

Archived Information

Modules

1. *School Reform and Students with Disabilities: The Changing Context of Classrooms*
2. *Poverty Among Children: The Impact on Special Education*
3. *The Costs of Special Education*
4. *Problems Facing Education: Substance Abuse and Violence*
5. *Disproportionate Representation: Can This Civil Rights Concern Be Addressed by Educators?*

SECTION I

CONTEXT/ ENVIRONMENTAL FACTORS

School Reform and Students with Disabilities: The Changing Context of Classrooms¹

Educational reforms are being implemented in schools across America, changing the overall context in which classrooms function as well as the expectations for teachers and students. These reforms are increasingly influencing how special education programs are defined and how students with disabilities are being educated. As many of these students continue to receive most if not all of their education within general education classrooms, they, like their nondisabled peers, must respond to significant changes in the ways schools define teaching and learning. At the same time, many State and local policies are changing to promote closer alignment of special and general education, particularly in the areas of standards and assessments.

The general education reforms of the past 15 years have focused on six major policy areas: standards development, assessment, accountability, governance, teachers, and finance (Goertz & Friedman, 1996). During this same period, special education programs have been changing as a result of efforts to promote inclusion of students with disabilities in general education classrooms, to decrease inappropriate identification of students as disabled (particularly cultural- or language-minority children), and to improve the postschool results of all students receiving special education services. As the general and special education reform efforts come together in schools, they must be defined, negotiated, and adapted to ensure that every student receives the highest quality education and that each student with a disability who is eligible under IDEA has access to an individualized educational program

¹ This module reports on work conducted by the Center for Policy Research on the Impact of General and Special Education Reform, one of several research centers funded by the Office of Special Education Programs (OSEP).

(IEP), including any necessary supports and services. This module discusses general education reform in standards development and assessment, governance, and teacher policy and how those reforms have affected special education. It will not discuss finance or accountability.

The Importance of Understanding General Education Reforms

Understanding the intents and features of current educational reform initiatives is important for a number of reasons. First, special education programs operate within the context of the larger educational system and can be affected by the reforms taking place in the larger system. Second, the number of students with disabilities who are currently educated in regular classroom placements (45 percent)² has greatly increased. Ensuring that those students have meaningful access to the curriculum and instruction provided in general education classrooms requires a sound knowledge of the practices in those classrooms and the policies that are shaping those practices. Finally, students with disabilities need a broad and balanced set of experiences that are grounded in high expectations and that can help them achieve their potential--and this is one of the goals of educational reform for all students. But any policies influenced by reforms must also include provisions ensuring the right of students with disabilities to a free appropriate public education that is individually tailored to their needs.

This section discusses general education reforms as they have occurred in the following areas:

- standards and assessments, which are the descriptions of knowledge and skills that students are expected to learn and the means by which student mastery of these is measured;

² OSEP defines a regular class placement as one in which students with disabilities receive special education services and related services outside the regular class for less than 20 percent of the school day.

- governance, which involves restructuring of educational organizations and school choice; and
- teacher policy, which involves the training and assessment of teachers.

The Context of General Education Reform

Standards and Assessments

Current educational reform is based on the descriptions of knowledge and skills that students are expected to learn and be able to demonstrate that have been developed by parents, teachers, administrators, and other stakeholders. Throughout the United States, States and local school districts are developing new and challenging curricular content and student performance standards designed to encourage teachers to engage in instruction that is more intellectually demanding of them and their students. Standards are being developed at the national, State, and local levels and have been influenced by professional disciplines, business interests, and the community at large.

A 1995 survey conducted by the Council of Chief State School Officers (CCSSO) (Rhim & McLaughlin, 1997) found that 34 States have created new mathematics and science standards and that most States are developing standards in the areas of English/language arts, history, and social studies. However, a recent report by the National Academy of Education (McLaughlin, Shepard, & O'Day, 1995) noted that States define curriculum and apply standards in widely varying ways. For example, some States, such as California and Nebraska, are creating voluntary standards that are described in model curriculums that define a global scope and sequence of skills and knowledge to be taught in each subject matter area. Scope refers to all of the areas in a curriculum to be covered by the instruction. Sequence is the order in which those areas are covered. Other States, such as Kentucky, Maryland, and Colorado, have developed content standards that are to be used in statewide assessments. Content standards define the

content of the curriculum or assessment and are part of the scope and sequence of skills and knowledge.

Statewide assessments measure the level of student mastery of the content standards. The assessments are also used to hold schools and districts accountable for student performance. For example, student performance on statewide assessments is frequently reported to the public, and the data are reported for individual schools and districts. Some States may reward or sanction individual schools on the basis of whether their students' test scores are improving or declining. The assessments can also be used to determine the type of diploma a student may receive.

Regardless of how they are used, content standards are an important aspect of education reform. They are intended to be guidelines as to what should be emphasized in subject matter areas and instruction that can be applied consistently across schools. Formulation of content standards has been very controversial in some States and local districts, as various constituencies often disagree about the definitions of what all children should know and be able to do.

Flexible Governance

Two other major general education reform initiatives are governance reforms: the restructuring of educational organizations and bureaucracies, and school choice. The purpose of these initiatives is to promote maximum flexibility and opportunity for innovation in individual schools. Two of the most prominent governance reforms are site-based management (SBM) and charter schools.

The concept of SBM, which involves the devolution of authority and autonomy to local schools, is not new. However, State reform plans that include newly developed standards and assessments also require individual schools to engage in a site-based planning process focused on improving student performance on the new standards. SBM typically redistributes decision-making authority from the State to the district level and from central administration

to individual schools. A school-based council is created so that principals, teachers, parents, community members, and sometimes even students have an opportunity to be directly involved in making decisions about budgets, personnel, and curriculum (Wohlstetter & Buffett, 1992). SBM is probably the most common reform strategy being initiated in schools. However, research shows that the decision-making authority of site councils is generally limited. Many of the site councils make decisions about such things as school scheduling and choosing instructional programs and textbooks (GAO, 1994; Malen, Ogawa, & Kranz, 1990). Site councils infrequently make decisions about hiring staff, such as principals. Site councils also do not have total control over a school's budget because their decision-making authority generally does not extend to Federal and State programs.

School choice initiatives are also included in governance reforms. Choice programs can take many forms, including open enrollment, magnet programs, the use of vouchers to pay for private school education, and most recently, the creation of charter schools (Ysseldyke, Lange, & Gorney, 1994). However, it is important to note that parents who decide to enroll their children with disabilities in choice programs must not be required to give up their entitlement to a free appropriate public education (FAPE) and the protections afforded them under IDEA.

Charter schools are one of the newest choice options and are becoming more popular throughout the country. A charter school is an autonomous public school created and operated under a contract between a group of organizers--such as parents, teachers, or other community members--and a sponsor, such as a local school board, State board of education, college or university, or some other public authority. A charter school may be highly autonomous and be able to set its own mission, determine its own administrative structure, and decide how to allocate funds. In general, the most autonomous charter schools are organized as nonprofit cooperatives. The majority of States with existing charter school legislation require that a local school board grant the charter (Bierlein & Mulholland, 1995). As of the summer of 1996, 22 States had passed

legislation permitting the creation of charter schools. Approximately 300 of these schools are in operation, and more are being created each year.

