schools receive limited state funds to pay for specific limited purposes, including transportation services for students.

Community Schools (Also known as "Charter" schools). Community, or charter, schools are public nonprofit, nonsectarian schools that operate independently of any school district under contract with an authorized sponsoring entity. Community or charter schools can be both "brick and mortar" schools, as well as e-schools, that deliver educational programming exclusively through online instruction. The 2004 amendments to IDEA continued to affirm that students who attend charter schools are covered under this law. Community, or charter, schools that are their own LEAs are eligible to access the resources of an LEA risk pool for high need children with disabilities, if the state establishes such a fund.

Cleveland Scholarship. The Scholarship and Tutoring Program (K-12) in the Cleveland Municipal School District uses a lottery selection process that gives preference to low-income families. Student transportation may be available through the Cleveland Municipal

School District (CMSD). CMSD is solely responsible for arrangements and establishing eligibility requirements for transportation. The Cleveland Scholarship program currently has 36 participating schools and serves over 7,438 students.

EdChoice Scholarship Program. The Educational Choice Scholarship (EdChoice) pilot program was created to provide students from underperforming public schools the opportunity to attend participating chartered, non-public private schools. The program provides up to 60,000 EdChoice scholarships to eligible students; they are provided on a first-come first-serve basis. In 2019 there were about 34,309 scholarship students.

Autism Scholarship Program. The Autism Scholarship Program (ASP) gives the parents of children with autism who qualify for a scholarship the choice to send the child to a special education program other than the one operated by the school district of residence to receive their education and the services outlined in the child’s IEP. The student must have a current IEP from the district of residence that is finalized; all parties, including the parents, must be in agreement with the IEP. In 2019, approximately 3,789 students participated in the Autism Scholarship Program.

Jon Peterson Special Needs Scholarship. Jon Peterson Special Needs Scholarship may be used to pay for private school tuition and additional services at private therapists and other service providers. In addition, this scholarship can be used at public providers (i.e., school districts) if the district chooses to accept the scholarship students. The number of scholarships available is capped at 5% of the students with special needs in the state. Ohio has approximately 260,000 students with individualized education plans, which means about 12,500 scholarships are available. The amount of each scholarship is based on the disability identified on the student’s IEP and does not exceed \$20,000. In 2019, nearly 6,373 students participated.

Home Education. Home education is education provided primarily by, or under, the direction of a child’s parents. There is no state financial assistance for families who choose this option. Home education students do not receive a diploma recognized by the State Board of Education. When pursuing employment or advanced education, home education students may need to complete the GED to show equivalence to a state recognized high school diploma.

Outlined below is a chart depicting the placements options and related trendlines for 2017-2019.

Scholarship	2017	2018	2019
Autism	\$3,505	\$3,668	\$3,789
Cleveland	\$7,977	\$7,682	\$7,438
EdChoice	\$21,765	\$22,608	\$23,479
EdChoice-Exp	\$7,561	\$9,532	\$23,479
JPSN	\$4,887	\$5,621	\$6,373

Source: ODE School District Report Card Advanced Reports

Student Attendance and Students with Disabilities

Student attendance is a key metric of success. When compared to typical peers, students with disabilities attended, on average, 3% fewer days of school, or 90.8% of days of attendance, compared to their typical peers at 93.8%, in the 2018-2019 school year. Students identified in the category of emotional disturbance have the lowest attendance rates among their peers, according to data from the Ohio Department of Education.

Attendance Rate with Student Disaggregation (State)	
Disability Category	2018-2019 School Year
	Student Attendance Rate (State)
Typical/General Education Student	93.8%
Multiple Disabilities (other than Deaf-Blind)	90.9%
Deaf-Blindness	89.5%
Deafness (Hearing Impairments)	92.8%
Visual Impairments	92.3%
Speech and Language Impairments	94.3%
Orthopedic Impairments	90.4%
Emotional Disturbance (SBH)	86.5%
Intellectual Disabilities	90.4%
Specific Learning Disabilities	91.8%
Autism	93.7%
Traumatic Brain Injury (TBI)	89.9%
Other Health Impaired (Major)	87.1%
Other Health Impaired (Minor)	91.2%



What Academic Progress are Students with Disabilities Making?

According to the 2018-2019 state report card produced by the Ohio Department of Education, recent data in Ohio demonstrates that 350 school districts increased the Performance Index for students with disabilities for that academic year. The Performance Index captures all levels of student performance on state assessments. The average increase was three Performance Index points, which was a higher rate than the overall average rate (1.5 points) for improving districts. Differences still exist and much work needs to be done, but across the state, 57.6 percent of schools increased the Performance Index for their students with disabilities in the 2018-2019 academic year.

Further evidence demonstrates growth in key academic areas, but with a continued need to close achievement gaps. In 2019, all student subgroups increased in proficiency in math, and nearly all improved in English language arts, but students with disabilities continue to lag behind their typical peers. See chart below.

