

Ohio Special Education Profile 2022



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

April 2023



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.

Ohio Coalition for the Education of Children with Disabilities

125 Executive Drive, Suite 200 ● Marion, OH 43302-6302

Toll Free 1-844-382-5452

Web: www.ocecd.org

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Dear Special Education Stakeholders,

Welcome to the Ohio Coalition for the Education of Children with Disabilities' (OCECD) *2022 Ohio Special Education Profile*.

This resource and reference guide 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 at-large. These investments empower students to advance educationally and vocationally and, in the vast majority of cases, to become self-sufficient contributing citizens.

In the 2021-2022 school year, there were 21,461 students with disabilities enrolled in public preschool, which represented 38.15% of all enrolled public preschool students. In the K-12 setting, there were 249,539 students with disabilities, representing 15.44% of the overall student population in Ohio's public schools. 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.

This profile is a retrospective review of special education funding and related data for the 2021-2022 academic year, and through calendar year 2022 with regard to relevant state policies. Of particular note in 2022, are changes to the special education operating standards, adoption of the dyslexia guidebook and associated training supports, an update to the definition of "developmental delay" for younger learners, and release of a comprehensive cost study of special education services and funding.

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 to improve outcomes for students with disabilities through adequate, effective policy and funding resulting in high-quality special education services.

OCECD will continue to work hard to ensure that all Ohio children with special needs receive a Free and Appropriate Public Education (FAPE) in the least restrictive environment that enables them to reach their highest potential. Together, we can continue making a major difference for students with disabilities.

Sincerely,

Lisa Hickman, PhD
Executive Director

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Ohio Special Education Profile 2022

Section 1

History of Special Education in Ohio

Ohio's special education laws were enacted years before the federal law in 1975. The first comprehensive set of state standards for special education were adopted by the State Board of Education in 1960, covering all areas of disability. These standards included class size, age range, and teacher qualifications. Program standards were revised in 1962 to improve quality of education and added transportation. Additional standards for severe and/or multiple impairments were added in 1973 and included deaf-blind, autistic, and aphasic children. Standards that required identification, location, and evaluation of all children with disabilities became effective in 1977. These new standards rescinded a provision for legal dismissal from school attendance which had been made illegal under the federal law PL 92-142 in 1975.

The Rules for the Education of Handicapped Children became effective with all federal and state requirements in one document in 1982. This book of rules was often referred to as the "blue book" due to the color of the cover.

In 1998, the Ohio legislature rewrote special education law, which was changed from a "unit" or personnel-driven system of funding to a per pupil weighted system with an equity factor. Legislation also set caseload requirements into law. Ohio law was revised in 2002, and the title changed to Operating Standards for Ohio Schools Serving Children with Disabilities. School districts were given more flexibility, but ratios remained as first adopted in 1982. In 2008, the law was revised. Significant changes made to align more closely with 2004 reauthorized IDEA. The year 2014 brought new revisions and a new title: Ohio Operating Standards for the Education of Children with Disabilities. Today, caseload ratios remain the same as first adopted in 1982, however, a committee has been appointed to recommend Ohio law changes that will provide more equitable access to services.

Ohio's funding of special education and related service also continues to evolve with the adoption of a weighted funding system in the early 2000s that continues to be reviewed and updated in the course of ongoing debates related to overall school funding in the state, the latest of which was the adoption of the Fair School Funding Plan and a special education funding study by AIR both of which will be reviewed in greater detail later in this document.

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 2021-2022

academic year and is designed to serve as an informational resource for parents, professionals, policy makers, and the broader statewide community. *The Profile is organized using a question & answer format that addresses important special education related questions, including: What is special education? How is it funded? What is the special education student profile in Ohio? What are the available placement options? What are emerging issues of policy and practice?*

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 that states are properly enforcing federal law, and that resident school districts are providing FAPE in the least restrictive environment possible. These important policy design elements will be explored in greater detail throughout the *2022 Ohio Special Education Profile*.

Previous editions of this *Profile* have examined preschool administrative rule changes, the state's seclusion and restraint policies, the shortages of special education teachers and related services personnel, and special education disproportionality, among other issues. An update on several of these important issues, to the degree necessary and appropriate, is provided in the *2022 Ohio Special Education Profile* along with other emerging issues of policy, funding and practice.

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 501(c)(3) organization headquartered in Marion, Ohio. Composed of over 35 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.

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 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.

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 in practical terms? The general term of special education broadly identifies the academic, physical, intellectual, social and emotional instruction offered to children who are faced with one or more disabilities.

Student Individualized Education Programs (IEPs) serve as the foundation, both educationally and legally, for special education services. These are prepared by special education professionals and include input from parents and students, as appropriate. Based on assessment driven IEPs, special education provides necessary supplemental education and related support services, such as occupational, speech, 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

In Ohio, there is a separate category whereby a child between the ages of 3 and 6 may qualify for services under the category of developmental delay. Importantly, as will be discussed later in the document, eligibility under this definition was expanded by the Ohio General Assembly to age 10 and will go into effect in 2023.

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 are required to provide a free and appropriate public education, or FAPE, as a condition of receiving federal funds.

Additionally, federal law requires states to maintain a funding commitment to students with disabilities through a maintenance of effort (MOE) requirement, whereby states

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

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

(within very limited exceptions) cannot reduce their funding support for students with disabilities without risking a loss of federal funding. While Congress has appropriation authority for funding 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 interpret the federal laws and regulations and, in turn, to enact their own laws and administrative rules to implement them. From a bottom-line perspective, state laws cannot contradict IDEA, nor can they provide *less* than federal law requires on a host of 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 that students receive all eligible services pursuant to state and federal laws and regulations.



Section 2

What is Ohio's Special Education Student Profile?

In 2021, Ohio ranked seventh among the fifty states in the number of students with disabilities, accounting for 3.77% of all students with disabilities nationally.³ This is consistent with Ohio's position as the 7th most populous state, representing 3.56% of the total U.S. population. These federal enrollment numbers have not yet been updated for 2022.

Given the size and complexity of the special education student population, special education funding and policy issues are an integral part of the state's education policy picture. From a national perspective, Ohio ranks 7th (2020-2021) in terms of the number of students with IEPs, ages 3-21, according to the U.S. Department of Education's *EdFacts* Warehouse.⁴

In Ohio, the 13 federal disability categories are grouped into six clusters with related funding weights under Ohio law.⁵ These six weighted categories include: Category 1 - speech only; Category 2 - specific learning disabled, developmentally disabled, intellectual disability, other health-minor; Category 3 - hearing impaired, severe behavior disabled; Category 4 - vision impaired, other health-major; Category 5 - orthopedically impaired, multi-disabled; and Category 6 - autism, traumatic brain injury, both visually and hearing impaired. The majority of students represented in these weights are, as a group, 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.

Federal Special Education Laws: Why Do They Matter?

In the U.S., the foundational 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 be fully funded, and that students with special needs are provided with a Free and 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.

³ Part B Child Count 2020-2021, National Center for Education Statistics, retrieved from https://nces.ed.gov/programs/digest/d21/tables/dt21_204.70.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

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 it 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 and 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 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 a waiver of MOE is granted, 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. Eligibility under this definition was expanded to those children at least three years of age and less than 10 years of age effective in early 2023.⁷

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 students with special education needs the same (local wealth equalized) per pupil state foundation funding as regular education students

⁶ <http://codes.ohio.gov/orc/3323>

⁷ HB 554 (134th General Assembly) changed the definition of “child with a disability” increasing the maximum age of students who are eligible for services under that category including students with developmental delays.

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 strong OCECD leadership and encouragement, these weights were updated to a more precise, 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 2021, primary and secondary education spending in Ohio amounted to \$9.36 billion. Of this, \$918 million (11%) was committed to special education, the vast majority of which is devoted to weighted funding. 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.

Ohio’s special education model provides progressively larger financial weight to each of its six categories. In the FY 2020-2021 budget, a weight was simply an additional funding amount added to the base per pupil foundation aid. Beginning in FY 2022, however, HB 110 (approved in calendar 2021) returned the weights to a multiplier that ensures additional special education funding increases as per pupil foundation aid increases.



The categories and amounts are outlined in the chart below:

Table 1

Special Education Weighted Funding Categories Amounts and Weights by Category		
Category	Amount Per Pupil FY 2021	New Weight Per pupil (FY2022)
1 – Speech Only	\$1,578	0.2435
2 – Specific learning disabled, developmentally disabled, intellectual disability, other health-minor	\$4,005	0.6179
3 – Hearing impaired, severe behavior disabled	\$9,622	1.4845
4 – Vision impaired, other health-major	\$12,841	1.9812
5 – Orthopedically impaired, multi-disabled	\$17,390	2.6830
6 – Autism, traumatic brain injury, both visually and hearing impaired	\$25,637	3.9554
In FY 2021, special education weighted funding was an added dollar amount, whereas in FY 2022 it is a multiplier. In FY 2022 a district's special education additional aid equals the sum of categories 1 through 6 special education weights. Before any funding guarantees or phase-ins, special education additional aid is estimated to be \$766 million in FY 2022.		

For FY 2018-2019, total per pupil amounts, including special education, remained unchanged from those used in FY 2017. Likewise, for FY 2020 and FY 2021, the budget required the Department of Education to pay each city, local, exempted village, and joint vocational school district an amount equal to the district's payments for FY 2019.

Each special education student is counted in their 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 nearly 11% of the student population, but accounts for over 37.7% of the funding. This is not surprising, however, given Category 6 represents low-incidence but high-need, and therefore high cost, disabilities.

A full breakdown by category is listed below for FY 2022 (the most recent year for which data was readily available):

Table 2

Share of Special Education ADM and Funding by Category - FY 2022				
Category	ADM	\$\$	% ADM	%\$\$
1	25,096.85	\$20,795,702.38	11.96%	2.72%
2	137,634.63	\$287,415,015.52	65.60%	37.57%
3	12,761.33	\$65,969,982.84	6.08%	8.62%
4	1,130.73	\$7,709,205.13	0.54%	1.01%
5	10,345.05	\$94,393,260.89	4.93%	12.34%
6	22,851.52	\$288,728,745.96	10.89%	37.74%
Total	209,820.11	\$765,011,912.72	100.00%	100.00%

See how FY 2022 compares to FY 2021 in the chart below.