Teacher Policy

Teachers are ultimately at the core of school reform. A report by the National Commission on Teaching and America's Future (1996) concluded after a 2-year study that the single most important strategy for achieving higher standards is to recruit, prepare, and support excellent teachers. The important contribution of teachers to reform efforts is well-recognized. Teachers have initiated a number of teacher policy reforms (Goertz & Friedman, 1996; McLaughlin, 1993). Increasingly, State departments of education are issuing *competency-based* teachers licenses, which means that new teachers will need to demonstrate that they have achieved specific competencies as opposed to simply having completed coursework. The competencies on which licensing is based reflect both the expanded subject matter knowledge and pedagogy defined by new State standards.

In addition, new assessments are being developed that will evaluate beginning teachers. Other changes in State teacher certification processes include requiring prospective teachers to major in an academic area other than education and requiring prospective teachers to have a baccalaureate degree in a noneducation field (Goertz & Friedman, 1996).

The Interstate New Teacher Assessment and Support Consortium (INTASC), supported by the CCSSO, has developed model standards that can be used to assess beginning teachers. INTASC is attempting to increase collaboration among States to promote a more uniform set of competencies. The National Board for Professional Teaching Standards (NBPTS) is a new national organization that is offering voluntary national board certification to experienced teachers who demonstrate teaching excellence. Similar in concept to the board certification required in the medical sciences, board certification includes a rigorous

assessment of teacher knowledge and skill through classroom observations, videotaped lessons, teaching simulations, portfolios, and specific subject matter examinations (McLaughlin, 1993).

The professional development of teachers is also being reformed. Instead of skills training, new approaches provide opportunities for teachers to learn, experiment, consult with other teachers, and reflect on their practices. Promising models include teacher collaborative groups and networks, subject matter associations, formal school/university partnerships, professional development schools, and teachers as researchers (National Commission on Teaching and America's Future, 1996; O'Day, Goertz, & Floden, 1995). The National Staff Development Council (1995) has developed standards for professional development, and a number of Federal and State policies are supporting these important new initiatives.

What Are We Learning About Educational Reforms and Students with Disabilities?

Knowledge concerning the effect of general education reform initiatives on students with disabilities is emerging, due in large part to specific research and technical assistance efforts funded by OSEP. These include centers such as the National Center for Educational Outcomes (NCEO), the Center for Special Education Finance, and the Center for Policy Research on the Impact of General and Special Education Reform. In addition, OSEP has funded considerable research on issues related to assessment and results-based accountability for students with disabilities as well as 15 research projects investigating inclusion of students with disabilities in educational restructuring in local school districts across the United States. In addition, a National Academy of Sciences committee, under the auspices of the *Goals 2000: Educate America Act*, is investigating the status of students with disabilities in standards-based reform. The following sections summarize some of the more critical findings of research to date.

Standards, Assessments, and Accountability

Including students with disabilities in the new content and performance standards is one of the greatest challenges facing State and local school districts. A recent national survey conducted by the CCSSO in collaboration with the Center for Policy Research on the Impact of General and Special Education Reform indicated that 38 States and the District of Columbia have standards ready in one or more content areas. Thirty-four States and the District of Columbia will apply those content standards to students with IEPs. When asked specifically which standards will apply to students with “mild” or “severe” disabilities, 15 States and the District of Columbia reported that all standards will apply to students with “mild” disabilities, and 16 States reported that deciding which standards will apply is dependent on the student’s IEP. In addition, 11 States reported that all standards will apply to students with “severe” disabilities; 16 reported that standards will be applied dependent on the IEP of the student with severe disabilities.

Special educators have helped set standards in several ways (Goertz & Friedman, 1996). In some States they have participated on standard-setting committees, and in other States they have developed sample instructional activities or criteria and guidance for how standards may be modified or adapted. Case studies of local districts conducted by the Center for Policy Research on the Impact of General and Special Education Reform document the difficult process of aligning IDEA’s requirements for individually appropriate education and IEPs with content and performance standards (McLaughlin, Henderson, & Rhim, 1997).

Special educators welcome the inclusion of students with disabilities in new content standards and the new and challenging curriculums. At the same time, they are concerned about how these students will master all of the new subject matter and where they will find time for instruction in other critical functional domains. Aligning IEPs with new content standards is a particular challenge. Because standards development has been primarily in the core

academic content areas, special educators have little indication as to how to apply standards to individually designed instruction in areas such as social and emotional adjustment, career/vocational preparation, and functional personal management skills. Also, concerns about the relevancy of the content standards to those postschool results are only one issue. When students are held accountable for demonstrating a particular level of mastery of the standards, inclusion in standards-based reform becomes more complex. [Note: issues related to inclusion in assessments are discussed in "Including Students with Disabilities in Statewide Assessments," Section III.2.]

Despite the considerable technical difficulties and concerns about the feasibility of including students with disabilities in the new standards and assessments, most educators agree that public accountability for the educational progress of students with disabilities is necessary and is perhaps the most important aspect of including students with disabilities in educational reform.

Governance

New governance structures, such as SBM, appear to be having only limited effects on programs for students with disabilities. Relatively little is known about how special education concerns are negotiated at the district or school level. However, research emerging from the Systemic Restructuring Projects as well as several recent investigations (Guerra, Jackson, & Madsen, 1994; Schofield, 1996) suggests that site councils make few decisions about special education or defer these decisions to central office administrators. This is due in part to the highly prescriptive nature of many local special education policies and procedures, particularly those governing fiscal and personnel resources (McLaughlin, 1996). However, site-based councils are increasingly choosing how to organize special education programs in their buildings, particularly those councils that may have as members parents of students with disabilities. These decisions sometimes result in creation of more inclusive and collaborative programs and

sometimes result in maintaining or re-establishing separate special classrooms.

Charter schools are among the newest reform initiatives, and there is limited information about students with disabilities attending these schools. Studies of early charter schools (GAO, 1995; NCREL, 1994; Urahn & Stewart, 1994) indicated that funding, record keeping, assessment responsibilities, transportation, and delivery of related services were all identified as problems related to special education. A recent review of State charter legislation (McLaughlin, Henderson, & Ullah, 1996) reported that States varied in terms of how explicitly they acknowledged the need to ensure that students with disabilities have access to charter schools. A number of States do require charters for “at-risk” students. State charter legislation most frequently addressed how special education funds would be allocated to charter schools. The proportion of students with disabilities enrolled in charter schools also appears to vary. McLaughlin et al. (1996) reported that in one State the proportion of students with disabilities enrolled in charter schools was less than 2 percent, which was less than the statewide incidence of students with disabilities. Research conducted in another State (McKinney, 1996) suggests that students with disabilities are not enrolling in charter schools and in fact may not have access to them. Some charter schools have been created specifically for students with a particular disability, notably students who are deaf or hard of hearing (McLaughlin et al., 1996; Urahn & Stewart, 1994).

Teacher Policy

Special and general education teacher license reform efforts appear to be on parallel tracks (Andrews, 1995). Both fields are moving toward creating fewer categories of teacher licenses. In addition, in the area of special education teacher licensing, there appears to be a trend toward more developmental and less content- or disability-specific categories. General education teacher license requirements in 22 States include a requirement that elementary teachers have some coursework related to students with

disabilities, and 21 States have a similar requirement for secondary teachers. However, only 11 States require general education teachers to obtain practical experience working with students with disabilities before obtaining a license (Rhim & McLaughlin, 1997). Special education teaching licenses are still based almost exclusively on competencies and/or coursework that are separate from those required of general educators. The NBPTS is drafting standards for teachers of students with special needs, and the Council for Exceptional Children's Core Knowledge and Skills (1995) describes the competencies needed by special education teachers. Both documents include some reference to the need for special educators to have knowledge of general education curricula.

