



**Testimony Before the Ohio House Finance Committee
H. B. 96 – Regarding K-12 Education Funding
March 13, 2025**

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Chair Stewart, Vice Chair Dovilla, Ranking Member Sweeney, and members of the House Finance Committee, and members of the Committee, thank you for the opportunity to provide testimony about student funding in the state operating budget. Advocates for Basic Legal Equality, Inc. (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 pursue justice and equal access to opportunity, including through advocacy for systemic reforms.

ABLE works for low-income parents and caregivers to advocate for quality education for their children – children in rural and urban areas, children with disabilities, children who are homeless, and children learning English. Because of our experiences advocating alongside those parents, ABLE is asking that you increase funding for public schools beyond what is in the current proposal, to get closer to our promise of a “thorough and efficient system of common schools.”ⁱ Public schools are the only common schools because they are the only schools that must accept and continue educating **all** children.

First, ABLE urges you to update base cost inputs in the formula to current numbers. Because the proposed legislation uses current local capacity tax information, but base cost data that is several years old, local school districts will not receive the state share of funding that they need for current costs. Other stakeholders, including the Fair School Funding Plan WorkGroup, have explained the technical details of how the proposal decreases state share of funding. What we know is the 90% of children attending public schools in Ohio deserve school funding that accounts for current costs of the salaries of their teachers, specialists, support staff, bus drivers, facility upkeep, technology, and everything else their education demands. The almost 90% of children attending public schools deserve a “thorough and efficient” system that does not go backwards toward the inequalities of reliance on local taxes.

Second, to move toward a thorough system, ABLE urges increasing the per pupil amounts/weights for Categorical Funding, especially “economically disadvantaged,” special education, and English Learner students. ABLE urges changing the Special Education child-disability categories in the budget to implement the findings of the cost study from

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2022, *Special Education in Ohio: Best Practices, Costs, and Implications*.ⁱⁱ On behalf of these children, we urge beginning to increase the funding amounts to better match the study findings. All children need and deserve an education that gives them equal opportunity to succeed in life.

Research shows that children in low-income families and communities have more needs, which schools must meet for children to achieve their potential.ⁱⁱⁱ 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.^{iv}

We know that lack of adequate funding is one of the reasons our clients struggle to get their children the school 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.^v 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 struggle to provide more than limited minutes of support.

Over the years, schools have told us that they have staffing limitations and cannot hire more needed professionals within their budgets. They tell us special education teachers and specialized therapists are at capacity, and there is no one else to assign. 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 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 leave for other jobs with higher pay and more opportunities for raises.

The cost studies this legislature funded agree with parents' experiences that schools need more funding to provide for all that children with disabilities and English Learners need to give them the same opportunity to learn as others. The studies of true costs of special education and English Learner education in Ohio were completed more than two years ago now.^{vi} Thus, increases to begin to match those Categorical student needs that Ohio knows are underfunded, are becoming more and more urgent.

The *Special Education in Ohio: Best Practices, Costs, and Implications* 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* student disabilities and changes to how the disabilities are grouped into cost categories (Study Exhibit 10 on page 27).^{vii} The study documents how students typically have greater needs than the current schedule of funding recognizes, and thus the formula is not at all "thorough" for them. One category, as highlighted from our example above, is students with "emotional disturbance." Schools cannot currently provide students with all the therapy and counseling they need with current funding for that disability in Category 3, because student funding was, as of 2022, about \$20,000 *per student* less than the true costs of student need. (Study Exhibit 13, page 35). 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 need expensive nursing or one-on-one personal care aide services, equipment, and lots of training for staff.

The amount of underfunding has only grown since then. Districts cannot avoid steadily increasing costs of services, due to inflation and the high market-rate prices

associated with many special education services. Schools 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 sets the high costs of such skilled labor. 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.

Instead of keeping the underfunded status quo Categorical student funding amounts, Ohio should begin increasing funding now. Funding needs to reach the levels recommended in the cost studies as soon as possible. Only once we fund all the needs of low-income children, children with disabilities, and English Learners, will Ohio ensure a thorough and efficient system of common schools for all children.

Thank you again for the opportunity submit testimony. If you have any questions about this testimony or anything concerning special education, English Learner education, or the needs of the low-income children we serve, I would be happy to hear from you.

Respectfully,



Renee Murphy
Managing Attorney – Children’s Meaningful and Appropriate Education

ⁱ Ohio Constitution, Article VI.02.

ⁱⁱ <https://www.air.org/project/ohio-special-education-cost-study>. The link to this report on Ohio Department of Education and Workforce’s page is broken, but other Categorical needs cost studies can still be accessed at <https://education.ohio.gov/About/Annual-Reports>

ⁱⁱⁱ Higher child need related to lower family income is connected 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>

^{iv} 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.

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.

^v 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.

^{vi} <https://www.air.org/project/ohio-special-education-cost-study>
<https://education.ohio.gov/getattachment/Topics/Student-Supports/English-Learners/English-Learner-Programs/English-Learners-Cost-Study.pdf.aspx?lang=en-US>

^{vii} Some examples of what the study does well and thoroughly accounts for: 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 parent-informing progress reporting. 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.” 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.