Share of Special Education ADM and Funding by Category – FY 2021				
Category	ADM	\$\$	% ADM	% \$\$
1	25,053.96	\$20,145,430.96	11.98%	2.72%
2	137,192.28	\$278,018,626.17	65.59%	37.56%
3	12,679.16	\$63,362,072.29	6.06%	8.56%
4	1,134.51	\$7,521,040.59	0.54%	1.02%
5	10,338.83	\$91,656,351.39	4.94%	12.38%
6	22,758.85	\$279,494,802.13	10.88%	37.76%
Total	209,157.59	\$740,198,323.53	100%	100%

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 eligible 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 supports approximately 100 school psychology interns.
 - ***Parent Mentors:*** 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 2020-2021 school year, funding supported 76 projects across the state, providing 89 parent mentors. 6 projects were self-funded, including a total of 7 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.

A breakdown of special education funding for FY 2019-2021 follows below:

Special Education Funding Trendlines: 2019-2021

Table 3

Total ODE Special Education	FY19 Budget	% share of budget	Annual Increase (As compared to 2018)	FY20 Budget	% share of budget	Annual Increase	FY21 Budget	% share of budget	Annual Increase
Special Education Weighted Funding - Traditional Districts	880,830,825	75.20%	2.70%	880,830,825	75.20%	0.00%	880,830,825	78.37%	4.22%
Special Education Weighted Funding – JVSDs	37,198,420	3.20%	1.00%	37,198,420	3.20%	0.00%	37,198,420	0.00%	0.00%
Catastrophic Special Education	40,000,000	3.40%	0.00%	40,000,000	3.40%	0.00%	\$ 40,000,000.00	3.41%	0.00%
Parent Mentoring	1,350,000	0.10%	0.00%	1,350,000	0.10%	0.00%	\$ 1,350,000.00	0.12%	0.00%
School Psych Interns	3,000,000	0.30%	0.00%	3,000,000	0.30%	0.00%	\$ 3,000,000.00	0.26%	0.00%
CBDD/Institutions Weighted Funding	33,000,000	2.80%	0.00%	33,000,000	2.80%	0.00%	\$ 33,000,000.00	2.82%	0.00%
OOD/ODE Collaboration	5,000,000	0.40%	0.00%	5,000,000	0.40%	0.00%	\$ 5,500,000.00	0.47%	10.00%
Preschool Special Education	110,000,000	9.40%	0.00%	110,000,000	9.40%	0.00%	\$ 110,000,000.00	9.39%	0.00%
Special Education Transportation	60,469,220	5.20%	0.00%	60,469,220	5.20%	0.00%	\$ 60,467,882.00	5.16%	0.00%
Total ODE Special Education Funding	1,170,848,464	100.00%	2.00%	1,170,848,464	100.00%	0.00%	1,171,347,126.32	100.00%	0.04%

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

This chart demonstrated relatively stable funding for special education for the period of FY 2019-2021, with increased funding for special education weights for both traditional and joint vocational school districts, preschool special education, and the school psychology 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 over that period. During the FY 2020 budget, state funding was frozen as a result of the COVID-19 pandemic and the anticipated economic impact, thereby providing a relative level of stability and continuity.

How Does Federal IDEA Funding Supplement State Funding?

State funding for special education is supplemented with funding from the federal government as follows:

- ***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 Correction 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), ODE 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) 2021, Ohio allocated approximately \$481 million to over 1025 school districts, community schools, and County Boards of Developmental Disabilities⁸. Additional aid was provided to supplement districts and schools for increased services and related costs as a result of the coronavirus pandemic as outlined below.

Federal Stimulus Aid. In direct response to the emergence of the coronavirus in March 2020, the resulting school closures and related challenges, and the ongoing impact on schools and school districts, the federal government provided an unprecedented level of federal aid to the states. Federal stimulus aid to the states came through several federal acts, including the Coronavirus Aid, Relief and Economic Security (CARES) Act, the American Rescue Plan Act (ARPA), and the Consolidated Appropriations Act.

According to USAspending.gov, the total awarded amount of federal stimulus funding to the state of Ohio was approximately \$105.6 billion as follows⁹:

- \$58.68 B – Direct Payments
- \$38.4 B – Grants
- \$6.3 B – Contracts
- \$2.5 B – Other financial assistance

⁸ <http://www.lsc.ohio.gov/documents/budget/134/MainOperating/redbook/EDU.PDF>

⁹ <https://www.usaspending.gov/state/ohio/latest>

Inside of the grant-funded activity, there were several programs that provided needed support for Pre-K-12 education as outlined below:

- The ***Coronavirus Relief Fund*** was a new fund created by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and is managed by the Ohio Office of Budget and Management. The state of Ohio received a total allocation of \$3.7 billion through this grant to address the widespread impacts of the COVID-19 pandemic. Funding from this grant has been appropriated in Ohio to local governments, to colleges and universities, to skilled nursing facilities and other critical providers, to schools, to small businesses, to critical service providers, and to several direct-response state agencies for COVID-19 strategic response and recovery initiatives across Ohio.
- The ***Education Stabilization Fund*** was newly created by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and consists of the Elementary and Secondary School Emergency Relief Fund (ESSER), managed by the Ohio Department of Education, and the Governor's Emergency Education Relief Fund (GEER), managed by the Office of Budget and Management. The state of Ohio received a total allocation of \$594.1 million through the Education Stabilization Fund to address the impacts of the COVID-19 pandemic on education. Funding has been appropriated to schools, universities and childcare providers to support continuing educational services to students and the on-going functionality of these entities.
- The ***National School Lunch Program*** grant was increased by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and is managed by the Ohio Department of Education. The state of Ohio received a total allocation of \$310.7 million from the U.S. Department of Agriculture to pay claims for reimbursement for meals provided by schools, districts, and child nutrition providers under the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and the Summer Food Service Program.
- The ***School Breakfast Program*** was increased by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and is managed by the Department of Education. The state of Ohio received a total allocation of \$310.7 million from the U.S. The Department of Agriculture pays claims for reimbursement for meals provided by schools, districts and child nutrition providers under the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and the Summer Food Service Program.
- The ***Special Milk Program for Children*** grant was increased by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and is managed by the Department of Education. The state of Ohio received a total allocation of \$310.7 million from the U.S. Department of Agriculture to pay claims for reimbursement for meals provided by schools, districts, and child nutrition providers under the National School Lunch Program, School Breakfast program, Child and Adult Care Food Program, Special Milk Program, and the Summer Food Service Program.

- The **Summer Food Service Program** for children grant was increased by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and is managed by the Department of Education. The state of Ohio received a total allocation of \$310.7 million from the U.S. Department of Agriculture to pay claims for reimbursement for meals provided by schools, districts, and child nutrition providers under the National School Lunch Program, School Breakfast program, Child and Adult Care Food Program, and the Summer Food Service Program.
- The **Child and Adult Care Food Program** grant was increased by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and is managed by the Department of Education. The state of Ohio received a total allocation of \$310.7 million from the U.S. Department of Agriculture to pay claims for reimbursement for meals provided by schools, districts, and child nutrition providers under the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and the Summer Food Service Program.

Elementary and Secondary School Education Relief Fund (ESSER I – III) was the primary source of direct funding for schools and school districts under the three federal stimulus packages. School districts (LEAs) were required to apply to the state education agency (SEA); in Ohio the SEA is the Ohio Department of Education. Under federal guidelines, every SEA must use at least 90 percent of its ESSER Fund grant to make subgrants to LEAs by formula, based on FY 2019 Title I, Part A allocations. Title I, Part A provides financial assistance to LEAs and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards.

In addition to this direct grant aid that benefits all students, including students with disabilities, the state of Ohio also received three allocations specifically targeted for students with disabilities:

- \$92.477 Million – IDEA grants to states
- \$6.957 Million – IDEA infants and toddlers
- \$6.753 Million – IDEA preschool

According to the 2022 Catalog of Budget Line Items, HB 169 of the 134th General Assembly, served as the legislative vehicle to appropriate \$25,541,662 in FY 2022 and \$73,687,873 in FY 2023 to support the provision of special education and relates services to school-age and preschool students with disabilities enrolled in traditional public schools, community schools, and county DD boards. The funds are distributed in proportion to the amount of federal Individuals with Disabilities Education Act funds each recipient receives. Importantly, none of this supplemental funding may be reserved for state activities. Each of these funding allocations were contained within the American Rescue Plan (ARP) Act.¹⁰

Finally, it is exceedingly important to note that these federal funds are both highly significant and of a one-time nature.

¹⁰ Federal Fund Information for the States, <https://ffis.org/COVID-19>

Section 3

Special Education Student Enrollment: What Is the Bottom Line?

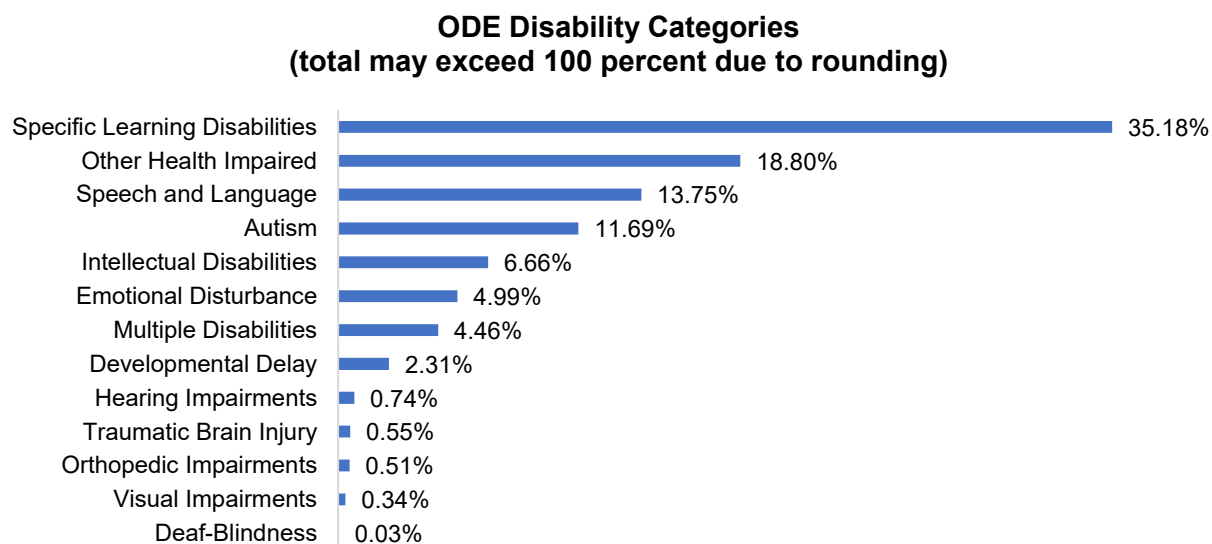
Students with disabilities account for nearly 16 percent of Ohio's preschool and school-age students, which includes all eligible children ages 3 through 21, according to the most recently available data from the Ohio Department of Education (ODE).¹¹

As of Oct. 31, 2021, there were 275,086 Pre-K through 12th grade students reported to ODE who were identified with disabilities and eligible to receive special education or related services. In the 2021-2022 school year, 272,839 eligible (99.2%) students received special education services.¹² This means that 2,247 students or less than 1% did not receive special education services. This is down from 2,882 students in the previous school year. Students are reported as not receiving special education services despite eligibility when: they are home-schooled; their families refuse or discontinue services.

