

Report of the Special Needs Subcommittee

*For consideration by the
School Funding Advisory Council,
July 28, 2010*



Ted Strickland, Governor

**School Funding
Advisory Council**

Deborah S. Delisle, Chair

Members of the Special Needs Subcommittee

The following members were appointed to the subcommittee by the School Funding Advisory Council:

- Ms. Robyn Essman (chair), Executive Director of Budget and Financial Management, Columbus City Schools;
- Ms. Dayvenia Chesney, COO, Miami Valley Child Development Centers;
- The Honorable Randy Gardner, State Representative, Ohio House of Representatives;
- Mr. David Huelsman, parent, Oakstone Community School;
- Ms. Jan Kennedy, Assistant Superintendent, Archdiocese of Cincinnati; and
- Mr. James McClure, Mentor Public Schools.

The subcommittee members voted to appoint four additional members as subject experts. The additional members are:

- Mr. Thomas Babb, Treasurer, Constellation Schools;
- Dr. Jan Osborn, Superintendent, Putnam County Educational Service Center;
- Dr. Roger Saurer, Superintendent, Copley-Fairlawn City Schools; and
- Ms. Ann Sheldon, Executive Director, Ohio Association for Gifted Children.

The Ohio Department of Education offered staff support to the subcommittee. These individuals included:

- Dr. Dan Fleck, Department of Curriculum and Assessment;
- Mr. Tom Lather, Associate Director, Department of Students, Families and Communities;
- Mr. Carey McDonald, Coordinator, School Funding Advisory Council;
- Ms. Emily Nemeth, Graduate Intern, School Funding Advisory Council; and
- Mr. Daria Shams, Department of School Options and Finance.

Executive Summary

These recommendations are made by the subcommittee to the School Funding Advisory Council for its consideration and as such are not final. The Council will decide whether to accept, reject or modify these recommendations for its report due Dec. 1, 2010.

Established under Ohio Revised Code Sec. 3306.29 the Special Needs Subcommittee of the Ohio School Funding Advisory Council (SFAC) has extensively reviewed financing for special education, gifted education services and the education of “limited English proficient students,” or English Language Learners (ELL) focusing on “the accuracy of the calculation of each component of the funding model, and of the model as a whole, in light of current educational needs, current educational practices, and best practices”. Pursuant to their charge identified in House Bill 1 (HB 1) the subcommittee has recommended the following:

Special Education

1. Beginning in FY2012-2013, the subcommittee recommends funding special education weights at 100% and applying the 2006 weights to a valid per-pupil basis.
2. Update the 2006 special education weights to reflect current educational needs and continue to update these weights on a biennial basis.
3. Remove the 1:20 teacher to student funding ratio.
4. Restore the catastrophic cost funding for special education in FY 2012-2013.
5. Require districts to meet minimum operating standards and transparently identify any expenditure in this area on spending reports.
6. Fund all preschool classroom units.

Gifted Education

1. Gifted Intervention Specialist (GIS) salary should be inflated to reflect the higher salaries often paid to GISs in practice. The revised calculation was recommended as $\text{GIS} = \text{Organizational Unit} \times \text{average instructional salary} \times 1.15 \times \text{phase-in factor} \times \text{ECF}$.
2. The Gifted Coordinator component calculation should be revised as follows= average instructional salary x 1.25, and the component should be calculated on a sliding scale of organizational units per district instead of ADM, expanding the formula to read: $\text{Organizational Unit Step Formula} \times \text{average instructional salary} \times 1.25$.
3. A transition to a statewide mandate to serve gifted students should be done in a phased-in manner, aligned with the phase-in of the EBM.
4. Increase the identification component from \$5 to \$15 and apply the ECF to account school districts demographic differences. The formula would read: $\text{ADM} \times \$15 \times \text{ECF}$.
5. A “Triggered Gifted Guarantee” should be implemented, guaranteeing that no district would fall below the previous year’s state funding for gifted education beginning with FY09 funding (including the FY09 gifted supplemental identification funding).
6. Gifted funding should continue to flow to ESCs during the transition with the expectation that the funding will be used for licensed gifted specialists.

English Language Learners

1. A cost-study survey should be administered by the Special Needs subcommittee and the Ohio ESL Advisory Committee in order to gather data reflecting actual ELL program expenditures by resource needs made by districts to meet the Lau standards. Based on

Title VI and the Lau v. Nichols court ruling, it became obligatory that U.S. public schools serve ELL students in the following ways:

- Identify and assess all students whose home/native language is not English;
 - Provide supplemental language support services for students identified as “limited English proficient;” services must be theoretically sound and based on good practice;
 - Provide qualified staff and equitable resources to implement the district’s program for LEP students; and
 - Monitor and evaluate the program on an ongoing basis – and modify program if necessary.
2. Prior to the completion of the cost-study survey, ELL students should continue to be funded as they are through Ohio’s EBM. Further, let it be specified that they be taught by highly qualified teachers, professionals and paraprofessionals who support the students’ acquisition of English and achievement of Ohio’s academic content standard.
 3. The subcommittee recommends that language regarding the use of auxiliary services funds be adjusted so that these funds could also be used for funding of services to ELL students.
 4. Districts should transparently identify expenditures made in this area to comply with state and federal standards.

