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# AKRON BEACON JOURNAL

Sunday

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# Complaints trouble state autism fund

## MOM'S WARNINGS PASS THE TEST

State backs up charges that education plan for local student wasn't followed

**By John Higgins**  
Beacon Journal staff writer

Paula Black spent years warning the state that the money it was handing out in her autistic son's name was being misspent at a private Akron Christian school.

When the state investigated this year, it concluded she was correct.

While Black still believes in the Autism Scholarship voucher program that allows her to seek private services instead of a public education, she wishes the state cared more about the quality of those services.

Hers was one of two complaints filed last school year with the Ohio Department of Education - the first year that parents could question the value of services - and both resulted in investigations that exposed improper use of state money.

A third complaint making similar allegations is now under investigation.

The program gives parents up to \$20,000 a year to spend on private services from the state's list of 231 approved providers.

Black, the mother of a 15-year-old autistic boy, filed the first complaint, alleging that Emmanuel Christian Academy wasn't following the education plan established for her son.

"I really was naively under the impression that there were some guidelines, that there was some structure," Black said.

She said she couldn't believe that anybody "would be stupid enough to give someone \$20,000 and there's no accountability, no checks and balances. . . ."

Black's son was born in 1995 and within two years, she noticed that he wasn't reaching certain milestones.

Please see **Case, A9**

### Spending on autism voucher program grows

Participation in Ohio's voucher program for children with autism has grown steadily as parents avail themselves of taxpayer dollars that have few strings attached.

	Number of Students	Avg. voucher per student*
2004-05	300	\$11,162.15
2005-06	475	\$14,887.14
2006-07	730	\$14,894.21
2007-08	1,000	\$15,579.44
2008-09	1,390	\$15,930.41
2009-10	1,672	\$16,148.33

\*voucher limit began at \$15,000 and was later raised to \$20,000  
SOURCE: Ohio Department of Education

### Voucher funding

Year	Money
2004-05	\$3,348,645
2005-06	\$7,071,393
2006-07	\$10,872,770
2007-08	\$15,579,436
2008-09	\$22,143,273
2009-10	\$27,000,000
<b>Total</b>	<b>\$86,015,517</b>

Akron Beacon Journal

Investigators uncover problems with record keeping, overbilling and underqualified teachers in program that helps parents enroll youngsters in private services

**By John Higgins**  
Beacon Journal staff writer

For almost seven years, the state has allowed parents to withdraw their autistic children from public schools and buy private services with taxpayer money.

The legislation that created the Autistic Scholarship Program in 2003 was deliberately written with minimal financial or academic oversight.

Lawmakers wanted to give parents frustrated with public schools the money with few strings attached.

The program swelled almost 500 percent from 300 children in the 2004-05 school year to 1,672 during the last school year.

But since the spring of 2009, when the Ohio Department of Education started taking formal complaints from parents - who receive up to \$20,000 a year - investigators have found problems with three of the providers on the state-approved list.

The first two reports were filed last year, one about an Akron private school and one about a consulting service in northwestern Ohio.

In those cases, investigators exposed poor record keeping, overbilling, billing

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for services not delivered, billing for services not required and billing for services provided by unqualified, uncertified staff.

In the Northwest Ohio case, the state found a high school graduate with no qualifications was tutoring an autistic child in math.

The shortcomings shouldn't surprise anyone.

The state has been warned for years by its own school districts as well as reports from a major newspaper, a public policy think tank and the legislature's own research arm that the private providers need more scrutiny.

But the payments - \$86 million to date - have flowed out of Columbus with few questions asked about whether the children and the taxpayers are getting their money's worth.

