

Special Education



Introduction

Special education is the name given to a set of laws that require schools to provide a “free and appropriate public education” for students with disabilities, ages three to twenty-two. These laws stipulate that the instruction provided to all students must be “specially designed” to meet the unique needs of children with disabilities, giving them the same opportunity as their nondisabled peers to progress toward meeting statewide and district educational standards. This means that the district must adapt the content, methodology, or delivery of instruction in both academic and nonacademic activities in accordance with such considerations as social/emotional development, behavioral issues, mobility, communication difficulties, limited English proficiency, and other needs as determined by a team of parent(s) and professionals. As of March 2006, 11,450 students in the Boston Public Schools (BPS) were enrolled in special education, or 20% of the total BPS population.

The rights of these students are spelled out in a very robust set of state and federal laws that

require timely and thorough student evaluations and the development of individualized education programs (IEPs). These laws specify the roles of teachers, specialists, and parents on IEP teams, parents’ rights, and protections around student disciplinary procedures. The law also states that students with disabilities must be placed in the least restrictive environment and that there must be transition planning for three-year-olds receiving early intervention services and for high school-age students with disabilities.

The education of children with disabilities has a troubled history in Boston. The groundbreaking 1970 report, *The Way We Go to School: The Exclusion of Children in Boston*, documented the systematic exclusion of physically, intellectually, and emotionally handicapped children from the BPS system. This hard-hitting report led to the enactment in 1972 of Chapter 766, the first state law in the nation that granted children with disabilities the right to supports, services, and programs that would enable them to succeed in school. In 1976, BPS was placed under a court order (*Allen v. McDonough*) for systemic

noncompliance with Chapter 766. BPS remained under that court order for 22 years.

The Need for Change

It is the opinion of many observers that special education in Boston is being delivered through a broken system. BPS has been unable to provide many of its struggling students with the supports they need, either in regular or special education. Too many students with disabilities are being denied or are receiving inadequate or inappropriate special education placements and/or services. Although there are certainly pockets of success within BPS for students with disabilities, the system is failing many students both because of systemic administrative roadblocks and an inability to integrate special education into standards-based reform.

Students with disabilities are the lowest performing subgroup in nearly all grades and subjects as measured by performance on the MCAS test. The results of the 10th grade “high stakes” MCAS test illustrate that gap (Figure 1).

Students with disabilities also drop out at disproportionate rates. When the dropout data

for the class of 2002–2003 was analyzed by gender, race, ethnicity, English language learners, and so forth, special education students had the highest dropout rate (37%).

Focus on Children, BPS’s blueprint for setting and meeting high standards for all children, was adopted in 1996. In 2004, a BPS report, *The Special Education Achievement Gap in the Boston Public Schools*, included the stunning admission that, “In many schools, special education is just at the beginning of standards-based reform.” Other studies and observers confirmed the findings suggested by that report, including the following:

- Many students in special education have suffered from low teacher expectations and from school climates that allow them to be labeled, stigmatized, and excluded from general classes.
- Many special education teachers have not participated in reforms and professional development (e.g., coaching, Readers’ and Writers’ Workshop, instructional leadership teams, and whole-school improvement planning).
- Many students with disabilities have not had access to content areas measured by MCAS and to appropriate test-taking strategies.

Figure 1: Fall 2005 10th grade MCAS scores

Boston	ELA*			MATH		
	Advanced/ proficient	Needs improvement	Warning/ failing	Advanced/ proficient	Needs improvement	Warning/ failing
Regular Education	51	37	13	51	29	20
Special Education	6	33	61	8	29	63

*English language arts

- Many regular education teachers have lacked the expertise to teach students with disabilities, principals and teachers have not been adequately trained in the use of accommodations, and paraprofessionals have been poorly utilized for instructional support.



The administrative barriers erected by the special education department have been devastating to students with disabilities.