Special Needs Subcommittee Report and Recommendations July 28, 2010

These recommendations are made by the subcommittee to the School Funding Advisory Council for its consideration and as such are not final. The Council will decide whether to accept, reject or modify these recommendations for its report due Dec. 1, 2010.

I. Charge

Pursuant to provisions of ORC 3306.29, the School Funding Advisory Council (SFAC) has been charged with recommending modifications to the components of Ohio's evidence-based school funding model (EBM) in order to enhance and improve the effectiveness of the model in providing better educational opportunities to Ohio K-12 students as we move through the transitional period in which the model is to be phased in. These recommendations must be based on, current, high quality research, best practices in operational efficiencies, and information provided by education service delivery systems. In order to evaluate the various funding components of the EBM articulated in law, the Council established a number of subcommittees to study specific aspects of the model. One of the subcommittees established is the Special Needs Subcommittee.

The subcommittee was charged with studying the efficiency and adequacy of Ohio's EBM's financing for special education, gifted education services and the education of "limited English proficient students," or English language learners (ELL). Discussions and recommendations of the subcommittee were guided by provisions of Sec. 3306.29 of House Bill 1 (HB 1), which require that the council focus on "the accuracy of the calculation of each component of the funding model, and of the model as a whole, in light of current educational needs, current educational practices, and best practices".

II. Process

Considering the diverse composition of professional backgrounds on the subcommittee, the initial meetings of the subcommittee focused on information sharing, presentations from ODE staff on special education and ELL program and funding as well as state and federal standards and Ohio's EBM funding components for these populations. Members made requests for additional data from Ohio's interactive Local Report Card, the Lau Resource Center, and the Office of Exceptional Children at the Ohio Department of Education (ODE). The subcommittee also sought external information and reports from REL Midwest, advocacy groups and United States Department of Education regarding national trends, and professional expertise of individuals in the field in order to fully understand their subcommittee charge. It was also critical for the subcommittee to know the funding history of the individual areas and how the models have evolved over time. Finally, members considered the literature cited in the creation of the EBM by Drs.

Allan Odden and Lawrence Picus (Odden, Picus, et al, 2007). The subcommittee established a work plan, which allowed members to dedicate particular meetings to specific issues. The work plan was a fluid document which changed based on the progress of the subcommittee's work.

Following the collection and discussion of relevant information, subcommittee members requested that Dr. Jan Osborn, Ms. Ann Sheldon and Dr. Roger Saurer, professionals in special education, gifted education and ELL education respectively, lead the group in a review of the history, standards and funding of these three special needs areas. Dr. Osborn was joined by members of the Ohio Coalition for the Education of Children with Disabilities (OCECD) and special education advocates. Ms. Sheldon was joined by members of the Ohio Association for Gifted Children (OAGC) and gifted education advocates and Dr. Saurer was joined by an in-service Teacher of English to Speakers of Other Languages (TESOL) certified teacher and ODE consultant Dr. Dan Fleck. In response to the information presented, subcommittee members identified components in Ohio's EBM that could be changed in order to better serve these students and crafted recommendations to offer to the full council for consideration.

III. History

Special Education

Special education is a well-researched field with multiple pressing research questions. The research used by Odden and Picus specifically noted 1) identification of special needs students (Filipek, Accardo, Baranek, Cook Jr., Dawson, Gordon, Gravel, Johnson, Kellen, Levy, Minshew, Prizant, Rapin, Rogers, Stone, Teplin, Tuchman, & Volkmar, 1999; Mellard, 2004); 2) the over-identification of multicultural and disadvantaged students in special education (Klingner, Artiles, Kozleski, Harry, Zion, Tate, Duran, & Riley, 2005); 3) meeting the individual needs of special education students (Elbaum, Vaughn, Hughes, & Moody, 1999); and tutoring for students who are struggling academically (Mantzicopoulos, Morrison, Stone, & Setrakian, 1992; Mathes & Fuchs, 1994; Miller, 2003; Morris, Shaw, & Perney, 1990). It is important to consider these research questions in any conversation about special education because they situate special education within its complex and dynamic history within the K-12 system.

Special education programs and students in Ohio are protected by state and federal laws, which have traditionally driven funding systems and professional practices implemented in Ohio public schools (ODE, 1987; President's Commission, 2002). First and foremost, Ohio schools are required to adhere to the Individuals with Disabilities Act (IDEA) of 2004, which requires that children with disabilities receive a free appropriate public education (U.S. Department of Education, 2007). In addition to IDEA 2004, Ohio school districts are also required to meet the ratio requirements in the Operating Standards for Ohio's Agencies Serving Children with Disabilities.