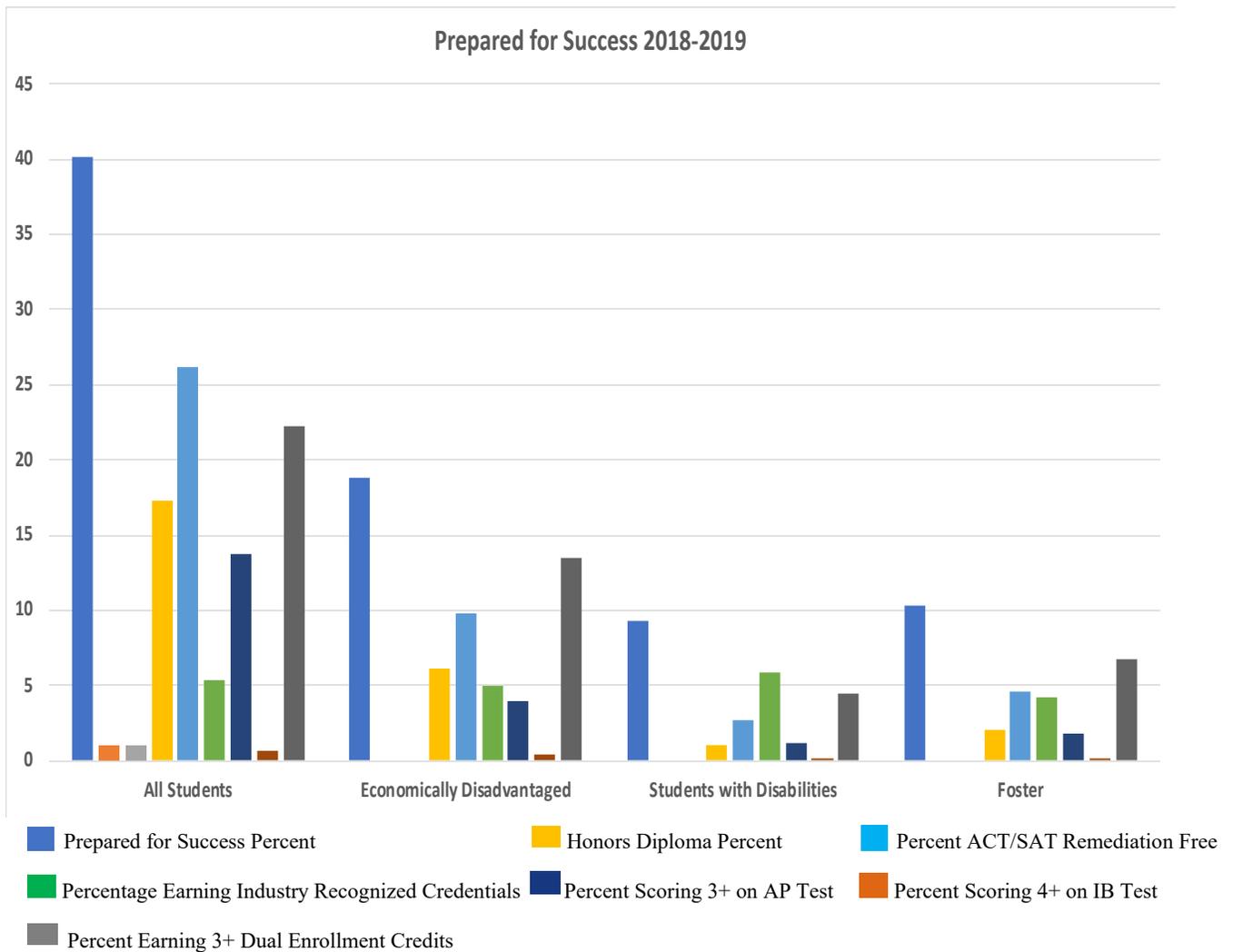
Demographic Group	English Language Arts				Mathematics			
	2016-17*	2017-18	2018-19		2016-17*	2017-18	2018-19	
All Students	62.1%	63.7%	64.6%	△	60.2%	60.4%	61.0%	△
Economically Disadvantaged	46.8%	48.4%	49.5%	△	44.9%	44.9%	45.5%	△
Students with Disabilities	25.8%	28.3%	28.9%	△	26.4%	27.7%	28.2%	△
English Learners	38.8%	41.8%	43.7%	△	43.7%	45.4%	45.7%	△
White, Non-Hispanic	69.1%	71.0%	71.7%	△	67.8%	68.1%	68.9%	△
Black, Non-Hispanic	35.3%	37.3%	39.3%	△	30.9%	31.6%	32.5%	△
Hispanic	48.2%	49.6%	51.2%	△	46.9%	47.2%	47.9%	△
Multiracial	57.5%	58.9%	59.6%	△	53.8%	53.9%	54.6%	△
Asian or Pacific Islander	73.6%	74.9%	76.8%	△	78.1%	77.9%	78.7%	△
Alaskan Native or American Indian	57.4%	60.5%	60.0%	▽	52.9%	51.1%	54.0%	△

*The 2016-17 data above excludes Algebra I, Integrated Math I and English Language Arts I.

Source: Ohio Department of Education, 2018-2019 State Report Card



Another measure of academic progress is Ohio’s Prepared for Success indicator.¹⁵ Whether training in a technical field or preparing for work or college, the Prepared for Success component looks at how well-prepared Ohio’s students are for future opportunities. Using multiple measures for college and career readiness enables districts to showcase their unique approaches to preparing students for success after high school. The chart below demonstrates how students with disabilities compared with other students in the 2018-2019 school year.



Source: Ohio Department of Education State Report Card data

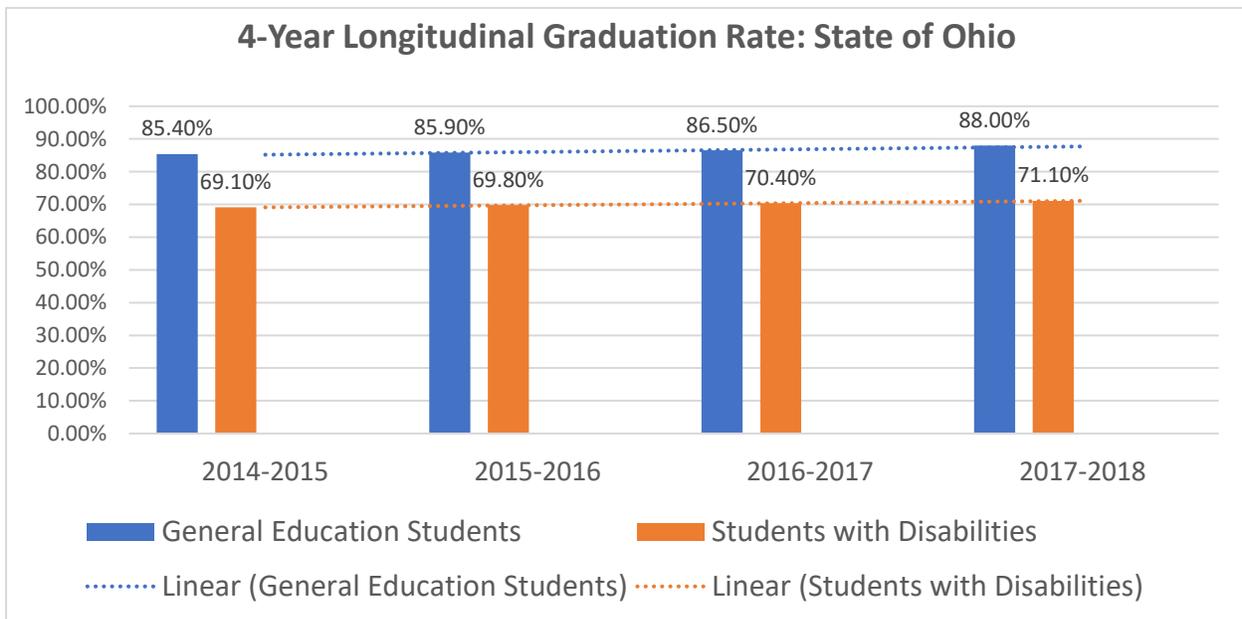
¹⁵ <http://education.ohio.gov/Topics/Data/Report-Card-Resources/Prepared-for-Success-Component>

