

U.S. Supreme Court ruling on special education costs likely to have limited effect in Ohio

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Despite the fears of some public school officials, a [U.S. Supreme Court](#) ruling probably won't lead to an avalanche of demands for them to pay private school tuition for special education students.

That's the prediction of many Ohio observers, following Monday's decision in the case of an Oregon student. The boy's public school determined he didn't qualify for special education, but after his parents put him in a private residential school, he was diagnosed with attention deficit hyperactivity disorder and other disabilities.

The parents sought reimbursement for the \$5,200-a-month tuition. The district argued that the law would allow that only if the student had first received special education services in public school. The court sided with the parents, 6-3.

"The fear is that this decision will lead to parents demanding reimbursement for private school as a windfall to supplement their preference for private schools," said Julia Bauer, a staff attorney with the [Ohio School Boards Association](#).

The [National School Boards Association](#) touched on that and other concerns in its brief filed with the court. Noting the rising cost of private placements -- up to \$100,000 a year in severe cases -- the national group contended that the public schools should first get a fair chance to provide the necessary services.

The process has parents work with the districts rather than be "able to obtain unilaterally a publicly funded, private school education," the brief said.

But Monday's ruling doesn't change the fact that parents still must go through a hearing process if they disagree that the district can serve their child, said Scott Blake, spokesman for the [Ohio Department of Education](#).

"We don't expect this to open any kind of flood gate," he said.

Eric Gordon, chief academic officer for the Cleveland schools, is a bit more cautious, noting the decision "has the potential to be widely interpreted. There's a natural tendency to test the limits of any new commentary on the law and see what it means."

That's unlikely to happen much among the families who send their children to urban districts, said Katie Feldman, staff attorney with the [Legal Aid Society of Cleveland](#).

"This is a helpful decision for parents frustrated with districts, but low-income families really can't benefit because they don't have the resources to take a risk, pay the tuition and hope they'll be reimbursed in the future."

Chad Aldis, executive director of [School Choice Ohio](#), thinks the ruling can provide parents with a quicker resolution in some situations.

"The student doesn't have to sit in public school and take a route that doesn't work when it's known another treatment or option is available," he said.

Still, the numbers affected will be small, he acknowledged. Only about 90,000 U.S. students in special education -- a little over 1 percent -- are in private schools, many of them placed there by public schools that couldn't meet their needs.

In addition, many of those students live on the East Coast, which has long had many private schools serving children with special needs, said Margaret Burley, executive director of the [Ohio Coalition for the Education of Children with Disabilities](#).

That's not the case in Ohio, and she doesn't expect the court's decision to have a huge effect.

"Ninety-nine percent of the parents we hear from are all asking for help in getting more and better services from public schools," she said.

The coalition gets about 25,000 phone calls a year asking for help, but Burley estimates there are 270,000 families in Ohio with children who have disabilities.

"There's a pretty high percentage of parents who are quite satisfied with the services they're getting," she said.

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