



**Testimony Before the Ohio Senate Finance Committee  
H. B. 33 – Regarding Primary Education Funding  
May 31, 2023**

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Chair Dolan, Vice Chair Cirino, Ranking Member Sykes, and members of the Committee, thank you for the opportunity to submit testimony about the state operating budget regarding student funding. We are Renee Murphy and David Manor. We are attorneys at Advocates for Basic Legal Equality, Inc. (ABLE). ABLE is a non-profit regional law firm that provides free legal assistance in civil matters in 32 counties in Western Ohio. We help individuals and groups living on low incomes achieve self-reliance, equal justice, and economic opportunity.

Specifically, we work in our Education practice group. We work with parents and caregivers to advocate for quality education for their children – children in rural and urban disinvested areas, children with disabilities, children who are homeless, and children learning English. It is because of our experiences advocating alongside those parents that ABLE supports increased funding for “economically disadvantaged,” special education, and English Learner students. ABLE urges you to keep or increase the level of funding for these children passed by the House.

All children need and deserve an education that gives them equal opportunity to succeed in life. Investment in “economically disadvantaged” children, and special education and English Learner education will move Ohio to our promise of a “thorough and efficient system of common schools.”<sup>i</sup>

Research shows that children in low-income families and communities have more needs, which schools must meet for children to achieve their potential.<sup>ii</sup> Many years of research shows that it is worth it to meet those needs. Increased monetary investment in education, particularly in low-income children, is associated with higher academic achievement, increased graduation rates, increased entry into college, higher wages, and reduced poverty in adulthood.<sup>iii</sup>

We know that lack of adequate funding is one of the reasons our clients struggle to get their children the services they need. Children with disabilities need specialized instruction and, depending on their needs, services like speech-language therapy, counseling, occupational therapy, or nursing services.<sup>iv</sup> Children learning English need trained Teachers of English to Speakers of Other Languages and may need extra instructional hours or interpretation to help understand assignments. Instead of the full array of classroom support, effective methodologies, and qualified personnel that the laws mandate, schools provide much more limited support.

This is especially true for students who require special education

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services. Over the years, schools have told us that they have staffing limitations and cannot hire more needed professionals in the budget. We provide several examples:

*Multiple of our clients struggle to get in-school counseling or social work services in their Individualized Education Programs (IEPs) at their neighborhood schools. These services are supposed to be provided individually or in small groups for students with mental health disabilities. However, many schools do not have any social workers and have only one counselor to serve the entire school. The counselor needs to be available for any student in need of emotional support, so parents are told “no” to the regular sessions their child needs in the IEP. The schools explain they are unable to hire additional counselors or social workers in their budgets and have no one who could do the service. As a result, our clients’ children have continued to struggle with emotional coping and positive peer relationships, which we have seen result in bullying victimization, school anxiety, exacerbated depression and anxiety symptoms, and dropping grades.*

*A colleague worked with a child with significant language delays, who needed help but could not make progress with therapy. After a full evaluation, the school IEP offered only 30 minutes **per month** of speech-language therapy in the child’s Individualized Education Program (IEP). We helped the parent advocate for services to be increased to 45 minutes per week, as the child needed. In the IEP meeting, the Speech-Language Pathologist expressed frustration about how she could perform those weekly sessions with so many other students at three other schools to provide therapy to, IEP meetings to attend, and progress data to record. Although the school district agreed on paper to the increase, the assigned Speech-Language Pathologist could not be at the school each week, because the school district did not have enough therapists. She could not change her schedule from serving other children at other schools, and the child is missing sessions of therapy each month.*

*Multiple clients over the years have been told no when they request better-trained paraprofessional aides for their children with significant physical or behavioral needs. For these children, a consistent, trained aide can significantly impact learning. Sadly, the children often have aides who do not know how to help them or often see substitutes unfamiliar with their needs, harming their progress. Different school districts have explained that their budgets cannot afford to pay paraprofessionals much more than minimum wages. Rationally, many paraprofessionals, once trained, leave for other jobs with higher pay and more opportunities for raises.*

Our experience alongside parents shows us that schools need more funding to provide the required specialized services for children with disabilities and English Learners, and the cost studies this legislature funded agree. Two years ago, this legislature wisely funded two studies of the true costs of special education and English Learner education in Ohio, and those were thoroughly completed.<sup>v</sup> The recommendations therein give the information this body needs about the true costs of what these children need in their education.

The *Special Education in Ohio: Best Practices, Costs, and Implications*<sup>vi</sup> Study provides a well-founded basis for increases in funding for all children with disabilities. It also provides well-founded recommendations for increases to funding weights for several categories of student disabilities (Study Exhibit 10 on page 27.) Those children who typically have greater needs than the current schedule of funding recognizes. One category, as highlighted from our example above, is students with “emotional disturbance.” Schools cannot currently provide with all the therapy and counseling they need with current funding of that disability in Category 3, because student funding is about \$20,000 *per student* less than the true costs of student need. (Study Exhibit 13, page 35).