In order to assist districts in complying with state and federal requirements, Ohio's funding models have shifted over the course of the last decade. Prior to FY 1999, the funding mechanism for special education was a unit-based reimbursement system, in

which schools received state funding for approved classroom units determined by a salary schedule based on teacher characteristics and other allowances. In FY 1999, the state of Ohio adopted a per-pupil funding model based on two special education weights applied to three broad categories of special needs students. In 2002, following a comprehensive study by OCECD, the special education weights were expanded into six weights applied to six categories of special needs students. The six categories were derived by combining students with conditions that required services of similar costs into the same categories, reducing the number of weights from potentially 14 weights to six (see Appendix A). In 2006, OCECD revised the 2002 weights by repeating the same exercise with current expenditure data, resulting in new weights and adjustments to a few of the categories of special needs.

The weights were utilized in funding calculations in conjunction with the per-pupil foundation amount and each district's state share percentage. Involving the state share percentage in the funding calculation introduced the concept of local participation in the state's categorical funding formula. Prior to the establishment of the per-pupil weighted funding, the formula did not include "equalization," a calculation that compensates for the property wealth differentials between school districts by requiring them to contribute towards special education funding based on their ability to raise local revenue, and considered an important improvement in funding equity and distribution.

The weights were created by OCECD to estimate the costs of services using the maximum allowable student to teacher ratios of special education units according to the Operating Standards for Ohio's Groups Serving Children with Disabilities, and have been slowly phased-in over time (see Appendix B for a timeline of the phase-in of special education funding, now at 90 percent). This incomplete phase-in has not allowed the integrity of the weights to be fully realized in order to provide appropriate funding for special education programs.

Starting in FY 2010, Ohio adopted the EBM, which funds special education teachers and aides based on the statewide median teacher salary of traditional public school districts and the district-based educational challenge factor (ECF) index by supporting one special education teacher for each 20 weighted special education students (see Appendix A). Under HB 1, special education funding continues to be equalized by means of the application of the charge-off to the calculated funding amount. The weights, however, are not fully phased in.

The funding calculations mentioned above only apply to public school students. As far as nonpublic students are concerned, support for special education services has been and continues to be funded through auxiliary services disbursement to nonpublic entities.

Gifted Education

Ohio has historically led the nation in its focus on gifted education (OAGC, 2008). Cleveland's Major Work Program was the first gifted education program in the country, and the Ohio Association for Gifted Children (OAGC) was founded in 1952, which

preceded the National Association for Gifted Children (OAGC, 2008). Today, all Ohio school districts are required to identify students by category of gifted ability through a standard assessment (see Appendix C).

Up until the adoption of the EBM, Ohio funded gifted education through a unit funding mechanism similar to pre-FY99 special education funding, which funded state approved units utilizing a salary schedule grid based on teachers' characteristics and other allowances. In addition to the funds provided for operation of approved units, the state also provided "gifted identification funding" through a budget set-aside that provided a modest per-pupil amount to school districts. As was the case with special education, not all gifted units were funded by the state because of budgetary constraints and the unit funding system did not account for wealth discrepancies among school districts (with the exception of one portion of the supplemental unit allowance).

Currently, Ohio does not require school districts to meet the individual needs of identified gifted students – the pedagogical and curricular approaches to this group of students is largely guided by the district in which the student resides; however, districts have been required to meet Ohio's operating standards for programs when provided with state funded units.

HB 1 introduced major changes in the funding of gifted education. According to ORC Sec. 3306.09, in FY 2010 and FY 2011:

- funding for gifted identification is calculated by: $ADM \times \$5$;
- funding for gifted coordinators is calculated by: $ADM / 2,500 \times \text{average salary}$ (*average salary figures in this case are \$66,375 and \$67,660 in FY 2010 and FY 2011, respectively*);
- funding for gifted intervention specialists (GIS) is calculated by total organizational units \times average salary \times ECF \times phase-in factor (*average salary figures in this case are \$56,902 and \$57,812 in FY10 and FY11 respectively. Phase-in factors are 20 percent and 30 percent in FY10 and FY11 respectively*); and
- funding for the GIS professional development is calculated by: total GIS \times \$1,833 \times phase-in factor. (*Phase-in factors are 20 percent and 30 percent in FY10 and FY11 respectively*)

Under the provisions of HB1, state gifted funding is "equalized" for the first time by requiring a local share of the funding through the application of the charge-off, similar to special education funding.

ELL Education

The education of English language learners (the preferred term because of its positive connotations) was once limited to a few Ohio districts serving small pockets of ELL students. However, in the past few years Ohio's ELL population has grown dramatically in size and in the number of communities where ELL students are found. During the 2009-2010 school year, nine Ohio school districts served between 1,000-5,650 ELL

students, 63 districts/community schools served between 100-999 ELL students, and 193 districts/community schools served between 10-99 ELL students. From 1999 to 2009, ELL students increased by 111 percent to 36,600 students. In 2001, the International Reading Association (IRA) reported an increase in the ELL student population nationwide from 1.6 million in 1986 to 9.9 million in 1998, demonstrating a parallel national trend. The U.S. Department of Education followed in 2008 reporting that between 1998 and 2008, the ELL population had grown at a faster rate nationally than the general school population, 60 percent versus 3 percent respectively (U.S. Department of Education, p. 8). It is without a doubt that this is a population that will require greater attention from state policymakers, school administrators and educators to effectively serve in the future (see Appendix D for district level percentages).

