

Ohio Special Education Profile 2023



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

April 2024



Vision Statement:

To ensure Ohioans receive quality public education so their future is not limited by their disability.

Mission Statement:

The Ohio Coalition for the Education of Children with Disabilities is a collaboration of parents, professionals, and partners advocating for children with disabilities to receive the educational services, experiences, and supports they need to reach their fullest potential.

Values Statements:

We value:

- the dignity of each individual.
- the right of each child with a disability to be an authentic, included, and respected member of the community.
- the development of each child with a disability in the areas of self-advocacy and self-determination.
- the engagement of empowered families and dedicated professionals in the processes of developing and delivering high quality free and appropriate public education for children with disabilities, including child-find, transition, and 504/ADA.
- the power of our collective voice in advocating for the resources needed for high quality education for children with disabilities.
- the strength of our partnerships with families, professionals and organizations in ensuring positive outcomes for children with disabilities.
- the impact of considering the needs of children with disabilities in all educational decision-making.
- the impact and effectiveness of both quantitative and qualitative data.
- the commitment to a culture of respect, diversity, integrity, and transparency for both those for whom and with whom we work.

Ohio Coalition for the Education of Children with Disabilities

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Reader's Note:

As referenced in the opening letter and outlined in the report below, the Ohio Department of Education (ODE) transitioned into the Ohio Department of Education and Workforce (ODEW) in October of 2023. For information about ODE prior to the change, they are still referred to as ODE or full name prior to the change. After this transition in 2023, any reference to their work in our document is as ODEW or the Ohio Department of Education and Workforce.

April 2024



Dear Special Education Stakeholders,

Welcome to the Ohio Coalition for the Education of Children with Disabilities' (OCECD) 2023 *Ohio Special Education Profile*.

This resource guide provides a profile of Ohio's special education system and the educational needs and outcomes of students with disabilities. Its central message is that, despite challenges and constraints, Ohio's state and local investments in students with disabilities produce positive results for them, their families, and the broader community.

In the 2022-2023 school year, there were 24,052 preschool students with disabilities enrolled in public preschool, which represented 39.56% of all enrolled public preschool students. In the K-12 setting, there were 253,522 students with disabilities, representing 15.76% of the overall student population in Ohio's public schools. This means that nearly one in six 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 2022-2023 academic year, and through calendar year 2023 with regard to relevant state policies. Of particular note in 2023, are continued phase-in of the "fair school funding plan," implementation of new dyslexia training requirements, and adoption of the Science of Reading, effective implementation of a new definition of "developmental delay" for younger learners, and expansion of school choice including the autism voucher program. Academic performance is increasing for students with disabilities, but achievement disparities among subgroups remain similar to or slightly wider than pre-pandemic gaps and will continue to be an area of focus.

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 Departments of Children and Youth (DCY) and Education and Workforce (ODEW¹), and other relevant state agencies regarding special education policy and program issues.

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

¹ See page 48 to read about the change of the Ohio Department of Education to the Ohio Department of Education and Workforce.

Section 1

Ohio Special Education Profile 2023

History of Special Education in Ohio

Ohio's special education laws were enacted well before the first major federal special education law – Education for Handicapped Children Act – went into effect in 1975. This landmark legislation, which evolved into the Individuals with Disabilities Act (IDEA), guaranteed that students with disabilities must receive a free and appropriate public education (FAPE) in the least restrictive environment possible.

The first comprehensive set of state standards for special education was 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 the quality of education and add transportation. Additional standards for severe and/or multiple impairments were added in 1973 and included deaf-blind, autistic and aphasic children. State standards that required identification, location and evaluation of all children with disabilities became effective in 1977. These new Ohio standards rescinded a provision for legal dismissal from school attendance that had been made illegal under the federal law PL 92-142 in 1975.

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

In 1998, the Ohio legislature rewrote special education funding law, which was changed from a "unit" – in effect a classroom-based – model driven by personnel costs to an assessment-based per-pupil weighted system with an equity factor and three weights. These weights served as multipliers of the per pupil foundation aid that students with special needs began receiving thereby providing needed supplemental funding to students with disabilities. Legislation also placed caseload requirements in state law. Ohio's special education funding laws were refined and revised in 2002 based primarily on a major cost study underwritten by OCECD. The new model was an evolution of the three weight system and included the clustering of 13 disability categories into six weights. The "blue book" was revised to reflect this and other changes, including the shift to a more refined assessment process. The new name of the "blue book" was *Operating Standards for Ohio Schools Serving Children with Disabilities*.

The new model was an improvement in the identification and assessment of students with disabilities, but student-teacher and other service ratios remained as first adopted in 1982. In 2008, the law was revised again. Significant changes were made to align Ohio's special education laws more closely with the 2004 federal reauthorized of IDEA. 2014 brought new revisions and a new title for Ohio's special education rule book: *Ohio Operating Standards for the Education of Children with Disabilities*.

In recent years, the state of Ohio has crafted an inputs-based school funding formula that is being phased-in over a six year period with the phase-in projected to be completed in FY 2027. Importantly, this new model, referred to as the Ohio Fair Schools Plan, does not include changes to special education funding. Instead, a special education cost study was funded and then completed by an independent contractor, American Institutes for Research (AIR), in November 2022. The policy implications of this study were *not* included in the current, FY 2024-2025 state operating budget. Whether special education funding changes will occur as proposed by the study or otherwise is an unanswered question as of December 2023. With this in mind, special education stakeholders are encouraging the creation of a follow-up study that reviews and, in effect, completes the AIR study by, among other issues, providing estimated implementation costs for the state of Ohio and local school districts.

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 2022-2023 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 student placement options? What are emerging issues of policy and practice?*

Ohio's system of public education for students with disabilities is 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 *2023 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. As necessary, an update regarding several of these important issues is provided in the *2023 Ohio Special Education Profile* along with other emerging issues of policy, funding and practice, including dyslexia-related reforms and a statewide literacy initiative.

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 public and its elected officials.

OCECD's experienced staff, many of whom have children or other family members with disabilities, 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. All of this is done in furtherance of its mission, "...advocating for children with disabilities to receive the educational services, experiences, and supports they need to reach their fullest potential."

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.*²

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 legal and educational foundation for special education services. These assessment-based plans are prepared by special education professionals and include input from parents and students, as appropriate. IEPs are then used to guide the provision of special education and related services – all in an effort to help students maximize their potential.

Under IDEA there are 13 disability categories³:

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

² <https://sites.ed.gov/idea/regs/b/a/300.39>

³ <https://sites.ed.gov/idea/regs/b/a/300.8>

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 became effective in 2023.

What is the Relationship between the Federal and State Government?

Significantly, federal special education and related federal financial resources have facilitated an improvement and expansion of special education services in Ohio and across the nation. This is particularly important given the substantial increase in the number of students with disabilities. In Ohio, these numbers have increased markedly since 1975. Students with special needs as a share of Ohio's public school population has increased from about 10% to over 16% since 1975. By FY 2024, Ohio's K-12 special education population exceed over 260,000 students.

With or without this increase, the need to maintain adequate support for special education is constant. With this in mind, the federal government included a provision within the IDEA law stipulating that states provide a free and appropriate public education as a condition of receiving federal funds, *and* that states maintain a funding commitment to students with disabilities through a maintenance of effort (MOE) requirement, whereby states (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, this figure has never been reached; instead, most states estimate that federal funding amounts to less than 15% of their overall special education costs.

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 accurately 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?

Compared to other states, Ohio experienced a modest increase in the number of students with disabilities in 2022 (the latest year for which national data is available), at +0.7% compared to the 1.1% increase nationally, but remained ranked seventh among the fifty states in the number of students with disabilities, accounting for 3.76% of all students with disabilities nationally.⁴ Ohio is the 7th most populace state, representing 3.56% of the total U.S. population.

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 (2021-2022) in terms of the number of students with IEPs, ages 3-21, according to the U.S. Department of Education's *EdFacts* Warehouse.⁵

In Ohio, the 13 federal disability categories are clustered into six funding weights under Ohio law.⁶ 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.

⁴ 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

⁵ <https://www2.ed.gov/about/inits/ed/edfacts/index.html>

⁶ https://www.lsc.ohio.gov/documents/reference/current/schoolfunding/sfcr_feb2019.pdf

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.

