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Working paper: Integration of General Education and Special Education

Prepared for the Special Education Workgroup meeting on Nov. 1, 2024

*Note: I have been deeply involved in RTI policy and practice. I helped to design the Baltimore City TSI program which is an acclaimed national model for high-dosage tutoring within a general education RTI framework. And preventing unnecessary referrals to special education is central to my 2019 book *Misabeled as Disabled: The Educational Abuse of Struggling Learners and How WE Can Fight It*.*

This paper sets out background and recommendations that are intended to help with the discussion of the following Guiding Questions #3:

How can general and special education be more effectively integrated so that the instruction and built-in supports in general education can better meet the needs of students, resulting in fewer referrals and identification? How can general and special education be more effectively integrated so that all students with disabilities are able to access and participate in the general education curriculum with their nondisabled peers while also receiving the specially designed instruction and related services and supports they need to be successful?

There is universal agreement that the silo-like separation of general education and special education is a major barrier to improved outcomes for students with disabilities. A model for the Workgroup is the 2015 Report of California’s Statewide Task Force on Education, “One System: Reforming Education to Serve All Students.”¹ It states: “Many of the changes that this Task Force found central to improving special education ... require change in general education.”

One cause of the silo effect is that within MSDE and LEAs, organizational lines of authority and responsibilities for special education instruction and general education instruction may be divided or blurred.

¹ <https://www.cde.ca.gov/sp/se/sr/taskforce2015.asp>. See, also, “Every Child Means Every Child: Ohio’s Plan to Improve Learning and Outcomes for Students with Disabilities,” Ohio Department of Education, March 2021. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://education.ohio.gov/getattachment/Topics/Special-Education/Improving-Educational-Experiences-and-Outcomes/EachChildMeansEachChild.pdf.aspx?lang=en-US#:~:text=Executive%20Summary-.Each%20Child%20Means%20Each%20Child%3A%20Ohio's%20Plan%20to%20Improve%20Learning,%2C%20Each%20Child%2C%20Our%20Future.>

But the underlying problem is that the inadequacy of general education instruction in general has disastrous consequences for special education in two fundamental ways.

One, despite segregation of some students with significant cognitive limitations, the great majority of students with disabilities spend a large portion of their time in general education. An article from Brookings in Nov. 2020 was titled “Do students with disabilities receive quality instruction in general education classrooms?”² The conclusion of the co-authors: “While the education field has advocated for SWDs to spend as much time as possible in the general education setting, little attention has been paid to the quality of education SWDs have access to in their general education classrooms. Overall, our findings suggest that SWDs are not able to consistently access the same quality of general education teachers as their peers without disabilities.”

Second, about two-thirds of students in special education (students who are “misabeled as disabled”³) would not need or have IEPs if they received, prior to referral to special education, appropriate evidence-based instruction, including interventions, in general education.⁴ Reading experts estimate that between 50 and 75 percent of struggling learners, many with some form of dyslexia, are unnecessarily and wrongfully placed in special education.⁵

Thus, a key to improving special education is to prevent most high-incidence students from being improperly referred there in the first place. The California Report found that perhaps the “primary reason for the existing failure of our school system to adequately educate all students is the dearth of necessary and supportive early intervening services”⁶

If special education served only those who are legally supposed to be there, the policy implications would be transformative.⁷ Students who are supposed to be in special education would receive more funding, more specialized teachers and instruction, and more policy attention.⁸

² <https://www.brookings.edu/articles/do-students-with-disabilities-receive-quality-instruction-in-general-education-classrooms/#:~:text=Overall%2C%20our%20findings%20suggest%20that,as%20their%20peers%20without%20disabilities>.

³ Kalman R. Hettleman, *Mislabeled as Disabled: The Educational Abuse of Struggling Learners and How WE Can Fight It* (Radius Book Group, 2019)

⁴ Jack M. Fletcher et al., *Learning Disabilities: From Identification to Intervention* (New York: Guildford Press, 2007), 5. For pre-referral requirements for disabilities in addition to LD, see *Mislabeled as Disabled* 39-40.