### Most severe diagnosis

Children with autistic disorder, the most severe diagnosis, usually have sig-

Please see **Autism, A8**

## Fair Finance auction tops expectations

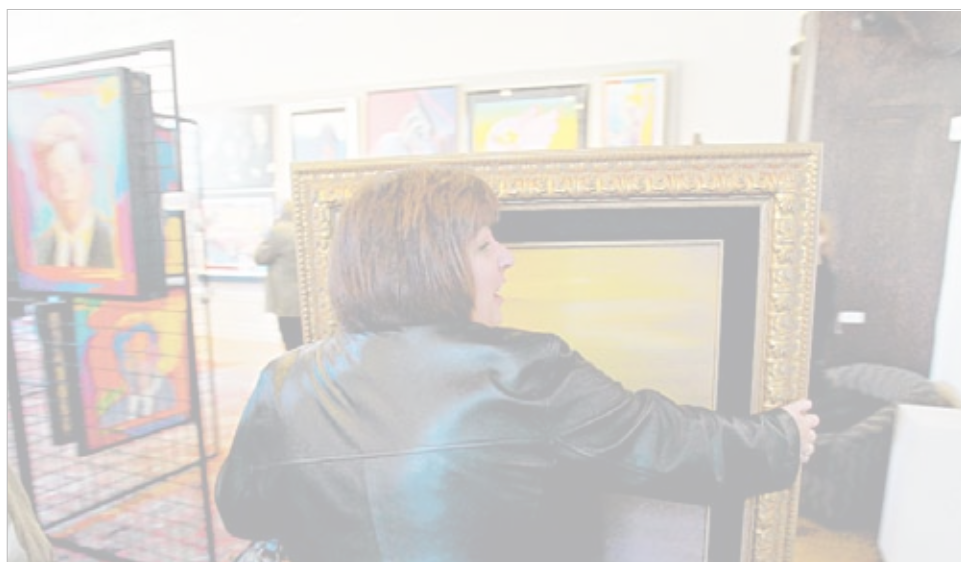
Collection raises over \$400,000 as anonymous bidder snaps up artwork by Peter Max, Picasso

**By Jim Mackinnon**  
Beacon Journal business writer

CLEVELAND: Bidder 78 is putting more than a quarter-million dollars into the pockets of beleaguered Fair Finance Co. creditors.

Saturday's art auction of work collected by Fair Finance co-owner Timothy Durham raised more than \$400,000 - well above what the Akron company's bankruptcy trustee and even the auctioneer thought would be brought in.

A huge chunk of change was dropped by the anonymous Bidder 78, who spent more than \$267,000 via telephone bids on numerous works by contemporary artist



Lois Ivanc of Willoughby carries away the painting she purchased for \$250 at Saturday's auction of art previously owned by Fair Finance co-owner Timothy Durham.

Peter Max, prints by Picasso and other pieces. The bidder declined to be identified, other than to say he owns an art gallery in Florida and does business in England.

Net proceeds from the auction - which lasted more than three hours at Trinity Cathedral in Cleveland - will go into the estate of Fair Finance for eventual distribu-

tion to thousands of creditors.

The amount, while exceeding expectations, is a drop in the bucket compared with the more than \$200 million that an estimated 5,300 Ohio residents had invested in the company, which is under investigation.

Please see **Fair, A6**

Mostly sunny and breezy



### Today's weather

64° High 38° Low  
Forecast, Page B8

Dear Abby .....E2  
Books .....E3  
Business .....D1  
Classified .....F1  
Community .....B1  
Crime Watch .....B4  
Crossword .....E2  
Deaths .....B4-7  
Editorial .....A10  
Horoscope .....F12  
Jumble .....F9  
Lottery .....B2  
Movies .....E5  
Nation Briefs .....A2  
Premier .....E1  
Sports .....C1  
Sudoku .....E4  
Travel .....E8



### IN TODAY'S PARADE:

As the Hoover Dam turns 75, take a look at its history and learn about its amazing new neighbor.

## BeaconFirst

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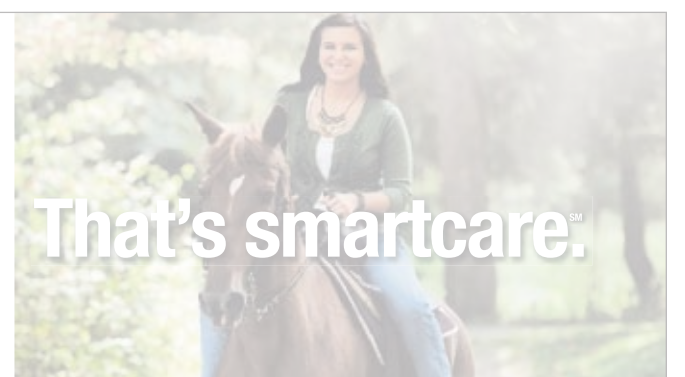


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au • tism \ò-ti-zəm\ n. (1710) 1: a variable developmental disorder...  
over • sight \ò-vər-sīt\ n. (15c) 1a: watchful and...  
b: regulatory supervision n. (15c)

# Autism

## Numbers of diagnosed swell by 500 percent

Continued from Page A1

nificant language delays, social and communication challenges, and unusual behavior and interests.

Many people with autistic disorder also have intellectual disability, according to definitions provided by the Centers for Disease Control and Prevention.