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.⁷

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 2023.⁸

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

⁷ <http://codes.ohio.gov/orc/3323>

⁸ 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.

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 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.

Funding continued to grow in the FY 2022-2023 budget. In fiscal year FY 2023, the state of Ohio spent more on primary and secondary education than at any other time in state history; State General Revenue Fund (GRF) and Lottery Profit spending for primary and secondary education totaled \$9.79 billion and exceeded FY 2010 spending by \$2.77 billion, or 39.5 percent. Of this total spending amount, \$1.19 billion was spent on special education with \$830,202,363 dedicated to the weighted funding formula for traditional public schools, charter schools and joint vocational school districts.

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 for the FY 2022-2023 budget 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

Special Education Weighted Funding Categories Amounts and weights by category		
Category	Amount Per Pupil FY 2021	New Weight Per pupil (FY2022-2023)
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, a policy that was continued into FY 2020 and FY 2021. Beginning in the FY 2022-2023 state budget, charter or community schools are funded directly and no longer as a deduct from the resident district’s foundation aid.

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 in Table 2 how funds are expended and in which disability category. For example, Category 6 represents only 11.8% of the student population, but accounts for over 40% of the funding because of the high cost of educating these high needs students. This is not surprising given the continued increased identification and enrollment in particular categories of disabilities which will be explored in other areas of the 2023 profile.

Table 2: Special Education Population and Funding By Category

Share of Special Education ADM and Funding by category - FY 2023				
Category	ADM	\$\$	% ADM	%%\$
1	25,298	\$ 19,619,770	11.8%	2.6%
2	139,990	\$ 274,246,923	65.5%	36.8%
3	12,025	\$ 57,786,028	5.6%	7.8%
4	1,144	\$ 7,269,546	0.5%	1.0%
5	10,128	\$ 86,405,667	4.7%	11.6%
6	25,191	\$ 299,049,883	11.8%	40.2%
Total	213,776	\$ 744,377,818	100.0%	100.0%

See how FY 2023 compares to FY 2022 in the chart below.

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%

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. This funding also supports students with disabilities housed in state institutions that provide special education.
- ***Catastrophic Special Education Aid:*** 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, JVSDs, 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. In FY 2022, catastrophic funding changed from a fixed dollar amount to be a 10% of the weighted funding line item.
- ***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 a required one year of supervised on-the-job training prior to licensing. Funding supports approximately 100 school psychology interns.
- ***Parent Mentors:*** 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.
- ***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 ODEW'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 2020-2023 follows:

Table 3: Special Education Funding Trendlines: 2020-2023

Funding Earmarks/Line Items	FY20 Budget	FY21 Budget	FY22 Budget	% Change	FY23 Budget	% Change
Special Ed Weighted Funding SDs	\$880,830,825	\$880,830,825	\$647,215,757	-26.52%	\$663,889,163	2.58%
Special Ed Weighted Funding JVSDs	\$37,198,420	\$37,198,420	\$39,287,498	5.62%	\$41,328,351	5.19%
Special Ed Weighted Funding CSs	\$0	\$0	\$121,449,149		\$124,984,850	2.91%
Catastrophic Special Ed	\$40,000,000	\$40,000,000	\$0	-100.00%	\$0	
Autism Scholarship	\$0	\$0	\$116,462,084		\$128,646,623	10.46%
Jon Peterson Scholarship	\$0	\$0	\$76,568,073		\$81,773,134	6.80%
Parent Mentoring	\$1,350,000	\$1,350,000	\$1,350,000	0.00%	\$1,350,000	0.00%
Home Instruction	\$0	\$0	\$0		\$0	
School Psych Interns	\$3,000,000	\$3,000,000	\$3,000,000	0.00%	\$3,000,000	0.00%
CBDD/Institutions Weighted Funding	\$33,000,000	\$33,000,000	\$34,590,292	4.82%	\$30,715,395	-11.20%
OOD/ODE Collaboration	\$5,250,000	\$5,500,000	\$5,500,000	0.00%	\$5,500,000	0.00%
Preschool Special Education	\$110,000,000	\$110,000,000	\$126,075,609	14.61%	\$140,999,999	11.84%
Special Ed Bus Purchase	\$0	\$0	\$0		\$0	
Special Ed Transportation	\$60,469,220	\$60,469,220	\$99,100,347	63.89%	\$113,170,156	14.20%
Total ODE Special Ed	\$1,171,098,464	\$1,171,348,464	\$1,270,598,809	8.47%	\$1,335,357,670	5.10%
\$ Change over Previous Year	\$250,000	\$250,000	\$99,250,345		\$64,758,861	
Ohio State School for the Deaf	\$13,082,919	\$13,594,347	\$14,111,132	3.80%	\$14,321,112	1.49%
Ohio State School for the Blind	\$12,576,088	\$12,440,519	\$12,845,485	3.26%	\$13,330,742	3.78%
Total OSD/OSB/DRC	\$25,659,007	\$26,034,866	\$26,956,617	3.54%	\$27,651,854	2.58%
Total OSD/OSB and ODE Special Ed	\$1,196,757,471	\$1,197,383,330	\$1,297,555,426	8.37%	\$1,363,009,524	5.04%
\$ Change over Previous Year	\$3,390,016	\$625,859	\$100,172,096		\$65,454,098	

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

This chart reveals relatively stable state funding for special education for FY 2020-2023, 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. This is part of a bigger state funding picture for primary and secondary education which received a modest cost of living adjustment over this period.

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 2023, Ohio allocated approximately \$479 million to over 1025 school districts, community schools, and County Boards of Developmental Disabilities⁹. Aid was also 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.

⁹ <http://www.lsc.ohio.gov/documents/budget/134/MainOperating/redbook/EDU.PDF>

According to USAspending.gov, the total awarded amount of federal stimulus funding to the state of Ohio was approximately \$105.6 billion as follows¹⁰:

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

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 pandemic-related 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 and Workforce. 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 IDEA 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.¹¹

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

¹⁰ <https://www.usaspending.gov/state/ohio/latest>

¹¹ 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 over 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).¹²

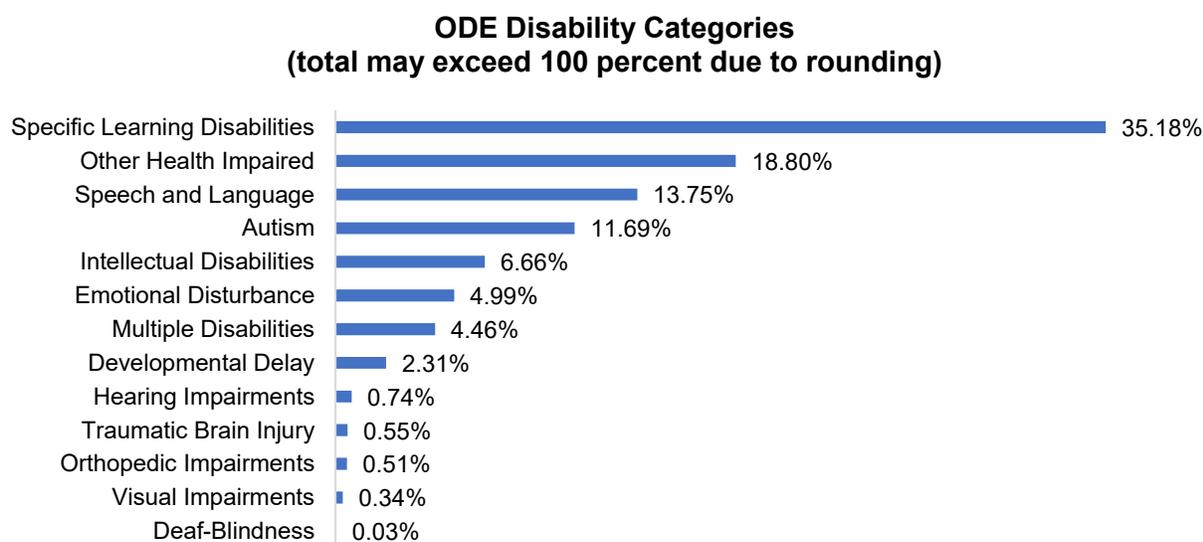
As of Oct. 31, 2022, (count for the 2022-2023 school year) there were 279,411 Pre-K through 12th grade students reported to ODE who were identified with disabilities and eligible to receive special education or related services.