Juvenile Justice Involved Youth and Special Education

The cost of educational failure is very high. For example, the connection between juvenile justice and special education in Ohio is both sobering and substantial. According to the Director of the Ohio Department of Youth Services, almost 50% of youth incarcerated in the Ohio Department of Youth Services (DYS) are receiving special education services.¹⁶ This means there are over three times as many special education students in DHS facilities as there are in the general school population.

Ohio's Special Education Student Graduation Trends

Over the past decade, special education graduation rates have increased steadily, as have the general education graduation rates, albeit at a slighter faster pace. A review of the 4-year longitudinal graduation rates reveals that for the 4-year period from the 2014-2015 school year to the 2017-2018 school year the gap between general education and special education graduation rates widened slightly by 1%.



Recent federal law changes have impacted the requirements for graduation reporting as it relates to students with disabilities. In addition to overall graduation rates, Ohio currently reports a graduation rate excluding students who meet graduation requirements through exemptions detailed in their IEP. It is in the best interest of students with disabilities that the state creates the conditions and an accountability system that support an expectation that students with disabilities achieve the same graduation requirements as other students, except for students with significant intellectual disabilities. It also is the state's responsibility to provide supports and resources for students to reach this goal.

¹⁶ <file:///C:/Users/angel/Downloads/Gies.pdf>

As shown below, a little more than 3% of the class of 2018 (4,428 students) received a diploma through IEP exemptions and are not included in the federal rate as on-time graduates.

Graduating Class	State Graduation Rate	State Graduation Rate excluding IEP exemption students
Class of 2017	84.1%	78.8%
Class of 2018	85.3%	82.1%

Source: 2018-2019 State Report Card, Ohio Department of Education



Topics in Education

Disproportionality

Disproportionality is a measure of educational equity.¹⁷ It occurs when students from a racial or ethnic group are, from a population perspective, disproportionately identified for special education, placed in more restrictive settings, or are disciplined at higher rates than their peers. The federal government considers disproportionality “significant” when the overrepresentation exceeds a threshold defined by each state.¹⁸

This is happening at a time in which state-level achievement gap data reveals that Ohio’s education system isn’t effectively meeting the needs of specific student groups of students, including African-American, Hispanic, English learners (EL), economically disadvantaged students and students with disabilities. Federal findings help to illustrate disproportionality as a contributing factor to this challenge and represent a significant issue and looming test for school districts in Ohio.

¹⁷ <http://education.ohio.gov/Topics/Special-Education/Special-Education-Data-and-Funding/Equity-in-Special-Education-Disproportionality/Significant-Disproportionality-Frequently-Asked-Qu#FAQ3704>

¹⁸ <http://www.sst4.org/Disproportionality.aspx>

National and state longitudinal data show significant racial inequities in the educational experiences of students with disabilities. Compared with their peers, Black students in Ohio are more than twice as likely to be identified with intellectual disabilities, placed in restrictive settings or removed from educational settings for discipline; they are more than three times as likely to be identified as having an emotional disturbance.¹⁹

In December 2016, the United States Department of Education announced new regulations to further address equity in the federal IDEA legislation. The new regulations require states to use a standard approach to identify significant disproportionality, expand the categories of analysis related to discipline and compare racially homogenous districts to the state.²⁰

In August of 2017, the Ohio Department of Education convened a group of stakeholders to discuss the new disproportionality requirements and gather consensus input from Ohio's stakeholders.

Following a delay by the U.S. Department of Education and resulting federal lawsuit challenging the delay, the new regulations went into effect in March 2019. States must calculate disproportionality in 14 categories for each of the seven racial groups.²¹

Ohio's 2019-2020 school district Special Education Profiles are designed to include a new Disproportionality section showing the district's longitudinal data in each disability category and notifying the district of any required actions. ODE is working with state support teams (SSTs) and regional data leads (RDLs) to provide technical assistance for districts addressing significant disproportionality. Ohio's Plan to *Improve Learning Experiences and Outcomes for Students with Disabilities* will include recommendations to ensure equitable access and prevent disproportionality.²²

Despite the progress that has been made to address disproportionality and its impact on students, this is an issue that should continue to be closely monitored and reported.