Milder forms, such as Asperger's syndrome and pervasive developmental disorders, are less severe and may be limited to problems with communication and social interaction.

In 1998, Ohio counted 1,046 children who had been diagnosed with autism. By December 2009, the number had soared to 13,441.

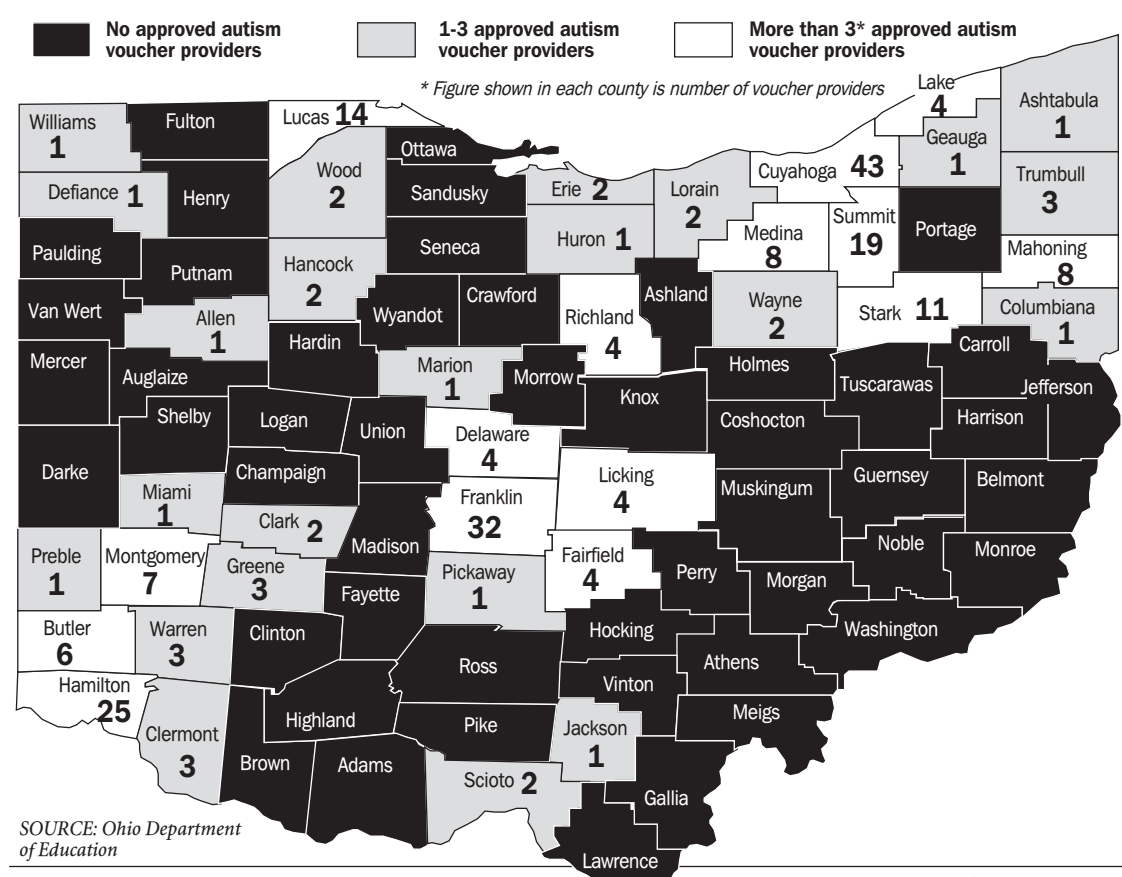
The surge has frightened parents and sparked emotional debates about explanations. The Centers for Disease Control is still investigating the causes of this complex range of disorders. The CDC said it is possible that the increase is the result of better diagnosis, but an actual increase in cases cannot be ruled out.

School districts and policy-makers struggled to cope with the wave of new diagnoses and settle disagreements between parents and school officials about how to best meet autistic students' needs.



Ellen McWilliams, Akron Public Schools assistant superintendent, says the district quit calling the state when problems were not resolved.

### Autism service providers statewide



### Who will pay?

Ohio doesn't require insurance companies to pay for autism treatment, which can cost tens of thousands of dollars a year.

Under federal special education law, parents can sue school districts for those services. That can involve a long and expensive legal fight. Some districts have agreed to pay, but it's not guaranteed.

In 2003, former Rep. Jon M. Peterson, R-Delaware, a parent of an autistic daughter, championed the creation of the Ohio Autism Scholarship program to avoid the lawyers and put money directly in parents' hands.