This is up from the 2021-2022 school year when 272,839 eligible (99.2%) students received special education services.¹³ This means that 2,247 students or less than 1% did not receive special education services, which is slightly less than the previous school year. Students are reported as not receiving special education services despite eligibility when: they are home-schooled; or their families refuse or discontinue services.

Among students with disabilities ages 3-21, the largest disability category is "specific learning disabilities," (see chart below) consisting 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: Disability Categories



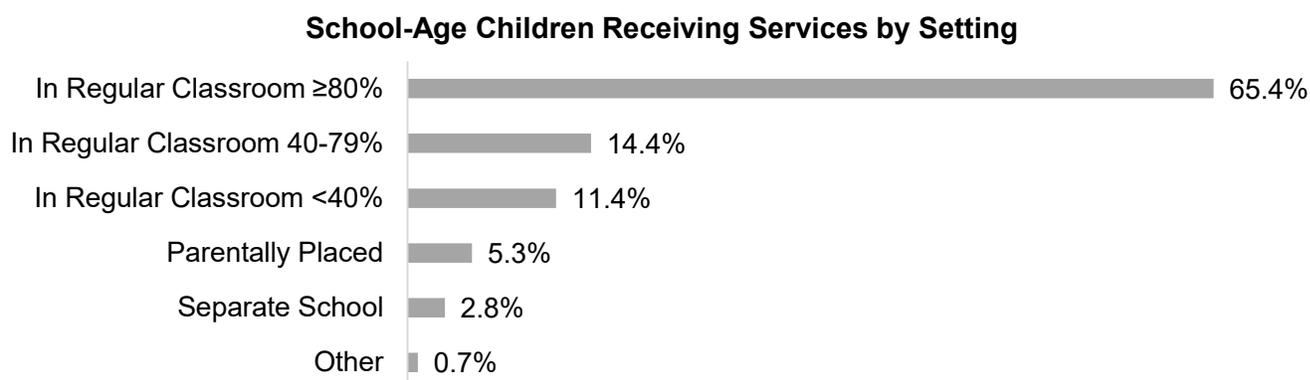
¹² State Report Card

¹³ 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 service 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.)¹⁴

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: Services By Educational Setting



According to enrollment data provided by the Ohio Department of Education and Workforce, 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).¹⁵

In the 2022-2023 school year, Ohio’s students with disabilities increased to 253,522 and 15.76% of the student population for three consecutive years of growth while the overall student population declined.

How does this service level compare with the nation?

According to data from the National Center for Education Statistics, the number of students ages 3–21 receiving IDEA services in the United States increased from 6.4 million in school year 2010–11 to 7.3 million in school year 2021–22. Taken as a percentage of total public school enrollment, this equates to an increase from 13 to 15 percent of students. Ohio is above the national average.

¹⁴ 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>

¹⁵ Ibid.

During the coronavirus pandemic, the number of students receiving IDEA services dropped by 1 percent between 2019–20 and 2020–21 (from 7.3 to 7.2 million students), marking the first time this number had decreased since 2011–12. In 2021–22, IDEA enrollment largely rebounded to its 2019–20 pre-pandemic level (7.3 million students). Meanwhile, total public school enrollment dropped by 3 percent from fall 2019 to fall 2020 and then remained around the same number in fall 2021. As a result, the percentage of public school students who were served under IDEA continued its upward trend each year during the pandemic and was higher in 2021–22 (15 percent) than in 2019–20 (14 percent).

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

Table 6: K-12 Enrollment 2018-2023

K-12 Enrollment 2018-2023					
School Year	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019
General Education Students	1,355,301	1,366,407	1,372,890	1,397,169	1,403,828.5
Students with Disabilities	253,522	249,539	247,318	266,815	256,525.7
TOTAL ENROLLMENT	1,608,824	1,615,945	1,620,208	1,663,975	1,660,354.2
SWD % of Enrollment	15.76%	15.44%	15.26%	16.03%	15.45%

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 on the following page provides a breakdown of enrollment by category of disability.



Table 7: K-12 Enrollment Students with Disabilities

Disability Condition	Enrollment	% Share SWD
Autism	26,953.48	10.63%
Cognitive Disabilities	18,139.56	7.16%
Deaf-Blindness	-	0.00%
Deafness (Hearing Impairments)	1,695.62	0.67%
Developmental Delay	190.41	0.08%
Emotional Disturbance (SBH)	13,287.38	5.24%
Multiple Disabilities (other than Deaf-Blind)	9,285.42	3.66%
Orthopedic Impairments	984.17	0.39%
Other Health Impaired (Major)	536.03	0.21%
Other Health Impaired (Minor)	54,673.77	21.57%
Specific Learning Disabilities	100,784.21	39.75%
Speech and Language Impairments	24,831.48	9.79%
Traumatic Brain Injury (TBI)	1,354.93	0.53%
Visual Impairments	805.99	0.32%
No Disability Condition Provided	1,355,301.53	
Total	1,608,823.98	100.00%
# K-12 SWD	253,522.45	
% K-12 SWD	15.76%	

The overall K-12 student population increased by a modest 0.46% from 2020-2021 to 2022-2023 school years. Special education enrollment, however, increased 4.76% during that same timeframe. Inside of that subgroup of students, enrollment for developmental delay increased the most at 61.53%, with autism increasing 22.4% and other health impaired minor 9.11%. On the inverse, severe behavioral handicap enrollment declined -9.44% and orthopedic impairments were down -7.8%.

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.¹⁶

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

¹⁶ IDEA, State Performance Plan. Retrieved from <http://education.ohio.gov/Topics/Special-Education/State-Performance-Plan> and <https://sites.ed.gov/idea/spp-apr/>.

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.

In 2022-2023, those numbers are up to 24,044. There were increases in the number of students identified with autism, developmental delay, and speech and language impairments and declines in all other categories. As a result, these 3 categories continue to increase in their proportional share of the population.

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

Table 8: Preschool Enrollment 2022-2023 as compared to 2021-2022.

Disability Condition Code	2021-2022 Enrollment FTE	2022-2023 Enrollment FTE	% of Total	% Pre-K SWD
Not Applicable ("typical" student)	34,788	36,742	60.44%	
Autism	3,690	4503	7.41%	18.73%
Cognitive Disabilities	290	182	0.30%	0.76%
Deaf-Blindness	4	5	0.01%	0.02%
Deafness (Hearing Impairments)	216	213	0.35%	0.89%
Developmental Delay	4,610	6633	10.91%	27.58%
Emotional Disturbance (SBH)	59	44	0.07%	0.18%
Multiple Disabilities (other than Deaf-Blind)	781	721	1.19%	3.00%
Orthopedic Impairments	215	210	0.35%	0.87%
Other Health Impaired (Major)	73	68	0.11%	0.28%
Other Health Impaired (Minor)	1,531	1400	2.30%	5.82%
Specific Learning Disabilities	316	146	0.24%	0.61%
Speech and Language Impairments	9,542	9798	16.12%	40.74%
Traumatic Brain Injury (TBI)	59	63	0.10%	0.26%
Visual Impairments	78	62	0.10%	0.26%
SWD	21,464	24,048		
Total	56,252	60,790		
% Pre-K SWD	38.16%	39.56%		

What Are the Special Education Student Placement Options in Ohio¹⁷?

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.

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

¹⁷ 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>

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 7,800 down from 7,899 students in 2022-2022, but 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. For 2023, there were 62,279 (this includes the expansion program).