In our experience, the study is correct that good (and legally required) special education services require not just direct services to students, but also collaboration with other teachers and time on progress reporting that informs parents. For example, we have a case for a child with Other Health Impairment- Major who needs a special device for communication, which requires the Speech-Language Pathologist to spend time teaching and coaching the staff who are with the child all day on helping the child become more independent with their “talker.” (Other Health Impairment- Major is another classification of student disability that under its current “Category 4” funding is *far* below actual costs – these students often needs expensive nursing or one-on-one personal care aide services, equipment, and lots of training for staff.) Collaboration is not optional, and the Study thoroughly includes this necessary element of special education services. Also, meaningful parent participation is a requirement in special education law, and an important part of that is regular Progress Reporting using actual collected data. Our parents use Progress Reports, in addition to report cards, to ensure their children really are learning. The “paperwork” of data collection and reporting is not just a rote task, it is a key part of meaningful parent participation. We were glad to see such costs included in the Study calculations. We urge increased funding not only because of the experiences of the families we know, but because of the thorough studies funded by this great body. We would also urge this body to look to the experiences of friends and family members whose children have been through the special education process, and their experiences how difficult obtaining services can be, and realize that in many cases the difficulty is due to constrained resources.<sup>vii</sup>

We further urge this body to consider the ramifications of underfunded special education programs on teachers and other students. A teacher of a student whose IEP lacks needed services may be forced to take on multiple roles, potentially working as a counselor, a one-on-one aide, a speech language therapist, and more. The time and energy required from the teacher, as she attempts to help a child on an insufficient IEP, can decrease the time and energy the teacher has for other students in the classroom. When schools cannot provide all the services a child needs, it has impacts on more than just one child, impacts that this increase in funding could fix.

We urge you, on behalf of all families who have struggled to obtain special education services and English Learner services due to resource restrictions, to maintain or increase the funding provided for special education and English Learner students from what was in the House’s bill. The goal should be to increase funding to the levels recommended in the cost studies as soon as possible to ensure a thorough and efficient system of common schools for all children.

Thank you again for the opportunity to testify. If you have any questions or concerns regarding the testimony, we are happy to answer, and we humbly make ourselves available at your convenience for anything concerning special education or English Learner funding.

Respectfully,



Renee Murphy



David Manor

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<sup>i</sup> Ohio Constitution, Article VI.02.

<sup>ii</sup> Higher child need related to lower family income is related to many factors, including the chronic stress on families living dollar to dollar, food insecurity, higher incidence of disability and health conditions, more prevalent adverse childhood experiences, and less access to enrichment activities. *See, e.g.*, Jensen, E. (2009). *Teaching with Poverty in Mind*, ch. 2, ASCD Alexandria, VA. <http://www.ascd.org/publications/books/109074/chapters/How-Poverty-Affects-Behavior-and-Academic-Performance.aspx>

<sup>iii</sup> Jackson, C. K. and Mackevicius, C. (February 2021, rev. March 2021). *The Distribution of School Spending Impacts*, NBER Working Paper No. 28517. Washington, DC: National Bureau of Economic Research, available at [https://www.nber.org/system/files/working\\_papers/w28517/revisions/w28517.rev0.pdf](https://www.nber.org/system/files/working_papers/w28517/revisions/w28517.rev0.pdf).

Baker, B. D. (2018). *How money matters for schools* (research brief). Palo Alto, CA: Learning Policy Institute.

Jackson, C.K., Johnson, R., Persico, C. (2016). The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms, *The Quarterly Journal of Economics*, Volume 131, Issue 1, 157–218.

<sup>iv</sup> Children with disabilities are entitled to a free, appropriate education under Section 504 of the Rehabilitation Act of 1973 and/or the Individuals with Disabilities Education Act. English Learners and their families are entitled to appropriate services to equally access their education under the Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act, and the Every Student Succeeds Act.

<sup>v</sup> <https://education.ohio.gov/getattachment/Topics/Special-Education/Special-Education-Cost-Study.pdf.aspx?lang=en-US>

<https://education.ohio.gov/getattachment/Topics/Student-Supports/English-Learners/English-Learner-Programs/English-Learners-Cost-Study.pdf.aspx?lang=en-US>

<sup>vi</sup> <https://education.ohio.gov/getattachment/Topics/Special-Education/Special-Education-Cost-Study.pdf.aspx?lang=en-US>

<sup>vii</sup> Please note that districts cannot avoid steadily increasing costs of services, due to inflation and the high market-rate prices associated with many special education services. Schools are forced to compete with hospitals and medical care providers to hire needed staff, such as in-demand Occupational Therapists, Speech-Language Therapists, and Physical Therapists. The market (including nursing homes with great need for these therapists) sets the high costs of such skilled labor, and schools must pay it to provide the services children need. Our experience tells us that many school districts simply cannot afford to compete with the salaries offered by medical care providers in their area without significant increases in special education funding.