Summary

The education reform strategies being implemented across America's schools present challenges and opportunities for all students. Special education has played a rather limited role in designing the reforms. However, students with disabilities are increasingly included in standards, assessments, and accountability systems. Charter schools and site-based councils are also increasingly faced with decisions about how to design and implement special education programs. The effects of these new policies and programs on students are not yet known. However, many educators anticipate that the educational results of students with disabilities will be enhanced as they participate in more challenging curriculums and as schools become more accountable for their educational progress. Special educators also hope that as their knowledge and experience becomes more important for designing educational reforms, the needs of all students will be better served.

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SECTION I. CONTEXT/ENVIRONMENTAL FACTORS

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Poverty Among Children: The Impact on Special Education

In recent years, the number of children in poverty has increased substantially. More children lived in poverty in 1993 than at any time since the poverty index was developed in 1963. Almost one-fifth of the children in the United States today live in poverty. This percentage is almost double that for older age groups.

The prevalence of children among the poor is striking. Ten percent of all children lived in families with incomes below 50 percent of the poverty line in 1994 (O'Hare, 1996). A study that analyzed the characteristics of the chronically poor (families consistently living below the poverty line for a 2-year period) found that children composed nearly 50 percent of the chronically poor population. Children were also found to be more likely than adults to stay poor for each month of the 2-year period (U.S. Census Bureau, 1996).

The high rate of child poverty in the United States is unusual among industrialized nations. A study by the Children's Defense Fund reported that:

American children are twice as likely to be poor as Canadian children, 3 times more likely to be poor as British children, 4 times as likely to be poor as French children, and 7 to 13 times more likely to be poor than German, Dutch, and Swedish children (Sherman, 1994, Preface, p. xx).

The problems attendant to poverty adversely affect the physical and educational development of children. As poverty among children grows, the incidence of disability increases. The result is significant costs to Federal, State, and local governments to provide needed social, educational, and health services to children and their families.

The following sections will present information on the growth in poverty among children over the past 25 years and the effects of poverty on access to education, educational results, and the need for special education services.

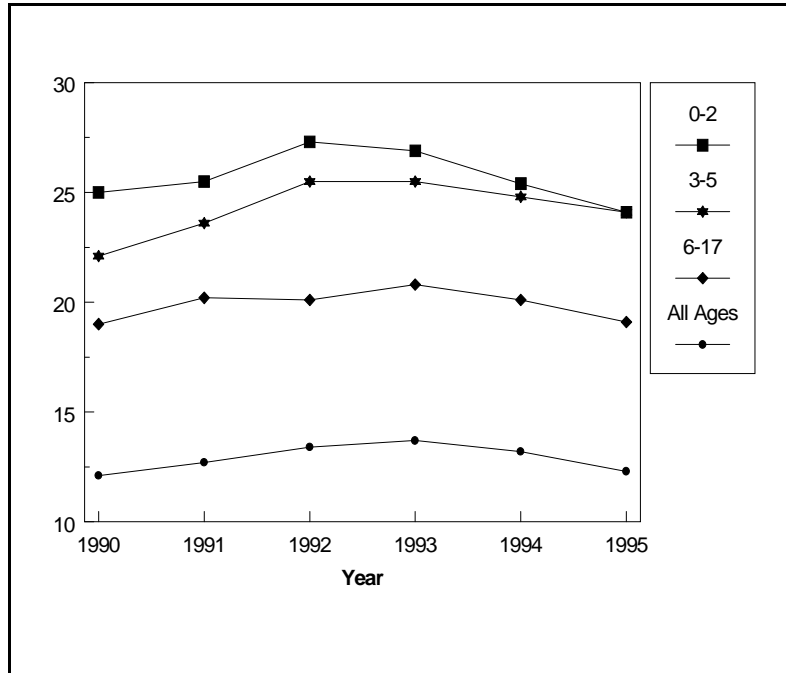
Poverty in America

Poverty in America is measured by the poverty index, which was developed by the U.S. Census Bureau and is based on the cost of an economy food plan. Adjustments are made for age and the number of persons in the household. The index is also adjusted annually for inflation, using the Consumer Price Index. The index reflects only cash income and is not adjusted for individual assets, wealth, or geography. In 1995 the poverty threshold for a single parent with one child was \$10,504. For a single parent with eight children, the poverty threshold was \$29,463.

Ten years after the introduction of the poverty index, the United States experienced its lowest poverty rate ever. In 1973, 11.1 percent of Americans (or nearly 23 million people) were below the poverty threshold. The percentage of children living in poverty in 1973 was 14.4 percent. Year-to-year fluctuations have paralleled changes in the economy. In 1983 at the height of the recession, the overall poverty rate was 15.2 percent. Again, the child poverty rate was considerably higher; 22.2 percent of all children were in poverty in 1983.

Overall poverty rates have remained relatively constant, while child poverty rates have increased. The overall poverty rate has remained around 12 percent over the past 25 years; the child poverty rate increased from 15 to 19 percent for this same period. Poverty rates are not uniform across age groups; younger children have a greater likelihood of being in poverty. Figure I-1 shows the poverty rate by age group over the past 6 years. The figure shows that the youngest age group (birth through 2) has the highest poverty rates. The average annual poverty rate for children birth through 2 was 25.7 percent for these 6 years (1990-95), compared with 3- through 5-year-olds, who

Figure I-1
Poverty Rates for Children and Entire Population
1990-95



Source: U.S. Census Bureau. *Current Population Survey*. March, 1996.

experienced a poverty rate of 24.3 percent, and 6- through 17-year-olds, who experienced poverty rates of 19.9 percent.

The Association Between Poverty and Educational Needs

Poverty creates a variety of problems that affect the education of children. Children from poor families are more likely to experience illness, particularly anemia, pneumonia, tonsillitis, and asthma (Sherman, 1994). The increased likelihood of illness translates to an increased number of school days missed. Using data from the National Health Interview Study, the Children's Defense

Fund calculated that for the years 1990 through 1992 children from poor families (i.e., families with incomes below \$10,000) missed 6.4 school days compared with children from families with incomes over \$10,000, who missed an average of 4.7 days (Sherman, 1994). Health problems also affect the ability of children to learn even when they are in school.

Several studies have analyzed the association between poverty and access to quality education. One study reported that day care centers serving children from high-income families delivered higher quality service than those serving middle- and low-income children (Huston, McLoyd, & Garcia, 1994). A study conducted by the Carnegie Corporation found that less than one-half of all children ages 3 to 5 with family incomes less than \$40,000 were enrolled in preschool, while 82 percent of the children from families with incomes of \$75,000 or more were enrolled (Carnegie Corporation, 1996). The same study reported that fewer than half of eligible low-income children ages 3 and 4 participate in Head Start. Some evidence exists that participation by low-income children in day care programs is positively associated with development of math and reading skills (Caughy et al., 1994). The study further reported that poor children attend schools with fewer fully qualified teachers and that teachers tended to have lower expectations for children from low-income backgrounds.

A pattern of underachievement is also associated with children of low-income families. Moreover, the differences in achievement between poor students and their middle-class peers tends to increase over time (Carnegie Corporation, 1996). Students from low-income families are twice as likely to drop out of high school as their middle-income peers. This higher dropout rate has remained consistent since 1972 (Sherman, 1994). Poor students are 11 times more likely to drop out than their upper-income peers. Approximately 24.6 percent of low-income youths drop out of high school. Dropouts are also more likely to live in poverty than those who finish high school. One in three adults who fell below the poverty threshold were high school dropouts, compared with one in ten adults who

were high school graduates and one in thirty who were college graduates (Sherman, 1994).