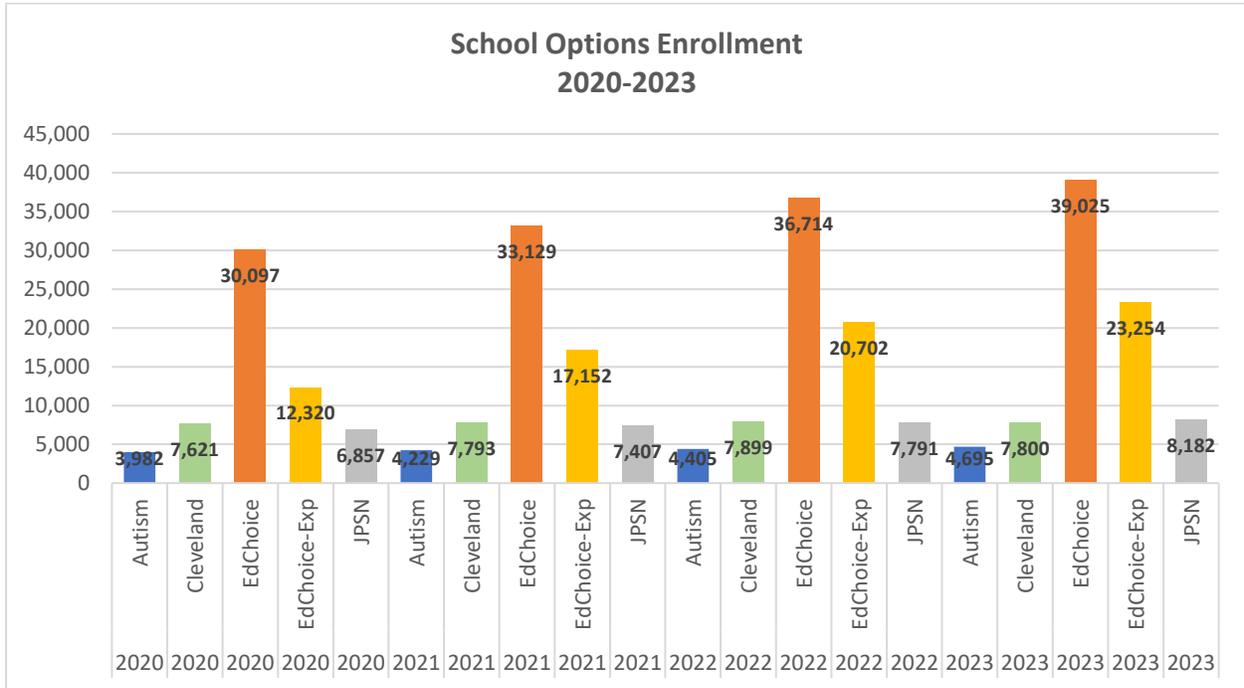
Autism Scholarship Program. The Autism Scholarship Program (ASP) gives the parents of eligible children with autism the choice to send the child to a special education program other than the one operated by the school district of residence. The student must have a current (finalized) IEP from the district of residence; all parties, including the parents, must agree with the IEP. In 2022-2023, 4,695 students were enrolled up from 4,553 in 2021-2022.

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. For 2023, the number of JPSN scholarship students was 8,182.

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.

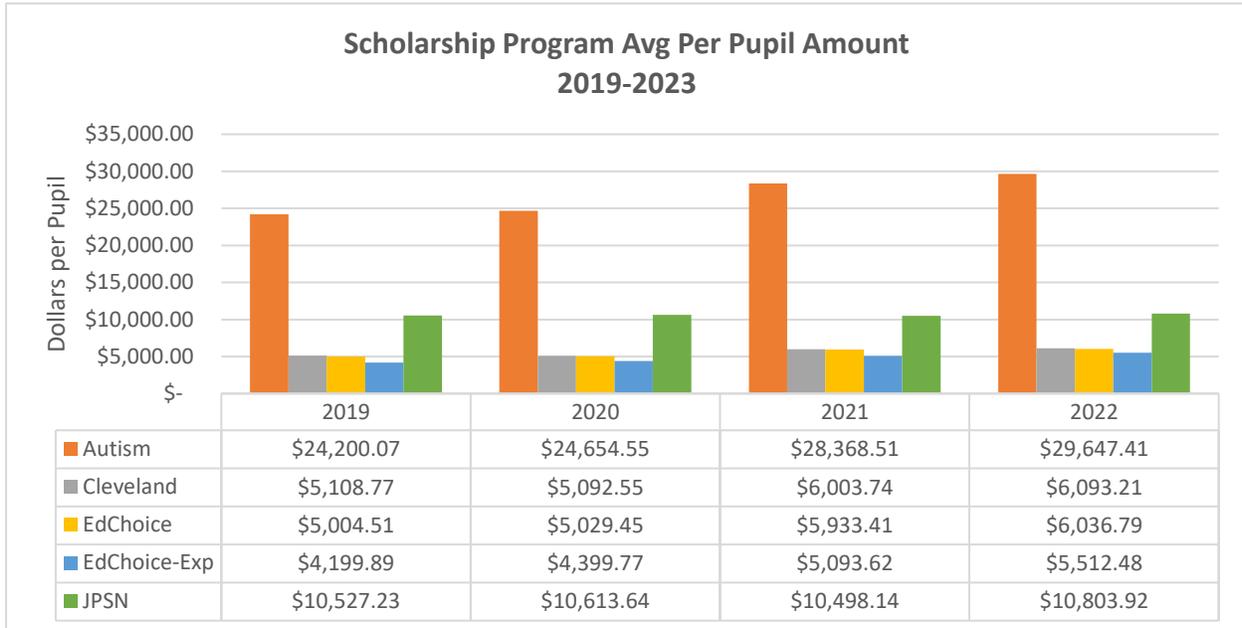
Table 9: School Options Enrollment Trends 2020-2023



For the period of 2020 to 2023, the enrollment in the autism scholarship program increased 17%. The Jon Peterson Scholarship enrollment increased 19.3% over that same period. These programs increased 58% and 215% respectively since 2104. While this is significant growth, they pale in comparison to the Ed Choice (129%) and Ed Choice Expansion (2100%) programs.



Table 10: Per Pupil Scholarship Funding Trends 2019-2023



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 include 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 to \$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 breakdown for average annual amounts spent per pupil are depicted in table 10.

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.

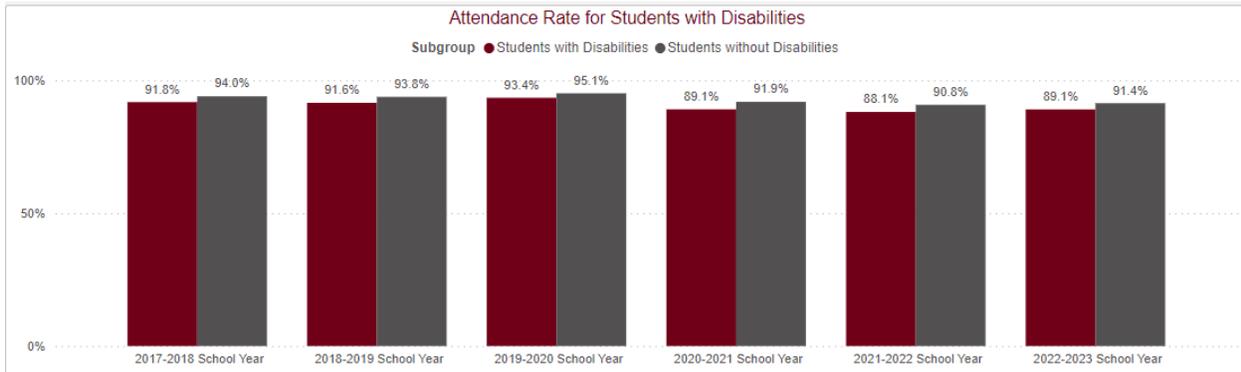
The budget also made a number of changes to eligibility for EdChoice scholarships, including but not limited to eliminating the 60,000 cap on EdChoice scholarships; expanding qualifications for a performance-based scholarship, including qualifying high school students not enrolled in public school, siblings, 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 2022-2023 school year, compared to typical peers, students with disabilities attended, on average, more than 2% fewer days of school, or 89.1% of days of attendance, compared to their typical peers at 91.4%. 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 11: Attendance Rate for Students with Disabilities



Source: Ohio Department of Education Report Card Reports¹⁸

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 12: Attendance Rate by Category of Disability

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

Students with disabilities are more likely to be chronically absent. According to the state’s 2022-2023 state report card data, students with disabilities have a 42% higher chronic absenteeism rate than their typical peers.

