

The Abell Report

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The Road to Nowhere:

The Illusion and Broken Promises of Special Education In the Baltimore City and Other Public School Systems

ABELL SALUTES: The Baltimore Stars Coalition — Teaching young basketball players how to “use basketball instead of being used by basketball”

“Any kid off the streets who can play a little basketball can get through high school,” says Gary Brooks, an attorney volunteer activist with the Baltimore Stars Coalition. “But we take these same promising young basketball players and show them how to do better-- to use their basketball talent to enrich their academic standings, and get into the better high schools. We show them how to avoid being used by basketball—the all-too-common experience of being heavily recruited, then--given a short span of play, quickly and in my opinion cruelly—dropped. We teach them how, instead of being used by basketball, to use basketball to improve their lives.

About 30 volunteers working with as many as 100 young people from eight years old to 17 are mastering this still-young art of using basketball, first, to attract students to the neighborhood recreation centers; then, once there in a group, lead them to a life larger than and beyond basketball.

“We begin,” Brooks, says, “by raising expectations. We preach: aspire to a
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Students with disabilities across the nation, including Baltimore City, are failing to achieve their academic potential. Inadequate instruction and other inappropriate or unlawful practices cause and conceal the dysfunction of special education.

by Kalman R. Hettleman

“The students need so much more than we have to give. The unspoken policy has been, do with what you’ve got even when you know it’s not really enough to help the student.”

— A Baltimore City Public School System special educator

“Teachers are intimidated and afraid to speak out in their buildings; afraid to honestly describe what is lacking and what students need.”

— A Baltimore Teachers Union official at a public meeting

At long last, the illusion and broken promises of special education have been publicly exposed. Under the No Child Left Behind Act of 2001 (NCLB), school systems across the country have been forced to disclose the abysmally low academic test scores of students with disabilities.

Education Week, the national education newspaper, put out a special edition in January 2004 focused solely on special education. Its survey found a chasm between the performance of general and special education students in every state, with differences typically ranging from 30 to 40 percent. “Thanks to the NCLB-

generated data that’s now flowing in, we know more about the disability gap,” says one observer. “On average, disabled students lag farther behind their non-disabled classmates than African American and Hispanic students lag behind their white classmates.”

The Baltimore City Public School System (BCPSS) fits this national pattern.

In the Maryland School Assessments for this year (2003-2004) in reading, the percentages of BCPSS special education students who achieved a “proficient” or higher score were: grade 3, 28.6 percent; grade 5, 22.6 percent; grade 8, 5.4 percent; and grade 10, 4.9 percent. For mathematics, the scores were even lower. The percentages of special education students who achieved “proficient” or above were: grade 3, 24.6 percent; grade 5, 16.9 percent; grade 8, 1.7 percent; and high school geometry, 0.5 percent.

The third grade and fifth grade scores improved over the prior year. Yet all scores remain very low or rock-bottom. Even more alarming, the vast gap between general and special education students has widened in recent years and

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now averages more than 35 percentage points in reading and more than 29 percentage points in math. Furthermore, BCPSS special education students trail far behind their counterparts in the rest of Maryland. The longer students receive special education services, the steeper their academic decline.

Beyond low test scores, other indicators of negligible academic achievement are the high dropout and low graduation rates. For BCPSS in 2002-2003, the most recent data available when this article was completed, the dropout rate for special education students in grades 9-12 was 14.16 percent and their graduation rate was 37.54 percent. These figures are significantly worse than the prior year. Statewide the dropout rate was 4.11 percent and the graduation rate was 78.35 percent. As of the end of the 2002-2003 school year, the dropout rate for BCPSS special education students was rising as the dropout rate for BCPSS general education students was declining.

Moreover, in BCPSS and across the country, because many students with disabilities receive testing assistance called “accommodations” that inflate their scores, the actual level of achievement is even lower than reported.