It was one of the first special education voucher experiments in the nation, modeled after the McKay Scholarship program in Florida, which covers all special education disabilities.

If parents waive their right to sue districts and withdraw their children, they can take a scholarship and buy their own services.

"We found another way to skin that rabbit," said Peterson, now the Delaware County treasurer. "Parents are happy to leave those due process protections . . . behind."

### Problems reported

Almost immediately, however, the program had problems.

As it was launched in 2004, the Cleveland Plain Dealer reported that autism service providers were approved by the state without a credential check, and some acknowledged they had "no expertise in autism."

One applicant was a Barberton woman who signed up to be a provider so she could home-school her autistic son.

The state now requires a provider to have the certified staff necessary to fulfill any requirement of a child's individualized educational plan.

The state now has a list of about 230 approved providers, which vary greatly in expertise. Some are schools, while others are therapists who provide a specific service, which means the parents must either home-school or pay private school tuition, too.

Some providers are well-known autism specialists connected with reputable institutions, such as the Rich Center for Autism at Youngstown State University and the Cleveland Clinic's Lerner School for Autism.

Others may have met only the minimum requirements and offer no particular expertise in teaching autistic children. It's up to parents, whose own knowledge and expertise vary greatly, to sort out which ones will serve their children best.

That was a concern raised by the Legislative Office of Education Oversight - a research arm of the state legislature - in a May 2005 report about the fledgling program.

"One provider interviewed suggested that parents should not be left on their own to determine the quality of each provider. Another provider believes

that approved providers should have expertise in the treatment of autism."

The report added: "It is important to note, however, that these special education staff, similar to their public school counterparts, do not require any additional training in serving children with autism."

The office also warned that school districts were concerned about their ability to monitor kids' progress and urged the legislature to gather more information before any expansion. (Within months of these warnings, the legislature shut down the oversight office and increased the payout by 33 percent to \$20,000.)

In March 2008, Policy Matters Ohio, an independent study group in Cleveland, also noted problems.

"The state provides minimal oversight of services," Policy Matters reported. "Parents are largely responsible for holding providers accountable for services which they, as private entities . . . are not legally required to provide."

The report contrasted the Rich Center, "recognized for its autism expertise" because of its comprehensive services and educator training, with Emmanuel Christian Academy, the Akron provider recently investigated by the state.

Policy Matters noted that both institutions charged the same \$20,000 tuition, even though Emmanuel Christian Academy charged about \$4,000 a year for students who are not disabled and make up the majority of the religious school's enrollment.

### Choices limited

The report also argued that parents' choices in the program are limited by geography (there are few providers in rural areas) and income (wealthier families use the voucher more than poorer families do) - a concern validated in an analysis by the Beacon Journal.

Fifty out of Ohio's 88 counties



Markay Winston, director of the Department of Student Services for Cincinnati schools, says it's "still like pulling teeth" to get quarterly reports from private services in the autism program.

have no providers within their boundaries, and a disproportionate number of children in the program come from the state's wealthier districts.

But the state didn't need outside observers to raise red flags about the program.

Public school districts have been complaining to the Ohio Department of Education that the autism providers routinely fail to report back to the local district on each child's progress.

The providers - private enterprises - are required to submit quarterly progress reports to parents and the child's home school district. The districts are still responsible for updating each child's Individualized Educational Program each year.

The individual program should include specific, measurable educational goals and is the key document parents need to hold educators accountable.

Officials in Akron and Cincinnati have long complained to the state about providers who failed to submit progress reports, and they say little has been accomplished to remedy the problem.

Akron officials said that last school year, they dealt with eight providers and 18 students who

were receiving autism vouchers. "We are not receiving progress reports from 66 percent of that 18," said Chris Wnoroski, the district's autism specialist.

"It's pretty hard to write the [individualized program] . . . when you don't have the information regarding the progress of the student."

More than half of the autism voucher students Akron was responsible for last year had never been enrolled in the district.

"Many of the kids, 55 percent of the kids that we are serving, have never been in our schools or were already in a nonpublic school before they asked for the Autism Scholarship Program," Wnoroski said.

Yet, state law holds the Akron district accountable for monitoring the students' individual plans, Assistant Superintendent Ellen McWilliams said.

"You have to be able to monitor progress on those [individual] . . . goals and objectives," she said. "Otherwise, you really don't know where to go with the [plan]. . . . You don't know what's next in terms of the educational needs of the student."