¹⁸ <https://reports.education.ohio.gov/report/report-card-data-state-attendance-rate-with-student-disagg>

Table 13: Chronic Absenteeism and Students with Disabilities

School Year	2020-2021 School Year		2021-2022 School Year		2022-2023 School Year	
Subgroup	Chronic Absenteeism Rate	Attendance Rate	Chronic Absenteeism Rate	Attendance Rate	Chronic Absenteeism Rate	Attendance Rate
Students with Disabilities	32.8%	89.1%	39.9%	88.1%	35.7%	89.1%
Students without Disabilities	22.5%	91.9%	28.5%	90.8%	25.2%	91.4%

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. This remained the case in 2022-2023.

The chart below provides greater detail regarding these issues.

Table 14: Proficiency Rates by Subgroup 2018-2019 to 2022-2023

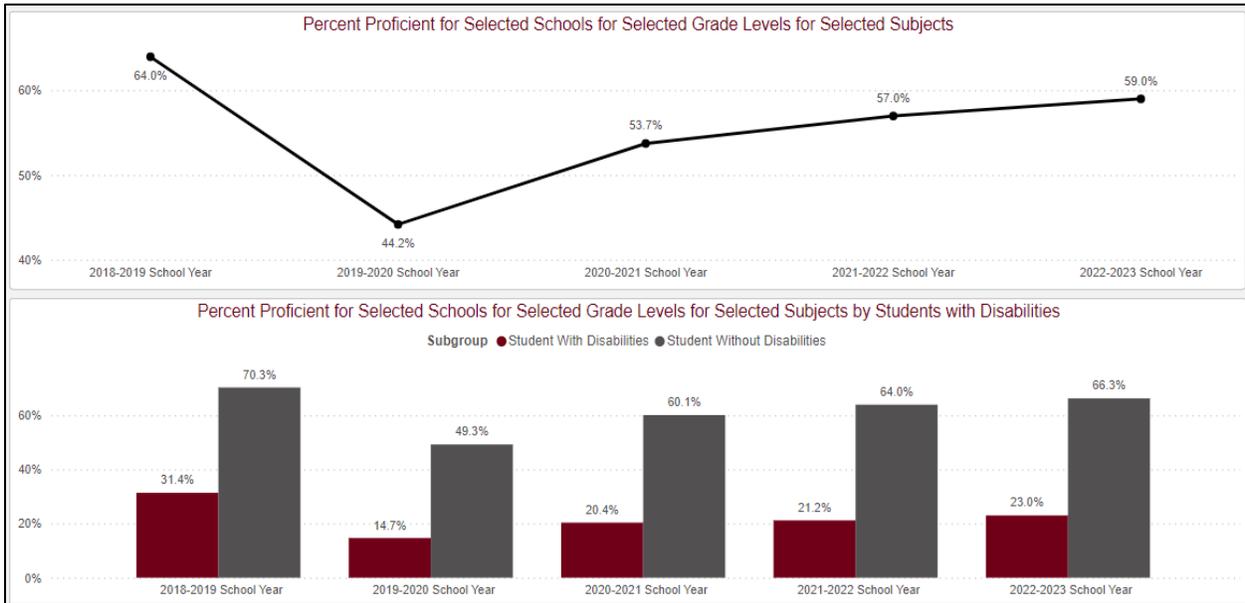
Statewide Proficiency by Demographic Group and Year						
Demographic Group	Subject	2018-2019	2021-2022	2022-2023		
All Students	English Language Arts	64.6%	59.5%	60.9%	△	+1.4
	Mathematics	61.0%	50.5%	53.0%	△	+2.5
Economically Disadvantaged	English Language Arts	49.5%	43.0%	44.8%	△	+1.8
	Mathematics	45.5%	32.6%	35.7%	△	+3.1
Students with Disabilities	English Language Arts	28.9%	20.9%	21.9%	△	+1.0
	Mathematics	28.2%	17.4%	19.2%	△	+1.8
English Learners	English Language Arts	43.7%	35.9%	38.4%	△	+2.5
	Mathematics	45.7%	31.4%	35.9%	△	+4.5
White, Non-Hispanic	English Language Arts	71.7%	67.6%	69.2%	△	+1.6
	Mathematics	68.9%	59.8%	62.6%	△	+2.8
Black, Non-Hispanic	English Language Arts	39.3%	33.2%	35.2%	△	+2.0
	Mathematics	32.5%	20.4%	23.0%	△	+2.6
Hispanic	English Language Arts	51.2%	45.1%	45.8%	△	+0.7
	Mathematics	47.9%	35.4%	37.9%	△	+2.5
Multiracial	English Language Arts	59.6%	54.6%	55.8%	△	+1.2
	Mathematics	54.6%	42.8%	45.4%	△	+2.6
Asian or Pacific Islander	English Language Arts	76.8%	73.7%	73.8%	△	+0.1
	Mathematics	78.7%	71.4%	72.2%	△	+0.8
Alaskan Native or American Indian	English Language Arts	60.0%	51.8%	52.9%	△	+1.1
	Mathematics	54.0%	40.8%	42.7%	△	+1.9

Source: Ohio Department of Education, 2022-2023 State Report Card

In 2022-2023, Economically Disadvantaged students and English Learners showed the greatest increase in performance. However, it is important to note these subgroups, as well as Black students, Hispanic students, and Students with Disabilities, continue to have the lowest achievement levels. Although performance is increasing, achievement disparities among subgroups remain similar to or slightly wider than pre-pandemic gaps.

A review of trend data in Table 15 below demonstrates the achievement dip that impacted all students across all subgroups during the pandemic. While all students have seen improvement in the past two years, it is clear that school closures and related issues had a more direct and substantial impact on students with disabilities and they are having more difficulty rebounding to pre-pandemic achievement levels; a 38.9% gap in 2018-2019 grew to 43.3% in 2022-2023.

Table 15: Proficiency Levels for Students with Disabilities (All Subjects)

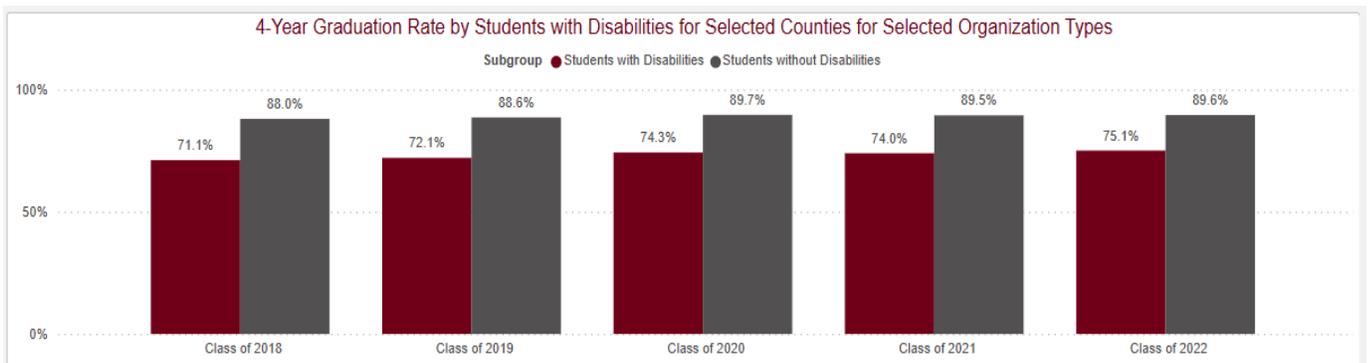


What Is Ohio’s Special Education Student Graduation Trends?

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. In 2022, the gap narrowed a bit more as the students with disabilities graduation rate increased a full 1% more than their typical peers. Numbers for the class of 2023 were not currently available.

Table 16: 4-Year Graduate Rate 2018-2022



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.¹⁹

Table 17: Diplomas With IEP Exemptions

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)

Another indicator in Ohio’s State Performance Plan is the number of students that exited special education due to graduating with a regular high school diploma.



¹⁹ Updated data for 2019 and 2020 were not readily available from ODE or public sources at time of publication.

Table 18: Special Education Exits With IEPs

Number of youth with IEPs (ages 14-21) who exited special education due to graduating with a regular high school diploma	Number of all youth with IEPs who exited special education (ages 14-21)	FFY 2020 Data	FFY 2021 Target	FFY 2021 Data	Status	Slippage
135	196		62.00%	68.88%	Met target	N/A

The data source being used for the FFY 2021 data in table 19 above is Indicator 1. Indicator 1 is calculated using the EdFacts FS009 data source. This indicator measures the percentage of youth with Individualized Education Programs (IEPs) exiting high school with a regular high school diploma.

