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Improving Special Education

A Fact Sheet Prepared by the Staff of the
New York State Commission on Property Tax Relief

Background

Special education serves a broad spectrum of students, whose challenges range from needing extra help in reading or math to serious disabilities requiring extensive educational support and services. Special education is expensive and its cost is growing at a faster rate than general education. While New York invests more in special education than most states, comparison of education performance shows New York lagging behind in key measures. Special education is driven by a combination of federal law, state law, and state regulations. As of 2007, New York has an additional 204 special education mandates that clarify or exceed federal mandates.

We, as a State, must do a better job of providing in the general education setting the “extra help” and other supportive services that parents demand and children with milder issues need. Classifying students into special education is not only more costly, but more restrictive and potentially less conducive to a student’s success. To accomplish this goal, parents need to be able to trust that their children will be better served in the general education environment. Therefore, general education services for students with milder issues must be enhanced.

The Problem: Special education reform is needed because:

- **Costs are too high** – New York ranks 1st by a large margin in special education instructional expense per pupil. Based on salaries (the only comparative expenditure data available), New York spent \$10,466 per pupil in 2005, three times more than the national average of \$3,428. New Hampshire was a distant second, at \$6,775 per pupil. New York also has higher staffing levels, which leads to higher costs. Student-teacher staffing ratios in the state were about 9:1 in 2005 compared to the national average of 14:1.
- **Despite spending more, New York lags behind other states in key performance measures** – New York ranked 38th in 2005 in successfully exiting the special education system with a diploma, certificate or transfer to regular education.
- **Special education is very expensive, accounting for one quarter of all instructional expense.** Special education is a key driver in the growth of school expense. In 2006-07, instructional expense¹ for special education was 2.5 times the cost for general education. It accounted for 27% of all instructional expense and for 12% of all pupils. Over the last five years, special education expense has grown at a faster annual rate (9.0%) than general education (5.7%).
- **Classification rates among districts with similar demographics vary widely.** For example, among average need districts, the special education classification rate ranges from 2.2% to 23.1%. The wide disparity between districts is directly related to: 1) variation in subjective standards being applied for classification by different districts; and 2) differing capacities of districts to

¹ Instructional expense was 75% of \$48.6 billion in Total Expense for school districts (including New York City).

accommodate students who need for extra help in general education settings. The New York State Board of Regents has often expressed concern about inappropriate classification and SED has worked to avoid unnecessary classification.

- ***Classification should not be required to meet the needs of children with milder issues:*** Too often students with mild learning challenges are classified and placed in special education, which results in those students being placed in more restrictive or separate settings, as well as expending scarce funds on administration as opposed to education.

Improving Special Education

New York State has always had, and continues to have, a deep commitment to the social compact that demands that we care for those most in need. The Commission created a roadmap to reduce expenses related to special education while improving services and outcomes for students and their families. The Commission proposes that the State:

- **Shift the emphasis of the State Education Department from regulatory enforcement to outcome-based accountability**, through targeted intervention to promote best practices in school districts.
- **Dramatically accelerate the integration of special education with general education, improving and increasing opportunities** to benefit students who need extra help within the general education setting.
- **Decrease special education classification rates** by requiring the State Education Department to review those school districts with classification rates 20% higher than the state average and provide assistance as needed.
- **Reduce the cost of litigation** by promoting alternative dispute resolution, improving the consistency and effectiveness of hearing officers, and by shifting the burden of proof back to the plaintiff except when the family is unable to afford counsel.
- **Increase collaboration** to enhance local and regional service delivery to students.
- **Secure additional federal funding** to reduce the pressure on the property tax.