The Association Between Poverty and Special Education

The association among health, learning disabilities, and poverty is clear. Data from the National Health Interview Survey found that low-income children are:

- 1.4 times more likely to have chronic health conditions that limit them to some extent in their daily activities,
- 1.9 times more likely to have limitations in major activities, and
- 2 times more likely to be completely unable to carry on a major activity for their age (LaPlante & Carlson, 1996).

Many of the problems associated with poverty can have a cumulative effect throughout the life of the child. For example, poverty has been associated with the increased likelihood that children will be born with a lower than average birth weight. In turn, low birth weight babies have a higher risk of developing learning disabilities, hyperactivity, emotional problems, and mental illness. These babies are also at greater risk of developing neurodevelopmental problems, such as seizure disorders, hydrocephaly, cerebral palsy, and mental retardation. Low birth weight babies are also at greater risk for developing visual and hearing impairments. Statistically, poverty and low birth weight have been found to be equally predictive of the need for special education services. However, when these two factors occur together, the number of students who need special education services is greater than would be predicted for these factors independently.

Data from the 1988 National Health Interview Survey link a child's participation in special education and family

poverty. Based on findings from analyses of children ages 6 through 8, approximately 7 percent of the children are in special education as a result of developmental delays, learning disabilities, and emotional disturbances. The risk for experiencing these problems increases by 2.4 percentage points if the child comes from a low-income family, after controlling for other factors such as race, family structure, parent's education, low birth weight, rural residence, and age (Sherman, 1994).

The health problems found among the poor are exacerbated by limited access to health care. O'Hare found that 30 percent of those in poverty lacked any health insurance in 1994 (O'Hare, 1996).

Summary

The problems attendant to children in poverty affect all aspects of a child's life and development. Children in poverty are more likely to experience low birth weight, an increased likelihood of illness, school absences, lack of access to education, and underachievement. Children in poverty, therefore, are more likely to have disabilities and thus may need special education services to a greater extent than other children.

As poverty among children has increased in the United States, the number of children with disabilities and receiving special education services has also increased. From 1976 through 1995, the growth in the poverty rate among children was 4 percent. Concurrently, the number of students served under IDEA since the passage of Public Law (P.L.) 94-142 in 1975 has increased by more than 50 percent.

Schools and families need assistance to address the problems attendant with poverty that result in the need for education services. New and innovative approaches such as coordinated service systems must be found to meet these needs and to stem the growth of poverty among children.

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The Costs of Special Education¹

IDEA requires that all eligible children and youth receive special education and related services at public expense. They must be provided a free appropriate public education (FAPE) at “public expense, under public supervision and direction, and without charge” (34 CFR §300.8). In recent years, the costs and financing of special education have received extensive media coverage, including a June 1996 feature on *60 Minutes* as well as articles in major newspapers and news magazines across the nation. Many educators, policy makers, and members of the media have reported that special education costs are rising and diverting resources from other parts of the educational system. However, the public may have a different perception. According to a *Phi Delta Kappan/Gallup Poll of the Public’s Attitudes Toward the Public Schools*, 47 percent of the adults surveyed said America is spending too little of its total education budget on students with special needs (such as physical and mental disabilities), while 41 percent said that the right amount is being spent, and only 5 percent said that too much is being spent (Elam, Rose, & Gallup, 1996).

This module provides an overview of the costs of special education using available data. Four critical questions are addressed. First, what information is available concerning the costs of special education? Second, what does available information reveal about the costs of special education over time? Third, what are the current costs of special education? Finally, what factors have influenced the trends in special education costs?

Available Data on the Costs of Special Education

States are required to account for how funds received under Part B are spent. However, gathering and maintain-

¹ This module is based in part on the work of the Center for Special Education Finance (CSEF), one of the several research centers funded by the Office of Special Education and Rehabilitative Services (OSERS).

ing up-to-date expenditure data for special education is a costly and complex undertaking. Many educational agencies lack adequate accounting methods to track explicitly expenditures for categorical programs. In many States, education finance data are reported only in terms of “function” (e.g., administration) or “object” (e.g., salaries), and only some States are able to report expenditure information by program. It is not always clear, moreover, what costs are included in the data that are available from States or local school districts. For example, it is often unclear whether the data include the costs of related services provided by the local school district (e.g., health related services that are necessary for the child to have to attend school, psychological services, etc.). If the data do include those costs, the costs are often not broken down by service category.

The last major national study of special education costs was based on data that are more than a decade old (Moore et al., 1988). As a result, there are no current national data on special education costs. Several sources of cost information will be used to provide the historic costs and estimates of the current costs of special education in this module. These sources include historical data from previous national studies of special education costs and data collected from the States in the 1980s as required by Section 618 of IDEA. Estimates of the current costs of special education are based on a recent State survey conducted by the Center for Special Education Finance (CSEF), the national per pupil cost of education, and the total amount of Federal expenditures for special education. Each of these sources of cost information has limitations that are noted in the discussion below.

Trends in the Costs of Special Education

Table I-1 shows historical time series estimates of the per pupil costs of special and general education based on three national cost studies using data collected in 1968-69, 1977-78, and 1985-86 (Rossmiller, Hale, & Frohreich, 1970; Kakalik et al., 1981; Moore et al., 1988). In comparing the results of these studies, it should be noted

**Table I-1
Changes in Special and General Education
Expenditures Per Pupil Over Time (Expressed in
1995-96 Dollars)^{a/}**

Year	Expenditures	Average Annual Percent Change	
		By Time Segment	Overall Time Period
Average Expenditure Per Special Education Student			
Based on national cost studies (excluding general education costs) ^{b/}			
1968-69	\$2,557		
1977-78	\$4,644	6.9%	
1985-86	\$5,049	1.1%	4.1%
Based on national data (excluding general education costs) ^{c/}			
1983-84	\$4,695		
1986-87	\$5,527		5.6%
Average Expenditure Per General Education Student			
Based on national cost studies (excluding special education costs) ^{b/}			
1968-69	\$2,782		
1977-78	\$3,975	4.1%	
1985-86	\$3,948	(0.1%)	2.1%
Based on national data (including special education costs) ^{d/}			
1983-84	\$4,879		
1986-87	\$5,545		4.4%

Sources:

- a/ The adjustment of data to 1995-96 prices is based on the Federal Composite Deflator.
- b/ Rossmiller, R.A., Hale, J.A., & Frohreich, L.E. (1970). *Educational programs for exceptional children: Resource configuration and costs*. Madison, WI: National Educational Finance Project, Department of Educational Administration, University of Wisconsin; Kakalik, J.S., Furry, W.S., Thomas, M.A., & Carney, M.F. (1981). *The cost of special education* [A Rand Note]. Santa Monica, CA: Rand Corporation; and Moore, M.T., Strang, E.W., Schwartz, M., & Braddock, M. (1988). *Patterns in special education service delivery and cost*. Washington, DC: Decision Resources Corporation.
- c/ State-reported data published in annual reports to Congress (U.S. Department of Education, 1991, and various prior years).
- d/ U.S. Department of Education (1993). *120 Years of American education: A statistical portrait*. Washington, DC: Office of Educational Research and Improvement. National Center for Education Statistics; U.S. Department of Education.

that they are based on different assumptions, samples of districts, and data collection methodologies. These data suggest that the average special education expenditure per special education student in 1995-96 constant dollars, adjusted for inflation, increased at an overall average rate of 4.1 percent a year from school year 1968-69 to school year 1985-86. By dividing this overall period into two separate time segments based on the timing of the three studies, moreover, the rate of growth in the average expenditure per pupil is considerably higher (6.9 percent per year) for the period 1968-69 to 1977-78 than for the period 1977-78 to 1985-86 (1.1 percent).