When *Allen v. McDonough* was settled in 1998, BPS set out to aggressively reduce special education enrollment and costs. One method was to place special education under the umbrella of Unified Student Services, along with counseling, health services, and a variety of other support services. This model, designed to create a continuum of student supports throughout the district and within each school, has been ineffectively implemented by BPS, and other efforts to control costs have unfortunately failed to adhere to the letter and spirit of the special education law, as evidenced by the following:

- Contrary to state and federal law, it has been BPS policy and practice to centralize decision making and strip IEP teams of their legal responsibility to determine special education placement, leading to delays and even, at times, to rejection of IEP team recommendations. As a result, children can languish in inappropriate placements, including at home, for extended periods and do not get the education and services mandated in their IEPs.
- Federal and state laws require that an evaluation be completed and an IEP written within

45 school days of a student's referral to special education and that the IEP be implemented immediately after it is signed by the parents. Despite this requirement, many parents are told there are waiting lists for evaluations and waiting lists for placements.

- Parents and teachers report being actively discouraged from making referrals for evaluations of preschool and kindergarten children who show clear symptoms of behavioral or learning difficulties, despite the fact that early intervention can make a significant difference in the ability of these children to succeed in school. Special education enrollment data bear out these reports. This failure is both morally reprehensible and “penny wise and pound foolish,” since lack of support at an early age can lead to diminished capacity for improvement (for example, in children on the autism spectrum) and to more restrictive and expensive placements later on. It is a particularly cruel irony that some children in community-based child care settings who *do* have IEPs cannot get their mandated services because of bureaucratic transportation barriers.

- Many children whose underlying emotional disturbances manifest as behavior problems do not get prompt evaluations and services. The system erects many barriers to including therapeutic support services in IEPs for eligible students. The current system of including mental health services under unified student services has failed to provide adequate supports at many schools, leaving many children who have emotional disturbances with worsening conditions, which in turn can lead to more difficulties in the classroom, suspension or expulsion, and/or referral to the courts. Because services are often provided much too late in the child's school experiences, children who otherwise may have remained in the mainstream have sometimes required segregated placements in LAB clusters in order to address emotions and behaviors that could have been ameliorated by early intervention.
- Parents of children with disabilities are voiceless and marginalized. A Special Education Parent Advisory Council is mandated by law, but exists in name only. Parents report that they are not informed of their rights and have difficulty communicating with the special education department. Parents report opting out of IEP meetings because they feel isolated and intimidated by the rest of the team. Some even report being treated with outright antagonism: being threatened with referral to the Department of Social Services for not signing the IEP or being blamed for their child's condition.
- Finally, those who represent children are concerned that a Supreme Court decision in 2002 has led Boston to needlessly delay resolution of cases that used to settle in a matter of weeks (and some that were resolved informally without litigation); cases can now go on for months or more than a year before settlement, while the child remains without necessary services. These delays have led to a more adversarial environment, with money wasted on litigation that could be put into services.

In creating and maintaining this system to control access to services, special education has become a department unto itself within BPS, with little accountability or transparency.

Underlying some of these administrative barriers and the lack of integration into standards-based reform is Boston's system of separate special education classrooms. Boston has the highest percentage of special education students in separate classrooms of any Massachusetts city or town: 44%, as opposed to a statewide average 16.5%. Separate classrooms create a two-tiered system in each school, with gaps in instructional quality and the marginalization of special education students, parents, and teachers from the mainstream of the school.

The inclusion of children with disabilities into the educational mainstream has been at the philosophical core of special education law since its outset. Inclusion does not mean "dumping" children with disabilities into a regular classroom

The only classroom that can legitimately be designated "inclusive" is one in which teachers are properly trained and children with disabilities are being given the supports they need.



Boston's Successful Inclusive Schools

Greater inclusion is best achieved on a school-by-school basis, with support and technical assistance provided by the school system. When successfully implemented, inclusion naturally fosters a more positive school climate, increases individualized attention and high expectations for all students, and strengthens parent involvement and teacher collaboration. Over the past decade, a number of individual

without adequate supports. To do so would be not only illegal but also educationally inadequate and morally indefensible. The only classroom that can legitimately be designated “inclusive” is one in which teachers are properly trained and children with disabilities are being given the supports they need.

