

The Abell Report

What we think about, and what we'd like you to think about

Published as a community service by The Abell Foundation

ABELL SALUTES: Maglev-Maryland, for Keeping an Eye on the Prize — Baltimore to Wash- ington in 20 minutes

The vision has been there for a generation: a high-speed train that would make the trip from Baltimore to BWI and on to Washington in 20 minutes, and full of the promise of unimaginable consequences. Throughout its life on the national agenda, the train and the system have been known as Maglev (short for magnetic levitation), and its feasibility is being continuously debated. But for Baltimore, the Maglev debate has been about how to make Maglev happen for Baltimore City

Beginning in 1991 when Senator Mikulski garnered a \$500,000 award to Maryland to prepare a feasibility study of Maglev, the project was freshly invigorated. Quick to see its potential, a consortium of Baltimore elected officials and business leaders aspired to position the Baltimore-D.C. Maglev as a leading contender. To promote the idea, Maglev-Maryland was born.

With renewed Congressional interest in Maglev, two years ago the U.S. Department of Transportation awarded funding to seven potential corridors nationwide as part of an effort to determine the most

continued on page 4

Still Getting It Wrong: The Continuing Failure of Special Education in Baltimore City

By Kalman R. Hettleman

In many respects the Baltimore City Public School System has made great progress over the past several years. Yet its Special Education program — despite massive efforts for at least a decade and prolonged U.S. District Court supervision — is still squandering too much time, attention and money on excessive paperwork and bureaucracy at the expense of better instruction. Special Education students are not coming close to achieving their academic potential.

The report from which this article is drawn is based on over 75 interviews of persons directly involved with BCPSS Special Education. It is also based on the review of thousands of pages of documents obtained mainly under the Maryland freedom of information act and surveys of national literature on Special Education. The emphasis in the report is on elementary school children with mild disabilities, especially in reading.

The best news is the extraordinary dedication and ability of many BCPSS special educators. They are unsung heroes. BCPSS has also made commendable gains, especially in achieving compliance with procedural requirements.

But the progress in improving instruction has been far too slow. Special

educators are not getting the support they deserve. And the Special Education accomplishments touted by BCPSS have been inflated.

Most importantly, there is widespread misunderstanding — even among the BCPSS New Board of School Commissioners and the judge in the Court case known as *Vaughn G* — about how and why Special Education is falling far short of its mission, and potential.

Here are major findings that are largely unknown or misunderstood.

- The BCPSS Special Education program continues to focus on excessive paperwork and other bureaucratic procedures that do very little to improve instruction and are unnecessary. BCPSS' record of procedural compliance already exceeds the requirements of federal and State laws and, according to experts, what is required of other school systems in Maryland and across the country.
- The preoccupation with procedural compliance is expensive and wasteful. A rough, conservative estimate of excessive spending for compliance is about \$14 million per year. Only

continued on page 2

rough estimates are available, because BCPSS does not have a unified Special Education budget and does not isolate or analyze compliance expenditures. But the magnitude of the spending and misspending is immense.

- What's far worse, the time and money currently spent on unnecessary paperwork and bureaucracy are desperately needed to improve academic outcomes. The excessive focus on compliance diverts attention from instruction, impedes the essential integration of Special Education and General Education, saps morale and makes it harder to recruit and retain Special Education teachers and other service providers. BCPSS has made large strides in General Education instruction under its Master Plan, but no comparable blueprint exists for reform of Special Education instruction.
- The ugly secret of Special Education – too often ignored even by advocates for children with disabilities – is that Individual Education Plans (IEPs) are woefully inadequate. The over-expenditures for procedural compliance obscure the under-funding of instruction and related speech and language, psychology and social work services. Many IEPs are tailored to fit budget limits, not the instructional needs of the child.
- Despite the inadequacy of resources, BCPSS has done little to include needed Special Education services in the lawsuit against the State over ade-

▲

***Time and money
currently spent on
unnecessary paperwork
and bureaucracy
are desperately
needed to improve
academic outcomes.***

▼

quate funding or in annual pleas to the State for additional aid. Nor have the plaintiffs and the Court in the *Vaughn G* case addressed BCPSS' fiscal straits; they have been content to force BCPSS to siphon off funds from General Education to pay for the rising costs of Special Education, without regard for the harm caused to General Education.