In fact, practitioners and researchers overwhelmingly believe that students have benefited little (if at all) academically from special education services. This applies emphatically to students with reading difficulties. Pre-eminent reading expert G. Reid Lyon and co-authors conclude that instruction “gains are so small that [special education] children are not closing the gap” between themselves and other students. In a best-selling book last year, *Overcoming*



Teachers and students alike are victims of a system that does not provide the necessary training and resources.



Dyslexia, neuroscientist and reading researcher Sally Shaywitz notes that special education programs at best “tend to stabilize the degree of reading failure rather than close the gap between a dyslexic student and his classmates.”

In theory, special education is a temporary program for many students. But in practice it has become a one-way street; few students with learning difficulties improve enough academically to lose their eligibility for special education services. Predictably, low academic achievement leads to low graduation and high dropout rates and other negative outcomes.

This dismal record, nationally and locally, betrays the legal and moral promises of the federal Individual with Disabilities Education Act (IDEA). IDEA and similar state laws guarantee special education students a “free and appropriate education,” meaning instruction and other services that are reasonably calculated to enable them, if they are cognitively able, to meet high academic standards.

The record is especially indefensible for students classified as having a “specific learning disability” or “speech and language impairment.” These students com-

prise more than half of all children receiving special education services. Virtually all them have the cognitive ability to meet demanding academic standards or to achieve at higher levels than they do. Yet they lag far behind.

Public exposure of test scores, however, is only a first step towards reform. For significant change to follow, there must be a much greater understanding of the unlawful and inept practices that cause and conceal the system’s dysfunction. These practices, as discussed in this article and the Abell Report from which the article is drawn, are deeply embedded and have not been documented and analyzed in national literature. As a result, they have been hidden from parents and even policymakers.

How and why do these practices occur in BCPSS and elsewhere?

The blame doesn’t belong with front-line special educators. They and their students alike are set up for failure by a system that does not give teachers and other service providers the training and resources to get the job done. Rather, BCPSS administrators tie the hands of the federally mandated teams at each school, known as Individual Education Program (IEP) teams, that determine the instruction and other services that students receive. Parents are part of the teams, but team decisions are controlled by school staff, typically the school principal, teachers and “related services” specialists such as a psychologist, speech and language pathologist or social worker. Yet the professional judgment and effectiveness of these educators is severely limited by the following practices.

- IEP teams are not trained to recognize or apply research on the most

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effective instructional programs for students with learning difficulties. As a result, special educators vastly underestimate the academic potential of such students and violate IDEA and NCLB by failing to design and deliver appropriate instruction. Low expectations, particularly for low-income and low-IQ students, are toxic self-fulfilling prophecies. As a national expert testified before a Congressional committee: “For many educators, special education labels have become code words that say ‘this child can’t learn.’ What is frightening is that over the past 30 years that belief has become engrained even among parents, advocates, and policymakers.”

- IEP teams fail to individualize IEPs as mandated by IDEA. Special education is defined under IDEA as “specially designed instruction” to meet the child’s unique needs. Yet incredibly, IEPs are silent on the most basic elements of instruction: learning programs and methods such as Orton-Gillingham-based programs for students with learning disabilities; frequent small group instruction and tutoring; and highly qualified, well trained teachers.
- IEP teams violate IDEA by failing to set sufficiently high and measurable goals for the benefit that students are expected to achieve. BCPSS takes the position that students are entitled only to services that enable them to receive any benefit, no matter how minimal or insignificant. Yet NCLB, IDEA and numerous court decisions, including two landmark Supreme Court cases, require a much higher and more

exact standard: services must be reasonably calculated to enable cognitively able students to meet high academic standards for grade-to-grade promotion and graduation.

- IEP teams violate IDEA by tailoring IEPs to fit budget limits, not the individual needs of students. Even when IEP teams recognize the need for intensive instruction or other services, such as counseling for behavior and emotional problems, the services are often radically reduced because of their cost. Many special educators privately admit this unlawful practice.
- IEP teams violate IDEA and BCPSS’s own guidelines when, because of lack of time and resources, student performance is not effectively monitored and timely interventions are not provided if students fail to make progress. Students fall farther and farther behind before a significant increase in services is considered. By then, it is almost always too late for effective remedia-



The inappropriate and unlawful practices that cause the system’s dysfunction are deeply embedded and hidden from parents and even policymakers.



tion, and students develop serious behavior and emotional problems.