ELL students are federally protected, fundamentally by Title VI of the 1964 Civil Rights Act which guarantees that citizens would not be denied access to public funds based on their race, color or national origin. In 1974, the Supreme Court ruling of *Lau v. Nichols* laid out standards for the education of ELL students, declaring that ELL students should be given the support they need to effectively participate in school educational programs.

Based on Title VI and the *Lau v. Nichols* court ruling, it became obligatory that U.S. public schools serve ELL students in the following ways:

- 1) Identify and assess all students whose home/native language is not English;
- 2) Provide supplemental language support services for students identified as “limited English proficient;” services must be theoretically sound and based on good practice;
- 3) Provide qualified staff and equitable resources to implement the district’s program for LEP students; and
- 4) Monitor and evaluate the program on an ongoing basis – and modify program if necessary.

The *Castanada v. Pickard* case in 1981 and Title III of No Child Left Behind (NCLB) in 2001 further protected and financially supported the education of ELL students.

Ohio’s first funding for ELL students came in FY 2006 when 10 school districts received funds for their ELL students through the Poverty Based Assistance (PBA) program, which was calculated based on the concentration of poverty in the district. Between FY 2006 and FY 2009, the number of school districts funded through PBA increased to 11.

In 2010, HB 1 systematized the funding of ELL students through the EBM, which removed PBA from the funding system and provided ELL funding on the assumption that at least one additional teacher was needed for every 100 ELL students. The formula utilized the average teacher salary in the law times the educational challenge factor as follows:

- $(\text{LEP percentage from report card} \times \text{ADM}) / 100 \times \text{average teacher salary} \times \text{ECF}$
(*average salary figures in this case are \$56,902 and \$57,812 in FY 2010 and FY 2011 respectively*).

- The funding amount calculated according to this formula is equalized by means of the application of the charge-off to total adequate funding amount (of which ELL funding is a component).

In addition to the local and state share of the EBM, school districts also receive Title III NCLB federal funds for ELL students, which have to be supplemental to the core programs run by school districts. In other words, districts cannot use NCLB funds to supplant the funding of legally-required core language support programs.

IV. Recommendations

Special Education

It is evident after reviewing the history of special education and funding in the state of Ohio that specific components of Ohio's EBM could be improved in order to more accurately reflect the funding needs of students with disabilities.

First, the subcommittee members recommend that in the next biennium, the 2006 weights already set forth in law be funded at 100 percent and that the same weights and special education category compilations be used for all educational settings (currently different sets of weights and categories are applied in funding school districts and community schools). Best practices and high quality research can be implemented in Ohio classrooms and regularly updated through fully-funding the EBM. Further, the subcommittee recommends funding all preschool classroom units to enable early identification of students with learning differences. Funding these units will provide the resources necessary for early intervention strategies. Subcommittee members also strongly recommend removing the 1:20 teacher to student ratio from Ohio's EBM because it does not accurately reflect data collected within the state. In its place, the subcommittee recommends in the coming years, following a full phase-in of the existing special education weights, that ODE, in collaboration with OCECD and special education professionals, reexamine the 2006 cost study considering the following factors:

- How does the cost-based methodology match actual expenditures?
- What would be necessary to move from the minimum provider ratios included in the study to best practices?
- Do provider ratios need to be revised in light of more recent recommendations from professional groups?
- How can the funding system encourage the incorporation of adaptive technological equipment to aid in student learning?

In order to continually meet the needs of Ohio's special needs children, the subcommittee noted that this study must be updated on a biennial basis. Recognizing that a study of this size cannot be completed for FY 2012, the subcommittee recommends applying the 2006 weights to a valid per-pupil basis for FY 2012-2013. If the per-pupil base is different from assumptions in the 2006 report, the subcommittee recommends that the weights be revised to achieve the same result.

Beyond the regular funding stream, the subcommittee recommends restoring the catastrophic cost funding for special education for FY 2012-2013. Because cuts to Auxiliary Services funds adversely and disproportionately impact children with disabilities enrolled in non-public schools (these cuts were made in 2009), the subcommittee cautions against any further reductions to this line of state funding. The subcommittee also took note of the fact that Auxiliary Service funds may not be used to identify children enrolled in non-public schools, because child find is a district responsibility. The subcommittee believes that if funding should become available in the future for special education identification, those funds should be distributed to districts in a manner that includes the non-public school students under their purview. Finally, the subcommittee recommends that the minimum operating standards be enforced in special education and that district spending reports transparently identify any expenditure in this area. Districts need to meet the needs of this identified student population and comply with the spending requirements.