- BCPSS tries to avoid accountability by blaming the Court for the excessive focus on compliance. However, BCPSS' hands are not tied as tightly as it claims. For example, the BCPSS Special Education Office has self-imposed a lot of paperwork and bureaucracy on top of what is required under the Court decrees.

Moreover, because most Court decrees are actually "consent" agreements that BCPSS has negotiated with the other parties in the *Vaughn G* case, BCPSS could take a stronger stand in such negotiations and refuse to continue to consent to unreasonable demands. BCPSS could also

seize the initiative from the plaintiffs and develop a plan for instructional reform that would help to shift the focus from compliance to instruction.

- Lastly, the *Vaughn G* proceedings do not legally justify BCPSS' secret decision-making process on Special Education policy. The Board makes virtually all Special Education policy decisions behind closed doors, and the Special Education Office routinely withholds information from public scrutiny. When the Board publicly approved the Special Education Implementation Plan for this school year, no public document was available and no public notice or discussion preceded Board approval.

The BCPSS Special Education program is not alone in its failings. Special Education is under attack nationally for being too focused on procedural compliance at the expense of instruction. Still, BCPSS, in view of all the years of extensive effort, should be ahead of the pack on boosting student achievement. Instead, like generals fighting the last war, top Special Education administrators are stuck in an outdated compliance mindset. There has been little leadership on the instructional reform front.

Recommendations follow for actions by the BCPSS Board and Chief Executive Officer, including many immediate steps that can be taken without Court approval.

1. BCPSS should take aggressive, immediate steps on its own to lessen the excessive focus on procedural compliance and the waste of resources.

BCPSS should seek an outside
continued on page 3

continued from page 2

review to determine the necessity and cost-effectiveness of the vast compliance machinery and procedures that exist. Most of BCPSS' 350-plus compliance audit standards are not mandated by law or consent decrees, nor do they exist elsewhere in the country. BCPSS should begin immediately to dismantle its self-imposed extra layers of paperwork and bureaucracy.

2. BCPSS should develop a strategy and plan to reform Special Education instruction and to improve the academic achievement of Special Education students.

A. The integration of Special Education with General Education must be accelerated and strengthened. The Special Education Office should be placed under the Chief Academic Officer, and infused with fresh instructional leadership.

The key to better academic results for Special Education students lies in more closely integrating Special Education with General Education at all levels, from central offices to the classroom. Yet, the Special Education Office operates with considerable autonomy. In the past, an argument could be made that a separate Special Education Office reporting to the Chief Executive Officer was necessary to put muscle behind the overhaul of procedural compliance. But with compliance on track and instruction off track, that possible justification no longer exists.

Even if the Special Education Office is brought under the Chief Academic Officer, new instructional leadership at the top is necessary. The current top leadership appears hardworking and deserves credit

for the great strides in compliance. But it lacks comparable expertise in instructional best practices. Even if the *Vaughn G* case ended, it would remain fixated on procedural dictates, and its autocratic management style is unsuited to the overriding task of building bridges to General Education.

B. BCPSS must develop a plan for instructional reform that prevents mild learning problems from turning into virtually irremediable “disabilities.” The plan must strengthen early interventions, incorporate emerging research on instructional best practices and provide more training for teachers in reading.

BCPSS has been slow to recognize the critical link between early reading proficiency and the persistent poor academic performance of Special Education students. Problems in reading are the root cause of the eligibility of about half of all students receiving Special Education services. Most of these students have relatively mild learning problems that could be overcome through earlier and better instruction.

▲
Problems in reading are the root cause of the eligibility of about half of all students receiving Special Education services.
▼

C. BCPSS must advocate vigorously for adequate resources for Special Education instruction.

The additional resources needed for Special Education instruction and related psychology, speech and language and social work services appear to far exceed the possible savings from reduced compliance expenditures. BCPSS should develop an adequacy plan for Special Education based on the best available research and incorporate the plan in ongoing litigation against the state over funding and in lobbying the Governor and General Assembly for more aid.

3. BCPSS must take a smarter and stronger stand in the *Vaughn G* case and try to accelerate the pace of disengagement from Court supervision.

A consent decree dated May 4, 2000 holds out the promise that if BCPSS achieves “substantial compliance” with a series of benchmark outcomes by June 2002 and June 2003, the Court will disengage from its current supervision. Yet, disengagement is not likely to proceed as quickly as BCPSS hopes. Some of the outcomes are difficult to achieve; the Court has vast discretion; the plaintiffs will continue to resist disengagement; the BCPSS Special Education Office is ambivalent about disengagement; and the case has taken on a long, litigious life of its own that fosters prolonged legal squabbling.