¹⁹ <http://education.ohio.gov/Topics/Special-Education/Special-Education-Data-and-Funding/Equity-in-Special-Education-Disproportionality/Significant-Disproportionality-Frequently-Asked-Qu>

²⁰ <https://www.ed.gov/news/press-releases/fact-sheet-equity-idea>

²¹ http://education.ohio.gov/getattachment/Topics/Special-Education/Special-Education-Data-and-Funding/DRAFT-Equity-in-Special-Education-Disproportionality/Disproportionality_Overview.pdf.aspx?lang=en-US

²² <http://education.ohio.gov/getattachment/Topics/Special-Education/Improving-Educational-Experiences-and-Outcomes/Students-with-Disabilites-Improvement-Plan.pdf.aspx?lang=en-US>

Ohio's Seclusion and Restraint Policy

In 2012, Ohio's State Board of Education approved a new policy limiting the use of seclusion and restraint interventions and implementing Positive Behavior Intervention and Supports (PBIS) in Ohio's public schools.²³

The rules, which went into effect during the 2013-2014 school year, established standards of restraint and seclusion practices for use in public schools. These rules provide that the State Board of Education may formulate and prescribe additional minimum operating standards for school districts, including standards for the use of PBIS throughout districts, in order to ensure a safe and secure learning environment for all students. In addition, the policy requires public school districts to annually submit a reporting of incidents of student restraint and seclusion. While the Department provides a model policy for districts, each locally elected school board of education has the authority to determine policy and establish procedures for many areas, in accordance with Ohio school law. The Department's policy serves as guidance, but each school district must develop, publish, implement, and monitor its own policy on the use of restraint and seclusion. The policy and rules require school districts to annually report information regarding its use of restraint and seclusion to the Department. This continues to be an area of focus and concern.

Special Education Teachers and Related Services Personnel: Does Ohio Have A Shortage of Qualified Personnel?

Since 2010, and as recently as the 2017-2018 school year, the U.S. Department of Education's *Teacher Shortage Areas* report indicated that special education is a teacher shortage area for Ohio.²⁴ A 2012 study by the Ohio Research Center, a collaborative of Ohio based universities and research institutions, found the supply of teachers more than meets the demand in the state, but these numbers mask a problem of not having enough teachers for specific regions, grade levels and in specific fields, including special education.

According to the Ohio Department of Education's Job Board, in 2018, the state of Ohio had the most need for intervention specialists, which refers mainly to special education teachers. Of the types of education majors chosen by 2011 Ohio graduates, special education was the fourth highest choice (1,323 graduates or 10.9% of all graduates). Another area of concern relates to diversity in the special education teaching ranks. Research has shown that students often fare better in the classroom when they have a teacher of the same race. According to a December 2019 article in *EdWeek*²⁵, just over 82 percent of special education teachers in public schools are white. This is in stark contrast to the fact that only about half of students receiving special education services are white, according to 2017-2018 data.

²³ <http://education.ohio.gov/Topics/Student-Supports/PBIS-Resources/Policy-Positive-Behavior-Interventions-and-Support>

²⁴ <https://www2.ed.gov/about/offices/list/ope/pol/bteachershortageareasreport201718.pdf>

²⁵ Riser Kositsky, Maya. Special Education: Definition, Statistics, and Trends. EdWeek. December 17, 2019.

“Related services” are supportive services which are required to assist a child with disabilities to benefit from special education, as defined in Ohio Administrative Code (OAC) Section 3301-51-01(B)(52). Under Ohio law, “related services” means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. These include speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training. As is the case with special education teachers, many of the professionals needed to provide related services are in short supply, with speech-language pathologists being a leading example of this professional shortage issue.

Special Education Teacher and Related Services Shortage²⁶ Variability: What is the Story?

Special Education Teachers in Ohio. According to data from the U.S. Bureau of Labor Statistics, Ohio has the 9th highest number of special education teachers among the 50 states and the District of Columbia, at 11,682 employed. This represents about 3.04% of the 384,605 FTE teachers employed nationally to work with students ages 6-21 who are receiving special education under IDEA, Part B. Importantly, 98% of Ohio’s teachers are certified to teach in their respective areas of instruction, ranking Ohio 14th among the states.

Teacher and Related Services Caseloads. Caseloads, which have a significant effect on the demand for teachers and related service providers, and on the quality of services delivered to students with disabilities, vary dramatically across the U.S. Although several initiatives aim at reducing general education class sizes, some data (which must be interpreted with caution) suggest that special education caseloads may have increased to nearly the 18:1 ratios of primary general education classrooms in many states. Teacher and related services caseload ratios are outlined in the Ohio Administrative Code and have the same authority as law. However, the Ohio Department of Education may grant waivers for these caseload ratios when schools request them.



²⁶ <https://specialdshortages.org/about-the-shortage/>

Related Services Personnel Shortage. In January 2018, ODE created a Related Services Personnel Workgroup to improve the coordination of state, school, and provider efforts to address the related services needs of students with disabilities. The work group team members collaborated with the Ohio Educational Service Center Association (OESCA) and ODE to devise short-term goals focused on proposing an update for the funding methodology for Ohio and completing a cost gap analysis. These recommendations could likely have funding and policy implications in upcoming budget and school funding deliberations. The work group concluded its work and issued a final report in October 2019, which included the following 5 broad recommendations:

- Recommendation 1 – Ensure special education services are adequately funded as part of the state funding formula.
- Recommendation 2 – Adopt and implement methods to improve the recruitment and retention of individuals in all related services professions.
- Recommendation 3 – Create a full-time position at the Department of Education to oversee related services.
- Recommendation 4 – Conduct a review of the licensure structure currently used by the Department of Education as it applies to related services personnel.
- Recommendation 5 – Support a cultural shift with the goal that related services are viewed as part of a collaborative, student-driven, team-based approach to meet the needs of the whole child.

The full report can be accessed on the ODE website at:

<http://education.ohio.gov/getattachment/Topics/Special-Education/Related-Services/Related-Services-Workgroup-Report-and-Recommendations-1.pdf.aspx?lang=en-US/>

Teacher Recruitment and Retention. According to the *American Educational Research Journal*, quality training and support are of the utmost importance. While teachers from university-based education programs were most likely to switch schools mid-year, teachers from alternative-training programs were more likely to leave teaching altogether. Based on data from the Learning Policy Institute, key factors, other than compensation, which reflect and influence teacher supply and attrition are teacher turnover, working conditions, and qualifications. Ohio's Teaching Attractiveness Rating is 3.3 on a 1-5 scale. In addition, testing related job insecurity measured high – 18 percent, where the U.S. average is 12 percent.²⁷

Seeking to mitigate this situation, ODE's Office of Educator Equity has developed an interactive resource tool,²⁸ which is available for collecting data on teacher retention and attrition. The Teacher Exit Survey was part of the state-level Race to the Top Resource Plan, Application Area D: Great Teachers and Leaders.