The subcommittee considers the revision of the special education weights to be an important recommendation. Whereas in the past the weights were generated by comparing the cost associated with providing services for special education functions with the state funding formula's per-pupil amount (\$5732 in FY 2009), the subcommittee recommends weights which are calculated based on a comparison of special education costs with the actual costs of providing educational services for regular students instead of with a state formula amount. Those updated special education costs should be preceded by a revision of the staffing ratios used in Ohio's operating standards for special education which are now based on outdated practices established in 1982. For example, the National Association for School Psychologists recommends a teacher to student ratio of 1:1000 (Charvat, 2005), which is less than the 1982 data which reads 1:2500 (Operating Standards for Ohio's Schools Serving Children with Disabilities, 1982). Generating the weights that utilize true cost figures in direct comparison is a more credible approach because it captures the true relationship between instructional costs of special education and those of regular education. Weights established in this manner would need to reflect all special education costs, including classroom teachers as well as related service providers. Once the weights are revised, they would be applied through the formula via a mechanism or per-pupil figure to be determined.

The subcommittee also believes that special education weights need to be updated by ODE on a regular basis to more accurately reflect the evolving funding needs of the special education population, and that the creation of the weights must be based on the notion of best practices in order to be defensible from an educational adequacy standpoint.

Gifted Education

The Special Needs subcommittee is aware of the expertise and varied instruction necessary to meet the needs of gifted students (Robinson & Clinkenbeard, 1998; VanTassel-Baska, Bass, Ries, Poland, & Avery, 1998). In addition, the subcommittee acknowledges the underrepresentation of students of color in gifted education classrooms (Scott, Deuel, Jean-Francois, & Urbano, 1996; VanTassel-Baska, Johnson,

& Avery, 2002). The subcommittee is also aware that gifted education is underfunded in the state of Ohio and that schools do not have sufficient funds to meet the individual needs of gifted children (OAGC, 2001). These important findings on gifted education have grounded the subcommittee's recommended revisions to Ohio's EBM. The subcommittee members submit the following recommendations to the SFAC to provide greater access and quality instruction to all students.

First, inflate the Gifted Intervention Specialist (GIS) salary to reflect the higher salaries often paid to GISs in practice. The revised calculation is recommended as:

- GIS = Organizational Unit x average instructional salary x 1.15 x phase-in factor x ECF.

Second, increase the Gifted Coordinator component to fund the Gifted Coordinator as:

- Average instructional salary x 1.25, and revise the component to be calculated on a sliding scale of organizational units per district instead of ADM (Organizational Unit Step Formula¹ x average instructional salary x 1.25).

The subcommittee acknowledged that these ratios for salary increases related to the average instructional salary amount could change if the average instructional salary amount is refigured based on the work of other SFAC subcommittees. The subcommittee also noted that the formula for gifted education in community schools will be contingent upon the actual way community schools will be funded, and that there should be accountability present for community schools that receive gifted funds. Additionally, if the recommendation to move to an organizational-unit basis for funding gifted coordinators is not accepted and coordinators remain funded by ADM, an adjustment could be made to ensure a minimum and maximum level of funding per district to achieve similar goals.

In response to a revised estimate of the costs of identifying gifted students, subcommittee members recommend an increase in the identification component from \$5 to \$15 based on the results of cost studies conducted by OAGC and validated by Dr. Diane Gillespie of Virginia Tech in 1999 (OAGC, 2001). In addition, they recommend the ECF should be applied to the component to account for the possibility of higher

¹ If this factor is translated to organizational units to make it more consistent with the GIS formula, the subcommittee recommends the following formula be considered. The formula recognizes that small districts require a minimum level of coordination services and that the level of coordinator services required as ADM grows diminishes on an overall basis. The formula is based on a minimum level of service for small districts and provides smaller step increases as the number of organizational units grow. This formula decreases the overall number of coordinator units from 701 (in Ohio's current EBM formula) to 610:

- Districts with 2.5 org. units or fewer would receive a minimum level of .5 coordinator funding.
- Districts between 2.5 and 15 org. units would receive 1 coordinator/5 organizational units.
- Districts between 15 and 30 org. units would receive 1 coordinator/8 organizational units.
- Districts between 31 org. units – 50 org. units would receive 1 coordinator/10 organizational units.
- Districts with over 51 org. units would receive 1 coordinator/15 organizational units.

testing costs for more disadvantaged pupils, resulting in a final calculation of ADM x \$15 x ECF for the gifted identification component. They noted the identification component should be updated on a biennial basis in order to reflect the actual costs of gifted testing.

During their discussion, the subcommittee members agreed that the objective for the gifted funding components should be to provide districts with sufficient resources to provide service for every identified gifted student per Ohio's gifted operating standards, thereby holding districts accountable for services provided rather than funds spent. Though there are a myriad of ways that districts can serve their identified students in compliance with the operating standards, the members expressed concern that there be a smooth transition to outcome-based universal service from the previous spending-based unit funding system so that existing gifted services are protected. Further, district spending reports should transparently identify any expenditures in this area. A transition to a statewide mandate to serve gifted students should be done in a phased-in manner, aligned with the phase-in of the EBM, to allow districts time to put in place the necessary services and structures.

Responding to concerns that school districts are receiving a funding guarantee based on their FY 2009 gifted unit funding but are eliminating gifted staff, the subcommittee is recommending a "Triggered Gifted Guarantee," which would require that no district shall fall below the previous years' state funding for gifted education (including the FY 2009 gifted supplemental identification funding), similar to a maintenance of effort provision (previous year implies that the district should maintain the larger of the two funding years between FY 2009 and FY 2010). Finally, the subcommittee recommends that gifted funding should continue to flow to Educational Service Centers during the transition, with the expectation that the funding be used for licensed gifted specialists.