Among students with disabilities ages 3-21, the largest disability category is "specific learning disabilities," (see chart below) consisted of 95,991 students (up from 95,862).

Students with one or more of the following categories of disability were also served in the 2020-2021 school year: Other health impairments, speech and language impairments, autism, intellectual disabilities, emotional disturbance, multiple disabilities, developmental delay, hearing impairments, traumatic brain injury, orthopedic impairments, vision impairments, and deaf-blindness were all reported during the 2020-2021 school year.

Table 4



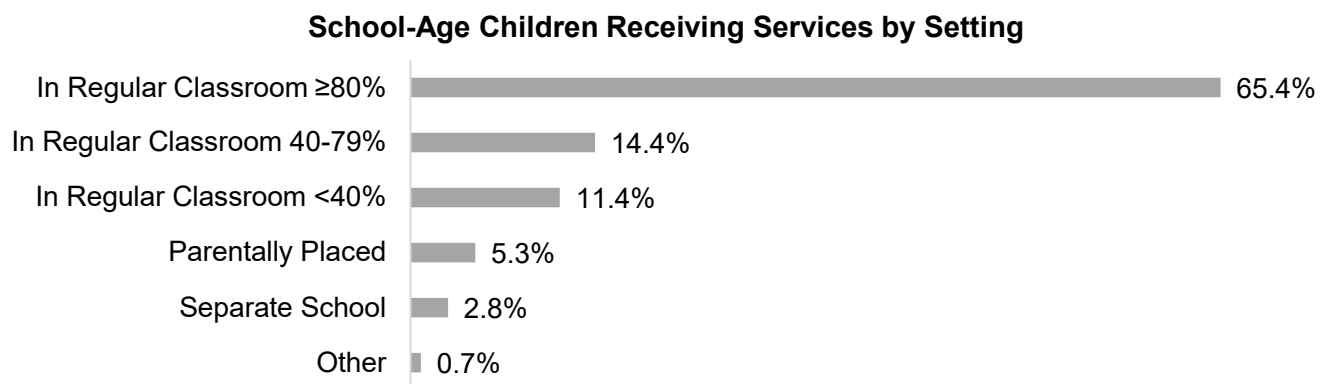
¹¹ Implementation of Special Education and Related Services for Children with Disabilities, January 2023, Ohio 11 Ohio Department of Education.

¹² Implementation of Special Education and Related Services for Children with Disabilities, January 2022, ODE Office for Exceptional Children

Importantly, over 65 percent of school-age students with disabilities ages 6-21 were reported as spending at least 80 percent of the school day in regular classrooms (see chart below). The remaining students either spent 40-79 percent of the school day in regular classrooms, spent less than 40 percent of the school day in regular classrooms, were parentally placed in nonpublic schools with services plans, were served in separate schools, or were placed in residential facilities, at home, in hospitals, or in correctional facilities (collectively shown as “Other” in the graph below.)¹³

Percentage of school-age children receiving services by setting. Over 65 percent are in the regular classroom at least 80 percent of the day.

Table 5



According to enrollment data provided by the Ohio Department of Education, in the 2021-2022 school year, Ohio’s students with disabilities accounted for 15.44% or 249,539 of the student population for public school districts. (Up modestly from 15.26% the previous year, but below 16.03%, which was the percent served in 2019-2020).¹⁴

How does this service level compare with the nation?

According to the National Center for Education Statistics, in 2020–21, the number of students ages 3–21 who received special education services under the Individuals with Disabilities Education Act (IDEA) was 7.2 million, or 14.5 percent of all public school students. Among students receiving special education services, the most common category of disability (33 percent) was specific learning disabilities.

In 2020, special education percentages varied by state, ranging from 11.3 percent in Texas and Hawaii to 20.5 percent in New York.

¹³ Ohio Longitudinal Transition Study, Ohio Department of Education, <https://education.ohio.gov/Topics/Special-Education/Special-Education-Data-and-Funding/Ohio-Longitudinal-Transition-Study-OLTS>

¹⁴ Ibid.

Ohio's K-12 special education enrollment trends are outlined in greater detail below:

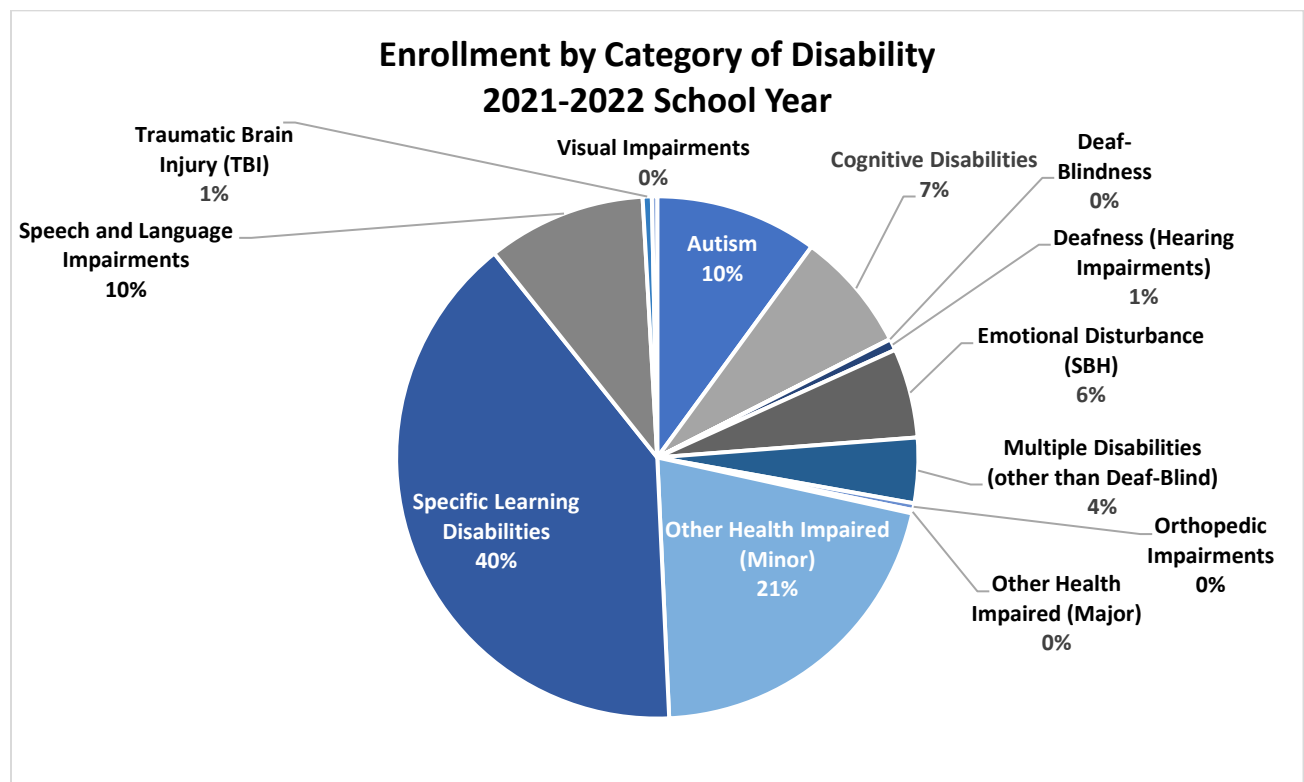
Table 6

K-12 Enrollment 2016-2021					
School Year	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
General Education Students	1,366,407	1,372,890	1,397,169	1,403,828.5	1,414,571.5
Students with Disabilities	249,539	247,318	266,815	256,525.7	252,735.9
TOTAL ENROLLMENT	1,615,945	1,620,208	1,663,975	1,660,354.2	1,667,307.4
SWD % of Enrollment	15.44%	15.26%	16.03%	15.45%	15.16%

Source: K-12 State Report Card Advanced Reports, Ohio Department of Education

Ohio's students with disabilities represent a broad diversity of strengths, skills, and needs. These students can be found in all 13 categories of disability as outlined in the following chart.

