

LEARNING DISABILITIES ASSOCIATION OF ONTARIO

Recommendations for the development of an effective special education funding formula that promotes student success

Preamble

Since its inception forty years ago, it has been LDAO's regular practice to comment upon and make recommendations to the government on all legislative, policy, and funding initiatives that have a direct or indirect impact on the services and supports available to individuals with specific learning disabilities in Ontario. From time to time, the Association has undertaken the development of recommendations in a proactive rather than reactive manner, making suggestions for future change, which, in its opinion, would enhance effectiveness and accountability within the educational system and at the same time promote student achievement and success.

Since the introduction of Bill 82 in 1980, there has been a great deal of debate about how special education programs and services should be funded. During this period of almost 25 years, LDAO has submitted to the Ministry of Education numerous briefs, position papers and recommendations about special education funding. We are not going to reproduce or repeat the contents and recommendations from the past. If required, they can be made available. However, in this brief, we shall reiterate, for the consideration of those who are entrusted with developing a better student-focused funding formula for education in general and special education in particular, our key observations about the current state of special education funding and our most important recommendations.

Key observations about special education funding in Ontario

The promise of Ontario's leading edge special education legislation is not being fulfilled in Ontario today. Many people suggest that the answer is more money. We strongly disagree. We are not alone in this position. Many of the parent organizations involved in special education also agree with us. In addition, the Provincial Auditor in his last two reviews of special education funding echoed many of the concerns raised by LDAO. In spite of that, the only changes that have occurred have made the situation worse rather than better from our point of view.

The Minister of Education in August 2004 also stated that the current approach is simply not working. LDAO and several other parent organizations are encouraged by the Minister's statement that the ISA process will be discontinued and the funding formula will be made better.

Parents complain, usually with justification, that their children are not receiving appropriate special education programs and services. In the special education process, ISA eligibility was seen to be much more important than student learning and achievement. In fact, enhanced student progress was sometimes actually discouraged since it could result in the reduction of the numbers of students eligible for ISA funding and consequently the reduction of the ISA allocation.

The Ministry's own review noted that the ISA process is not working. Many exceptional students are failing and dropping out. Many others are not working towards a high school graduation diploma, are not accessing the provincial curriculum, and are not meeting their potential. They are encouraged to opt out of EQAO testing.

At the same time, school boards engaged in questionable "bounty hunting" and "diagnosing for dollars" practices under the ISA process and at the same time complained that they did not have enough funds to meet Ministry and parental expectations. They did not like the Ministry's validation process, an admittedly expensive and time consuming process, although it was paid for primarily by the Ministry. But they liked the ISA process and the dollars that it generated for school boards. They tried valiantly to keep the contents of the ISA files from parents, since they often presented the students in a very negative light and described programming components that were not actually provided to the student.

Clearly, change is required.

What works in the current special education formula?

1. Funding special education programs and services in a targeted envelope separately from the core funding of base services works.

When special education funding was folded into the general legislative grant formula in the early 1990s, the result was that many students had limited or no access to special education programming services and supports. Parents were routinely told that there were no funds available for the supports that their children needed or even those that were recommended by the IPRC.

2. Prior to 1998, the funding formula was extremely complex, with over 30 special items. **The current approach has simplified the funding process into fewer areas**, which makes it easier for people to understand the way in which education is funded.

3. The **layered approach** to special education funding was first discussed in 1997, when the formula was under review. Most people, school boards, and parents supported the layered approach. The argument in favour was that, when it came to meeting the very expensive intensive needs of those very few students who presented with very complex low incidence needs, it made sense for the Ministry to contribute directly to the educational costs, rather than expecting the local school board or perhaps even a local school to pay for this. The current **Special Incidence Portion** allocation reflects this approach, although there is very limited information available about how many students are funded under this formula component.

4. The **census-based approach** for funding special education programs and services for most exceptional students (SEPPA) is the right way to go.

However, it is unfortunate that the recommendations of the Education Equality Task Force about balancing the elementary and secondary SEPPA amounts have not been implemented.

As a result, many students in the secondary panel have limited or no access to assessments, special education programming and the requisite accommodations.

5. The formula component funding individualized equipment purchases (**ISA Level 1**) has worked well, especially since it has been augmented by additional funding for maintenance and training components. The in-classroom spot-audits carried out for ensuring that the equipment is being used by the student for whom it was purchased and that the equipment is being utilized effectively should contribute to making this component of the funding formula even more effective.

What does not work in the current special education funding formula?

1. As mentioned above, **the secondary SEPPA allocation** should be increased to enhance services to exceptional students within the secondary panel.
2. Other than ISA Level 1, **the ISA process, including the profiles and the validation process, should be eliminated.**

In order to be deemed eligible for ISA funding at levels 2 and 3, students need to be assessed and often re-assessed, to meet the criteria set out in the ISA profiles. **The ISA profiles in most cases do not reflect current research-based assessment practices, call for demeaning and negative descriptors of students, and appear to favour lack of progress on the part of the student.** Since the funding is not student-specific, there is limited accountability for ensuring that the student deemed ISA eligible actually has access to the programmes and services included in the IEP, on which the validation occurred.