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 program, or competitively employed. Ohio fulfills this obligation through the Ohio Longitudinal Transition Study (OLTS)²⁰, 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 the 2020-2021 and 2021-2022 school years, 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:

²⁰ <https://education.ohio.gov/Topics/Special-Education/Special-Education-Data-and-Funding/Ohio-Longitudinal-Transition-Study-OLTS>

Table 19: Student Exit Comparisons 2021-2022

2021-2022 Comparison			
Percent of Youth Who are No Longer in Secondary School and had IEPs in Effect at the Time They Left School	2021 Percentage	2022 Percentage	Targets
Enrolled in higher education within one year of leaving high school	23.65%	24.83%	31%
Enrolled in higher education or competitively employed within one year of leaving high school	76.93%	80.04%	80%
Enrolled in higher education or training program; or competitively employed or in some other employment within one year of leaving high school	83.14%	85.7%	87%

In 2022, the last year for which data was available, the state failed to meet targets in two of three areas. However, the state continued to make progress in all three areas.

How are Regional Education Support Services Provided?

Ohio has a robust regional and statewide system of educational 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 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. Of the state's 51 ESCs, 16 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 subgroup 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 and Workforce's Offices for Exceptional Children, Early Learning and School Readiness and the Center for School Improvement by providing technical assistance and professional development.

Who Else Does the State Partner with To Provide Field-Based Support?

In addition to regional, statutorily created support structures, the Office for Exceptional Children (OEC) collaborates with other public and private partners to support students and families.

OEC partners with The Ohio State University across numerous activities to support families of children with disabilities. OEC provides grant funding to the Ohio Statewide Family Engagement Center to provide family and community engagement consultants to regional state support teams. This includes a community of practice to support coordination and professional development to increase collaboration, networking and communication across regions, and to improve the quality of services provided to families of students with disabilities. Partners representing agencies that directly support families of children with disabilities are included as an integral part of this community of practice, along with representatives from the Ohio Department of Education and Workforce across multiple offices.

OEC also provides grant funding to The Ohio State University's Center on Education and Training for Employment (CETE) along with ongoing guidance and collaboration for development, distribution and analysis of results of Ohio's annual Indicator 8 Family Survey. In addition to meeting the reporting requirements for this survey, results also provide valuable information for improving services to families of students with disabilities.

OCECD partners with OEC for regionally-based support services to parents and families of children with disabilities. These supports may be one-on-one or trainings to groups and are available in the preferred language of the family. This year's projects funded by this grant also include continued support and development of parent-friendly documents related to a new state settlement plan (11 District Plan) and creation and provision of trainings to parents and families of children with disabilities regarding upcoming changes to the Ohio

Operating Standards, the Parent’s Rights handbook and revisions to the restraint and seclusion and positive behavioral interventions and supports (PBIS) state rule.

Internally, the Office for Exceptional Children created a Family Engagement Team to connect individuals across the office who are working on family engagement projects and supports. The purpose of the team is to share updates, collaborate, and seek opportunities to support and coordinate family engagement initiatives throughout the office. This group works on alignment, awareness, sharing results from the Family Engagement survey, and maintaining the Families of Students with Disabilities resource webpage; it also streamlines the resources on the ODEW website to create better coherence and support easier navigation for both families and educators. Additionally, an agency-wide Family Engagement Workgroup was created to promote a better and more consistent understanding across the agency about this work and greater opportunities to promote supports to parents.

Taken together, all of these systemic efforts have increased the capacity of diverse groups of parents in Ohio to gain support from implementation activities designed to improve outcomes for children with disabilities.

What Does A Review of Ohio Special Education Policy in 2023 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).

Special Education Policy Recap: 2023 and the 135th General Assembly. (CY 2023-2024)

National Trends

State Government is responsible for carrying out a number of important functions. Chief among them is the appropriation of resources to support the delivery of essential services like primary and secondary education, including special education. This is an authority vested in state legislatures, and legislature across the country have been busy in 2023. According to data from the Education Commission of the States, 176 K-12 education finance bills were introduced and passed in state legislatures across the country in the 2023 legislative session year. Of those bills, 31 (18%) were passed and enacted dealing with special populations including students with disabilities.

Seventeen states passed one measure (Arkansas, California, Connecticut, D.C., Florida, Illinois, Indiana, Michigan, Minnesota, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, and Wyoming). Five states passed two bills each

(Arizona, Colorado, New Mexico, Utah, and Washington). And Nevada passed four separate appropriations measures impacting special populations.

In Connecticut, for example, the budget included \$25 million in additional Special Education funding in each year, \$48 million in fiscal 2024 and \$96 million in fiscal 2025 to continue the Education Cost Sharing formula phase-in, and \$150 million in fiscal 2025 for Education Finance Reform. Similarly, the state of Nevada budget allocated \$6.1 billion in fiscal 2024 and \$6.3 billion in fiscal 2025 for K-12 education and fully funds the weights of the funding formula, increasing per pupil funding for English language learners, at-risk students, and gifted and talented students, while allocating an additional \$23 million in special education funding.

Finance bills can also serve as vehicles for substantive policy changes. This was evident in both Michigan and Washington states as leading examples. In Michigan, Senate Bill 173 increased special education funding by \$310.3 million. This substantial increase was due, in large part, to changing the calculation for special education cost estimates and reducing the amount of special education students' foundation allowance counts towards special education costs. The budget also increased funding for economically disadvantaged students by \$204.5 million by revising the opportunity index weights to range between an additional 35% to 47%. Lastly, the Michigan legislature increased funding for English language learners by approximately \$13.3 million.

Likewise, Washington state made significant policy changes, via House Bill 1436, that increased special education excess cost multipliers in the state funding formula for preschool through age 21 beginning in the 2023-2024 school year. The weights were increased for K-21 students who spend at least 80% of the school day in general education setting to 1.12; for K-21 students who spend less than 80% of the school day in general education setting to 1.06; and for pre-kindergarten students to 1.2. The bill also increased the enrollment limit from 13.5% to 15% of students who can be identified a special education. Importantly, the bill reduced the threshold for high-need individuals to access a special education "safety net" to 2.2 times the average per pupil expenditure for districts with more than 1,000 students and 2.0 times the average for districts with less than 1,000 students. These changes were estimated to increase special education funding by an additional \$177 million from the state and \$177 million from local districts in 2023 to 2025.

So, how does Ohio compare?

Ohio Budget Changes for Special Education

In 2023, Ohio implemented significant changes in state policy and funding that directly affect students with disabilities receiving special education services. These changes encompass legislative adjustments, funding modifications, and program developments aimed at enhancing educational opportunities and support for this student population.

HB 33, the FY 2024-2025 state operating budget passed in 2023, increases state spending on public k-12 education to \$8.06 billion in fiscal year 2024 and nearly \$8.3 billion in fiscal

year 2025. This represents a continued “phase-in” of the previous budget’s “Fair School Funding Plan.” By advancing and updating the state’s school funding formula, HB 33 produces a significant collective increase in funding for Traditional School Districts, Joint Vocational School Districts, Community schools, and STEM schools, totaling approximately \$1.18 billion from fiscal year 2023 to fiscal year 2024.

Other significant policy and funding changes in H.B. 33 impacting special education included the following:

Autism Scholarship Program Expansion. The Ohio Autism Scholarship Program has been expanded to allow more students to qualify for the scholarship. Starting October 3, 2023, students can qualify for the Autism Scholarship, per Ohio Revised Code 3310.41, if they are identified as autistic by their school district, diagnosed with pervasive developmental disorder - not otherwise specified (PDD-NOS), or have an IEP that includes services related to autism. The budget updates the program to allow schools to utilize behavior analysts as providers for intervention services, and expands student eligibility to students without an Autism-related IEP—as long as the student has an Autism diagnosis or their school district has identified them with Autism per the Department of Education and Workforce.²¹

JPSN scholarship maximum amounts. The Jon Peterson Scholarship provides families with special needs students that have an IEP with a scholarship that helps cover the cost of tuition at private schools, along with the services the student’s IEP requires. 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. The budget increases the base amount from \$6,414 to \$7,190 in FY 2024 and FY 2025 and increases the amounts for each disability category and the capped amount in each fiscal year of the biennium so that a scholarship may not exceed \$30,000 in FY 2024 and \$32,445 in FY 2025, up from \$27,000 in FY 2023.