²⁷ <https://learningpolicyinstitute.org/product/understanding-teacher-shortages-interactive>

²⁸ <http://education.ohio.gov/Topics/Teaching/Educator-Equity/Teacher-Exit-Survey>

How are Regional Education Support Services Provided?

Ohio has a robust regional and statewide system of support for students and schools. This system includes the County Board of Developmental Disabilities, Educational Service Centers (ESCs), and State Support Teams (SSTs).

County Boards of Developmental Disabilities. County Boards of Developmental Disabilities (CBDD) were established by the Ohio General Assembly in 1967 to direct services and supports to individuals with intellectual and other developmental disabilities; and to provide critically important alternatives to state run institutions, by affording individuals the opportunity to live, work and participate in their respective local communities. CBDDs are governed by seven volunteer (unpaid) board members. Five of these board members are appointed by county commissioners, while two board members are appointed by county probate judges. At least three board members must be a family member of a person with a developmental disability who is eligible for services from a county board. Board members govern the work of the CBDD, and in conjunction with the county superintendent and his/her staff, ensure the development and operation of local programs that are responsive to the needs of people with developmental disabilities. According to data from the Ohio Association of County Boards of Developmental Disabilities, more than 90,000 children and adults receive comprehensive services arranged by local CBDDs. Based on available resources, a CBDD may provide or arrange for service and support administration, early childhood services, educational services, supported living and other residential services, family support services, job training and employment services, among others.

Educational Service Centers. Created in 1914 as County Offices of Education, Educational Service Centers (ESCs) have evolved from regulatory agencies to full-scale educational service providers. ESCs are grounded in state and federal law. They are defined as school districts in state law and LEAs in federal law, including the Perkins Act, Higher Education Act (HEA), Elementary and Secondary Education Act (ESEA), and IDEA. Ohio's ESCs provide direct services to over 255,000 students each year, including pre-school special education students, K-12 special education students, incarcerated youth, at-risk youth, drop-outs, and those at risk of dropping out. Am. Sub. H.B. 115 of the 127th General Assembly created the Ohio Educational Regional Service System, positioning ESCs to serve as the conduit and delivery system for Ohio's statewide school improvement and education reform efforts. Under the law, ESCs must implement state or federally funded initiatives assigned to them by the General Assembly or the Ohio Department of Education. There are sixteen ESCs that have contracts with the state of Ohio to serve as State Support Teams. To learn more about Ohio's ESCs and the programs and services they provide to support students with disabilities, visit the Ohio ESC Association website at www.oesca.org.

State Support Teams. Ohio's state funded regional education support system includes sixteen State Support Teams (SSTs), whose goal is to improve instructional practice and student performance on a continuing basis for school buildings and school districts targeted for improvement. SSTs were established by the Ohio Department of Education in

response to Am. Sub. H.B. 115, which created the Educational Regional Service System. SSTs replaced the former Special Education Regional Resource Centers (SERRCs). Each SST is housed within one of 16 regional Educational Service Centers (ESCs). SSTs provide services and assistance to school buildings and school districts, community schools, early childhood centers, and CBDDs, offering services as follows:

- School Improvement
- Special Education Compliance
- Early Learning and School Readiness
- Literacy

The mission of the State Support Team is to:

- Help school districts build their capacity to plan and implement school improvement processes that close achievement gaps in reading, math, and sub-group performance, including special education.
- Improve the achievement of children and youth with disabilities and children who are at risk of being identified as disabled, by assisting educators and families in the development and delivery of specially designed instruction aligned with Ohio’s academic content standards.
- Assist districts and agencies in complying with federal and state laws and regulations to ensure the full participation of children and youth with disabilities in the school community.

SSTs work through the Ohio Department of Education’s Offices for Exceptional Children; Early Learning and School Readiness; and the Center for School Improvement by providing technical assistance and professional development.



A Review of Special Education Policy in 2019

The 133rd session of the Ohio General Assembly began in January 2019, corresponding with the beginning of Governor Mike DeWine's first term and release of his first biennial state operating budget.

Special Education and the FY 2020-2021 State Operating Budget. The FY 2020-2021 state budget provided fiscal continuity for the Ohio Department of Education and for K-12 education, generally. The major exception is a \$675 million 2-year investment in a Student Wellness and Success initiative²⁹ and related "wrap around" services. This initiative will be helpful to many at-risk students, including those with disabilities. Governor DeWine also made key investments in early childhood, early intervention, and home visits, and invested in effective workforce development and job readiness related programs.

School foundation aid, *including* the new Student Wellness and Success component, which is funded outside the GRF, is appropriated at a combined \$8.66 billion in FY 2020 (+3.5%) over FY 2019, and at \$8.79 billion in FY 2021 (+1.5%) over FY 2020. This aid is distributed in three components: (1) formula aid (including special education); (2) Student Wellness and Success Funds (SWSF) to serve the needs of the "whole-child"; and (3) increased funding for districts experiencing enrollment growth.

The budget also included a number of significant policy changes as outlined below.

