Show us the money: how is special education funded

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It’s a common refrain: we don’t have the resources to support your child in the regular classroom.

And yet, school boards have the resources to fund expensive special education classrooms. These require bussing to the school in almost every case, have a very low student to teacher ratio, and typically have an Education Assitant assigned (or two, or maybe even three). Or boards fund entirely separate school buildings with 200 or fewer students, all with disabilities. At TDSB, the average cost of those schools – which are called congregated schools – has ranged from $45,913 per student in the 2016-17 academic year to a high of $57,457 per pupil in the 2021-22 academic year (2021-22 TDSB Financial Facts page 26). It’s hard to imagine a more expensive way to fund an education while resulting in consistently poor outcomes, compared to properly supported inclusive education.

Boards have money. But they choose to spend it on special education classrooms and schools, for various reasons, few of which reflect evidence based teaching, but more frequently, what people believe is better, though there is little to support that view; mostly, it is easier to administratively organize and rooted in abelism.

But, there is no obligation to establish special education classrooms – let alone schools – under the Education Act. These are optional. And indeed some boards have no special education classrooms at all. Most have no special education schools. So let’s take a look at the funding school boards get in Ontario. We’ll also talk a bit about what human rights law says about funding students with disabilities.

Ministry of Education Grant: The Special Education Grant

PAAC on SEAC (Provincial Parent Associations Advisory Committee on Special Education Advisory Committees) has produced a handy 15-page guide explaining the provincial grants that fund special education in Ontario.

This grant is colloquially referred to as “sweatered”. This means that it can only be spent on “special education programs and services”. The Education Act defines “special education program” as “an educational program that is based on and modified by the results of continuous assessment and evaluation and that includes a plan containing specific objectives and an outline of educational services that meets the needs of the exceptional pupil.” The Education Act defines “special education services” as “facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program.” Neither of these presuppose a special educaton classroom to access the funding.

This funding is meant to fund additional costs of special education programs and services, in addition to the “Grants for Student Needs“, i.e. it is intended to cover incremental costs required for additional services.

The Special Education Grant is made up of five streams:

- Special Education Per Pupil Amount (**SEPPA**)
- Differentiated Special Education Needs Amount (**DSENA**)
- Special Equipment Amount (**SEA**)
- Special Incidence Portion (**SIP**)
- Care, Treatment, Custody & Corrections Amount (**CTCC**)
- Behavioural Expertise Amount (**BEA**)

The Ministry’s “Technical Paper 2022-23“, at pages 34-54, details what each of these grants are for and how they are calculated. Province wide for the 2022-23 year, it totals $3.25 Billion (for

comparison's sake, this is a little less than, but comparable to, the entire budget for the TDSB, which for the 2021-22 academic year was $3.5 Billion).

The **Special Education Per Pupil Amount** is allocated to a school on the basis of total enrollment and is projected to be $1.61 Billion in 2022-23.

The **Differentiated Special Education Needs Amount** is made up of five components and is projected to be about $1.21 Billion for 2022-23:

1) Measures of Variability Amount, which is based on seven categories of data to reflect school boards' population of students with special education needs, including a Northern Adjustment and Indigenous Adjustment;

2) Special Education Statistical Prediction Model, a logistical regression model that draws on anonymized student data merged with census data, to estimate the proportion of students predicted to receive special education programs and services;

3) Base Amount for Collaboration and Integration, which provides every board with base funding for the purposes of exploring collaborative and integrated approaches to servicing students with special education needs;

4) Multi-Disciplinary Supports Amount, intended to support all students with special education needs, including mental health needs; it has two components: a) multi-discplinary team component to build board capacity, support special education assessments and help teachers and others to adapt to the needs of their students, and b) other staffing resources component, which allows boards to flexibly use the funding for staffing to meet their local needs;

5) Local Special Education Priorites Amount, a new stream of funding for boards to address local special education priorities, including additional education staff and/or professional or paraprofessional staff and evidence based programs and interventions and

transition supports.

Special Equipment Allocation funds are intended to assist with the costs of equipment essential to support students with special education needs. There is a per-pupil amount and a claims-based amount. These include computer supports and other kinds of equipment, like sensory equipment and hearing support. This is predicted to be $140.1 million for the 2022-23 academic year.

The **Special Incidence Portion** allocation is intended for students that require more than two full-time staff to support health and safety needs for students who have extraordinarily high needs related to their disabilities and/or exceptionalities and others at school. This is predicated to be $142.0 million for the 2022-23 academic year.

Care Treatment Custody and Corrections funds are used to fund the Education and Community Partnership Program, sometimes still referred as “section 23” programs, an old legislative reference. These programs are partnerships between school boards and government approved facilities. These are for a range of programs for students that do not attend school within the regular system due to a primary need for treatment or because they are in custody. School boards establish agreements with community agecies to provide these services, which must be approved by the government. This is budgeted for $113.3 million for the 2022-23 academic year.

The **Behavioural Expertise Amount** provides funding for school boards to hire board-level Applied Behavioural Analysis support. This is budgeted to be $37.3 million for the 2022-23 academic year.

Temporary Ministry Grants for Special Education: Priorities and Partnerships Funding

Annually, the government may provide for temporary special education grant funding through the Priorities and Parternships Funding grant. For the 2022-23 year, three additional funding streams have been announced:

1) Supporting Students with Special Education Needs/Students with Disabilities ($6 million) – application based funding to prevent and remove accessibility barriers;

2) Special Education Additional Qualification Subsidy for Educators ($1 million) – to provide funding for special education courses;

3) Developmental Disabilities Pilot: Student Transitions ($0.48 million) – to assist with the transition to work through an intensive job-placement program.

The Duty to Accomodate

The duty to accomodate is required under the Ontario Human Rights Code. It requires that persons with disabilities be accommodated to the point of undue hardship. This is a financial hardship test and a health and safety test. The Supreme Court of Canada in Moore, decided in 2012, made it clear that the whole budget of the board is to be available for students with disabilities, to meet their disability related needs. Financial hardship is very difficult for boards to demonstrate, given the vast size of their budgets. Students with disabilities are entitled to protections under the law and discretionary programming can not take precedence over those rights.

Conclusion

In summary, there is a lot of money available to school boards for supporting students with disabilities. When boards tell you “there isn’t enough” for the regular classroom, be sure to ask them why they are choosing to spend it on special education classrooms, instead of classrooms that are welcoming of all learners.