



The
Legal Aid Society
of Cleveland
Since 1905

Ohio Senate
Finance Committee, Fair School Funding Plan
Written Testimony of The Legal Aid Society of Cleveland
May 17, 2021

New Clients Call:
888.817.3777 (toll free)
or
216.687.1900

General Business:
888.808.2800 (toll free)
or
216.861.5500

**Cleveland
& Administrative Office**
1223 West Sixth Street
Cleveland, OH 44113

General Business: 216.861.5500
Fax: 216.586.3220


Elyria Office
1530 West River Road North
Suite 301
Elyria, OH 44035

General Business: 440.324.1121
Fax: 440.324.1179


Jefferson Office
121 East Walnut Street
Jefferson, OH 44047

General Business: 440.576.8120
Fax: 440.576.3021

www.lasclev.org

 @legalaidcleveland

 @LegalAidCLE

 @LegalAidCLE

Good morning Chair Dolan, Vice Chair Gavarone, Ranking Member Sykes and members of the Committee. Thank you for the opportunity to provide testimony on the state operating budget, and the Fair School Funding Plan and its promise to bring equity in education to Ohio students. My name is Katie Feldman, and I am an attorney with The Legal Aid Society of Cleveland.

The Legal Aid Society of Cleveland is a non-profit law firm that provides free civil legal services to clients with low incomes in northeast Ohio. Legal Aid's service area includes Cuyahoga, Lorain, Ashtabula, Lake and Geauga counties. I am an attorney in the Health and Opportunity Practice Group which includes Legal Aid's education law practice. The goal of our education practice is to assist students and their families in removing barriers to accessing a quality education. Much of our practice includes representing students with disabilities.

As education attorneys, we enter Ohio's public schools every day and bear witness to how the state's current school funding model plays out for our clients and their classmates. The vast differences in resources caused by the current system of funding means that a child with a disability in one school district receives specialized instruction and therapies in a classroom setting that meets their needs while another child with a similar disability in a different school district receives less than an hour each day of services specialized to their needs. The latter district is working with a budget that has been crippled by devastated property values and the entanglement of charter school and vouchers with the district's own funding.

As Ohio's system of funding public education was determined to be unconstitutional over 20 years ago, a plan to replace it is long overdue. The Fair School Funding Plan attempts to do just that. The Fair School Funding Plan will especially help school districts in communities of high poverty where the inequities in funding and resources have been most apparent. The report published by The Equity and Excellence Commission, a federal advisory committee chartered by Congress to advise the U.S. Department of Education, shows that when funding is sufficient to support additional resources, students who experience poverty have outcomes more similar to students in wealthier areas.¹

The Ohio Education Policy Institute issued the report, “20 Years of School Funding Post-DeRolph,” in August 2018. The report concludes that Ohio’s education funding system remains inequitable.ⁱⁱ The key findings include:

- While state and local revenues have increased for all wealth quintiles, the lowest wealth districts still have lower total revenues per pupil than the highest wealth districts.
- Inflation-adjusted per pupil local revenues actually decreased by \$54 per pupil for the poorest school districts and grew by \$1,438 per pupil in the wealthiest school districts.
- For FY2019, districts in the 5th percentile were estimated to receive \$6,045 per pupil in state and local funding. Districts in the 95th percentile were estimated to receive \$9,968 per pupil in state and local funding.
- The funding gap between low-wealth and high-wealth districts has not been narrowed appreciably since the DeRolph decision.

In advocating for students with disabilities, Cleveland Legal Aid seeks to enforce students’ right to a free appropriate public education as guaranteed by the Individuals with Disabilities Education Act (IDEA) and right to access an education free of disability discrimination as guaranteed by Section 504 of the Rehabilitation Act of 1973. However, school districts struggle to meet their IDEA and Section 504 obligations due to limited funding and resources. We see this play out in the limited staff, specialized services, transportation, and special education placement options available to our clients. The education provided rarely meets the legally mandated standard of being designed to meet the student’s individualized needs.

In the 2018-2019 school year, Cleveland Legal Aid represented the families of two children with similar levels of special education needs. The first, a boy in the 2nd grade, had developmental delays that affected his cognitive abilities and led to aggressive behavior. His doctor recommended, and he received, Applied Behavior Analysis (ABA) services and speech and occupational therapy outside of school. He also has an Individual Education Program (IEP) at his school within a large urban school district. The second, a girl in the 1st grade is diagnosed with Autism, and she is largely non-verbal and mostly withdrawn. Her doctor also recommended, and she received, ABA services and speech and occupational therapy outside of school. She attends a suburban school district.

While both children have devoted teachers and are assigned to special education classrooms, the resources available to their teachers are vastly different. While both require ABA support in school, only the suburban school district had the resources to hire an expert in functional behavior analysis to evaluate the child’s needs, train staff, and provide consultation on her programming. In addition, the child in the suburban district has the advantage of a full sensory room in which she can get enough activity to allow her to sit and focus on tasks in class. The boy in the large urban district was given a ball and often taken to play on the outdoor swings for his sensory stimulation. The girl in the suburban district has almost a one to one ratio between students and adults in her classroom. The boy finally received a one on one aide after years of advocacy.

This example compares school districts that are unequal but also both underfunded. The Fair School Funding Plan would bring more resources into the districts where our clients live and attend school, especially communities with high levels of poverty. For example, it is estimated that the new formula would increase state funding for the Cleveland Metropolitan School District (CMSD) by \$32,630,515, an 11% increase over the state contribution in the current formula.ⁱⁱⁱ According to the 2019-2020 Ohio School Report Card for CMSD, all of the district's schools are classified as "high poverty schools."^{iv} The Report Card also shows that CMSD lags behind the state average for number of school counselors, library or media specialists, general education teachers, teacher aides, fine arts teachers, music teachers, and physical education teachers per 1000 students. The Fair School Funding Plan gives this "high poverty" district a chance to catch up.

The Fair School Funding Plan would also benefit the more rural districts in our service area. Ashtabula Area City School District would receive a 27.3% increase; Buckeye Local School District would receive a 38.7% increase; and Jefferson Area Local would receive a 19.7% increase in state funding.

The Legal Aid Society of Cleveland supports the inclusion of the Fair School Funding Plan in the budget and its potential to even the playing field in school funding. Access to a quality public education is a great equalizer, and the state now has its chance to fund public education in a way that will support opportunities for all its children. A failure to act is a failure to secure Ohio's future. Thank you for reviewing our testimony.

ⁱ U.S. Department of Education, For Each and Every Child—A Strategy for Education Equity and Excellence, Washington, D.C., 2013. <https://www2.ed.gov/about/bdscomm/list/eec/equity-excellence-commission-report.pdf>

ⁱⁱ Ohio Education Policy Institute, 20 Years of School Funding Post-DeRolph, August 2018.

<http://www.oepiohio.org/index.php/post-derolph-study-on-school-funding/>

ⁱⁱⁱ Traditional School District Formula Aid Estimates, H.B. 305 Substitute Bill (L-0626-6) Fully Implemented (10/21/20), HB305H1 L-0626-6 FY21FullyPhased TraditionalTotal.pdf (ohioschoolboards.org)

^{iv} <https://reportcard.education.ohio.gov/district/detail/043786>