ELL Education

From the beginning, the subcommittee members were concerned with the accuracy and relevance of the 1:100 teacher-student ratio for Ohio's ELL students provided in the EBM, and questioned its ability to meet the educational needs of these students. In an effort to create a ratio responsive to the educational resources required to meet the needs of Ohio's ELL population, the subcommittee recommends a cost-study survey be administered by the subcommittee and the Ohio ESL Advisory Committee in order to gather data reflecting actual ELL program expenditures by resource needs (see Appendix E) with the goal of deriving a per-pupil amount based on needed resources. The survey would be sent to districts who participate in the Ohio ESL Advisory Committee based on the rationale that the members represent diverse schools and staff who collectively serve the majority of ELL students in Ohio. This survey has already begun, and the subcommittee hopes to report its findings in the coming months.

In light of the amount of time required to conduct this cost analysis and develop a resource-based funding mechanism preferred by the subcommittee to replace the 1:100 ratio, the subcommittee recommends that ELL students continue in the meantime to be funded as they are through Ohio's EBM and that it be specified that they be taught by

highly qualified teachers, professionals, and paraprofessionals who support the students' acquisition of English and achievement of Ohio's academic content standards. Finally, subcommittee members recognize that per federal law, school districts will continue to be required to adhere to policies outlined in Title VI of the 1964 Civil Rights Act, the 1974 court case ruling, *Lau v. Nichols* and Title III of No Child Left Behind (NCLB). In meeting these standards, districts should transparently identify expenditures in this area on their expenditure reports.

The subcommittee additionally recommends that language regarding the use of auxiliary services funds be adjusted so that these funds could also be used for funding of services to ELL students.

Accountability

The subcommittee strongly believes that no funding mechanism will be effective if it lacks accountability in service provision and fund allocation. It is believed that an effective system of accountability must be utilized along with the recommended funding mechanisms in all three areas of concern: special education funding, gifted education funding and funding of services to ELL students, to ensure that funds are properly used to assist the target populations for which they were intended.

The subcommittee would like to continue to meet in the coming year to further its inquiry into these complex issues and to monitor the implementation of the recommendations made by the School Funding Advisory Council.

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Appendix A

	AM SUB HB 119		AM SUB HB 1	
Categories	Condition	Weight	Condition	Weight
1	<ul style="list-style-type: none"> Speech Disabled 	0.2892	<ul style="list-style-type: none"> Speech Disabled 	0.2906
2	<ul style="list-style-type: none"> Developmentally Handicapped Learning Disabled Other Minor Health 	0.3691	<ul style="list-style-type: none"> Developmentally Handicapped Learning Disabled Other Minor Health 	0.7374
3	<ul style="list-style-type: none"> Severe Behavior Hearing Impaired Visually Impaired 	1.7695	<ul style="list-style-type: none"> Severe Behavior Hearing Impaired 	1.7716
4	<ul style="list-style-type: none"> Orthopedically Handicapped Other Major Health 	2.3646	<ul style="list-style-type: none"> Visually Impaired Other Major Health 	2.3643
5	<ul style="list-style-type: none"> Multi-handicapped 	3.1129	<ul style="list-style-type: none"> Multi-handicapped Orthopedically Handicapped 	3.2022
6	<ul style="list-style-type: none"> Deaf-Blind Autistic Traumatic Brain Injured 	4.7342	<ul style="list-style-type: none"> Deaf-Blind Autistic Traumatic Brain Injured 	4.7205