Choice Accountability. Prevents schools from mandating income verification for families receiving traditional EdChoice, Jon Peterson, Autism, or Cleveland scholarships.

Student Health and Wellness. The state budget bill provides for additional parameters related to student wellness and success funds, and includes several new student health and wellness initiatives including a requirement that districts spend 50% of their student wellness and success funds on physical or mental health-based initiatives and must develop a plan to use these funds. Any funds from fiscal year 2020 to fiscal year 2023 must be spent by the end of fiscal year 2025 or these funds will need to be repaid to ODEW.

Seizure plans. School districts are now required to create an individualized seizure action plan for each student with an active seizure disorder diagnosis. Designated school employees must develop a seizure action plan for affected students and provide

²¹ <https://codes.ohio.gov/ohio-revised-code/section-3310.41>

training on the plan to relevant staff. Likewise, Districts must ensure that at least one staff person in each building is trained in such plans every two years. Additionally, district administrators, school counselors, teachers and bus drivers must complete training in the bill's new requirements.

Special Education Transportation. School districts are required to provide transportation as a related service to students with disabilities who live in the district but attend a nonpublic school if transportation is provided for in the student's IEP.

Reading & English Language Arts. A significant focus of the state budget bill in terms of student learning addresses student reading and the implementation of the science of reading. Below is a summary of key provisions:

- The student retention portion of the third grade reading guarantee has been removed. A student may be promoted to 4th grade if the parent/guardian consults with the reading teacher and principal, but the student must continue to receive reading intervention services.
- ODEW is required to compile a list of high-quality core curriculum and instructional materials in English language arts and evidence-based reading intervention programs that are aligned with the science of reading.
- The required completion date for dyslexia professional development for all teachers has been clarified in the bill. Teachers hired after April 12, 2021, must complete the required training by the later of two years after the date of hire or the dates prescribed for teachers hired before April 12, 2021, unless the training was already completed while employed by a different school district.
- Also included in the bill are additional clarifications of when a tier one dyslexia screening needs to be administered based upon the student's history and the timing of their enrollment in the school district. Specifically, screening must be completed for transfer students enrolled in kindergarten during the regular scheduled screening or within 30 days after the student's enrollment or a parent/guardian requests or grants permission for the screening. Additionally, screening must be completed for transfer students enrolled in grades 1-6 within 30 days after a student's enrollment, if so required, or a parent/guardian requests or grants permission for the screening.

Funding for Special Education. Ohio's funding formula for special education has been updated to provide increased funding for specific categories of students, including those with disabilities. The formula retained multipliers applied to the base amount for students with disabilities, ranging from 1.2535 to 4.9554, depending on the category of disability. Catastrophic aid is also available for certain high-cost special education needs. How catastrophic aid is funded changed in the budget. "Catastrophic" costs are no longer reflected in the special education budget. Rather, 10% of the total special education funding amount is held back for these purposes. Schools can continue to seek additional costs of services that exceed the category's funding threshold, but they will no longer be identified as "catastrophic" costs. It is anticipated that this change is more in the name than in the actual amount of funding received.

Transfer of early childhood programs to Department of Children and Youth. The budget creates the new Department of Children and Youth (DCY), pulling together several child-focused programs and services from various state agencies into a single cabinet department. Among these are ODEW's Office of Early Learning and School Readiness, which administers state and federal funding for early childhood education (ECE) and childcare licensing. The Ohio Department of Children and Youth Services will assume most of the oversight of preschool education. A full transfer of duties is expected by January 1, 2025.

Other Legislative & Administrative Developments

Other, non-budgetary, policy changes in 2023 included the implementation of Dyslexia Screening and Education Requirements. Ohio has introduced new requirements for the screening and education of students with dyslexia. Starting in the 2023-2024 school year, all school districts are mandated to develop a structured literacy program that includes explicit, systematic, research-based reading instruction methods. Additionally, there will be a requirement for universal dyslexia screening for all students in kindergarten through third grade, with provisions for screening students in grades 4-6 upon request. Professional development related to dyslexia will be required for literacy teachers and special education teachers as well.

Other Educations Bill in 2023

Overall, 71 education-focused bills have been introduced thus far in the 2023-2024 legislative session. Of those, only 3, including the biennial state operating budget discussed above, have been passed into law. Those bills include the following:

- ***SB 17*** - To incorporate free market capitalism content into the high school financial literacy and entrepreneurship standards and model curriculum and with regard to financial literacy course credit and license validation.
- ***HB 68*** - To enact the Saving Ohio Adolescents from Experimentation (SAFE) Act regarding gender transition services for minors, and to enact the Save Women's Sports Act to require schools, state institutions of higher education, and private colleges to designate separate single-sex teams and sports for each sex.
- ***HB 33*** – The biennial state operating budget, which funds state government operations including education for FY 2024-2026.

Of the bills introduced in 2023, that are still pending action, one included provisions directly impacting students with disabilities:

- ***HB 266*** - the bill would require school districts and schools to update emergency management plans to include evacuation procedures for individuals with disabilities

Also of note is a bill that was passed in the last General Assembly in 2022, but became effective in 2023. The Ohio General Assembly passed House Bill (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.

Looking Toward 2024: 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 2024. These issues are outlined below.

OCECD has a long-standing concern that an inadequately funded special education system will exacerbate system shortcomings, and particularly for low-income schools and school children, including those with disabilities who are often over-represented in low income student populations. Those attention is being given to special education funding through a state mandated special education cost study, action to address this problem has not been take as of December 2023. This reality provides important context for spelling out other ongoing (2024) special education issues as outlined below.

1. **Special Education Funding Adequacy.** 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. The budget adopted in 2023 continues the implementation of this funding approach. However, the new system is to be phased-in over 2 more additional 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. Nor were recommendations from a December 2022 cost study adopted.

Authored by the American Institutes For Research (AIR) and titled *Special Education In Ohio: Best Practices, Costs, and Policy Implications*, this 2022 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 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. 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. Ultimately, the General Assembly did not seek to integrate the findings into the budget. This remains a priority in 2024 as the FY 2026-2027 operating budget begins to be developed. 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.

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. While students with disabilities made improvements year-over-year, they continue to lag behind their typical peers. Additional information on this subject can be gleaned from the state's School Report Card.
3. **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

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

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

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. ODEW is working with state support teams (SSTs) and regional data leads (RDLs) to provide technical assistance for districts addressing significant disproportionality. Ohio's *Plan to Improve Learning Experiences and Outcomes for Students with Disabilities* will include recommendations to ensure equitable access and prevent disproportionality.²⁷

According to ODEW, Speech-language impairment remains the state's largest disproportionate category in special education. Data from the 2021-22 school year indicated that ninety districts were flagged for disproportionality in special education, with thirty-eight (42%) of those districts being identified as having a speech-language impairment. Current projections indicate that 137 districts are at-risk for disproportionality, with fifty-three (39%) of those at-risk districts identified in the category of speech-language impairment. These numbers (current and projected) are double that for all identified disability categories. And while this number is high, the other disability categories, when combined, show higher numbers of identification across all disability categories (fifty-eight categories in total). The data for the 2022-23 school year showed a modest reduction of 25% in the number of districts found to be disproportionate in identification. Speech-language impairment showed an improvement from 39 districts to 27 (30% rather than the previous 42% of those districts identified as disproportionate); students identified as having autism changed from thirteen districts to six (53% change).

To address these issues, in 2024 ODEW is funding the Regional Speech-Language Pathology/School Psychology Consultant Grant to provide funds through the Department to Educational Service Center(s) to provide six regional speech-language pathology consultants (SLPC) and six regional school psychology consultants (SPC) in six regions of Ohio (Northwest, Northeast, Southeast, South, Southwest and Central; see map, below). These consultants will support those districts in which no regional supports are currently provided, thus building knowledge and leadership in the evaluation and identification of students with disabilities in the category of speech-language impairment. When there is a district

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

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

lead therapist, supervisor, or coordinator, the SLPC will collaborate with these individuals in areas such as professional development.