Because an important purpose of these national cost studies was to compare special to general education expenditures, expenditures on special education were carefully extracted from the general education estimates. Doing so enables expenditures on special education versus general education to be compared in isolation from one another. As with the special education expenditures, the average expenditure per general education student changed at a faster rate during the period between the first and second studies than between the second and third. However, the general trend of a faster growth rate in expenditures for special education holds throughout. Over the full period covered by these three studies, the rate of growth in special education expenditures per special education student is about twice that for general education students (4.1 percent versus 2.1 percent).

Another source for examining special education expenditures over time is national data obtained from the States (as part of the annual State-reported data required under Section 618 of IDEA) for the years 1982-83 through 1987-88. Chaikind, Danielson, and Brauen used these data to derive estimates of the special education expenditure per special education student for the years 1983-84 through 1986-87. These data show an average annual rate of growth in special education expenditures of 5.6 percent for this period, as shown in table I-1 (Chaikind et al., 1993). This percentage change is similar to the 5.1 percent rate of growth estimated by 12 States responding to a national survey on special education costs conducted by

CSEF (1995). Based on these various estimates, it appears that the average change in special education expenditures per pupil during 1983-84 through 1986-87 was about 4 to 5 percent per year. Because so many States are unable to report reliable data of this type, Congress eliminated the requirement that States provide information on special education expenditures in 1990.

The State-reported data described above and data reported by States to the National Center for Education Statistics (NCES) on general education expenditures can also be used to compare the relative rate of growth in the average general education per pupil expenditure with special education per pupil expenditure. These data are based on actual reported expenditures nationwide rather than on the results of studies with different samples of districts and data collection methodologies. However, the State-reported data are less appropriate for comparative purposes because the general education expenditure data include expenditures for special education services. The general education per pupil expenditure is derived by dividing total education expenditures, including special education expenditures, by the total number of students. If the special education expenditure per pupil is rising at a faster rate than the general education expenditure per pupil, as the data in table I-1 suggest, this measure of the increase in the general education per pupil expenditure will be somewhat overstated. The rate of growth shown for this time period is 5.6 percent for special education as compared with 4.4 percent for all of education.

These historical data sources show that the costs of special education have risen at a higher rate than the cost of general education as a whole. However, IDEA was being implemented across the country in the early years of the program, and significant increases in costs are natural during the implementation of new legislation; moreover, during the past 10 years, Congress added the mandate that all preschoolers with disabilities receive a FAPE and added the Part H program for infants and toddlers with disabilities. Again, as programs were implemented costs increased; thus, much of the increase in costs since 1975

can be attributed to new infrastructure necessitated by the expanding age mandate of IDEA.

The Current Costs of Special Education

In response to a recent CSEF survey, 24 States reported that they could estimate the statewide cost of their special education programs, and only 13 could report such costs with a high degree of confidence in the accuracy of their data. The expenditure data reported by these States are shown in table I-2. While some States can report data on special education expenditures, other States cannot report the cost of special education programs separately from their overall education expenditures. As can be seen from the table, States with confidence in their data reported the average cost of special education per student to be \$5,435. The excess or marginal cost of special education, that is, the cost of special education above that expended to provide general education services, was gathered in the survey. As shown in table I-2, approximately 7 percent of financial support for the excess costs of special education comes from Federal sources according to survey data from 24 States.

The Department of Education estimates the excess cost of special education by multiplying average per pupil expenditure for all students (\$5,640) by the number of students with disabilities on December 1, 1995 (5,619,000); this number is then multiplied by the special education to regular education marginal cost ratio (1.14) obtained from the Kakalik et al. study described above. This results in a national estimated total cost of special education of approximately \$36 billion or a per pupil expenditure of approximately \$6,430. This estimate somewhat overstates the marginal costs of special education as it uses the average per pupil expenditure for serving all students, which includes special education students.

**Table I-2
Special Education Expenditures as Reported by Selected States**

State	Total Special Education Expenditures*	Associated Special Education Student Count**	Average State-Defined Special Education Expenditure Per Student	Percentage of Support by Source			Confidence in Data
				Federal	State	Local	
California	\$3,070,700,000 ^A	550,293 ^D	\$5,580	5	71	24	SC
Colorado	\$260,337,092 ^A	76,374 ^E	\$3,409	9	31	60	HC
Connecticut	\$627,331,211	73,792	\$8,501	4	37	59	HC
Florida	\$1,470,186,078 ^B	290,630 ^D	\$5,059	6	56	38	C
Indiana	\$350,430,294 ^B	127,079	\$2,758	17	63	20	NC
Iowa	\$277,700,000 ^B	65,039 ^E	\$4,270	11	70	19	HC
Kansas	\$326,106,608 ^B	47,489	\$6,867	7	54	39	HC
Louisiana	\$427,924,416	108,317 ^E	\$3,951	6	94	0	C
Maine	\$145,000,000 ^B	30,565	\$4,744	8	59	33	HC
Maryland	\$757,328,777	95,752	\$7,909	5	26	69	HC
Massachusetts	\$1,065,523,416	149,431	\$7,131	6	30	64	HC
Michigan	\$1,334,000,000 ^B	188,703 ^F	\$7,069	6	34	60	HC
Minnesota	\$689,656,932 ^A	96,542 ^D	\$7,144	6	70	24	NC
Missouri	\$436,778,659	121,419 ^G	\$3,597	10	30	60	C
Montana	\$54,865,132	17,881	\$3,068	14	60	26	HC
Nevada	\$202,369,114	24,624	\$8,218	4	40	56	C
New Mexico	\$250,000,000 ^B	45,364	\$5,511	9	90	1	SC
North Carolina	\$344,809,332 ^C	142,394	\$2,422	15	76	9	HC
North Dakota	\$54,560,122	12,180	\$4,479	10	31	59	SC
Rhode Island	\$147,300,000	25,143	\$5,858	5	36	59	HC
South Dakota	\$61,618,034	15,208	\$4,052	13	49	38	HC
Vermont	\$79,155,945	10,131 ^H	\$7,813	5	39	56	HC
Virginia	\$608,692,266	129,498 ^D	\$4,700	9	23	68	C
Wisconsin	\$630,000,000 ^A	95,552	\$6,593	6	62	32	C
Total for All Reporting States	\$13,929,607,674	2,581,905	\$5,395	7	53	40	
Total for Highly Confident or Confident States	\$9,514,260,326	1,750,477	\$5,435	7	44	49	

* States reported for the 1993-94 school year except as designated below.

** Count of students reported by the State associated with the reported total expenditure; includes age range 3-21 except as designated below.

A/ 1992-93

B/ 1994-95

C/ 1990-91

D/ Includes age range 0-22

E/ Includes age range 0-26

H/ Includes age range 5-22

E/ Includes age range 0-21

G/ Includes age range 3-22

Confidence in Data:

HC - Highly confident

SC - Somewhat confident

C - Confident

NC - Not confident

Source: CSEF Survey on State Special Education Funding Systems, 1994-95.

Factors Influencing the Trends in Special Education Costs

There are a number of factors that have influenced the costs of special education since IDEA was implemented. Four are discussed below.