- The system conceals the practices described above and the lack of student achievement. It claims to be providing research-based instruction when it isn’t. It exaggerates student progress on IEP report cards and “socially promotes” the overwhelming majority of special education students. It intimidates special educators from expressing their true professional judgment about the inadequacy of IEPs and the failure of students to achieve progress. And it buries the academic underachievement of students under a mountain of excessive paperwork.

Safeguards to prevent these practices are ignored. Special education laws require IEP teams to review “the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved,” and to “[revise] the IEP as appropriate to address [any] lack of expected progress.” Students receive quarterly IEP progress report cards, but the report cards typically mask the lack of progress. IEP grade inflation starts with the fact that many special educators, as mentioned earlier, view progress through the lens of low expectations. In addition, marking codes allow subjective grading; there is no requirement that marks be specifically linked to measurable goals and objectives. In truth, inflated report card marks reflect the reality that IEP teams don’t want to admit failure, and poor marks reflect badly, and most of the time unfairly, on the teacher and principal.

Even in cases when lack of academic progress is accurately reported, IEP teams almost never reconvene before the mandated annual review to revise the IEP unless a parent takes the initiative or, more commonly, the student’s behavior

deteriorates. IEP team members don't have time. Even at annual reviews, the pattern is for IEP teams to gloss over the lack of progress. IEP teams tend to reject or put off requests for more services, especially instruction, by adopting a "wait and see" approach. Lacking knowledge of research-based instructional practices as well as resources, they say in effect, "Let's give what we've got more of a chance. We can always come back and re-evaluate."

But this "wait to fail" delay causes students to sink academically and behaviorally to the point where additional services, years later, are too little and too late. At that point, IEP teams typically fall back on two harmful courses of action. First, they lower goals and objectives for the students, rather than raise the quality of instruction. Second, IEP teams deflect the focus away from instruction toward emotional, behavioral and family support factors. These factors can be formidable. But almost invariably, as students fall farther and farther behind their peers, emotional and behavioral problems are caused or worsened by their academic frustrations. It is not far-fetched to say that schools "drive kids crazy." As vulnerable children become "dummies" to others and themselves, they are taunted by peers, lose motivation, act out in class, become daunting discipline cases, go truant and eventually drop out. In a Supreme Court case which established the rights of students with learning difficulties to appropriate instruction, the frustrated and alienated student became suicidal.

The harm to children with disabilities caused by the practices summarized in this article (and further detailed in the accompanying Abell Report) can hardly be overstated. At the same time, the context of these findings must be clearly understood. First, as highlighted earlier,



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BCPSS's academic results and unlawful or inappropriate practices are similar to nationwide patterns. The findings, therefore, are intended not only to spur BCPSS reform but also to inform the long overdue NCLB-driven national debate over the quality of special education instruction.

Second, although the report is critical of instruction for students, particularly for those with learning disorders, there have been major special education accomplishments in BCPSS and elsewhere over the past 25 years. The greatest triumph has been to end the exclusion or warehousing of children with more severe disabilities. And within BCPSS over the past decade, a federal lawsuit has spurred many necessary procedural reforms.

Third, it is clear that the fate of special education students would be even worse if not for the inspiring professionalism of teachers and other service providers. BCPSS special educators labor heroically, and as a result some students succeed.

Still, most students don't succeed. Teachers are overwhelmed by a system that neglects growing research on the academic potential of such students and the best instructional ways to fulfill that potential.

I have observed the inappropriate and unlawful practices summarized in this article in the course of my recent experiences as a pro bono attorney for students in BCPSS IEP proceedings. This experience was an outgrowth of my earlier work that resulted in two reports published by The Abell Foundation: *The Invisible Dyslexics: How Public Schools in Baltimore and Elsewhere Discriminate Against Poor Children in the Diagnosis and Treatment of Early Reading Difficulties* (2003) and *Still Getting It Wrong: The Continuing Failure of Special Education in the Baltimore City Public Schools* (2002). In the wake of those reports, I wanted to continue to study closely how the system operates and why it's as ineffective as it is.