Graduation Requirements. The new state graduation requirements,³⁰ which would start with the class of 2023 reduce the number of state tests and provide a number of non-test alternatives. Policy changes related to graduation requirements include, but are not limited to, the following provisions:

- Stipulates that in order to qualify for a high school diploma a student must meet curriculum requirements, as under continuing law, and do both of the following: (1) attain a "competency score" on both the Algebra I and English Language Arts II end-of-course exams (or use an alternative demonstration of competency); and (2) attain at least two state diploma seals, at least one of which must be the existing biliteracy seal, the existing OhioMeansJobs readiness seal, or one of the new seals for which the State Board of Education establishes requirements.
- Requires school districts to offer remedial support to students who fail one or both of the required competency exams and requires such students to retake the respective exam at least once.
- Permits students who fail the retakes to demonstrate competency by: (1) completing course credit through the College Credit Plus program; (2) providing evidence the student has enlisted in a branch of the U.S Armed Forces; (3)

²⁹ <https://governor.ohio.gov/wps/portal/gov/governor/priorities>

³⁰ <http://education.ohio.gov/Topics/Ohio-s-Graduation-Requirements>

completing at least one "foundational" option (including earning proficient scores on three or more state technical assessments in a single pathway, obtaining an industry recognized credential, completing a pre-apprenticeship or apprenticeship, or providing evidence of acceptance into an apprenticeship program after high school); and either another "foundational" option or a "supporting" option (including completing 250 hours of work-based learning experience, obtaining an OhioMeansJobs-readiness seal, or attaining a score on the WorkKeys assessment).

- Requires an individualized education program (IEP) for a special education student to specify the manner in which the student will participate in assessments related to the new graduation requirements.
- Requires each district or school, not later than June 30, 2020, to adopt a policy regarding students who are at risk of not qualifying for a high school diploma.
- Requires the adopted policy to include: (1) criteria for identifying at-risk students; (2) procedures for identifying at-risk students; (3) a process to notify an at-risk student's parent, guardian, or custodian that the student is at risk; (4) additional instructional or support services for at-risk students; and (5) the development of a graduation plan, which must be updated in each year of high school, for each student.

Behavioral Prevention Initiatives. Supporting the DeWine administration's focus on student wellness and success, the budget requires, beginning in the 2019-2020 school year, each school district, community school, STEM school, and college-preparatory boarding school to annually report to ODE the types of behavioral prevention programs, services, and supports being used to promote healthy behavior and decision-making by students.

Beyond passage of the state operating budget, it has also been an active legislative session.

133rd General Assembly (2019-2020) Education Policy Proposals. Through mid-2020, over 1000 bills have been introduced, approximately 100 of which are education related. Four education-focused bills have been passed and enacted, including the previously reference HB 166, the biennial state operating budget. Seven bills may be of particular interest to the special education community:

- House Bill (HB) 12 establishing the Children's Behavioral Health Network (effective March 2020),³¹
- HB 436 and Senate Bill (SB) 102 related to requiring dyslexia screenings for children, and SB 200 to require professional development for screening and intervention for children with dyslexia,³²

³¹ <https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-HB-12>

³² <https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-HB-436>;
<https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-SB-102>;
<https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-SB-200>

- HB 532 to adopt standards and curricula for mental health education,³³
- SB 81 to prohibit the use of seclusion in schools,³⁴ and
- HB 305 to adopt a new school finance system for K-12 education.³⁵

Of these bills, only HB 12 has been passed and enacted as of the publishing of this profile. That being said, several pending bills are worth further review and explanation as follows:

- **Senate Bill 81** - Senate Bill 81, sponsored by Senator Maharath, addresses issues of seclusion and restraint. Specifically, the bill would require the State Board of Education, not later than 90 days after the bill's effective date, to update its rules to include a prohibition on the use of seclusion on students. Under current law, the State Board is required to adopt rules establishing a policy and standards for (1) the implementation of a positive behavior intervention supports framework and (2) the use of physical restraint or seclusion on students. The bill also specifies procedures that qualify as seclusion for purposes of this provision, as well as situations and interventions that do not qualify as seclusion. Introduced in March of 2019, the bill received its only hearing for sponsor testimony in October 2019.
- **Dyslexia Related Bills** - Additionally, there are three bills focused on dyslexia. House Bill 436 and Senate Bill 102 are companion bills introduced simultaneously in the Ohio House and Senate. These two bills would require each school district and community school to conduct early screenings and provide intervention services for children with risk factors for dyslexia under the Dyslexia Screening Program. This would be an expansion of a statewide pilot program that operated in eight school districts from the 2012-2013 school year to the 2014-2015 school year. The Ohio Department of Education would be required to establish guidelines and procedures for the program in consultation with the International Dyslexia Association, or another nationally recognized organization that specializes in the treatment of dyslexia, and furnish any approved assessment used by a school district or school for purposes of the program. Senate Bill 200 requires each school district and other public schools to establish a structured literacy certification process for teachers providing instruction for students in grades K-5; structured literacy is evidenced-based instruction that emphasizes the structure of language, including speech sounds (phonology); writing and spelling (orthography); the meaningful parts of words (morphology); grammar and sentence structure (syntax); the relationship between words, phrases, and sentences (semantics); and the organization of spoken and written language (discourse). The bill requires the process to align with ODE's guidelines for dyslexia screening and intervention and to require a practicum. Lastly, the bill specifies certain student-to-teacher ratios for the number of teachers that must be certified under the structured literacy certification process for students in grades K-5. The bills are still pending in committee as of the printing of this publication.

³³ <https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-HB-532>

³⁴ <https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-SB-81>

³⁵ <https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA133-HB-305>

- ***HB 305 School Funding Reform and Special Education Funding:*** HB 305 garnered the most attention by the broader education community and the legislature. Sponsored by State Representatives Robert Cupp (R) and John Patterson (D), House Bill 305 proposes the creation of a new school financing system in Ohio and includes related appropriations. The bill is the vehicle for implementing the *Fair School Funding Plan*, which was the final deliverable of a bipartisan House working group that met for nearly 18 months to address Ohio’s school funding system. If fully implemented in FY 2025, the plan would cost the state of Ohio an additional \$1.5 billion annually, according to preliminary estimates. *These estimates, however, do not include several service areas that are outside of the basic school funding formula, including special education and funding for educational service centers.*

House Bill 305’s new formula is an inputs-based model that seeks to provide instructional resources to ensure high quality education for Ohio’s children. The base costs are driven by student-to-staff ratios and statewide average salary data, as well as statewide average expenditures for operations, supplies, materials, and more. Nearly all base funding under the proposal (95%) is for classroom instruction and instructional support costs, including classroom teaching (60%), educational supports (15%) and school operations (20%). Although these components determine how much funding a district receives, decisions on how to spend base funds will be locally controlled.

