



Specious Education

(a.k.a. Special Education)

By Charles Ormsby

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Specious: Adj. 1. Seemingly fair, attractive, sound or true, but actually not so.

While "Specious" may not describe Special Education perfectly, it comes pretty close. Special Education is not fair, attractive, or sound, and any claim that it is an effective way to spend education dollars is untrue. Since Special Education runs the gamut from providing temporary assistance to students with minor learning disabilities or speech impediments, to complex and highly specialized treatment for children with very serious physical and mental handicaps, it is difficult to make sweeping statements that apply universally to Special Education. While Special Education certainly does some isolated good, its net contribution to general education is negative. It suffers from numerous flaws that waste education resources, trap millions of students with low performance expectations, and deny opportunities that would otherwise be available to Regular Education students. **There are five key problems with Special Education:**

- 1. There are no mechanisms to balance the expenditures demanded by Special Education students with the expenditures required to meet the educational needs of Regular Education students. Special Education costs take precedence over all other budget priorities.** If enough Special Education students present their "needs" and if the associated costs add up

to the entire available budget for a district's public schools, then either "school's out" for the Regular Education students, or funds normally earmarked for police, fire, DPW, and other town/municipal functions must be sacrificed. Of course there is one additional option: a municipality could attempt to raise taxes. If the voters did not approve such an increase, lawsuits may be able to force tax increases despite Proposition 2 ½.

2. **Parents and students are motivated and encouraged to gain and retain Special Education status. There are few if any counter-balancing incentives.** By gaining Special Education status for their children, parents ensure that their children are insulated from any budget considerations and that the financial burden of meeting their "needs" will be borne regardless of the havoc it wrecks with other students' education or critical municipal priorities.
3. The difficulty of distinguishing a student's physical or mental handicaps from a lack of effort on the part of that student to overcome his or her handicaps (coupled with the strong incentives to retain Special Education status noted above) can lead to situations in which **students are not held accountable, standards/expectations are lowered, and students are relegated to being Special Education students for their remaining years in the public education system.** It is just human nature to avoid really hard work unless there are associated rewards or there are unpleasant consequences for not expending the requisite effort. In Special Education the rewards come if you stay in the program and there are negative consequences (less funding, less help, and higher expectations) if you matriculate. Not surprisingly, too few students "graduate" from Special Education.
4. **Special Education requirements and regulations are passed down to the local community from the Federal and State Governments. There is little or no local decision-making or control.** By tying the hands of local officials there is little ability to improvise, to trade-off community needs/priorities, or to adjust to special circumstances. This lack of control also gives local School Boards and School Administrators a "free pass" ... "We can't control it so it's not our fault. Go call your Congressmen."

Getting satisfaction from the federal government is virtually impossible, so everybody just throws their hands up and the Regular Students (as well as other town services and the taxpayers) suffer the consequences.

5. **Finally, Special Education is very lucrative for the industry and employees that service it.** Hospitals, clinics, bus companies, therapists, teachers, doctors, lawyers, administrators (and I'm sure I missed many others along with the parents and students that benefit directly from Special Education regulations) form a powerful special interest lobby that defends its gravy train with gusto. You can be sure that anyone who criticizes Special Education is in for a super-sized dose of abuse. Critics are accused of being heartless, not caring for the handicapped, being selfish, etc. On the other hand, Special Education proponents are never tasked with justifying the program's level of expenditures or proving that the benefits associated with Special Education equal or outweigh its costs. Nor are they held accountable for the damage done to the educational opportunities that would have otherwise been afforded Regular Education students.

Issues summary:

- **No balancing of needs,**
- **No incentives to moderate demands,**
- **Little or no accountability coupled with low expectations,**
- **Little or no local control, and**
- **An extremely powerful special interest group that directly benefits from Special Education expenditures and that rejects any attempt at reform.**

What about the cost of Special Education? Nationally, the annual cost per Special Education student has more than doubled in constant dollars since 1968 [\$12,474 in '99/'00 vs. \$5,961 in '68/'69, measured in '99/'00 dollars ... an increase of 2.41% per year after inflation]. **In North Andover, the annual cost per Special Education Student has risen from \$12,768 to \$15,730* over the past three years (approximately 7.7% per year or three times the 2.34% per year rate of increase of the Consumer Price Index for**

the Northeast ... or alternatively, a yearly growth rate of 5% after accounting for inflation). [*Note: the average total annual expenditure per Special Education Student is actually significantly higher than \$15,730 since most Special Education students also participate in Regular Education programs and benefit from administrative, custodial, maintenance, and other school services which are not included in the Special Education budget amounts.]

Equally important as the escalation in per-pupil Special Education cost is the increase in the fraction of our student population that has sought and achieved Special Education "status". The percent of students nationwide enrolled in Special Education has increased over 60% since 1976 (from 8.32% of total student enrollment in '76/'77 to 13.33% in '00/'01 ... an increase of almost 0.2% of the entire enrollment each year). Based on these trends, the current Special Education enrollment percentage nationwide is probably close to 14%.