I have represented more than 25 individual students in approximately 60 IEP team meetings. Most of these students' stories are agonizing. Their cases are similar to those that can be found in urban school systems across the country: low-income children classified as "learning disabled" under federal and state law, 10 to 12 years old, reading at a first- or second-grade level, falling farther behind each year, beginning to show serious emotional and behavioral problems stemming from academic frustration; special educators who tend to attribute lack of progress to the child's deficiencies rather than to poor instruction; and parents who, when they try to fight the system, are rebuffed and heartbroken. Only a George Orwell could do justice to the abyss between the lofty rhetoric of special education and the tragic reality.

From a national perspective, there are many root causes for this tragedy. More

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than anything, the bottom line reason is weak leadership and support from the education and political establishments. To be sure, special education is underfunded. For example, more highly qualified, well-trained teachers and intensive small-group instruction will cost more money. But it is hard to rally political support for more funding when educators conceal the system's major defects.

In particular, educators have been slow to embrace the research that discredits low expectations for low-income, low-IQ children. The field of special education has been a backwater of misinformation about reading difficulties including dyslexia. Like their counterparts in general education, special educators have neglected the findings of reading scientists, and too often blamed early reading difficulties on students' IQ (a dubious construct to begin with) and family background, rather than on poor instruction.

Dr. Kevin McGrew, one of the authors of the widely used Woodcock-Johnson III tests of achievement, has stated: "For most children with cognitive disabilities (those with below average IQ scores), it is NOT possible to predict individual levels of expected achievement with the degree of accuracy that would be required to deny a child the right to high standards/expectations [capitals and underlines in original]." The National Research Council Committee on the Prevention of Reading Difficulties in Young Children has pointed out that scientific findings about the causes and cures of early reading difficulties have "been embraced by most researchers, although not yet by a majority of educators."

As a consequence, IEP goals, which are supposed to measure how much progress a student can be reasonably expected to make in a twelve months period, are typically set too low or, as in BCPSS recently, are not set at all.

Such low expectations dumb down instruction. They also offer elected officials a convenient excuse for fiscally shortchanging poor children who are politically disabled as well as learning disabled. The loudest and most influential voices in the special education political and policy arenas belong to relatively affluent parents of children with severe disabilities; some of them fear, understandably, that scarce resources may be diverted to children with less severe disabilities. At the other end of the scale, low-income parents have the least know-how to advocate for their children and are least able to afford a private attorney or private school.

Is it fair to present such a harsh indictment of BCPSS when the failure of special education instruction for students with learning difficulties and the root causes of that failure are nationwide, and when transforming the system will be long, hard and expensive? BCPSS officials say that it is unfair. They acknowledge the need for academic improvements and make general promises that they will do so. Yet, in recent years, BCPSS – while lifting itself up and surpassing almost all urban school systems in instructional improvement in general education and



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procedural compliance in special instruction – has failed to take meaningful steps towards instructional reform in special education. BCPSS has declined to examine or even acknowledge the seriousness of the underlying ineffective and unlawful practices described in this article.

There are signs that new leadership at BCPSS may intend to change this resistance to thorough, transparent review. But the problems have been misunderstood and hidden for so long that full exposure is necessary if meaningful reform is to take hold.

The same situation prevails across the country. The good news is that under NCLB, the accountability movement has finally reached the forgotten shores of special education. Special education instruction is under increasing pressure and scrutiny. The bad news is that accountability laws alone will not lead to significant progress. There must be a second wave of reform that brings to light the unlawful and ineffective practices that prevent students from receiving adequate research-based instruction, and that pinpoints how to fix the IEP process.

BCPSS, a national leader on other education issues, can do the same for special education and help to generate that second wave.