Table 7



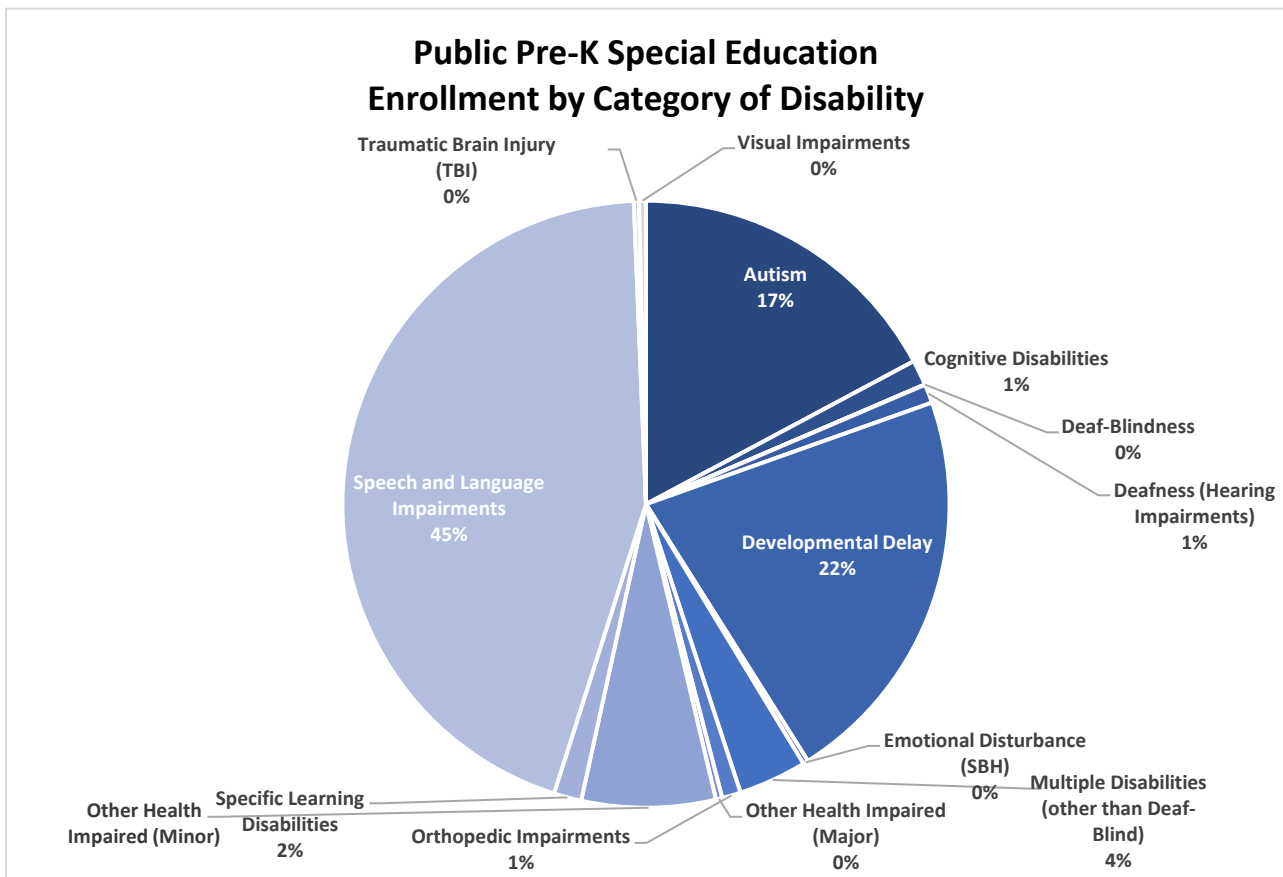
Interestingly, according to a January 2019 *Equity in Education* report by the Ohio Department of Education, 33% of Ohio’s students with intellectual disabilities spent at least 80% of their time in general education classes, compared to 17% nationally.¹⁵

Children with Disabilities Age Birth through Age 5: How Many Are There?

As reported by the Ohio Department of Education in the *2020 Annual State Report on Preschool Children with Disabilities in Ohio*, 23,446 preschool aged children in Ohio received special education services in the 2019-2020 school year (up from 22,445 the previous year). This includes 10,162 children with speech and language impairments, 7,233 with developmental delays, and 3,134 children with autism; each category experienced double-digit percentage increases. In 2021-2022, updated data obtained from ODE’s Office of Research, Evaluation & Advanced Analytics shows that there were 21,465 preschool students receiving special education services. There were decreases in the number of students identified with speech and language impairment and developmental delay and an increase in the number of students with autism.

See the chart below for a breakdown of Pre-K enrollment by category of disability.

Table 8



¹⁵ IDEA, State Performance Plan. Retrieved from <http://education.ohio.gov/Topics/Special-Education/State-Performance-Plan> and <https://sites.ed.gov/idea/spp-apr/>.

A more detailed table (below) outlines the numbers by disability category:

Table 9

Student with Disability	Disability Condition Code	Enrollment FTE	% of Total	% Pre-K SWD
N	Not Applicable (“typical” student)	34,788	61.842%	
Y	Autism	3,690	6.560%	17.195%
Y	Cognitive Disabilities	290	0.516%	1.352%
Y	Deaf-Blindness	4	0.007%	0.000%
Y	Deafness (Hearing Impairments)	216	0.383%	1.004%
Y	Developmental Delay	4,610	8.195%	21.482%
Y	Emotional Disturbance (SBH)	59	0.105%	0.275%
Y	Multiple Disabilities (other than Deaf-Blind)	781	1.389%	3.641%
Y	Orthopedic Impairments	215	0.382%	1.002%
Y	Other Health Impaired (Major)	73	0.129%	0.339%
Y	Other Health Impaired (Minor)	1,531	2.721%	7.132%
Y	Specific Learning Disabilities	316	0.562%	1.473%
Y	Speech and Language Impairments	9,542	16.963%	44.464%
Y	Traumatic Brain Injury (TBI)	59	0.105%	0.276%
Y	Visual Impairments	78	0.140%	0.366%
Total		56,253	100.000%	
Total Pre-K SWD		21,465	38.158%	100.000%

What are the Special Education Student Placement Options in Ohio¹⁶?

There are many educational placement options for students with disabilities in Ohio. Due to 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.

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.

¹⁶ 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>

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 K-12 services. 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. They 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. These 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. These 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 (CMSD) uses a lottery selection process that gives preference to low-income families. Student transportation may be available through CMSD. CMSD is solely responsible for arrangements and establishing eligibility requirements for transportation. This program currently has 36 participating schools and serves 7,899 students, up from 7,793 students in the 2020-2021 school year.

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 2021-2022 there were about 57,416 scholarship students.

Autism Scholarship Program. The Autism Scholarship Program (ASP) gives the parents of eligible children with autism the choice to send the child to a special education program other than the one operated by the school district of residence. The student must have a current (finalized) IEP from the district of residence; all parties, including the parents, must agree with the IEP. In 2021-2022, 4,553 participated in the program.

Jon Peterson Special Needs Scholarship (JPSN). This scholarship may be used to pay for private school tuition and additional services from private therapists and other service providers. In addition, the 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 Programs, which means about 12,500 JPSN scholarships are available. The amount of each scholarship is based on the disability identified in the student's IEP and does not exceed \$20,000. In 2021, nearly 7,407 students participated. In 2022, the number of paid participants increased to 7,791.

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 placement options and related enrollment and funding trendlines.



Table 10 Enrollment Trends 2017-2021

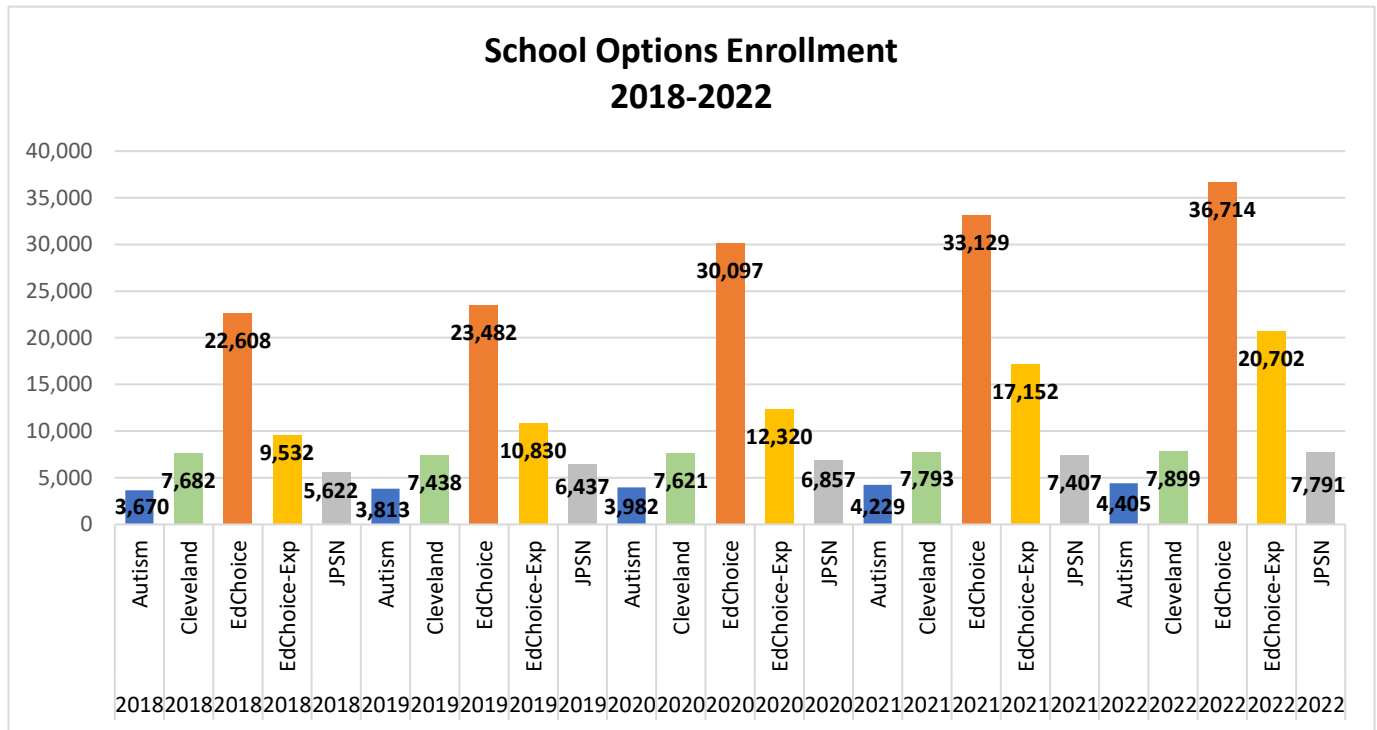


Table 11 Funding Trends 2014-2020

	2014	2015	2016	2017	2018	2019	2020
Autism	\$18,463.04	\$18,610.32	\$24,141.89	\$24,606.07	\$24,877.48	\$24,952.05	\$24,200.07
JPSN	\$9,239.90	\$9,659.38	\$10,453.27	\$10,723.31	\$10,669.87	\$10,659.61	\$10,527.23
Cleveland	\$4,499.82	\$4,590.95	\$4,656.58	\$4,700.41	\$4,932.84	\$5,109.60	\$5,108.77
EdChoice	\$4,218.84	\$4,259.66	\$4,676.76	\$4,799.84	\$4,854.19	\$4,889.60	\$5,004.51
EdChoice-Exp	\$3,608.75	\$3,767.36	\$4,005.06	\$4,142.70	\$4,154.43	\$4,178.77	\$4,203.13

Scholarship Program by Fiscal Year

In the 2021-2022 General Assembly, House Bill 110, the biennial (FY 2022-2023) state operating budget, made numerous changes to the state’s special education related scholarship programs. The state budget now directly funds all state scholarships using foundation funding, instead of using the deduct-and-transfer method of financing generally in place for the scholarships prior to FY 2022. Other fiscally notable changes to the programs included maximum scholarship amounts and changes to eligibility for performance-based EdChoice scholarships. The budget increased the maximum amount of an EdChoice or Cleveland scholarship from \$4,650 to \$5,500 for students in grades K-8 and

from \$6,000 to \$7,500 for students in high school. These amounts are increased in future years by the same percentage as the average base cost per pupil increases in those years. The budget increased the maximum amount of an Autism scholarship from \$27,000 to \$31,500 for FY 2022 and \$32,445 for FY 2023 and each year thereafter. The budget also changed how the amount of a JPSN scholarship is calculated. In general, a JPSN scholarship is calculated as the sum of a base amount and an amount for the student’s disability category, subject to a cap of \$27,000.