Changes in Enrollment. Analyses of enrollment trends in special education show faster growth in this sector than for the public school population. Some of this growth is being caused by rapidly increasing preschool enrollments under the IDEA, Part B Preschool Grants Program and by the recent increases in early intervention services for the birth through age 2 population under IDEA, Part H. Comparing the total resident population birth through age 21 to the number of children served by early intervention or special education from birth to age 21 (including infants and toddlers covered under Part H of the IDEA), 6.78 percent of all children from birth through age 21 received services under IDEA during the 1994-95 school year. For school-aged children, the percentage of special education students ages 6 through 21 in relation to total public and private school enrollments for ages 6 through 21 is 9.77 percent for 1994-95.

During the past 5 years (1990-91 - 1994-95), the school-age special education count has increased by 12.6 percent (4,320,338 to 4,865,974). However, during the same period, total school enrollment has risen by 7.3 percent (46,448,000 to 49,826,000). This is a growth differential of 5.3 percent. This reflects a steady pattern of increases in special education enrollments since the inception of IDEA. Although the growth rate appeared to be stabilizing during the early to mid-1980s, since that time there has been a relatively small but steady increase in the percentage of children served in special education. The increase in the birth to age 5 population is probably associated with the implementation of infants and toddlers and preschool programs and the increasing occurrence of such socio-economic factors as poverty and the increased use of drugs. However, the school-age special education population has also been slowly, but steadily, increasing. Again,

some of this growth may be associated with socioeconomic factors such as the growth in poverty among children.

Changes in Funding Agencies/Types of Services Provided. The increased population of students being served under IDEA may include students who were previously served by other public agencies or third-party payers--for example, students with severe disabilities who were previously served by health care, mental health, and social service agencies. Serving these types of students may be affecting special education expenditures in two ways. First, health care costs have increased at a faster rate than education costs; second, according to a recent report, "medical spending for people with disabilities is four times as great as for people without disabilities" (Max, Rice, & Trupin, 1996). Second, more study is needed to determine whether the increases in special education costs may be largely due to an increase in the costs of related health services included under IDEA. For example, a school may have to provide clean intermittent catheterization or the assistance of a nurse during the day to a child. How much have these costs risen over time and how has the cost of providing these types of services affected overall special education costs?

An increasing number of the students with disabilities who were previously served by other agencies at higher cost in institutionalized settings are now being served in public schools. Shifting the costs of providing special education and related services to these children in a school district may actually have resulted in overall public savings. However, even if small public savings are being realized, shifting services from State agencies to local educational agencies has the effect of transferring the tax burden from the State to the local level. As shown in table I-3, recent CSEF data suggest that local school districts may be paying an increasing share, and State and Federal agencies a decreasing share, of the costs of special education services. In this survey of 20 States, from the 1982-83 school-year to the 1993-94 school-year, Federal and State funds decreased by 1.6 percent and 6.4 percent, respectively, while the local share of costs has been reported to rise by 8.0 percent.

Table I-3
Changes in Federal, State, and Local Shares of Special Education Spending Over Time by States Expressing Confidence to High Confidence in the Data Accuracy

	Special Education Spending		
	Federal	State	Local
Confident to Highly Confident Survey States (N=20)			
1982-83 school year	8.7%	50.4%	41.0%
1987-88 school year	7.3%	50.5%	42.3%
1993-94 school year	7.1%	44.0%	49.0%
Percent Change			
1982-83 to 1993-94	-1.6%	-6.4%	+8.0%

Source: CSEF Survey on State Special Education Funding Systems, 1994-95, and the *Fourteenth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*.

Cost Containment Strategies. Cost containment strategies, such as property tax restrictions, that limit growth in general education expenditures have not limited the growth in special education expenditures. Expenditures for programs with mandated service provisions such as special education may be less controllable than those for general education. As a result, revenue restrictions may be disproportionately imposed on general education programs. This would force a reduced rate of expenditure growth in general in relation to special education.

Changes in the Population. Sociodemographic factors also play a role in the rising enrollments and costs of serving students with disabilities. Nationwide, the population of school-age children is becoming increasingly diverse and in need of special services. The number of economically and medically at-risk students--children in poverty, or born with low birth weight, or with parents engaged in substance abuse, or infected with AIDS--is increasing and contributing significantly to the increase in the population

eligible for special education services (Chaikind & Corman, 1991; Anthony, 1992).

Summary

IDEA is an entitlement program; students with disabilities who are found to be eligible for IDEA services must be provided a FAPE. As the nation strives to balance its public budgets at the Federal, State, and local levels, spending on entitlement programs necessarily draws considerable attention. Consequently, the cost and efficacy of special education programs have received considerable attention in recent years. IDEA is also a civil rights statute; students with disabilities found eligible under IDEA have rights that cannot be withheld.

Only estimates are available of the current costs of special education. When compared with historical estimates, these data show that the total cost and per pupil costs of special education have risen since IDEA was enacted. While a primary factor in this growth has been the increased enrollments in special education, especially among very young children, several other factors have contributed to the rise in costs. Changes in the socio-demographic characteristics of the population may also contribute to the increase in the number of students receiving special education services. Moreover, education agencies have taken a greater role in providing a wide variety of education-related services to children with disabilities over the years since IDEA was passed.

OSEP is pursuing valid and reliable methods for determining the costs of special education as well as the causes for increasing costs and the implications of the growth in such costs. In particular OSEP is examining the demographic trends and education reforms that affect these costs; methods for cost sharing and enhanced productivity across education, social, and health services; and the impact of inclusion on the costs of special education.

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Problems Facing Education: Substance Abuse and Violence

An environment that is conducive to learning must be safe, disciplined, and orderly. Yet youth substance abuse and violence are at a high level and may be escalating. These problems interfere with the ability of children to learn. For children with disabilities who require specially designed instruction, these problems are particularly salient for a number of reasons. First, many students with disabilities have difficulties processing information, which can be exacerbated by disturbances in the learning environment. Second, some children with disabilities are at higher risk for engaging in substance abuse and violence due to the nature of their disability, for example, those students with emotional disturbances. Finally, students with disabilities are often the most vulnerable targets of violent students. In recent years, there has been much debate in Congress on the topic of violence in schools and how that violence relates to students with disabilities. Topics debated have included the types of disciplinary actions that should occur for students with disabilities, the type of data that should be collected, and how often students with disabilities are the victims or the aggressors. This module examines trends in youth substance abuse and violence and describes the major efforts under way to combat these problems.

Youth Substance Abuse

During most of the 1980s, youth substance abuse declined. However, some types of youth substance abuse have increased dramatically since 1992. While illicit substance abuse among adults has been stable or declining for several years, it has been on the rise among secondary school students (see table I-4). This trend has resulted primarily because of increased marijuana use. The same pattern of increasing illicit substance abuse is also found among 8th grade and 10th grade youth.