McWilliams said that Akron eventually gave up calling the state when previous complaints



Former Rep. Jon M. Peterson, R-Delaware, a parent of an autistic daughter, championed the creation of the Ohio Autism Scholarship program in 2003 to give money directly to parents.

didn't resolve the problem. "We called, but it didn't seem to make a difference," McWilliams said. "It became useless for us to continue to call."

The Columbus school district had some problems at first, but now gets timely progress reports, said Mary Ey, chief officer for student support services.

### Cincinnati's experience

However, Cincinnati also has had trouble getting reports.

"We struggle in trying to get the quarterly progress reports," said Markay Winston, director of the Department of Student Services for Cincinnati Public Schools.

"Some of the providers, because we've complained to them so much and we've complained to . . . [the education department] so much, they're starting to do a better job of getting us the quarterly reports, but it's still like pulling teeth."

She, too, has observed the wide range of autism expertise or lack thereof among providers.

"We have some providers here who are legit and we feel pretty confident in the information they provide to us, and then there are the others that we don't know what they're doing," Winston said.

The frustration in Akron and Cincinnati is in contrast to the 2005 legislative oversight office report, which said: "There is a process in place whereby school districts can notify [the department] that providers aren't filing the necessary reports, and the department 'will then follow up.'"

Failure to submit the reports is grounds for removal from the Autism Scholarship Program.

### Ex-legislator's view

"Here's the way you do it: You shut it down and you take the provider off the list," said Peterson, the former legislator who wrote the law on the program.

However, the Ohio Department of Education said that no provider has ever been removed from the list for failing to submit the required reports.

Furthermore, state officials said the department does not document complaints from dis-

tricts or keep any record showing whether providers are in compliance.

Two investigations into parent complaints conducted in the last school year - one in Akron and one in Bryan - showed both providers failed to submit quarterly progress reports to children's home districts and failed to provide proper services.

The department said recently that one additional complaint has been filed against a private religious school in suburban Cincinnati, which is still under investigation. The parents in that case also are alleging violations related to billing, provision of services by certified personnel and the submission of quarterly progress reports to the home district.

### A.C.T. Now

The complaint in Bryan, filed last November, revealed that the provider, Autism Consulting Tutoring Now (A.C.T. Now) had assigned a high school graduate to tutor an autistic child in math.

The tutor had been an aide in A.C.T. Now founder Bonnie Kelly's autism charter school. He told the state that "even though he had no certification to teach in the state of Ohio or anywhere else, he was able to instruct the student in math because he had taken 'a couple' of math courses in college," according to the state's report.

A.C.T. Now did not respond to requests for an interview.

The report said that the child was supposed to receive up to 12 hours of tutoring a week in writing, math and organizational skills.

But a certified science teacher instructed him only in science (which was not required) and did not provide any mentoring or special education, which were required by the individualized educational plan.

The student did meet with Kelly, who is appropriately credentialed, for two hours on Fridays after 3 p.m. "because she was employed as a full-time director of a community school," according to the report.

The state concluded that the Ohio Department of Education "paid for instruction in science that was not required" by the student's educational plan. It also "paid for hours of instruction that were claimed by A.C.T. Now, but could not be documented through the billing sheets. In addition, A.C.T. Now was paid for services that were either not provided or provided by individuals without appropriate credentials."

The state has ordered "corrective action" that, among other things, requires A.C.T. Now to demonstrate that it has stopped asking parents to sign blank statements of cost.

The state's investigation into Emmanuel Christian Academy in Akron concluded that Emmanuel had shortchanged an autistic boy on time he was due with a special education teacher - providing one hour a week of math and reading help instead of the required 90 minutes a day.

Emmanuel also billed the state for twice the required speech therapy and failed to deduct the costs of religious instruction.

"If they're billing for hours they didn't perform, that's fraud. That's criminal," Peterson said. "If you put down fraudulent statements and ask for public [money], that's fraud."

He said he is glad that the state is now taking formal complaints from parents. Until last spring, parents who complained to the state about private providers were simply told to take their money somewhere else or go back to the public schools.

### Change needed?

Peterson said that the Autism Scholarship Program may need to be tightened to improve accountability of the providers, just as the state has increased accountability over the years for charter schools.

"It was always the intent to make sure that the providers providing the services were qualified to do so," Peterson said. "It doesn't mean that the model is wrong. If you look at the demand, that tells you it's a popular program."

Peterson's own daughter is now a sophomore in a public high school.

"Our school district was very responsive and most are," Peterson said. "Most are able to serve these kids meaningfully and measurably. But in those cases where they're not, this is a resource for parents."

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