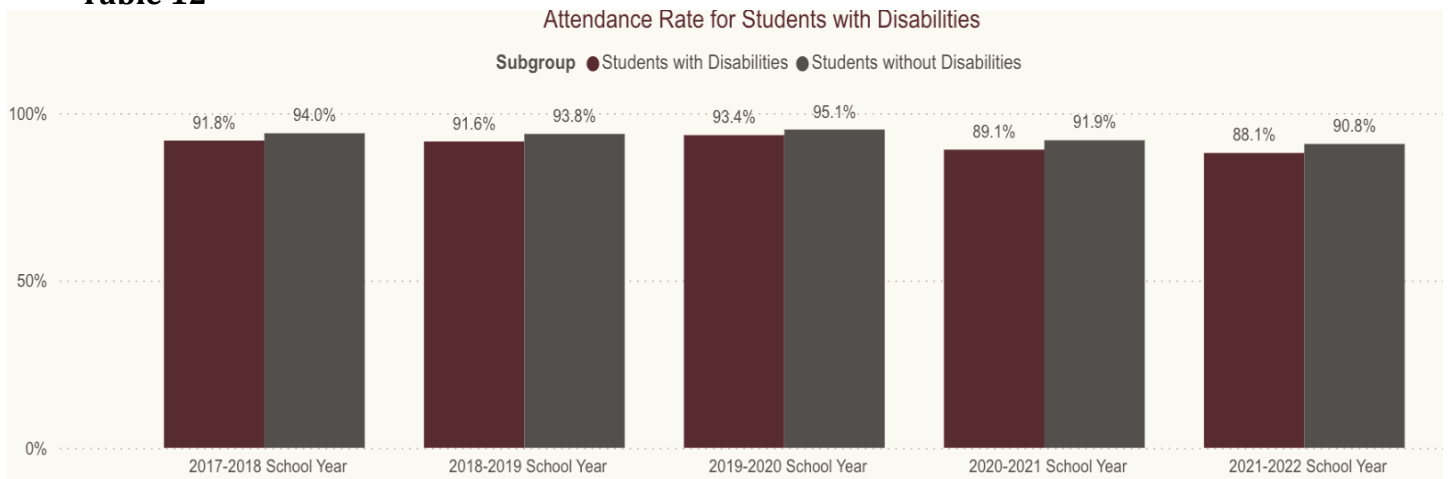
The budget also requires that the specified JPSN base amount for FY 2023 must increase in future fiscal years by the same percentage as the average base cost per pupil increases in those years. In addition, the dollar amount assigned to the child’s disability category also must increase by the same percentage that amounts calculated by the General Assembly for those categories of special education services increase for future fiscal years.

The budget also made a number of changes to eligibility for EdChoice scholarships, including but not limited to eliminating the 60,000 cap on EdChoice scholarships; expanding qualifications for a performance-based scholarship including qualifying high school students not enrolled in public school, siblings, students in foster or kinship care or other placement, and students who received, but no longer qualify for, the Autism or JPSN scholarship; and phasing out the requirement that, to qualify for a performance-based scholarship, students must be enrolled in either a school operated by their resident districts or a community school.

What is the Status of Student Attendance and Students with Disabilities?

Student attendance is a key metric of success. In the 2019-2020 school year, compared to typical peers, students with disabilities attended, on average, nearly 2% fewer days of school, or 93.4% of days of attendance, compared to their typical peers at 95.1%. 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.

Table 12



Source: Ohio Department of Education Report Card Reports¹⁷

¹⁷ <https://reports.education.ohio.gov/report/report-card-data-state-attendance-rate-with-student-disagg>

Provided below is a breakdown of attendance by disability condition for the 2019-2020 academic year (the most recent year for which data was readily available):

Table 13

School Year	Disability Description	Attendance Rate
2020	Autism	94.9%
2020	Intellectual Disabilities	92.5%
2020	Deaf-Blindness	92.3%
2020	Deafness (Hearing Impairments)	94.4%
2020	Emotional Disturbance (SBH)	89.7%
2020	Multiple Disabilities (other than Deaf-Blind)	93.0%
2020	Orthopedic Impairments	92.1%
2020	Other Health Impaired (Major)	90.3%
2020	Other Health Impaired (Minor)	93.1%
2020	Specific Learning Disabilities	93.6%
2020	Speech and Language Impairments	95.5%
2020	Traumatic Brain Injury (TBI)	92.3%
2020	Visual Impairments	94.2%
2020	Not applicable	95.1%

Source: Office of Data Quality and Governance, Ohio Department of Education

What Academic Progress are Students with Disabilities Making?

According to the most recent, fully complete state report card produced by the Ohio Department of Education (2018-2019), 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 the 2018-2019 school year, all student subgroups increased proficiency in math, and nearly all improved in English language arts, but students with disabilities continued to lag behind their typical peers.

Importantly, ODE released an abbreviated version of its annual school report card in 2020; the 2019-2020 and 2020-2021 report cards did not include grades or ratings because limited data was available due to the coronavirus pandemic and school-building closures. However, the data clearly indicates the impact of the pandemic on student outcomes in school year 2020-2021. However, in 2021-2022, all categories of student experienced improved outcomes though, again, student with disabilities continue to achieve at lower rates than their typical peers.

The chart below provides greater detail regarding these issues.

Table 14

Demographic Group	English Language Arts				Mathematics			
	2018-19	2020-21	2021-22		2018-19	2020-21	2021-22	
All Students	64.6%	57.0%	59.5%	△	61.0%	48.2%	50.5%	△
Economically Disadvantaged	49.5%	39.5%	43.0%	△	45.5%	30.0%	32.6%	△
Students with Disabilities	28.9%	20.3%	20.9%	△	28.2%	17.0%	17.4%	△
English Learners	43.7%	35.3%	35.9%	△	45.7%	31.1%	31.4%	△
White, Non-Hispanic	71.7%	64.9%	67.6%	△	68.9%	56.9%	59.8%	△
Black, Non-Hispanic	39.3%	28.9%	33.2%	△	32.5%	17.1%	20.4%	△
Hispanic	51.2%	42.0%	45.1%	△	47.9%	32.6%	35.4%	△
Multiracial	59.6%	50.4%	54.6%	△	54.6%	38.9%	42.8%	△
Asian or Pacific Islander	76.8%	71.9%	73.7%	△	78.7%	68.7%	71.4%	△
Alaskan Native or American Indian	60.0%	50.2%	51.8%	△	54.0%	39.4%	40.8%	△

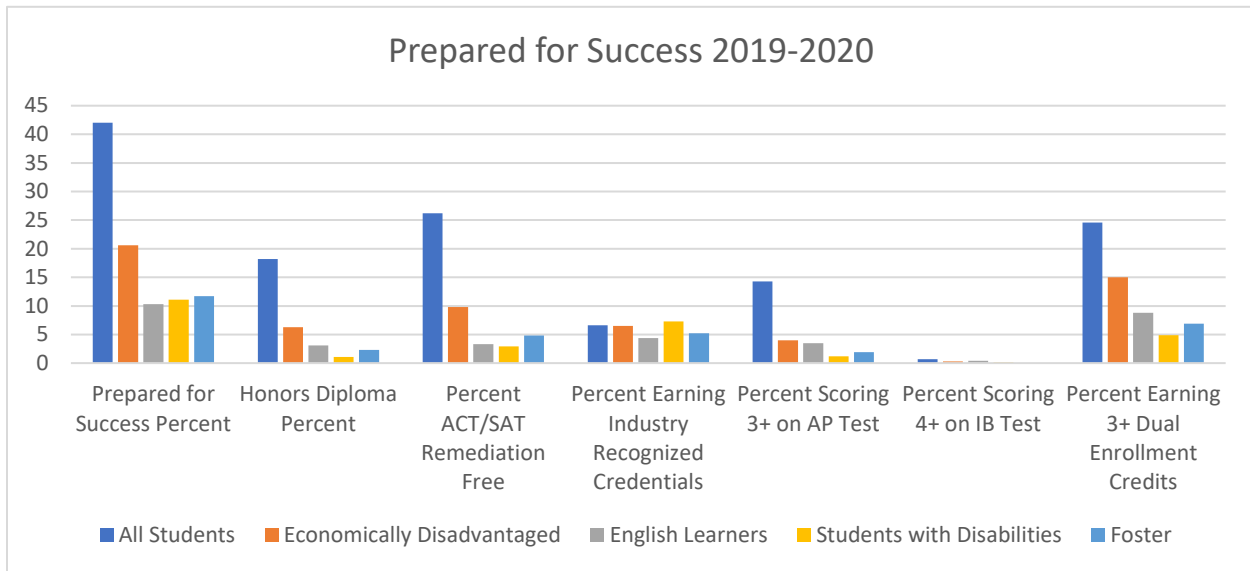
Source: Ohio Department of Education, 2021-2022 State Report Card

Another measure of academic progress is Ohio’s Prepared for Success indicator.¹⁸ 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, the most recent year for which data was readily available. It shows a substantial gap or disparity for students with disabilities as compared to all students.

¹⁸ <http://education.ohio.gov/Topics/Data/Report-Card-Resources/Prepared-for-Success-Component>

Table 15



Source: Ohio Department of Education State Report Card Data

What is the Situation Regarding Juvenile Justice Involved Youth and Special Education?

The cost of educational failure is very high. For example, there is a strong connection between juvenile justice and special education in Ohio, which is both sobering and substantial. According to the Director of the Ohio Department of Youth Services¹⁹, 46% of youth incarcerated in the Ohio Department of Youth Services (DYS) received special education services in the 2020-2021 school year. This means that there are over three times as many special education students in DHS facilities as there are in the general school population.