The new base cost formula includes the following components:

- Instructional Costs – Including Teacher Salaries and Benefits
- Instructional Support Costs
- Co-curriculars
- Safety and Security
- Basic Social and Emotional Support
- Technology, Devices for Each Student
- Network Access/Internet Connectivity
- School Leadership and Support (principal and other personnel, facilities, and supplies)
- Central Office Staff

Again, as outlined above, while these components will determine how much funding districts receive under the new formula, there is no mandate for them to spend specific amounts on any of the outlined service areas.

The Base Cost *does not* include the cost of:

- Special Education
- Gifted Education
- English Language Learners
- Transportation
- Poverty
- Preschool
- Targeted Aid/Capacity Aid
- Career Tech
- Career Awareness and Exploration

These categorical funding allocations are appropriated outside of, and in addition to, the base cost formula amount.

HB 305 calls for several studies, additional research and analysis, and task forces, including, but not limited to, the following:

- An inventory of all state budget line items that provide funding services to children, including a preliminary analysis of policy implications regarding the potential creation and funding of “wrap-around” services including health clinics in educational settings.
- An evaluation of special education funding.
- An evaluation of preschool education, including cost-effectiveness, coordination, alternative service delivery methods.
- An evaluation of all educational service centers (ESCs).

Importantly, the bill demonstrates the relative policy importance of primary and secondary education by including intent language that specifies that funds in Pupil Transportation, Special Education Enhancements, and Foundation Funding are collectively used to pay state formula aid obligations, with the first priority of these items being to fund state formula aid obligations before any other earmarks.

Additionally, the Ohio Department of Education and State Board of Education have addressed a number of special education related issues in the past year, including Whole Child Framework, updates to state policies on preschool, restraint and seclusion, social emotional learning (SEL) standards, and special education operating standards.

Lastly, federal findings related to disproportionality is a significant issue and challenge for some districts. This disproportionality generally occurs when students of one racial or ethnic group are more likely to receive special education identification, placement in a more restrictive setting, or more out of class discipline compared to all other students, thus denying them access to instruction and the support they need to succeed academically. The Ohio Department of Education has a number of resources related to this important issue available on the department’s website.³⁶ Work on several of these issues will continue in 2020 and are issues for which OCECD and its members should continue to monitor and advocate.

³⁶ <http://education.ohio.gov/Topics/Special-Education/Special-Education-Data-and-Funding/Equity-in-Special-Education-Disproportionali>

Ohio Special Education Related State Policy Issues

Outlined below is a list of key special education related state of Ohio policy issues that connect to OCECD's mission and goals, including enhancing the educational success of students with disabilities.

OCECD has a long-standing concern that, despite the excellent work of devoted special education teachers, administrators, and staff, as well as essential related service professionals, and the support of families, Ohio's special education system remains inadequate to the growing needs of its over 250,000 students. Service and funding gaps have, in many cases, led to a system that is too narrowly focused on technical and legal compliance with state and federal law. Unfortunately, this has minimized the focus on helping students to meet their full potential within the educational system that is required to provide them with a Free and Appropriate Public Education in the Least Restrictive Environment.

1. **Current School Funding Reform Initiatives:** State Representatives Robert Cupp's and John Patterson's school funding reform legislation (House Bill 305), as well as other evolving school funding reform initiatives, and their potential impact on school funding generally, and on special education funding particularly is something to watch closely, as it will impact the education and future of all of our children. This policy area also includes calls for a special education funding study that could facilitate a needed updating of Ohio's special education funding formula, which is greatly needed.
2. **Special Education Funding in future budgets.** Special education funding and policy changes in the next state biennial budget bill (FY 2022-2023), which will be introduced on or about February 1, 2021, and will go into effect on July 1, 2021. Given the significance of recent events and related economic and fiscal realities, this upcoming state budget will likely present difficult educational funding and policy challenges.
3. **Special Education Performance Gap:** A better understanding of the measures, both instructional and financial, are needed to close the performance gap between Ohio public school students with special educational needs and the state's traditional student population.
4. **Special Education Preschool Rules and Operating Standards.** Review of administrative rules and associated policies at the state and local level will continue to be discussed and refined. It will be vitally important that parents and practitioners are informed and have an active voice in the review and updating of any rules impacting the education of students with disabilities and supporting the foundation goals and values of IDEA.

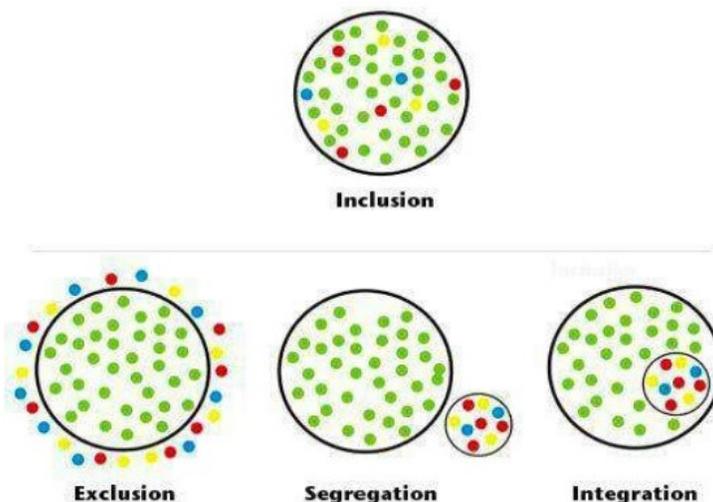
Special Education Implications

The facts, figures and special education policy issues identified in the 2019 Special Education Profile have important public policy and advocacy implications for OCECD and the people we serve. These key issues will show significant progress by first attending to the most important subject at hand, Inclusion.