It is understood that some children with severe disabilities will need a separate setting, whether in district or out; this report is not a call to abandon those educational options. Students are more likely to need the intensive supports of a separate classroom when, as noted earlier, they are left without services and supports in the regular classroom until their behaviors and learning problems become extreme. In all cases, the individual needs of each child should dictate the appropriateness of the placement, and reforms must be made to improve instructional quality and minimize the social effects of separate placements. However, there is concern that BPS currently has no plan to provide the intensive supports children need to be mainstreamed into inclusive classrooms, which might significantly reduce the percentage of children in separate classrooms.

schools in Boston, through the visionary leadership of their principals, have either transformed themselves into inclusive schools or are in the midst of doing so. The O’Hearn and the Mason Schools (both K-5) and the Mary Lyon School (K-8) are highly regarded inclusion schools. They have strong parent and community support and have achieved high test scores. The Murphy School (K-8) and a few pilot high schools are transforming themselves into inclusive schools, guided by the following key elements:

- *Belief that all children can learn to high standards.* This commitment must be shared by the principal, teachers, and staff, who must work collaboratively and flexibly during the transformation to inclusion.
- *Willingness to comply with federal and state special education laws.* The IEP must remain the central tool in developing individualized instruction plans and supports for each child, and parental rights under the law must be upheld.



All students can benefit, socially and academically, when children with disabilities learn and play alongside their nondisabled peers

- **Commitment to parent involvement.** The principal must invite parents of all students to join with the staff in building a strong school community that supports student learning. Increased parent participation in shaping school practices will create opportunities for the principal to articulate and address concerns about change and to assure parents that all children will get the attention, supports, and services they need.
- **Practice of data-driven decision making.** Transparent data is an essential tool for tracking progress, measuring the achievement gap between regular and special education students, and enhancing motivation and accountability.
- **Redistribution of resources.** Net resources for special education must be maintained, but the way they are distributed must change. Each school must be given the power to allocate its own budget and the freedom to increase resources by forming partnerships with businesses, universities, and other community organizations.
- **Professional development and dual certification.** Regular education staff must work closely with their special education counterparts to learn how to teach a variety of learners. BPS coaches who are dual certified in regular and special education have provided useful, hands-on training to regular classroom teachers, helping them learn to work with a range of children with disabilities. These coaches also work with special education teachers, demonstrating new methods to help children with disabilities achieve at higher levels. Hiring dual-certified teachers is an effective means for ensuring strong inclusive classrooms.
- **Creation of extended-day, summer, and Saturday programs.** Many children with disabilities benefit from extra time for learning, which these programs can provide.
- **Adoption of the principle of universal design.** All students can benefit, socially and academically, when children with disabilities learn and play alongside their nondisabled peers. Policies and practices designed to help one set of children with a disability can be of benefit to all. For example: reading programs that assist children with dyslexia can aid others who are struggling with reading; behavioral strategies for autistic children can benefit all children.

Vision of Change

The superintendent and leadership of BPS will be committed to, and experienced in, designing a system in which children with disabilities will learn at high levels. The special education department will comply with federal and state laws and be fully integrated into the teaching and learning functions of the district management structure, and its director will be part of the superintendent's leadership team.

The belief that all children can learn to high standards and a commitment to develop an inclusive school will be woven into each whole-school improvement plan. Principals will be knowledgeable about and committed to inclusion, and teachers will either be dual-certified in regular and special education or will be trained in differentiated learning.

Those students who do need to be placed in substantially separate classrooms or settings will be assured of quality instruction, access to the general curriculum, and, as much as possible, interaction with nondisabled peers.

Referrals for an evaluation will be made as early as age two-and-a-half when there is a concern that a young child may have a disability or when there is a concern about development. Evaluations will be of high quality and conducted in a timely manner. Young children with IEPs will receive special education services on site (home, day care, preschool). The system will ensure that the IEP process works as required under the law. The IEP team will advocate for the child, identifying individual needs and developing plans to meet them, and it will have the power to make final placement decisions.

Individual supports in both special and regular education will factor in the role that trauma may be playing in a child's learning problems and

behaviors. Many Boston children have experienced traumatic adversities outside and inside school that impact their ability to focus, behave appropriately, and learn. All schools throughout the system will integrate trauma-sensitive approaches into their infrastructures and weave trauma-sensitive approaches throughout their school day (for details, see the chapter of this report that focuses on helping traumatized students learn).