It will be important to monitor implementation of this work and related outcomes throughout the 2024-2025 school year and beyond.

4. 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 ODEW.

5. Special Education Teachers and Related Services Personnel: Does Ohio Have a Shortage of Qualified Personnel?

Since 2010, and as recently as the 2017-2018 school year, the U.S. Department of Education's *Teacher Shortage Areas* report indicated that special education is a teacher shortage area for Ohio.²⁹

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

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

A 2022 study by ODEW indicates a continued challenge with teacher shortages. The number of newly credentialed teachers steadily declined statewide from 2013-2014 to 2018-2019, then stabilized through 2020-2021 before declining again in 2021-2022.

The total teacher FTE in Ohio was 110,582 in the 2021-2022 school year, which was highly comparable to the previous 10-year average for the state (110,929). Student enrollment, on the other hand, trended downward, with a 90,000 full-time equivalent (FTE) decrease since 2011-2012. The combination of these trends has produced the lowest statewide student-to-teacher ratios in at least a decade, with ratios over the past two years at 15.0 and 15.1 respectively. ***Over the same period, the number of students with disabilities for each intervention specialist in the state improved dramatically, from 40.9 in 2011-2012 to 22.1 in 2021-2022. This change represents an increase of nearly 6,000 FTE for intervention specialists over the last 10 years.***

While the student: teacher ratio for intervention specialists is good news it is important to continue to monitor the teacher pipeline. According to data from Ohio's higher education data system, enrollment in Ohio's teacher preparation programs decreased 19%, from 14,829 in 2015 to 12,412 in 2020. Similarly, the number of students completing a program decreased 26% from 5,753 to 4,570. [vi] There has been a steady decline in the number of newly credentialed teachers from 2014 (7,706) to 2022 (5,000), with a minimal decline between pre-pandemic 2019 (5,330) and 2022.

Over the past 5 years, 7,167 special education teachers have left the profession. During that same period, only 6,897 newly licensed special education teachers graduated university programs. Further, according to ODEW data, 7,830 license special education teachers are currently not employed or working in Ohio's public schools.

Importantly, districts also continue to report a 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 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.

6. **Special Education Determination.** Ohio received a “Meets Requirements” determination by the U.S. Department of Education in 2023. After three consecutive years in “Needs Assistance”, Ohio’s lowest scoring measures continue to be the percentage of students with disabilities who graduate by meeting the same requirements as students without disabilities and the percentage of students with disabilities dropping out. Ohio’s 67% graduation rate for students with disabilities for the class of 2021 was the twelfth lowest in the nation. Ohio’s 16% dropout rate for students with disabilities in 2021 was the 23rd of all states and territories. Despite receiving Meets Requirements as the 2023 determination, Ohio continues to address its lowest scoring areas of graduation and dropout. In partnership with stakeholders, the Department is implementing a number of improvement efforts with the potential to improve graduation rates and decrease dropout rates.³⁰ Ohio
7. **ODEW Transition.** Am. Sub. H.B. 33, the FY 2024-2025 biennial state operating budget, included two significant agency transitions in the creation of the Department of Children and Youth (DCY) and the Ohio Department of Education and Workforce (ODEW). These changes impact governance, staffing, and policy and program implementation. The budget transfers control of the Department of Education from the State Board of Education and the Superintendent of Public Instruction to the DeWine Administration and the new position of Director of the Ohio Department of Education and Workforce (ODEW Director), who is appointed by the Governor with the advice and consent of the Senate.

Areas of responsibility staying with the State Board of Education included educator licensure and discipline and territorial transfer. All other responsibilities transition to the ODEW with the exception of those impacting early childhood education that move to DCY.

To carry out its work, the budget also establishes two divisions within ODEW to carry out the work outlined above: the Division of Primary and Secondary Education; and the Division of Career-Technical Education. Each of these divisions will be headed by a deputy director appointed by the ODEW Director with the advice and consent of the Senate. In 2023, the Ohio Department of Education employed about 635 permanent, full-time staff. It is anticipated that approximately 35 will transition to the new Department of Children and Youth and 75 will remain with the State Board of Education and the State Superintendent of Public Instruction. This leaves about 525 permanent full-time staff with the Department of Education and Workforce.

It will be important to monitor how this transition and related internal

³⁰ <https://education.ohio.gov/Topics/Special-Education/Special-Education-Monitoring-System/State-Determinations>

reorganization impacts the Office for Exceptional Children and services to students with disabilities and their families.

8. Department of Children and Youth Transition. The budget created the Department of Children and Youth to serve as the state’s primary children's service agency and establishes the position of the Department of Children and Youth Director. Kara Wentz has been named to serve as Director. The changes in law require the Department of Children and Youth to facilitate and coordinate the delivery of children's services in Ohio. The bill and associated permanent law changes address the transfer of duties to the Department of Children and Youth relating to children services, including by requiring specific directors or their designees to identify and develop a plan to transfer children's services, duties, functions, programs, and staff to the new department by January 1, 2025. The agencies impacted include: ODJFS, ODEW, ODH, DoD, ODM, Ohio MHAS, and DEV. Approximately 35 former Ohio Department of Education staff are anticipated to be reassigned to this new agency along with staff from the other impacted agencies. Director Wentz and her staff are conducting focus groups, regional meetings and otherwise engaging stakeholders to help inform the transition process. Director Wentz and the staff are transitioning to the new agency by focusing on the following five key organizational building blocks:

- A. Central Intake Infrastructure;
- B. Licensing Alignment;
- C. Early Childhood Education Expansion;
- D. Early Access and Step up to Quality; and
- E. Home Visiting Expansion

This transfer of responsibility will have a direct impact on preschool special education and early intervention services.

9. Quality Implementation of IEPs. The cornerstone of Ohio’s special education system is the Individualized Education Plan (IEP). This approach bases services on ongoing evaluations of the unique and evolving needs of individual students with disabilities. Implementation requires independent reviews by qualified personnel. Some parents and practitioners feel that the quality of the IEP can be compromised because of fiscal and related organizational constraints facing schools and school districts. IEPs 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.

Special Education Implications: What is the Story?

The facts, figures, and special education policy issues identified in the 2023 *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.³¹ Ohio should be proud that we have performed much better for this category of students than the national average.

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.³² 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. 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,³³ 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.

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 for 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.³⁴ Students with and without disabilities experience social emotional benefits,³⁵ high expectations, and support.³⁶

*There is clear and consistent evidence that inclusive educational settings can confer substantial short- and long-term benefits for students with and without disabilities. A large body of research indicates that included students develop stronger skills in reading and mathematics, have higher rates of attendance, are less likely to have behavioral problems, and are more likely to complete secondary school than students who have not been included. As adults, students with disabilities who have been included are more likely to be enrolled in postsecondary education, and to be employed or living independently. (p. 2)*³⁷

³¹ IDEA, State Performance Plan. Retrieved from <http://education.ohio.gov/Topics/Special-Education/State-Performance-Plan> and <https://sites.ed.gov/idea/spp-apr/>.

³² <https://nces.ed.gov/fastfacts/display.asp?id=59>

³³ https://www.wrightslaw.com/info/lre_faqs_inclusion.htm

³⁴ <https://www.understood.org/en/learning-thinking-differences/treatments-approaches/educational-strategies/4-benefits-of-inclusive-classrooms>

³⁵ https://alana.org.br/wp-content/uploads/2016/12/A_Summary_of_the_evidence_on_inclusive_education.pdf

³⁶ <https://www.understood.org/en/learning-thinking-differences/treatments-approaches/educational-strategies/4-benefits-of-inclusive-classrooms>

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

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,”³⁸ with such an approach leading to a shift in both school culture and school climate. For others, they are ready to go, following and implementing identified best practices and visionary leadership.³⁹ For all, there will need to be effective practices, and decisions based upon the individual needs of each student. In sum, *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.*⁴⁰



³⁸ <https://www.schoolclimate.org/themes/schoolclimate/assets/pdf/practice/sc-brief-inclusion.pdf>

³⁹ <http://www.ascd.org/publications/educational-leadership/oct03/vol61/num02/Making-Inclusive-Education-Work.aspx>

⁴⁰ <https://www.specialeducationguide.com/pre-k-12/inclusion/>



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