**Table I-4
Trends in Prevalence of Substance Use by Secondary School Students and Young Adults, by Type of Substance**

Source and Age Group	Year				
	1991	1992	1993	1994	1995
Illicit Drug Use: Annual Prevalence					
MTF, 8th grade	11.3	12.9	15.1	18.5	21.4
MTF, 10th grade	21.4	20.4	24.7	30.0	33.3
MTF, 12th grade	29.4	27.1	31.0	35.8	39.0
NHSDA, 18-25	29.1	26.4	26.6	24.6	NA
NHSDA, 26-34	NA	18.3	17.4	14.8	NA
Alcohol Use: Annual Prevalence					
MTF, 8th grade	54.0	53.7	51.6	46.8	45.3
MTF, 10th grade	72.3	70.2	69.3	63.9	63.5
MTF, 12th grade	77.7	76.8	76.0	73.0	73.7
NHSDA, 18-25	82.8	77.7	79.0	78.5	NA
NHSDA, 26-34	NA	79.0	81.0	78.8	NA
Cigarette Use: 30-Day Prevalence					
MTF, 8th grade	14.3	15.5	16.7	18.6	19.1
MTF, 10th grade	20.8	21.5	24.7	25.4	27.9
MTF, 12th grade	28.3	27.8	29.9	31.2	33.5
NHSDA, 18-25	32.2	31.9	29.0	34.6	NA
NHSDA, 26-34	NA	33.7	30.1	32.4	NA

Note: MTF = Monitoring the Future Study, which is a national classroom-based survey conducted by the University of Michigan for the National Institute on Drug Abuse. NHSDA = National Household Survey on Drug Abuse, which is a national in-person household survey conducted by the Research Triangle Institute for the Substance Abuse and Mental Health Services Administration.

In contrast, alcohol use by secondary school students and adults has remained stable or declined during the 1990s. Although this trend toward lower rates of alcohol use among youth is encouraging, alcohol use among youth remains high, and prevention efforts remain a priority.

Finally, cigarette use has been increasing among secondary school students and adults. The same pattern of increasing cigarette use is also found for younger students, that is, 8th grade and 10th grade youth.

Youth Violence

Youth violence has increased dramatically over the past decade and has entered institutions, most notably the school system, that had previously been considered immune to it. The trend toward violence in schools arises from the convergence of four factors: (1) violence is increasingly prevalent throughout our society, (2) much of the violence that occurs in this country is between family and friends, (3) adolescence is a developmental period of heightened negative behavior such as violence, and (4) risk of violence differs among adolescents (Tolan & Guerra, 1994).

In the United States, adolescents are at greater risk for either becoming victims of violence or being the perpetrators of violence, compared with all other age groups. The *Uniform Crime Reports* indicate that the arrest rates for violent offenses for juveniles (children and youth 10 to 17 years old) jumped by 18.8 percent from 1990 to 1994 and by 67.2 percent from 1985 to 1994 (Federal Bureau of Investigation, 1995). In comparison, adult violence either remained stable or increased at a slower pace than youth violence. Further, the most frequently occurring (modal) age of violent offenders is decreasing (Tracy et al., 1990). Generally, much of the violent crime among youth is perpetrated by a relatively small number of adolescents (Tracy et al., 1990).

The trends in youth violence in the general community have clearly spilled over into the schools. Data from the National Crime Victimization Survey (Bastian & Taylor, 1991) indicate that 2 percent of youths ages 12-19 reported being victims of violence on school property. A recent study by the Centers for Disease Control and Prevention found that 50 percent of boys and 25 percent of girls reported being physically attacked by someone at school (Centers for Disease Control, 1992, cited in Tolan & Guerra, 1994). The implications of violence taking place on school property extend beyond issues of safety for other students and protection of school property, important as those issues are. Adolescents who are violent display a

variety of behavioral problems that clearly have a negative effect on their school readiness and success.

Some have speculated that students with disabilities disproportionately contribute to the incidence of acts of violence and other negative behaviors within schools. Others believe that, overwhelmingly, students with disabilities are more often the victims rather than the instigators of these behaviors. To date, little information is available about the extent of substance abuse and violence among students receiving special education services.

Efforts To Combat Youth Substance Abuse and Violence

Mounting evidence suggests that the problems of adolescents such as dropping out of school, drug and alcohol abuse, early pregnancy and parenthood, and delinquency and violence are interrelated and that antisocial, sexual, and drug-using behaviors tend to correlate (Hawkins, Catalano, & Miller, 1992; Jessor, 1987; Steinberg, Mounts, Lamborn, & Dornbusch, 1991). Some evidence also indicates that antisocial behavior tends to precede substance abuse, so interventions that try to prevent antisocial behavior and its correlates early in adolescence, may reduce the advent of more serious problems by middle adolescence (Dishion & Andrews, 1995). Dryfoos (1990) has suggested that 25 percent of 10- to 17-year-olds are at high risk of engaging in multiple-problem behaviors.

To prevent youth substance abuse and violence and related behavior problems, programs should ideally consider and address the multiple problems of adolescence. The Safe and Drug-Free Schools and Communities Act Program (SDFSCA) is the major Federal effort to prevent youth substance abuse and violence in schools. This program, which is administered by the U.S. Department of Education, provides nearly \$500 million to State educational agencies (SEAs) for prevention program development and operation. The SEAs have a great deal of discretion in how they choose to allocate funds to local educational agencies (LEAs); in turn, the LEAs have substantial latitude in

setting program priorities. For example, funded activities include training teachers, intensive programming for “at-risk” students, and purchase of metal detectors and other safety-related devices.

Summary

Substance abuse and violence are increasing among today’s school children. More children are committing violent acts or are the victims of violence at increasingly younger ages. Violence in schools can negatively affect students’ school success. These disturbing trends have led to increased Federal, State, and local efforts to find preventive approaches such as teacher training, heightened school security, and intensive programs for at-risk students. As the search for prevention programs to benefit all students continues, careful attention needs to be given to the effects of substance abuse and violence on children with disabilities and their families.

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Disproportionate Representation: Can This Civil Rights Concern Be Addressed by Educators?

For students who are either inappropriately placed in special education programs or denied access to appropriate special education services, the consequences are often serious and enduring. Disproportionate representation of minority students in special education programs also raises serious concerns about compliance with laws administered by the Department of Education. For these reasons, the disproportionate number of racial and ethnic minority students who are identified, referred, evaluated, classified and placed in special education classes or programs in relation to their representation in the overall school population has been a matter of longstanding concern within the Department.

Issues regarding minority students and special education have been a focus of concern for both OSEP, which administers IDEA, and the Office for Civil Rights (OCR). When P.L. 94-142, the Education of All Handicapped Children Act (now known as the IDEA), was enacted in 1975, it reflected two important concerns. One concern was that large numbers of students with disabilities were either unserved or receiving services that did not meet their individual educational needs. A second important concern was that some students, particularly minority students, were being misclassified and inappropriately placed in special education programs.

The IDEA statute and its implementing regulations contain a number of provisions, particularly in the areas of protection in evaluation and due process procedures, which reflect these concerns. The research, demonstration, and technical assistance activities under the IDEA discretionary grant programs have also made a substantial contribution

SECTION I. CONTEXT/ENVIRONMENTAL FACTORS

to the knowledge and understanding about the complex issues concerning minorities and special education.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (ADA) and Title VI of the Civil Rights Act of 1964 (Title VI). Section 504 and the ADA prohibit discrimination against individuals with disabilities. The protections of Section 504 and the ADA also apply to individuals who are perceived as having but do not actually have a disability, such as students who have been misclassified. Title VI prohibits discrimination on the basis of race, color and national origin.

Issues regarding minorities and special education have been of concern to OCR since its inception in 1965 because of concerns about placement in special education programs constituting a form of within-school segregation of minority students. Data from OCR's Elementary and Secondary School Civil Rights Compliance Report (formerly the Elementary and Secondary School Civil Rights Survey) has consistently identified persistent patterns of minority students being disproportionately represented in special education programs and classes relative to their enrollment in the general school population.