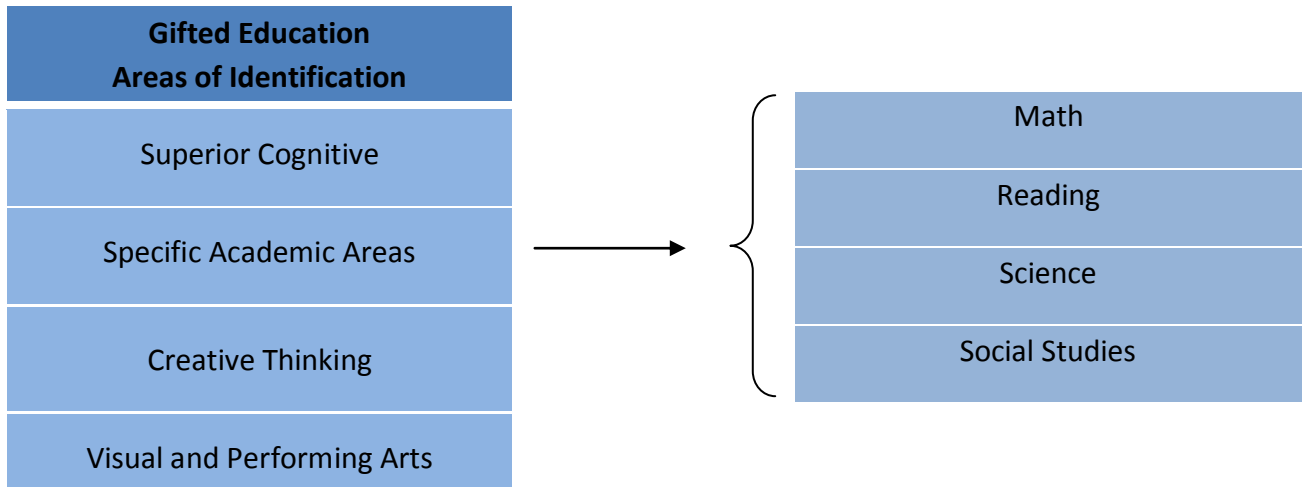
Appendix B

Phase-in of Special Education Weights

Fiscal Year	Phase-in Percentage
2002	82.5%
2003	87.5%
2004	88.0%
2005	90.0%
2006	90.0%
2007	90.0%
2008	90.0%
2009	90.0%
2010	90.0%
2011	90.0%

Appendix C

Categories of Gifted Ability

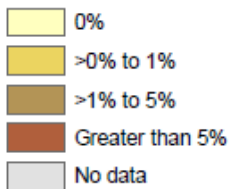


Appendix D

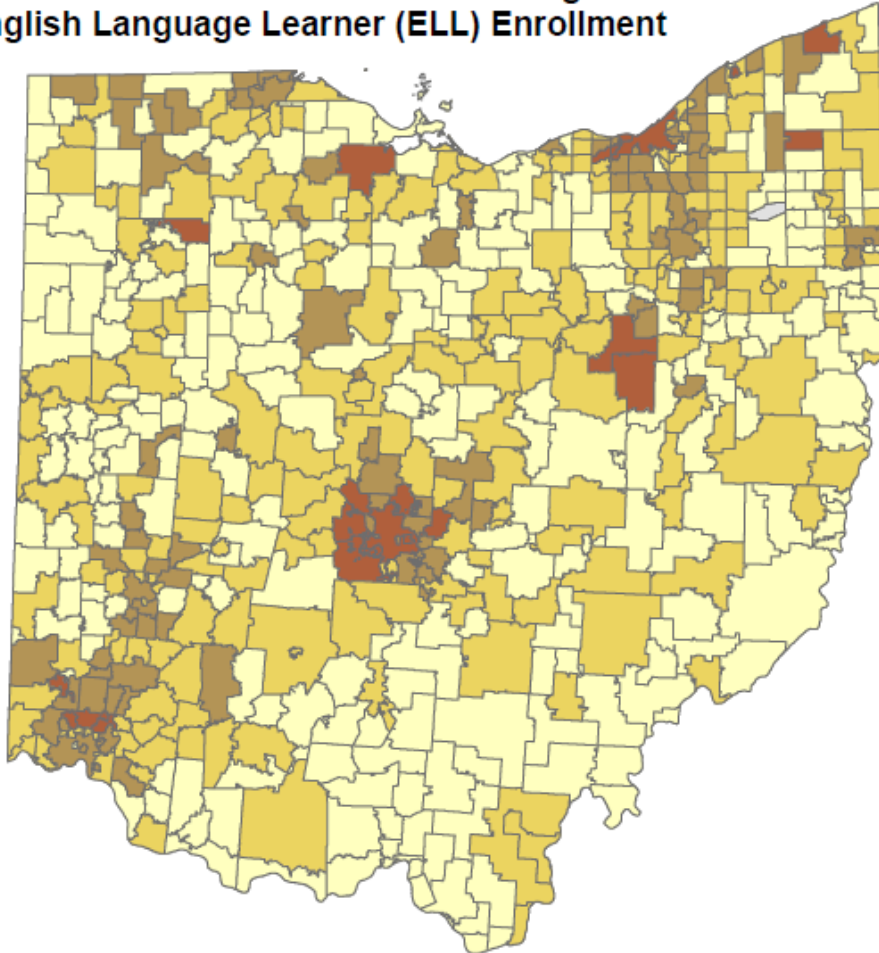


2007–08 Ohio District-Level Percentages of English Language Learner (ELL) Enrollment

Percentage of ELL Enrollment



<i>District</i>	<i>ELL %</i>
East Holmes Local	55.5
Painesville Local	28.8
Southeast Local	18.5
Bloomfield-Mespo Local	15.7
Whitehall City	12.1
South-Western City	9.9
Columbus City	9.9
North Olmsted City	8.5
Westerville City	8.5
Dublin City	7.9



DATA: 2007–08 percentage of ELL enrollment (total ELL students / total enrolled students) data obtained from National Center for Education Statistics Common Core of Data. Districts listed are the 10 districts with the highest ELL populations. GEOGRAPHY: State and district boundaries obtained from U.S. Census Bureau. MAP: Map created by Matt Burke of REL Midwest at Learning Point Associates.