BCPSS must overcome these obstacles. It must do more to highlight the wasteful focus on compliance, and the chasm between Special Education and General Education caused by the Court's micro-management. It should offer the parties and Court a new strategy and plan focused on instruction. At the same time, BCPSS must be prepared to act tougher as well as smarter. It must refuse to be intim-

continued on page 4

continued from page 3

idated into entering into unwise consent decrees, and opt instead, as a last resort, to go to trial and to appeal if necessary.

4. BCPSS must end the secrecy that surrounds Special Education and ensure full public discussion about policy choices.

The Board should end its practice of holding virtually all discussions of Special Education policy behind closed doors. There should be full public disclosure of information, policy options and decision-making. For example, Special Education should no longer be shielded from the public Master Plan process under the state-legislated City-State Partnership. Confidential negotiations in *Vaughn G* should be limited to putting the final legal touches on policy priorities and directions set publicly by the Board. The Board Committee on Special Education should meet regularly, post notices of its meetings and invite public participation.

Because the Special Education Office tends to keep a tight grip on information and options (even the Board and high-level administrators are not kept fully informed), placing it organizationally under the Chief Academic Officer should also help to pierce the veil of secrecy.

These recommendations are directed to BCPSS, which must shoulder primary responsibility for transforming the focus of Special Education reform from compliance to instruction. But this report is also intended as a plea to the Maryland Disability Law Center, which represents the plaintiffs, and the Court to collaborate with BCPSS in the transformation. The issue, of course, is not intent. MDLC and the Court are dedicated to protecting the legal rights of children with disabilities, and deserve praise for enforcing proce-

dural safeguards. Still, they are stuck in a kind of time warp and do not seem to realize how the needs of Special Education children have changed dramatically over the years. The tide of reform must turn from guaranteeing procedural access to assuring the quality of instruction, especially in reading. The legal process must take a step back and return authority and accountability where it belongs: with the New Board of School Commissioners and the Chief Executive Officer.

The Board and CEO have risen to other challenges. It is hoped the report will assist them to recognize the steps that must be taken to place the quality of instruction at the forefront of Special Education reform and will assist the community in holding them accountable for their action or inaction.

The report may also enable school systems across the country to benefit from the painful lessons learned in the Baltimore City schools. All of our nation's children with special needs deserve better.

• • •

Kalman R. Hettleman is an independent education analyst and advocate in Baltimore, a former member of the Baltimore City school board and a former Maryland state secretary of human resources. His e-mail address is khettlem@erols.com

*The full text of
"Still Getting It Wrong:
The Continuing Failure of
Special Education in
Baltimore City"
is available on
The Abell Foundation's website at
www.abell.org.
or
write to:
The Abell Foundation
111 S. Calvert Street
23rd Floor
Baltimore, MD 21202*

ABELL SALUTES:

Continued from page 1

promising location for demonstration. As a result of the competition, the U.S. Department of Transportation chose Baltimore to Washington as one of two regions to complete an Environmental Impact Statement and preliminary engineering. (The other region chosen is Pittsburgh to Greensburg, PA.)

Only one region will be chosen for demonstration sometime in 2003.

According to Phyllis Wilkins, director of Maglev-Maryland, "We were organized to watch, to learn, to make our influence felt, to raise money, to work closely with the Maryland delegation in Congress and with the Maryland Department of Transportation, all leading to our one objective—to bring Maglev to the Baltimore-Washington corridor, and sooner rather than later."

Their work has paid off—so far.

The selection of Baltimore caps a 10-year history of energetic and skillful administration by Governor Schaefer, Lieutenant Governor Kennedy, Mayors Schmoke and O'Malley; by executive director Phyllis Wilkins; by Don Hutchinson and Wally Pinkard, wearing several hats; by Senators Mikulski and Sarbanes, Congressmen Cardin, Ehrlich, and Cummings. They all merit, singly and collectively, a salute from the Abell Foundation for keeping an eye on the prize—Baltimore to Washington in less than 20 minutes, and on the same speeded-up schedule, Washington to Baltimore, the first leg of D.C. to New York.

• • •