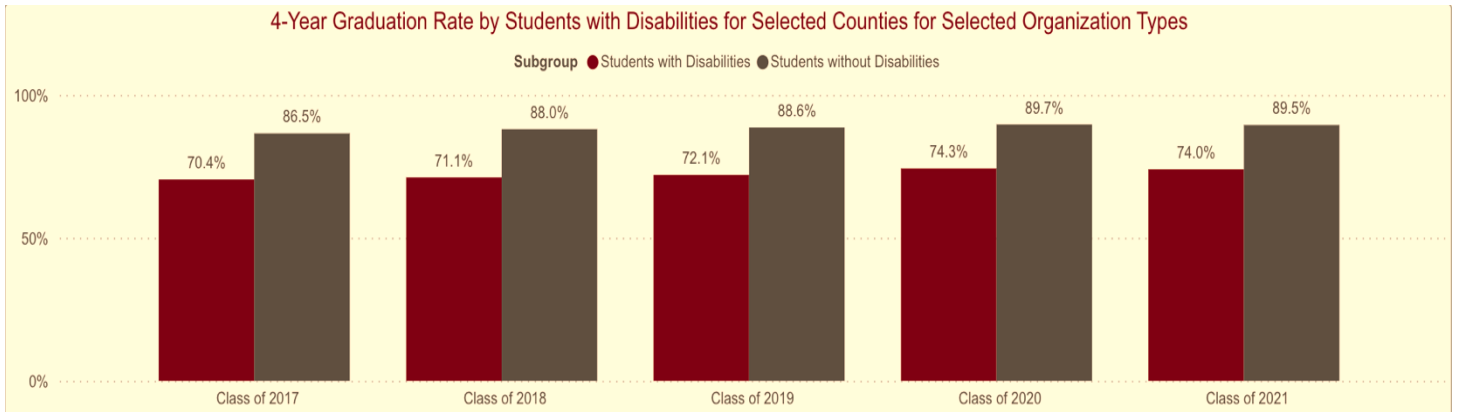
What are Ohio’s Special Education Student Graduation Trends?

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 graduating class of 2017 to the class of 2020 the gap between general education and special education graduation rates decreased by 3.2%.

The gap remained relatively unchanged in 2021. Numbers for the class of 2022 were not currently available from the Ohio Department of Education.

¹⁹ The Ohio Department of Youth Services.

Table 16



Recent federal law changes have impacted 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.

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.²⁰

Table 17

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, (the most recent year for which data was readily available)

What is the Status of Transition and Post-School Engagement in Ohio?

IDEA requires that states report the post-school engagement of students with disabilities in post-secondary education and employment. As a result, ODE’s Office for Exceptional Children is required to report the percentage of children with disabilities who, within one year of leaving high school, are enrolled in higher education, participating in a training

²⁰ Updated data for 2019 and 2020 were not readily available from ODE or public sources at time of publication.

program, or competitively employed. Ohio fulfills this obligation through the Ohio Longitudinal Transition Study (OLTS)²¹, which is designed to collect information on students with disabilities’ expectations at the end of their final year in high school and their post-school outcomes, one year later.

Each year, one-fifth of Ohio’s school districts are selected to collect information on their students exiting with an IEP and to follow up with them one year later. School districts receive a rating of “met” or “not met” based on completion of OLTS participation requirements. This rating is applied to Indicator 14 on the district’s Special Education Profile for the selected participation year.

For 2010-2019, Ohio’s post-school engagement rates for youth who were no longer in school and had IEPs in effect when they left are as follows:

Table 18

Percent of Youth Who are No Longer in Secondary School and had IEPs in Effect at the Time They Left School	Percentage
Enrolled in higher education within one year of leaving high school	34.6%
Enrolled in higher education or competitively employed within one year of leaving high school	75.4%
Enrolled in higher education or training program; or competitively employed or in some other employment within one year of leaving high school	82.2%



²¹ <https://education.ohio.gov/Topics/Special-Education/Special-Education-Data-and-Funding/Ohio-Longitudinal-Transition-Study-OLTS>

Section 4

Topics in Education

Disproportionality and Special Education

Disproportionality is a measure of educational equity.²² 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.²³

Disproportionality rates are increasing in Ohio as state-level achievement gap data reveals that Ohio’s education system isn’t effectively meeting the needs of specific 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.

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 also more than three times as likely to be identified as having an emotional disturbance.²⁴

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, to expand the categories of analysis related to discipline, and to compare racially homogenous districts to the state.²⁵

In August 2017, ODE convened a group of stakeholders to discuss the new disproportionality requirements and gather input from Ohio’s stakeholders.

Following a delay by the U.S. Department of Education and a 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 seven racial groups.²⁶

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

²² <http://education.ohio.gov/Topics/Special-Education/Special-Education-Data-and-Funding/Equity-in-Special-Education-Disproportionali/Significant-Disproportionality-Frequently-Asked-Qu#FAQ3704>

²³ <http://www.sst4.org/Disproportionality.aspx>

²⁴ <http://education.ohio.gov/Topics/Special-Education/Special-Education-Data-and-Funding/Equity-in-Special-Education-Disproportionali/Significant-Disproportionality-Frequently-Asked-Qu>

²⁵ <https://www.ed.gov/news/press-releases/fact-sheet-equity-idea>

²⁶ http://education.ohio.gov/getattachment/Topics/Special-Education/Special-Education-Data-and-Funding/DRAFT-Equity-in-Special-Education-Disproportionali/Disproportionality_Overview.pdf.aspx?lang=en-US

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.²⁷

Despite ongoing efforts to address disproportionality and its impact on students, this is an issue that should continue to be monitored closely and reported upon.

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.²⁸

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 authorize the State Board of Education to formulate and prescribe additional minimum operating standards for school districts, including standards for the use of PBIS throughout districts, to ensure a safe and secure learning environment for all students. While the Department provides a model policy for districts, each locally elected board of education has the authority to determine policy and establish procedures for many areas in accordance with Ohio school law. ODE'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 rule was most recently revised and re-approved in June 2021. The revised rule was updated as part of the five-year rule review process to provide for additional definitions; to provide for professional development requirements for the implementation of positive behavior intervention and supports; to account for students with multiple incidents of restraint and/or seclusion; and to provide a restraint and seclusion complaint process whereby parents can request the Ohio Department of Education to investigate potential violations of requirements of the rule regarding restraint and seclusion of a student.

Complaints apply to students in both general and special education. Under the rule parents can file a complaint regarding incidents of restraint and seclusion that occurred after the effective date of June 24, 2021, and alleged violations must be within one year of the date the complaint is filed. The rule requires public school districts to annually report information regarding the use of positive behavior intervention and supports, and restraint and seclusion, to the Department of Education.

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

²⁷ <http://education.ohio.gov/getattachment/Topics/Special-Education/Improving-Educational-Experiences-and-Outcomes/Students-with-Disabilites-Improvement-Plan.pdf.aspx?lang=en-US>

²⁸ <http://education.ohio.gov/Topics/Student-Supports/PBIS-Resources/Policy-Positive-Behavior-Interventions-and-Support>

Education's *Teacher Shortage Areas* report indicated that special education is a teacher shortage area for Ohio.²⁹

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. The Job Board was eliminated in July of 2021. However, a review of the Ohio Means Jobs list of in-demand jobs reveals a need for preschool and K-6 special education teachers, school counselors, and teacher assistants³⁰. 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*³¹, just over 82 percent of special education teachers in public schools were white, which is in stark contrast to the fact that only about half of students receiving special education services were white, according to the 2017-2018 data cited in the article.

"Related services" are supportive services paid for through the state funding formula and 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. This includes 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 Shortage³² Variability: What is the Story?

Special Education Teachers in Ohio. According to data from the U.S. Bureau of Labor Statistics, Ohio's schools and school districts employ approximately 22,880 pre-K through 12 special education teachers. This represents about 4.86% of the 470,960 FTE teachers employed nationally to work with students ages 3-21 who are receiving special education under IDEA, Part B and Part C.³³ Importantly, 98% of Ohio's teachers are certified to teach in their respective areas of instruction, ranking Ohio 14th among the states.

²⁹ <https://www2.ed.gov/about/offices/list/ope/pol/bteachershortageareasreport201718.pdf>

³⁰ <https://topjobs.ohio.gov/wps/portal/gov/indemand/top-jobs-list%20/>

³¹ Riser Kositsky, Maya. Special Education: Definition, Statistics, and Trends. EdWeek. December 17, 2019.

³² <https://specialedshortages.org/about-the-shortage/>

³³ https://www.bls.gov/oes/current/oes_oh.htm#25-0000

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 Ohio 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. In Ohio, 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.

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 five broad special education related recommendations: Ensuring adequate funding; adopting and implementing improved recruitment of related service personnel; creating a full-time position at ODE to oversee related services; review related services licensing structure; and support goal that related services are 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/>

Staffing shortages have been exacerbated by the COVID-19 pandemic in 2020 and 2021. This is an area that must be addressed by state policymakers as they work on related attendance recovery issues made worse by the pandemic.

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.³⁴

³⁴ <https://learningpolicyinstitute.org/product/understanding-teacher-shortages-interactive>

Seeking to mitigate this situation, ODE's Office of Educator Equity has developed an interactive resource tool,³⁵ 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.

Additionally, recognizing the COVID-19 pandemic has negatively impacted and will continue to impact educator preparation programs and the availability of educators at various levels, the State of Ohio has allocated \$5.2 million from the federal Elementary and Secondary School Emergency Relief fund to increase the number of candidates admitted to and completing educator licensure programs and address educator shortages across Ohio.

How are Regional Education Support Services Provided?

Ohio has a robust regional and statewide system of support for students and schools that benefits students with disabilities. 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 services and support administration; leading examples of these services include: early childhood services, educational services, supported living and other residential services, family support services and job training and employment services.

Educational Service Centers (ESCs). 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 local educational agencies (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 preschool special education students, K-12 special education

³⁵ <http://education.ohio.gov/Topics/Teaching/Educator-Equity/Teacher-Exit-Survey>

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 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 students with disabilities and those at risk of being identified as disabled, by assisting educators and families in the development and delivery of specially designed instruction aligned with state standards.
- Assist districts and agencies in complying with federal and state laws and regulations to ensure the full participation of students with disabilities.

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.

What Does a Review of Ohio Special Education Policy in 2022 Reveal?

On January 9, 2021, Governor Mike DeWine signed a set of laws strengthening dyslexia supports for Ohio's children. The bill was passed at the end of the previous General Assembly. The new dyslexia support laws establish dyslexia screening measures (ORC 3323.251), professional development for identifying dyslexia and instructing students with dyslexia (ORC 3319.077), a multi-sensory structured literacy certification process for teachers (ORC 3319.078), and the 11-member Ohio Dyslexia Committee (ORC 3323.25).