Appendix E

ELL Survey by Resource Need

		Provide useful details about the expenditures. For example, if the expenditure for translation services is calculating as a percentage of the time of a bilingual district person or as a payment to an external vendor.	Do the current expenditures made by the district provide the level of resources needed to provide appropriate support for the ELL students? If not, what amount would be needed to provide adequate support?
Name of district:	Actual expenditure (do not include supplemental services paid for with NCLB Title III funds)		
Number of ELL students (PreK - grade 12):			
Number of home/native languages represented by your district's ELL students:			
Names of top language groups represented by your district's ELL population:			
Resource 1: Identification and assessment of newly enrolled students			
1.A Staff to ensure that primary or home language of all PreK-grade 12 students is identified at time of enrollment (may require services of bilingual interpreter or written translated information if parent/caregiver is not fluent in English)			
1.B Commercial standardized English language proficiency assessment instrument for students whose home/native language is not English			
1.C Staff to administer and interpret assessment results (students are assessed one at a time)			
1.D Space to conduct assessments			
1.E Staff to explain results of the test to the parents/caregiver (may require services of bilingual interpreter or written translated information if parent/caregiver is not fluent in English)			
1.F Other (explain)			
Resource 2: Provide supplemental language support services for preK-grade 12 students identified as ELL; services must be theoretically sound and based on good practice			
2.A Staff to plan and coordinate supplemental language support program based on the results of the initial language assessment and other relevant information. Coordination may include the development of appropriate schedules for identified students, particularly for secondary ELLs; to arrange for transportation between buildings, if necessary, and for the actual cost of transportation.			
2.B Staff to prepare written information for parents/caregivers regarding the supplemental language program to be offered to their child. (May require service of bilingual interpreter or translation of written information if parent/caregiver is not fluent in English)			
2.C Staff (in terms of FTE) to implement supplemental language support program; the program must be based on sound theory and good practice			
2.D Administrative and clerical staff to coordinate and oversee the supplemental language support services provided to ELLs, including the staffing, supplies, instructional/office space.			
2.E Classroom space for the ELL program instructional activities			
2.F Instructional materials and supplies for ELL program			
2.G Staff to plan and implement strategies designed to meaningfully engage parents/caregivers in their children's education (May require service of bilingual interpreter or translation of written information if parent/caregiver is not fluent in English)			
2.H Facilities for parent involvement activities			
2.I Additional costs for parent involvement activities (including supplies, instructional materials, transportation, child care)			
2.J Other (explain)			

Name of district:	Actual expenditure (do not include supplemental services paid for with NCLB Title III funds)	Provide useful details about the expenditures. For example, if the expenditure for translation services is calculating as a percentage of the time of a bilingual district person or as a payment to an external vendor.	Do the current expenditures made by the district provide the level of resources needed to provide appropriate support for the ELL students? If not, what amount would be needed to provide adequate support?
Resource 3: Provide appropriate accommodations for ELL students on statewide assessments (Ohio Achievement Assessments and Ohio Graduation Tests)			
3.A Staff to plan and coordinate appropriations needed for each testing administration			
3.B Staff (in terms of FTE) to administer and monitor the administration of special formats of the assessments for ELL students			
3.C Payments of costs not covered by ODE for bilingual interpreters required for each administration of the statewide assessments			
3.D Other (explain)			
Resource 4. Provide qualified staff and equitable resources to implement district's program for Pre-K - grade 12 ELL students			
4.A Staff to advertise for, recruit and hire teachers with required qualifications to implement the district's ELL program			
4.B Staff to plan and provide ongoing researched-based professional development for all teachers, classified staff and administrators who work with ELLs			
4.C Honoraria and other expenses related to professional development activities			
4. D Administrative, clerical, and teaching (in terms of FTE) staff to review and order appropriate instructional materials and supplies for ELL program, and, when necessary, pilot the materials.			
4. E Other (explain)			
Resource 5. Monitor and evaluate program on an ongoing basis – modify program if necessary			
5.A Staff to coordinate the annual administration of the Ohio Test of English Language Acquisition (OTELA)			
5.B Staff (in terms of FTE) and other resource persons to annually administer the OTELA			
5.C Space for the administration of the OTELA			
5.D Duplication, mailing and other expenses related to the sending of individual student OTELA test results to parents/caregivers ((may require services of bilingual interpreter or written translated information if parent/caregiver is not fluent in English)			
5.E Staff to review OTELA results and use data to evaluate effectiveness of ELL program and plan for program modifications if needed			
5.F. Staff to monitor and evaluate the entire ELL program on an ongoing basis, and to coordinate the development and implementation of appropriate program modifications.			
5.G Other (explain)			
Total			
<p>Additional comments: Provide any information that may be helpful to providing a response to the question "What is the cost of providing required support for ELL students to insure that they have equal educational opportunities?" For example, if you represent a large urban district, what are added considerations taking into account high levels of poverty of your student population? Does your district use innovative approaches in your service delivery to ELL students? Please use the following space to respond.</p>			
<p>Please complete and submit no later than September 30, 2010 to: Dr. Dan Fleck, Educational Consultant, Ohio Department of Education, Lau Resource Center, 25 S. Front Street, Mail Stop 509, Columbus, Ohio 43221; or email to Dr. Fleck at dan.fleck@ode.state.oh.us. For questions, Dr. Fleck may be reached by phone at (614) 466-9827.</p>			