What actions should BCPSS take?

First and most urgently, BCPSS must change its culture of denial of the practices that underlie the lack of academic achievement of students with learning difficulties. It must openly examine the special education system and raise expectations based on research showing that these students can achieve at much higher levels if research-based instruction is delivered. It must stop exaggerating the progress made by these students. It must shift the focus of special education from procedural compliance to quality of

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instruction, undo the inappropriate or unlawful practices described in this article, and allow special educators to exercise their professional judgment in prescribing and delivering services without fear of retribution.

All the while, BCPSS must continue to improve identification and intervention for early reading difficulties among its general education students. The best way to solve most of the problems of poor special education instruction is to prevent most students with learning difficulties from entering special education in the first place. When interventions are not provided in general education, children fall behind quickly, and special education is then asked to bear the burden of remediation. But remediation is much harder to achieve than early prevention of reading problems.

Reform efforts along these lines would shine the national spotlight on BCPSS while illuminating similar issues in school districts across Maryland and the country.

We owe our children and our teachers a much better system. The legal and moral right to special education programs can be fulfilled for many more students. But these transformations will happen only if all of us – in education, the political arena and the general public – sound the alarm and advocate for change.

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ABELL SALUTES:

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magnet school, stay in the program, perform well, study hard. And all the while you are playing basketball, keep your eye on higher education. We lead them to expect to make it into the better high schools, parochial and private schools, and then into a four year college. Many if not most do meet our plans for them—we have the data to prove it.’

The anecdotal results do indeed make Brooks’ case: Braxton Dupree is in the tenth grade at Calvert Hall; Ben Eaton, the eleventh at Gilman; Charles Adams, the eleventh at Mt. St. Joe; Joshua Burroughs, the tenth at Boys Latin; Kyle Brooks, the tenth at City College; Dejuan Summers, the eleventh at McDonogh.

Russell Frederick, Jr. has been in STARS since he was 11 years old—he is now 16. He says, “STARS helped me grow as a person, allowed me to meet a lot of people I would never have met, and to travel to places I have never would have seen.” He lived in the Loch Raven section of Baltimore before moving to Harford County. He is now going into his junior year at Calvert Hall—and, not surprisingly, has aspirations to go to college. “After five years in STARS,” he says, “I am a different person, looking at a different world.”

Braxton Dupree, now 15, knew he wanted to be in STARS when he was only six, although he had to wait until he was 9 to be accepted into the program. He happens to be tall and a very good center—which drew attention to him in Gardenville elementary, St. Anthony’s (middle school) and, currently, at Calvert Hall, where he is going into his sophomore year. He says, “STARS taught me life

skills. How to communicate with people. How to show my respect for adults. How to present myself well. STARS is like basketball—it teaches the value of teamwork—on the court and in life.”

Brian Johnson joined STARS started when he was 11. He had been playing what he modestly called “pretty good basketball” as guard for the Madison Buccaneers recreation center, and on the strength of that performance, his coach recommend him to STARS. Once in STARS and its influence, he was able to matriculate into Mt. St Joseph High School. (He had attended public elementary and middle schools in Annapolis). STARS,” he says, “builds character, and with mentoring of the younger guys by the older, keeps us well-connected as friends.” Brian is 16 now and says, “I owe STARS a lot.”

The Abell Foundation salutes the Baltimore Stars Coalition—all of the coaches and volunteers; and its leadership—Gary Brooks, Charles Harrison, Troy Franklin, Milton Hawkins, Duane Davis, Anthony Baylor, Mark Sissman, Tony Stanback and Shawn Spence-- for teaching young basketball players to “use basketball, instead of being used by, basketball.”



“We begin by raising expectations. We preach; aspire to a magnet school, stay in the program, perform well, study hard.”



The full report of “[The Road to Nowhere: The Illusion and Broken Promises of Special Education in the Baltimore City and Other Public School Systems](#),” is available on The Abell Foundation’s website at www.abell.org or: write to The Abell Foundation 111 S. Calvert Street, Baltimore, MD 21202