These statutory changes required implementation-related action in 2022 including:

- Requiring school districts and other public schools to administer annual dyslexia screenings beginning in the 2022-2023 school year;
- Phasing in over three years dyslexia-related professional development requirements for public school teachers;
- Requiring school districts and other public schools, beginning in the 2022-2023 school year, to establish a multi-sensory structured literacy certification process for teachers.
- Adoption of the Dyslexia guidebook by the State Board of Education.

These law changes did not impact state funding levels for schools or school districts but they will have implications for spending at the local level as districts implement the new dyslexia instruction and related requirements.

134th General Assembly. (CY 2021-2022)

Legislative policy in 2021 continued to be impacted by the state's response to the COVID-19 pandemic, but also included passage of the FY 2022-2023 biennial state operating budget, H.B. 110. This budget is in place from July 1, 2021 through June 30, 2023.

H.B. 110, as enacted, provides state and federal General Revenue Fund (GRF) appropriations totaling \$34.84 billion for FY 2022, a decrease of 2.0% from FY 2021 actual spending, and \$39.24 billion for FY 2023, an increase of 12.6% over FY 2022. Medicaid (48.8%) and K-12 Education (27.0%) together make up 75.8% of the biennial total. K-12 education receives \$9.926 billion (+6%) in FY 2022 and \$10.08 billion (+1.53%) in FY 2023.

Though it resulted in only marginal FY 2022-2023 funding increases, the budget provides a new model of foundation aid funding that is responsive to longstanding concerns regarding the adequacy and equity of Ohio's system of funding public schools.

Special Education and the FY 2022-2023 State Operating Budget. The FY 2022-2023 state budget provided fiscal continuity for the Ohio Department of Education and for K-12 education, generally.

After year upon year of an Ohio school funding formula that was largely overridden by a host of school funding guarantees that provided most districts with stable, albeit marginal, growth in state funding, CY 2021 brought a new day for school funding with the introduction and passage of a partially phased-in Ohio Fair Schools Plan.

This plan calls for a six-year phase-in and funds most of the first two years (FY 2022-2023) of this transitional approach to a new funding model. The key components of this transitional plan – a plan that will cost an estimated \$2 billion in additional state aid (in FY 2021 dollars) when it is fully phased in – are outlined below. Taken together, these school funding formula changes, when fully phased-in, would increase per pupil base funding (state/local) from approximately \$6,000 in FY 2021 to approximately \$7,200.

- Establishes an inputs-based methodology for determining the per pupil base cost. Ohio has not had a base cost methodology in place since FY 2011.
- This cost methodology is based on stipulated student-teacher ratios, minimum staffing levels, and actual costs.
- Replaces the State Share Index that determines the state/local share of school funding with a substantially more equitable state/local share mechanism that uses *both* school district property wealth and personal income and not just the former. The net fiscal impact of this change is to direct relatively more state funding to lower income school districts.
- Revises categorical aid, including special education and Disadvantaged Pupil Impact Aid (DPIA). It is noteworthy that DPIA funding was not even partially phased-in until FY 2023 and was phased-in at a lower percentage (14% and not 16.7%) than the rest of the new formula. Importantly special education funding on a per pupil basis was increased approximately 10% and the additional funding was converted back to a multiplier or “weights”.
- Provides *direct* (as opposed to funding through students’ resident school districts’ state aid) funding for community (charter) schools, scholarship programs, STEM Schools, and open enrollment.
- Eliminates the “gain cap” in the funding formula that effectively overrode the formula by limiting increases in state aid to school districts. In FY 2019, this provision meant that 163 of Ohio’s 609 school districts had their formula-based aid reduced relative to what it would otherwise be via the funding formula by an aggregate \$479 million.

- Transitional Aid Guarantee will buffer districts against what would otherwise be state funding losses; however, this bridge funding will gradually decline as the Fair Schools Plan is phased-in fully.

There are a number of other school funding related changes beyond revisions to the funding formula that include, but are not limited to, the following:

- Funding for school bus purchase (\$50 million);
- Special education transportation (simplifies calculation, increases minimum state share, and eliminates proration)
- Special Education Catastrophic Cost Reimbursement (withholds 10% of special education funding)

Importantly, the FY 2022-2023 state operating budget also includes funding for mandated educational cost studies, including a cost study to better determine the true costs of providing students with disabilities special education services. The special education cost study is being conducted by AIR (the American Institutes for Research). These studies are underway and are to be completed no later than December 31, 2022. This timeframe means that the studies will be completed in time to inform school funding decisions that will take place as part of writing the FY 2024-2025 state operating budget, which will be introduced in early CY 2023 and go into effect on July 1, 2023.

Lastly, there were a number of significant policy changes related to school choice, including those programs that benefit students with disabilities. House Bill 110 included a significant expansion of school choice programs and the way those programs are funded. More specifically, funding of choice programs will no longer occur as deducts from district foundation aid, but rather as **direct state funding** for charter schools as well as traditional EdChoice Scholarship Program, Autism Scholarship Program, Jon Peterson Special Needs Scholarship Program, and the Cleveland Scholarship Program. Additionally, the budget increased the maximum scholarship amount for all programs.

134th General Assembly (2021-2022) Education Policy Proposals. Over the first year of the 134th General Assembly, the Ohio legislature has passed seven bills, including the biennial state operating budget, that have a direct impact on primary and secondary education and early childhood education. 2022 saw their gradual implementation.

These bills include:

- **House Bill 67 - WAIVE STATE TESTING REQUIREMENTS (Koehler, K)** - To waive state testing requirements for the 2020-2021 school year, to require the Department of Education to seek a waiver from federal testing requirements, and to declare an emergency. **SIGNED BY GOVERNOR; eff. immediately 3/20/2021.**
- **House Bill 110 - OPERATING BUDGET (Oelslager, S)** - To make operating appropriations for the biennium beginning July 1, 2021, and ending June 30, 2023,

to levy taxes, and to provide authorization and conditions for the operation of state programs. **SIGNED BY GOVERNOR; effective 7/1/21.**

- **House Bill 170 - SCHOOL FINANCIAL ASSISTANCE (Bird, A)** - To aid schools and other entities in response to the COVID-19 pandemic and to make an appropriation. **SIGNED BY GOVERNOR; eff. immediately 6/20/2021.**
- **House Bill 82 - ELIMINATE REQUIRED HIGH SCHOOL GRADUATION ASSESSMENT (Cross, J)** - With regard to nationally standardized college admissions assessment and to revise the state report card and accountability systems. **SIGNED BY GOVERNOR; eff. 9/30/21.**
- **House Bill 244 - TECH BASED EDUCATION/PROHIBIT VACCINE MANDATES (White, A)** - Regarding technology-based educational opportunities for, and the enrollment of, military children; regarding public schools, state institutions of higher education, and prohibitions on mandatory vaccinations and discrimination; and regarding the authority of the Ohio Department of Health over matters of quarantine and isolation. **SIGNED BY GOVERNOR; eff. 10/13/21.**
- **Senate Bill 1 - FINANCIAL LITERACY EDUCATION, SUBSTITUTE TEACHER REQUIREMENTS (Wilson, S)** - Relating to teaching financial literacy in high school, to provide discretion regarding educational requirements of substitute teachers for the 2021-2022 school year, and to declare an emergency. **SIGNED BY GOVERNOR; eff. 10/28/21.**
- **Senate Bill 229 - BLENDED LEARNING MODEL - EDUCATION (Blessing III, L)** - Regarding blended or remote learning models for the 2021-2022 school year, the state report card, emergency management plans, withdrawal of untested students from internet- or computer-based schools, the Third Grade Reading Guarantee, high school financial literacy instruction, Educational Choice and Cleveland Scholarship payments, operating subsidies for educational service centers, and to declare an emergency. **SIGNED BY GOVERNOR; eff. 12/14/21.**

Special education related bills passed in 2022 included:

- **House Bill 583** – HB 583 was an omnibus education bill of sorts that addressed a number of issues regarding substitute teachers, the school financing system, the Educational Choice Scholarship Program, the Pilot Project Scholarship Program, Community Schools of Quality, community school sponsors, state funding for certain community schools, alternative resident education licenses, Ohio School Safety Month, the career-technical education income tax credit, practical nurse education programs and more. A few areas of interest to students with disabilities may include changes to the ACE Educational Savings Account Program, dyslexia screening requirements, and statewide tutoring programs. **SIGNED BY GOVERNOR; eff. 9/23/22.**

- **House Bill 554** - The Ohio General Assembly passed HB 554 in the final days of the last General Assembly. Among other things, the bill changed the definition of “child with a disability” under Ohio law, increasing the maximum age of students who are eligible for services under that category. One of the categories of students who are entitled to special education is students with developmental delays. The law formerly included any “child who is at least three years of age and less than six years of age” who was experiencing developmental delays as measured by appropriate diagnostic instruments and procedures. These delays can occur in a child’s physical development, cognitive development, communication development, social or emotional development, or adaptive development. Children with developmental delays may qualify for special education and related services. Under the new law, effective April 6, 2023, a child with a developmental delay can qualify as a child with a disability under that category until their tenth birthday. This change means that children in preschool who are identified as having a developmental delay and receive special education services can continue to receive those services without being re-evaluated in advance of turning age six or moving to kindergarten. Any child who is not yet ten may be evaluated as eligible for special education or related services under the developmental delay disability category. As before, students aging out of the “developmental delay” category may, and often will, still meet the definition of one of the other eligibility categories and may thus continue to be eligible for special education. **SIGNED BY GOVERNOR; eff. 4/6/23.**

What Were the Key Ohio Special Education Related State Policy Issues in 2022?

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 260,000 students. Consistent with experiences of students and families, service and funding gaps have too often led to a system that is too narrowly focused on technical and legal compliance with state and federal law. Unfortunately, this can minimize 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:** The Ohio Fair School Funding Plan adopted in HB 110 (2021) provides a new system of funding primary and secondary education that supporters believe to be a fairer, more stable funding system. However, the new system is to be phased-in over six years, assuming there is support to do so in future General Assemblies, which is not a certainty.

Furthermore, special education funding was not specifically addressed. Rather it was subject to a cost study that was required to be completed no later than December 31, 2022. Study and its recommendations are examined in further detail below. It is incumbent upon the special education community to encourage enactment of its findings as appropriate.