In North Andover, Special Education expenses have increased from \$6.05 million for the '01/'02 school year to \$6.86 million for '02/'03. The adopted budget for '03/'04 is \$7.37 million and the proposed budget for '04/'05 is \$8.8 million. If this final figure is an accurate estimate of expenses in '04/'05, the average annual increase in Special Education expenses in North Andover over this three year period will be greater than 13% per year. The recommended Special Education budget for '04/'05 of \$8.8 million (which services approximately 11% of our students) represents 26.7% of the total recommended budget of \$32.98 million. Since several million will need to be cut from the overall budget (mostly from Regular Education since few, if any, cuts can be made from Special Education), Special Education will approach 30% of the budget this year. If our total school budget grows at 3% per year and the Special Education budget continues to grow at 13% per year, Special Education will represent approximately 1/3 of our budget in two years (FY2006), will exceed 50% in seven years (FY2011) and will consume 100% of our education budget in fourteen years (FY2018).

There is one factor that tries to mitigate this cost growth. Local School Boards and School Administrators do attempt to negotiate sensible, cost-effective Special Education plans with parents/students in an attempt to preserve reasonable funding (what is left after Special Education costs are fully funded) for Regular Education students. Unfortunately, as noted above, there is little incentive for parents with Special Education students to accept anything less than the very best regardless of the resulting impact on fellow students. This is borne out by an interesting statistic: while the number of requested "Due Process Hearings" (a formal/legal mechanism to resolve disputes between Special Education parents and School Administrators regarding the level/quality of services) nationwide rose from 7,532 in 1996 to over 11,000 in 2000, the actual number of hearings held dropped from 3,555 to 3,020. Why? The system is so weighted in favor of findings favorable to the Special Education student that most school districts prefer to throw in the towel, agree to a generous settlement, and save the legal/administrative costs associated with a formal hearing. As long as the system says that Special Education needs trump all other considerations/needs, this will continue and costs will escalate to the detriment of our overall public education system.

But changes in average per-pupil cost and in Special Education enrollments don't tell the whole story. The costs of Special Education vary dramatically for different students. Based on National Statistics for 1999/00, the average Special Education student's cost was \$12,639 (~1.9 times that of a Regular Education student). This average is formed by combining students having "special learning disabilities" (the least expensive category whose annual costs averaged \$10,558) with students in approximately a dozen other categories (the most expensive of which had an average annual cost over \$25,000).

While the average Special Education expenditure per Special Education student in North Andover is approximately \$15,730, our three most expensive Special Education students average approximately \$150,000 annually. One can debate terminology, but clearly our funding for these

"most expensive" students is not primarily "education funding". Such a funding level for a single Special Education student for a single year would be sufficient to put a student through Harvard for four years. Obviously, this funding is providing more medical/rehabilitation/care-taking services than it is educational services. Which begs the question: If such support is needed for a student, should it be paid out of our education budget or funded through other means? It also begs another question: What is the long-term plan for these children and should this funding be preserved as part of a longer-term support program? After these students reach 23 years of age, Special Education rules and funding no longer apply and state support is dramatically reduced. One has to wonder if spending over \$100,000 every year on these students is better than preserving a substantial fraction of this amount each year in a trust fund that can provide support later in life when Special Education funding is no longer available. [Note that saving even \$75,000 per year for 20 years with 8% per year average investment returns would yield a trust fund valued at \$3,569,000. A fund of this size, with 8%/year returns, would produce \$285,000 each year for the rest of these student's lives. This annuity would amount to approximately \$158,000 per year in current dollars]. I suspect that parents, if given the opportunity, would opt for alternative spending profiles that took into consideration a longer-term perspective of their children's needs.

One might conclude that it is hopeless to even attempt to reform Special Education. Yes, reform will be difficult, but the first step is to shine a bright light on the problems of the current Special Education system. Once the public is better informed and understands the motives of those who resist reform, then and only then, will reform be possible.

Should Special Education be repealed? It is probably so riddled with flaws and misguided incentives that a more practical replacement program should be devised. In the next installment on this topic we will discuss some potential alternatives.

In the meantime, as Ralph Wilbur says, "**BRACE YOURSELVES**". We

have a run-away freight train and, until it is brought under control, Special Education costs will continue to escalate. The resulting drain on available education resources will negatively impact the educational opportunities of all our students, reduce resources available for other municipal services, and put upward pressure on local/state/federal tax rates. For those who say the taxpayer should contribute more to mitigate these impacts, I say that to do so merely papers over the flaws in the Special Education program and delays reform. All our citizens (and especially parents of school-age children) need to stand up to the Special Education lobby and demand that our legislators reform the law. If we don't, the consequences will continue and they will worsen. We can't allow that to happen.