Inclusion in education. As previously mentioned, a January 2019 Equity in Education report by the Ohio Department of Education reported that 33% of Ohio's students with intellectual disabilities spent at least 80% of their time in general education classes, compared to 17% nationally.³⁷ Ohio should be proud that we have performed much better for this category of students than the national average, to be sure.

But when we look at all categories of students with disabilities (not just intellectual disabilities), nationwide the data show 63.4% of students spent at least 80% of their time in general education classes.³⁸ The flip side of this is that more than a third of all of our students with disabilities do not spend 80% of their time in general education classes. Whether looking at a specific disability category or all categories combined tells us that there is much work to be done, in Ohio and nationwide.

By striving for inclusion and inclusive practices to the maximum extent appropriate,³⁹ we will truly be able to address, and overcome, some of the challenges set forth in this report regarding attendance, academic performance, graduation and more.



Courtesy of Michigan Alliance for Families

³⁷ IDEA, State Performance Plan. Retrieved from <http://education.ohio.gov/Topics/Special-Education/State-Performance-Plan> and <https://sites.ed.gov/idea/spp-apr/>.

³⁸ <https://nces.ed.gov/fastfacts/display.asp?id=59>

³⁹ https://www.wrightslaw.com/info/lre_faqs_inclusion.htm

Positive Benefits and Outcomes from Inclusion

A number of studies have found inclusion to be beneficial for students who receive special education services as well as students who do not receive special education services. For example, children with disabilities that are taught in inclusive classes are absent less often and show more academic progress. They are also more likely to pursue postsecondary education and pursue jobs, thus reaping both short-term and long-term benefits. But students without disabilities also benefit from an inclusive classroom. Difference is part of the everyday experience and the result is students have more diverse friendships and positive self-esteem.⁴⁰ Both students with disabilities and students without disabilities experience social emotional benefits,⁴¹ high expectations, and support.⁴²

*There is clear and consistent evidence that inclusive educational settings can confer substantial short- and long-term benefits for students with and without disabilities. A large body of research indicates that included students develop stronger skills in reading and mathematics, have higher rates of attendance, are less likely to have behavioral problems, and are more likely to complete secondary school than students who have not been included. As adults, students with disabilities who have been included are more likely to be enrolled in postsecondary education, and to be employed or living independently. (p. 2)*⁴³

Inclusiveness creates opportunities for respect, acceptance, diversity and understanding. For some, a culture shift will need to occur to reach inclusion. "Inclusion is more than equitable access, but the mutual expectation that all students are encouraged and engaged in school activities to his or her fullest potential,"⁴⁴ such an approach leads to a shift in both school culture and school climate. For others, they are already there and ready to go, following and implementing identified best practices and visionary leadership.⁴⁵ For all, there will need to be effective practices, and decisions must be based upon the individual needs of each student. This environment, however, must be mindful and attentive to the needs of every student, as well as the supports needed for every general education teacher and special education teacher. Support for students to be partnered with support for teachers so that inclusion and inclusive practices can occur.

*Inclusion is important because through our diversity we certainly add to our creativity. If you don't have a diverse classroom or a diverse world, you don't have the same creative levels...our strength lies in our diversity.*⁴⁶

⁴⁰ <https://www.understood.org/en/learning-thinking-differences/treatments-approaches/educational-strategies/4-benefits-of-inclusive-classrooms>

⁴¹ https://alana.org.br/wp-content/uploads/2016/12/A_Summary_of_the_evidence_on_inclusive_education.pdf

⁴² <https://www.understood.org/en/learning-thinking-differences/treatments-approaches/educational-strategies/4-benefits-of-inclusive-classrooms>

⁴³ https://alana.org.br/wp-content/uploads/2016/12/A_Summary_of_the_evidence_on_inclusive_education.pdf

<https://nces.ed.gov/fastfacts/display.asp?id=59>

⁴⁴ <https://www.schoolclimate.org/themes/schoolclimate/assets/pdf/practice/sc-brief-inclusion.pdf>

⁴⁵ <http://www.ascd.org/publications/educational-leadership/oct03/vol61/num02/Making-Inclusive-Education-Work.aspx>

⁴⁶ <https://www.specialeducationguide.com/pre-k-12/inclusion/>

Looking Towards 2020/2021

There are a number of issues that will continue to be of importance as we move into 2020, as outlined in this report above, and in the review of three issues below where movement may occur in 2020. OCECD believes that all children have a right to a meaningful and relevant education. This belief affirms the dignity of each child or youth with disabilities, whose needs are unique and whose needs must be met equally and appropriately. Ohio has shown it invests in its students and moving forward in these areas will continue to demonstrate that investment.

1. **Special Education Funding Adequacy.** In order to operate effectively, the mechanics of Ohio's special education funding system – which includes foundational aid and additional special education supplements – need to be strengthened by an ever-evolving process of identifying the services and related costs associated with providing students with disabilities with a free and appropriate public education.

Ohio's special education funding formula has not received a thorough review and updating in nearly 20 years. This situation needs to be rectified as soon as possible through state funding of a thorough and comprehensive updating of Ohio's special education funding formula.

2. **Special Education System Integrity Priorities.** The cornerstone of Ohio's special education system is the Individualized Education Plan (IEP). This approach bases services on ongoing evaluations of the unique and evolving needs of individual students with disabilities. Implementation requires independent reviews by qualified personnel. Some parents and practitioners feel that the quality of the IEP is compromised, because of the strong reality of fiscal and related organizational constraints at the schools and in school districts. This has sometimes resulted in instances in which students are not provided with necessary educational and related services when there is evidence that they, in fact, require these services. Any IEP should be developed based solely on the individual needs of the student, but adequate funding is needed to help ensure that all IEPs can be implemented with fidelity to those needs.
3. **Doe v. State of Ohio.** Any settlement in the Doe case should primarily focus on services related to disproportionality in 11 school districts. The benefits of a settlement and any resulting work, however, should be analyzed and leveraged to improve the delivery of special education and related services to all students with disabilities across the state regardless of where they live and attend school.



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