2. **Special Education Performance Gap:** A better understanding of the measures and outcomes, both instructional and financial, used to determine the academic progress of students with disabilities is needed to help close the performance gap between Ohio public school students with special educational needs and the state’s traditional student population.
3. **Special Education Preschool Rules and Operating Standards.** Review of administrative rules and associated policies at the state and local level continued to be discussed and refined. Among those was a new preschool integrated classroom rule that passed in June 2021 and became effective with the 2021-2022 school year. As always, it is 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 foundational goals and values of IDEA. After receiving feedback from educators, these rules were further reviewed, and subsequently amended and updated under emergency action in June of 2022 so they could be adopted in time for the 2022-2023 school year. The changes were to the following definitions:
 - “Public school preschool general education classroom” will have a maximum of eight students with disabilities. This is amended from the previous maximum of six students with disabilities. Language was added to further define the public school preschool general education classroom to allow for fifty percent or fewer students with disabilities in the classroom. This classroom was added to the placement options for students with disabilities.
 - A “public school preschool integrated classroom” will allow for fifty percent or fewer students with disabilities.
4. **Special Education Rules.** Following the 5-year rule review process a number of special education operating standards were up for review and adoption in 2022. Twelve sections of Ohio Administrative Code (OAC) were reviewed and recommended for adoption including 3301-51-01 to 3301-51-10, 3301-51-20, and 3301-51-21. According to the Ohio Department of Education there were no significant, substantive changes. The rules were adopted December 29, 2022, and will go into effect July 1, 2023.

5. **Special Education Funding Study.** In December 2020, the General Assembly passed Senate Bill 310. The legislation, among other things, directed the Ohio Department of Education to conduct a series of studies related to education finance and school funding. One of those studies was of special education and related services. The report, a more detailed analysis of which follows, was released in December 2022.

What Did the Special Education Funding Report Reveal?

Calendar year 2022 included an important reform of Ohio’s school funding formula. Known as the Ohio Fair School Funding Plan and included in the final version of the FY 2022-2023 state operating budget, Am. Sub. House Bill 110, the policies are design to enhance the adequacy and equity of state funding for primary and secondary education. Importantly, though the plan impacts all students, it does not include specific funding reforms for K-12 special education services; instead, there was support for a separate, independent special education cost study, which was required to be completed and delivered to the Ohio General Assembly no later than December 31, 2022.

Authored by the American Institutes for Research (AIR) and titled *Special Education in Ohio: Best Practices, Costs, and Policy Implications*, this study was designed to “identify best practices for providing special education and related services to students with disabilities, including educational and assistive technology, and to calculate the associated costs.” The study was organized around key policy and finance questions that include asking what special education “best practices” are and how much would it cost to fund these educational services compared with how much the state is currently spending for special education? Answering these and related questions required researchers to determine what best practice means. This work was done through a review of relevant research and relevant special education policies and practices utilized in other states. This effort was buttressed in important part through the creation of professional judgement panels composed of Ohio special education practice experts.

The results from the study remain under review; however, it is important to note that the report did not complete the full financial analysis necessary to understand what the cost is to fill any funding gap between what is being spent in Ohio today on special education and what a best practice model would cost. Additionally, more needs to be understood as it relates to the details - including practical implementation issues and associated costs – as well as the level of consensus from Ohio special education professionals regarding the best practice assumptions being recommended.

With regard to the broad contours of the Ohio Fair School Funding Plan, it is important to note that it is being phased-in over six years, and without any legal commitment to fund it or continue it beyond the first two years. It is an inputs-based funding model that calculates the base cost per pupil for *each* school district using a state/local share mechanism that uses both local property wealth and income. This approach, which resulted in a statewide average per pupil base cost in FY 2022 of \$7,351, is the primary driver of equity in the new funding formula. Other key components of the plan include:

- A state funding phase-in of 16.7% in FY 2022 and 33.3% in FY 2023.
- The exception to this approach, beyond special education, is Disadvantaged Pupil Impact Aid (DPIA), which was not phased-in at all because of concerns that low-income students and districts already had major COVID-19 pandemic related infusions of federal funds. The other exception is pupil transportation which was fully funded in FY 2022.
- Elimination of a local school district “gains cap,” which artificially overrode the formula in order to deny local school districts funding growth tied to student population increases.
- Continuation of Targeted Assistance and Capacity Aid, which provide supplemental state aid to low wealth school districts.
- Initial steps were taken to improve categorical aid, including funding for pre-school special education and special education transportation, which were both increased in the same FY 2022-2023 state budget bill.
- Community school and voucher deductions from state aid to local districts is eliminated and replaced by direct state funding for these services.

Special Education Implications: What is the Story?

The facts, figures, and special education policy issues identified in the 2022 *Special Education Profile* have important public policy and advocacy implications for OCECD and the people we serve. These issues include the important subject of 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.³⁶ 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.³⁷ The flip side of this is that more than a third of all of Ohio’s students with disabilities do not spend 80% of their time in general education classes.

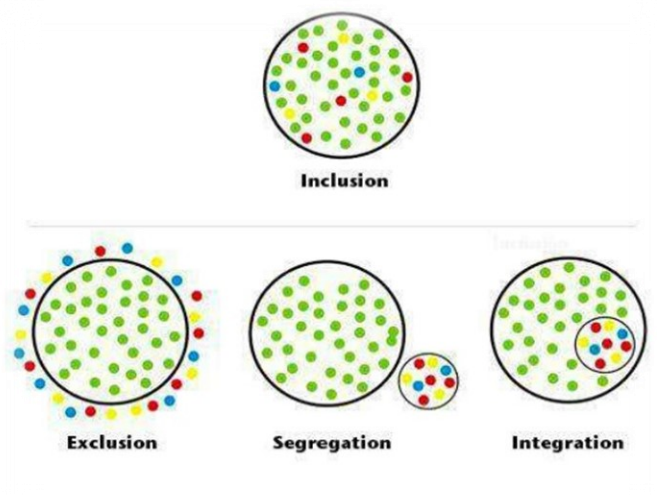
³⁶ IDEA, State Performance Plan. Retrieved from <http://education.ohio.gov/Topics/Special-Education/State-Performance-Plan> and <https://sites.ed.gov/idea/spp-apr/>.

³⁷ <https://nces.ed.gov/fastfacts/display.asp?id=59>

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,³⁸ we will truly be able to address, and overcome, some of the challenges set forth in this report regarding attendance, academic performance, graduation, and other concerns.

Table 19



Courtesy of Michigan Alliance for Families

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 who 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.³⁹ Both students with disabilities and students without disabilities experience social emotional benefits,⁴⁰ high expectations, and support.⁴¹

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

³⁸ https://www.wrightslaw.com/info/lre_faqs_inclusion.htm

³⁹ <https://www.understood.org/en/learning-thinking-differences/treatments-approaches/educational-strategies/4-benefits-of-inclusive-classrooms>

⁴⁰ https://alana.org.br/wp-content/uploads/2016/12/A_Summary_of_the_evidence_on_inclusive_education.pdf

⁴¹ <https://www.understood.org/en/learning-thinking-differences/treatments-approaches/educational-strategies/4-benefits-of-inclusive-classrooms>

*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)*⁴²

Inclusiveness creates opportunities for respect, acceptance, diversity and understanding. For some, a cultural 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,”⁴³ with such an approach leading 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.⁴⁴ For all, there will need to be effective practices, and decisions 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 needs 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.*⁴⁵

Looking Toward 2023: What Are the Top Issues?

There is a short list of key special education related policy issues that will continue to be of importance as we move into 2023. These issues are outlined below.

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 weights and other 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.

The previously referenced independent cost study of special education is a strong step forward on this front. Due to the timing of budget development and release of the executive budget, policy implications contained in the study were not incorporated into the DeWine administration’s FY 2024-2025 state operating budget development process. It will be important to monitor whether or not the Governor or the General Assembly seek

⁴² 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>

⁴³ <https://www.schoolclimate.org/themes/schoolclimate/assets/pdf/practice/sc-brief-inclusion.pdf>

⁴⁴ <http://www.ascd.org/publications/educational-leadership/oct03/vol61/num02/Making-Inclusive-Education-Work.aspx>

⁴⁵ <https://www.specialeducationguide.com/pre-k-12/inclusion/>

to integrate the findings into the budget as it advances. Whether it is in the biennial budget or otherwise, a careful review of the cost study and appropriate action should be a top priority for both the DeWine administration and the Ohio Department of Education, as well as for the Ohio General Assembly. The urgency of this action is underscored by the fact that Ohio's special education funding formula has not received a thorough review and updating in nearly 20 years.

Additionally, it will be vitally important to determine whether or not the Ohio Fair Schools Plan works as proposed and whether there will be additional efforts in 2023 to encourage full phase-in of this new school funding model in future years – a model that could have a positive impact on both regular and special education. This concern is increased by the fact that the federal stimulus funding for primary and secondary education, while very significant, is nevertheless one-time money.

2. **Special Education System Integrity Priorities.** The cornerstone of Ohio's special education system is the Individualized Education Program (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 fiscal and related organizational constraints facing schools and 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. **Student Wellness and Success Fund (SWSF).** Beginning in FY 2020, Ohio created a Student Wellness and Success Fund focused on assisting at-risk students with early intervention and prevention services, as well as other wrap-around services, that will give them a substantially better foundation for long-term educational success. This initiative was funded at \$275 million in FY 2020 and \$400 million in FY 2021.

Significantly, there is a well-documented over-representation of students with disabilities who are from low-income families and who are at risk of education failure. In the FY 2022-2023 biennial state operating budget the funds were integrated into the formula-based foundation aid and repurposed to focus primarily on economically disadvantaged students, many of whom may be students with disabilities. With this in mind, efforts should be made to understand how best to invest SWSF to help students with disabilities.

Related to these efforts are ongoing policy actions and plans related to employing a “whole child” approach to primary and secondary education. This approach will impact students with disabilities. It is a child and student-centered philosophy that has real potential to improve educational success, but it will require close monitoring and active engagement on the part of parents, students, educators and policy makers. Importantly, it can also be advanced through separated, but related, efforts to improve access to quality pediatric health care, including behavioral health care. Part of this work in Ohio includes the effort to enhance outcomes for youth in Ohio’s managed Medicaid program. An important part of these reform efforts is taking place within the OhioRISE (Resilience through Integrated Systems and Excellence) Medicaid reform initiative. OhioRISE is a specialized managed care program for youth with complex behavioral health and multi-system needs.





Ohio Coalition for the Education of Children with Disabilities

**125 Executive Drive, Suite 200 • Marion, OH 43302-6302
1(844) 382-5452 • 1(740) 382-5452 • Fax 1(740) 383-6421
www.ocecd.org**

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