Parents are informed that certain services are only available to students deemed ISA eligible. However, they often do not know whether their children actually have access to the services described in the ISA file.

For students with LD, the ISA designation calls for the student working on modified or alternative outcomes. Students with LD who require accommodations only are not eligible for the ISA designation. In some school boards that means that they cannot receive services in any placement other than the regular classroom. Parents are often not told that the ISA designation coupled with the use of modified or alternative curriculum will lead to the student not receiving secondary school credits.

Other than students who are legitimately eligible for and need access to services under the Special Incidence Portion, all special education funding should be based on the total enrolment.

3. **The ISA Level 4 process has significantly interfered with the effectiveness of the care, treatment, and young offender programming.** ISA Level 4 should be replaced with a more appropriate funding approach.

4. **The current ISA process has led to the tremendous growth in the reported incidence of certain exceptionalities.** School boards have engaged in “diagnosing for

dollars” in unprecedented ways, such that the bulk of the money has been used on assessments rather than on the provision of improved educational supports and outcomes leading to improved student learning.

5. Professionals such as psychologists, speech pathologists, audiologists, etc., have been directed to focus primarily on generating additional ISA files, rather than providing services to students.

6. Since the ISA allocation is not student specific, there is virtually no accountability for the utilization of these allocations.

It is imperative that the new special education funding approach promote improved student learning and outcomes, rather than maintain the current process whereby lack of progress is valued and rewarded with more funding. The Ministry of Education needs to work with the Provincial auditor to improve and enhance the funding approach. In addition, parents and their organizations need to be involved as well, rather than relying exclusively on school boards to help develop a new truly student focussed formula.

Therefore, LDAO recommends that:

1. Special education funding be maintained as a targeted envelope.

2. Special education funding be protected from being transferred to supplement other funding envelopes.

3. School boards be held accountable for and report on their special education expenditures in collaboration with their Special Education Advisory Committees.

4. While maintaining the layered approach to special education funding, the bulk of the funds be based on total board enrolment, as is currently the case for the SEPPA allocation.

5. The SEPPA allocation for the secondary panel be improved, in accordance with the recommendations of the Education Equality Task Force.

6. ISA Level 1 allocation for equipment usage be maintained and the funding should reflect current needs.

7. Care, treatment, and correction programs be funded in a way that facilitates student success and transition back into community schools.

8. The special education funding formula be changed to focus on student learning and achievement by providing incentives to school boards for improved student outcomes and, if necessary, penalizing ongoing lack of progress on the part of exceptional students. An indicator for this would be the participation levels and achievement of exceptional students in the various literacy and numeracy programs and EQAO testing.

It is also important that all stakeholders including parents, students and their organizations such as LDAO, as well as educators and the Ministry become engaged in a meaningful dialogue to determine:

- whether student achievement for exceptional students needs to be defined differently than the achievement of non-exceptional students, and if so in what way;
- ways that achievement in the affective, social and behavioural domains are to be measured and included.

9. The special education funding formula be changed to promote research and evidence-based teaching and evaluation methodologies and the utilization of available resources such as collaboration and networking with the Provincial and Demonstration Schools as well as the research community within the Province's post-secondary sector.

10. In accordance with Ontario's human rights and educational legislation, all students with special needs must have access to appropriate special education programs, services and accommodations, as identified by the IPRC and set out in the student's IEP. Special education placement or programming should not be determined based on the student's eligibility for additional funding.

11. In recognition of the fact that there continue to be some students whose needs require expensive and complex interventions, the Special Incidence Portion allocation be maintained, but should be allocated to the individual student. In that case, where the student transfers from one jurisdiction to another, the funding also needs to be transferred. The Special Incidence Portion should not represent more than 10% of the special education allocation for the Province.

12. A comprehensive plan be developed to enable school boards to eliminate the current assessment backlog, especially for students who have not been ISA eligible and therefore were denied access to assessments, such as students with learning disabilities and gifted students. Once this backlog has been eliminated, professionals within the school system should focus on working with students for the purposes of enhancing achievement and learning, rather than on trying to generate additional funding. Students with learning disabilities need professional assessments in order to tailor the teaching approaches to their individual profiles of strengths and weaknesses, and to inform the development of their IEPs.

In conclusion, the purpose of special education is to enable students who have special needs to build on their strengths and to compensate for any areas of difficulty, such that they can achieve their potential. When special education works well, most students can work towards the provincial curriculum outcomes and meet their goals. When special education works well, all students make progress and learn. The current funding approach does not promote these outcomes and therefore needs to be changed. An important first step is the total elimination of the faulty ISA process and the implementation of the above recommendations.