⁵ Allan R. Odden and Lawrence O. Picus, *School Finance: A Policy Perspective*, 5th ed. (New York: McGraw-Hill 2014), 97. Also, a “dream team” of reading experts estimated that about 70 percent of struggling readers wind up wrongfully in special education. G. Reid Lyon et al., “Rethinking Learning Disabilities,” in “*Rethinking Special Education*,” ed. Chester Finn Jr. et al., 260.

https://www.researchgate.net/publication/234562957_Rethinking_Special_Education_for_a_New_Century

⁶ California Report 2.

⁷ *Mislabeled as Disabled*, Ch. 9.

⁸ The presence of so many mislabeled students who could be kept out of special education if adequate instruction were available in general education is a fiscal ticking time bomb in the Blueprint. The Blueprint funding for special education assumes that overall reforms in general education will reduce the number of students in special education by 50 percent or more by 2032. Maryland Commission on Innovation and Excellence in Education, Interim Report, Jan. 2019, pp. 140-141. (As a member of the Kirwan Commission, I helped to develop these assumptions.). But

There is, of course, no secret about the proper framework for the intervening services that will prevent improper referrals to special education and improve outcomes of students with IEPs: it's the general education frameworks of Multi-Tiered Systems of Support (MTSS) or Response to Intervention (RTI).⁹ Under MTSS/RTI, beginning in K (at the latest), students who fall behind receive developmentally appropriate intense interventions to bring them up to grade level.¹⁰

Moreover, under LRE principles, students with disabilities (either properly or improperly found eligible) should be included in general education MTSS/RTI tiers.¹¹ The MTSS/RTI interventions will often be similar to specially designed instruction in students' IEPs.

Laws or regulations in more than 40 states, including Maryland, and federal laws like the Every Student Succeeds Act and the Individual with Disabilities Education Act already require or strongly encourage RTI as early as kindergarten, first and second grades.¹² But Maryland has failed to follow or take advantage of laws that require RTI.¹³

RECOMMENDATIONS

1. A comprehensive early literacy plan.

MSDE should develop a comprehensive early literacy plan to ensure that all students in general education receive evidence-based instruction, including high-dosage tutoring, within an MTSS/RTI framework in general education, with the highest priority in grades K-3.

Initial timeline for follow-up: MSDE should present within 45 days the outline of a plan with tasks and timelines. Tasks include a setting state standards for MTSS/RTI; evidence-based best practices; technical assistance including an operational manual; uniform data collection; and progress monitoring. MSDE should allow local waivers of statewide standards for compelling documented reasons.

2. Teacher training.

General education teachers and other staff should be trained to understand expectations and to deliver best instructional practices for students with disabilities.

present circumstances require revised assumptions. Many factors – including the pandemic and Blueprint implementation delays and problems – virtually guarantee that nowhere near this reduction will occur.

⁹ The California and Ohio reports (see footnote 1) emphasize the critical importance of MTSS.

¹⁰ The names MTSS and RTI are sometimes used interchangeably, but in general, MTSS refers to interventions for academic and behavior issues whereas RTI typically prioritizes academic interventions. RTI is more commonly used in the proliferation of state laws and regulations that address literacy, especially in grades K-3.

¹¹ Martha Thurlow, et al., "MTSS for All: Including Students with the Most Significant Cognitive Disabilities," NCEO and TIES Center, Univ. of Mn., 2020.

¹² Kalman R. Hettleman, written testimony to the Maryland State Board of Education, "State Board action needed for early literacy and RTI policies," Sept. 26, 2023.

¹³ Hettleman, written testimony to the Maryland State Board of Education.

Initial timeline for follow-up. MSDE should assist in the presentation of issues and options for recommendations at the Workgroup meeting(s) on teacher preparation.

3. Organizational lines of authority.

Tables of organization within MSDE and LEAs may isolate or weaken integration of special education instruction and general education.

Initial timeline for follow-up. MSDE should study, survey LEAs and make recommendations for the organizational lines of authority and relationships between general education and special education instruction. It should provide an initial report to the Workgroup no later than January 1, 2024.

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