Data from the OCR 1992 Compliance Report, as well as current OCR cases, document disproportionate representation of racial and ethnic minorities in special education as an ongoing problem nationwide, with continuing concentrations in particular regions and States. For example, the 1992 data show that, nationwide in 1992, African Americans accounted for 16 percent of the total student population, yet African Americans represented 32 percent of the students in programs for students with mild mental retardation (MMR), 29 percent of the students in programs for students with moderate mental retardation, 24 percent of the students in programs for serious emotional disturbance or students with behavioral disorders, and 18 percent of students with specific learning disabilities (see table I-5).

**DISPROPORTIONATE REPRESENTATION: CAN THIS CIVIL RIGHTS CONCERN BE ADDRESSED
BY EDUCATORS?**

**Table I-5
Selected Data From the 1992 OCR Compliance Report**

	Total	Percent of White to Total	Percent of Black to Total	Percent of Asian American/ Pacific Islander to Total	Percent of Hispanic to Total
Total Universe Membership	42,239,455	67% 28,505,553	16% 6,872,017	3% 1,451,338	12% 4,969,313
Mild Mental Retardation	351,226	61% 213,538	32% 111,210	0.9% 3,129	5% 19,156
Moderate Mental Retardation	124,216	58% 72,600	29% 36,188	2% 1,967	9% 11,783
Serious Emotional Disturbance	295,810	67% 199,207	24% 70,162	0.7% 2,018	7% 20,559
Specific Learning Disability	2,233,141	68% 1,517,748	18% 397,984	1% 24,784	12% 262,696

Developed: February 25, 1997 by P. McCabe.

Source: 1992 Elementary and Secondary School Civil Rights Compliance Report; National Projected Data for Universe Membership and Selected Disability Categories.

For minority students, misclassification or inappropriate placement in special education programs can have significant consequences, particularly when these result in the child's being removed from regular education settings and being denied access to the core curriculum. Of particular concern is that, often, the more separate that a program is from the general education setting, the more limited the curriculum and the greater the consequences to the student, particularly in terms of access to postsecondary education and employment opportunities. The stigma of being misclassified as mentally retarded, seriously emotionally disturbed or as having a behavioral disorder may also have serious consequences in terms of the student's

own self-perception and the perception of others, including family, peers, teachers, and future employers.

In some districts, the disproportionate representation of minority students in special education classes also results in significant racial separation. This raises concerns that unlawful racial segregation may be occurring, in violation of Title VI. This is a matter of particular concern in school districts that once had laws requiring racial segregation.

As a result of its concerns, OCR commissioned a study by the National Research Council (NRC) of the National Academy of Sciences which resulted in the 1982 report, *Placing Children in Special Education: A Strategy for Equity* (Heller, Holtzman, & Messick, 1982). The study provided a number of important insights into the problem, including the linkage between lack of access to effective instruction in regular education programs and placement in special education programs; the uses and misuses of testing and assessment for educational purposes; the multiplicity of factors, many external to the child, affecting whether a child would be labeled mentally retarded; and the underlying patterns of placement of minorities in special education reflected in OCR's data.

At the time it was issued, the NRC report represented an important reconceptualization of the nature and origins of the problem and how to address the underlying causes through a focus on educational approaches. Of particular importance was the report's focus on the issue of access to effective instruction prior to special education referral and placement. The NRC observed:

An almost uniform feature of the selection process for . . . [special education] . . . placement is that it begins with an observation of weak academic performance. . . . [R]eferral for . . . placement seldom occurs in the absence of weak academic performance. . . .

While academic failure is often attributed to the characteristics of the learners, current achievement also reflects the opportunities to learn in school. If such opportunities have been lacking

or if the quality of instruction varies across subgroups of school-age population, then school failure and subsequent . . . referral and placement may represent a lack of exposure to quality instruction for disadvantaged and minority children.

Slavin et al. (1993) have concluded that, for most children who are referred for special education evaluation, academic failure will be related to problems in learning to read. One initiative, the America Reads Challenge, is designed to marshal local resources to improve reading levels in the United States. The goal of the initiative is to help ensure that all children can read on an appropriate level by the end of third grade. National Assessment of Educational Progress (NAEP) reading results show that in 1992, 29 percent of fourth graders were reading at or above the proficient achievement level and that in 1994 the results were virtually unchanged at 30 percent (NCES, 1995). Being unable to read well by the end of third grade increases the student's risk for dropping out of school, having fewer job options, and increased delinquent behaviors (Lloyd, 1978).

OCR and OSEP have continued to seek solutions to this critical civil rights issue by allocating additional resources to address the issue as a programmatic priority. Through its discretionary grant programs, OSEP has funded important research and technical assistance activities that have provided insight into the issues concerning minorities in special education and effective strategies to resolve the concerns. This research has played a critical role in advancing the knowledge and understanding about how to address more effectively the multiplicity of complex issues concerning minorities and special education. For example, under an agreement with OSEP, Project FORUM held annual policy forums in 1993, 1994, and 1995 on ways to address these issues. For each forum, a proceedings document was written and disseminated. In addition, Project FORUM produced four other documents exploring the topic of disproportionate representation of minorities in special education [Project FORUM at National Association of State Directors of Special Education (NASDSE)].

The Center of Minority Research in Special Education at the University of Virginia will also serve as an important focus for gaining new insights into a number of complex issues and developing effective implementation strategies. Through a variety of activities, OSEP has also encouraged the development of partnerships among regular education, special education, and Title I personnel.

OCR has designated minority students in special education as a priority enforcement issue. It has conducted more than a hundred compliance activities on aspects of the issue, including the placement of students in programs for students with MMR, serious emotional disturbance, or behavioral disorders; equal access to pre-referral programs; and lack of access to programs in regular education settings. Issues concerning national origin minority students who are limited English proficient (LEP)--both in terms of misclassification and denial of access to special education services--represent another facet of minorities and special education that OCR is addressing through its priority enforcement efforts.

A significant aspect of both OCR's and OSEP's efforts to address the problem includes the development and dissemination of resource materials aimed specifically at preventing and correcting the problem of disproportionate representation (Markowitz, Garcia, & Eichelberger, 1997).

OSEP, the Early Childhood Institute of the Office of Educational Research and Improvement (OERI) and the National Institutes of Health (NIH) have funded a study, *Preventing Reading Difficulties in Young Children*, which will be completed in late 1997. This report will provide information on strategies to prevent one of the kinds of academic failure that often precedes special education referral.

Finally, the overrepresentation issue may be viewed as having three facets. The first phase concerns leading up to referral for special education evaluation, which for many children is the time from when they entered school until around the third or fourth grade. The second phase concerns the process of evaluating the child and making decisions about whether the child has a disability and the child's placement in special education. The third aspect

concerns the nature of the program that the child receives after the determination has been made that the child has a disability. Will the child be placed in a separate classroom for the entire day or will the child receive instruction in the regular curriculum?

The complexity of this issue requires an integrated and multifaceted effort to promote greater educational access and excellence for racial/ethnic minority students that involves policy makers, educators, researchers, parents, advocates, students, and community representatives. The disproportionate representation of racial/ethnic minority students in special education programs and classes points to the need to:

- make available strong academic programs that foster success for all students in regular and special education;
- implement effective and appropriate special education policies and procedures for referral, assessment, eligibility, classification, placement, and re-evaluation;
- increase the level of home/school/community involvement in the educational process; and
- use diverse community resources to enhance and implement educational programs.

The Department of Education maintains a continuing interest in studies that result in improved academic achievement and that may reduce inappropriate referrals to special education.

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