Parents will be fully informed, in their native language, of their right to participate in the special education process. They will be treated as equal members of the IEP team and respected for the assets they bring to the team and for their contributions to their child's education. An independent, effective, and diverse Special Education Parent Advisory Council will be the parent voice in the implementation of special education and will provide mentors to parents new to the IEP process.

Recommendations for Change

The new superintendent must 1) be committed to giving children with disabilities the individual supports that will enable them to learn at high levels and 2) be experienced in developing inclusive classrooms and schools and in creating a special education system that gives children with disabilities access to the general curriculum.

The new superintendent should begin by taking these three steps:

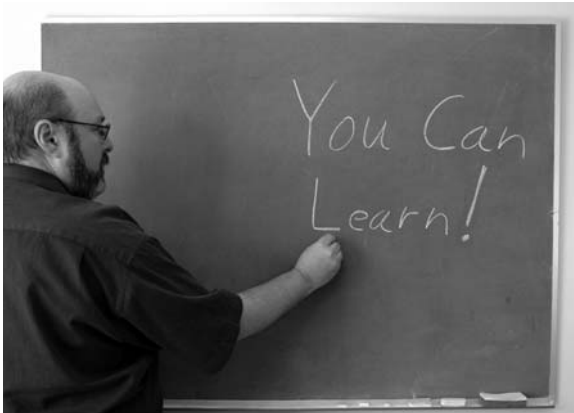
- Hiring a special education director who has expertise in inclusion and providing that director with the authority to implement reforms. The special education director should report to the superintendent and be an integral part of the leadership team.

Ensure that children with disabilities who need a separate classroom or school have access to standards-based reform and to high expectations for academic success.

- Conducting a review to bring special education into compliance with the law, to enable it to participate in standards-based reform, and to address other concerns raised in “The Need for Change” section of this chapter.
- Developing a strategic plan to transform the special education system. This plan should be based on findings of the above review; local, state, and national best practices; and the input of parents, students, external experts, teachers, principals, and other educators.
- Establish an independent Special Education Parent Advisory Council. Ensure that it undertakes its legal responsibilities and provides independent advice and support to parents, has at its disposal information about all programs, and is given the resources to constantly survey and speak up regarding the needs of parents and the problems parents are experiencing in the system.
- Authorize IEP teams and schools to include intensive mental health and other support services in the IEPs of emotionally impaired students.

The following changes should be implemented immediately, even while the strategic planning process is under way:

- Restore to IEP teams the legal authority to make specific placement decisions.
- Eliminate denials, waiting lists, and delays of special education referrals, evaluations, placements, and services for all children, but particularly for those diagnosed with autism, emotional disturbances, and other conditions for which early intervention has been proven to increase educational and social competence.
- Develop literature that clearly and simply informs parents about the IEP process and their rights under special education law, translate this information into a variety of languages, and disseminate it widely.
- Put in place a system of periodic internal audits to assure legal compliance with all facets of special education law.
- Hire as principals those candidates who are committed to inclusion and to creating a school climate where all children are seen as effective learners.
- Ensure that children with disabilities who need a separate classroom or school have access to standards-based reform and to high expectations for academic success.
- Ensure that the district does not circumvent special education law by referring students to the court system rather than providing appropriate special education and related services. Students must continue to be provided with the special education and related services to which they are entitled when they are placed



in institutional settings (e.g., those run by the Department of Youth Services) and in their transition from the institution back to their school and community.

These steps toward greater inclusion in schools should be taken in the near future:

- Articulate a vision for inclusion, and devote time and energy to building consensus for this vision.
- Create a system of technical assistance and supports that will enable schools to plan and implement inclusive classrooms.
- Provide regular education and special education teachers with professional development that is linked to current practices in standards-based reforms. Utilize coaches dual certified in both regular and special education to train teachers in differentiated instruction.
- Accelerate the hiring of teachers who are certified in both regular and special education.
- Link the special education department closely to the teaching and learning functions of district management.

- Strengthen special education services at the high school level, and improve student outcomes through comprehensive transition planning, individualized supports, and integrating regular and special education teaching and learning.
- Develop models for inclusion for middle school extended-day programs that receive state funding.
- Utilize resources and models within BPS (principals, teachers, schools with records of success) to help accelerate change in individual schools.

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