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Interested Party Testimony on House Bill 305
House Finance Committee
December 2, 2020

Chair Oelslager, Vice Chair Callender, Ranking Member Cera and members of the Ohio House Finance Committee, thank you for the opportunity to provide interested party testimony regarding House Bill 305 (HB 305). My name is Kerstin Sjoberg and I am the Executive Director of Disability Rights Ohio (DRO). DRO is designated by the Governor, and federally authorized, as the protection and advocacy system with the mission to advocate for the human, civil, and legal rights of people with disabilities in Ohio.

For over 40 years, our office has actively advocated for improvements in Ohio's educational system on behalf of children with disabilities and their families who, more than most, have encountered barriers to an appropriate education. DRO has firsthand experience advocating for students with disabilities through individualized education programs (IEPs), integration of students in general education, and a reduction in the use of suspensions and expulsions as a tool for discipline. Because of our work with these students, we bring a unique perspective to HB 305.

DRO appreciates Speaker Cupp and Representative Patterson for introducing legislation that would create a new school funding model. A quality school funding model is critical for students with disabilities. Providing the proper financial support to schools will help ensure districts meet the requirements set out by the Individuals with Disabilities Education Act (IDEA) and that students with disabilities receive quality education in Ohio's school system. DRO will be addressing two issues in this testimony:

- 1) **Additional funding increases are needed for services and supports for students with disabilities; and**
- 2) **An updated study is needed to determine the total cost of educating students with disabilities.**

I. Increased Special Education Funding

HB 305 increases funding provided to schools for special education; however, the current structure of the legislation indicates the amount of additional funding for students with disabilities would be inadequate. We know that it costs more to educate students with disabilities, both in personnel costs, and the cost of additional supportive services. Our education system needs to ensure students with disabilities have the supports to be prepared for further

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education, employment, and independent living later in life while meeting their unique needs now.

Funding in Ohio is not equal across school districts. This results in inequalities in the provision of needed services for students with disabilities. Because of this, it is common to see schools refuse to provide one-on-one aides, occupational therapy, physical therapy, speech therapy, assistive technology, or specialized evaluations and assessments. These funding deficits also result in staffing issues for schools. This typically impacts students with more significant disabilities who require additional supports. This leads to classrooms with fewer aides than necessary, or segregation from peers as there are not enough special education teachers to go into the general education classrooms for support.

Inadequate funding also impacts the amount and scope of services school districts provide to students with disabilities. This includes reducing the number of services or placing limits on the amount of services students can access because staff have larger caseloads. Additionally, lack of funding leads to limits in extended school year services or reduces critical supports like transition coordinators. If the state provides adequate funding to special education, these kinds of supports could be provided to students with disabilities; all of which are needed to help students with disabilities meet achievement standards, and ensure schools are meeting their obligation of providing a free and appropriate public education in the least restrictive environment.¹

Additional funding also would ensure that students with disabilities are educated with their peers who don't have disabilities, an educational model that has been shown to improve academic achievement and life outcomes for students with disabilities. Without adequate funding, many students with disabilities are unlikely to have the support necessary to achieve academic proficiency or independence later in life.²

In 1997, the Ohio Supreme Court found Ohio's school funding system failed to meet the constitutional obligation of establishing a "thorough and efficient system."³ Since then, there have been multiple attempts by the legislature to build a quality funding system for Ohio's educational system. According to the Ohio Coalition for the Education of Children with Disabilities (OCECD), however, it is estimated there is a \$200 million shortfall between what is needed for special education and what is provided by the state.⁴ Filling this gap could help ensure students with disabilities receive high quality education in an integrated setting.

¹ Individuals with Disabilities in Education Act, Pub. L. 101- 476, 104 Stat. 1142 (codified as amended 20 U.S.C. § 1400 et seq.)

² "Improving Education for Students with Disabilities," Disability Rights Ohio, https://www.disabilityrightsohio.org/assets/documents/disability-rights-ohio_report-rev5.pdf

³ DeRolph v. State, 97 Ohio St.3d 434, 2002-Ohio-6750, 780 N.E.2d 529

⁴ "Updated Analysis of Ohio's Special Education Weighted Funding Formula," The Ohio Coalition for the Education of Children with Disabilities, May 2014, <https://www.ocecd.org/Downloads/OCECD%20Sp%20Ed%20Funding%20Update-Final%205%202014.pdf>.

II. Determining the Cost of Educating Students with Disabilities

HB 305 specifies the Ohio Department of Education must evaluate the total cost of providing special education to students with disabilities. This study is long overdue. DRO applauds the sponsors for including this language in the legislation. Calculating the cost of educating students with disabilities has not occurred since OCECD released their report in 2001. Although they have updated that report, there remains a great need to determine the total cost of special education. Currently, there is a lack of complete and accurate state level data and Ohio does not monitor resources spent on students in special education.⁵ It is imperative this research collects quality data to determine the real cost of educating students with disabilities. Once this cost is determined, it will also be critical for the legislature to fill that funding gap. Further, the legislature should ensure those resources are being spent with fidelity and allow the Ohio Department of Education to track those expenditures.

However, gathering this data and determining the cost of educating students with disabilities should not inhibit the ability to provide additional funding to special education weights now. As HB 305 progresses, it is critical to increase special education funding as a first step towards ensuring students with disabilities receive quality education and supports to help them succeed.

Again, DRO appreciates Speaker Cupp and Representative Patterson for addressing the issue of school funding through HB 305. We look forward to working with the sponsors and the committee to ensure this bill adequately supports students with disabilities. If you have any questions or wish to discuss these issues further, please contact Jordan Ballinger, Policy Director at (614) 466-7264 x135 or jballinger@disabilityrightsohio.org.

⁵ Report of Dr. Thomas B. Parrish, Doe, et al. v Ohio, et al.; Civil Action 2:91-cv-00464, p. 4.