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Mary Lou Fulton College for Teaching and Learning Innovation
Arizona State University

OUTMATCHED: SPECIAL EDUCATION CAN'T SOLVE PROBLEMS ROOTED IN THE EDUCATION DELIVERY SYSTEM

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Ashley Jochim & Alexander Kurz

In early 2025, the National Center for Education Statistics quietly announced a new record: 7.9 million public school students were identified with a disability under the Individuals with Disabilities Education Act (IDEA). The new data capped off a decades-long trend towards increasing numbers of children being identified with disabilities and swept up into special education programs under the promise that doing so will provide students access to the support they need.

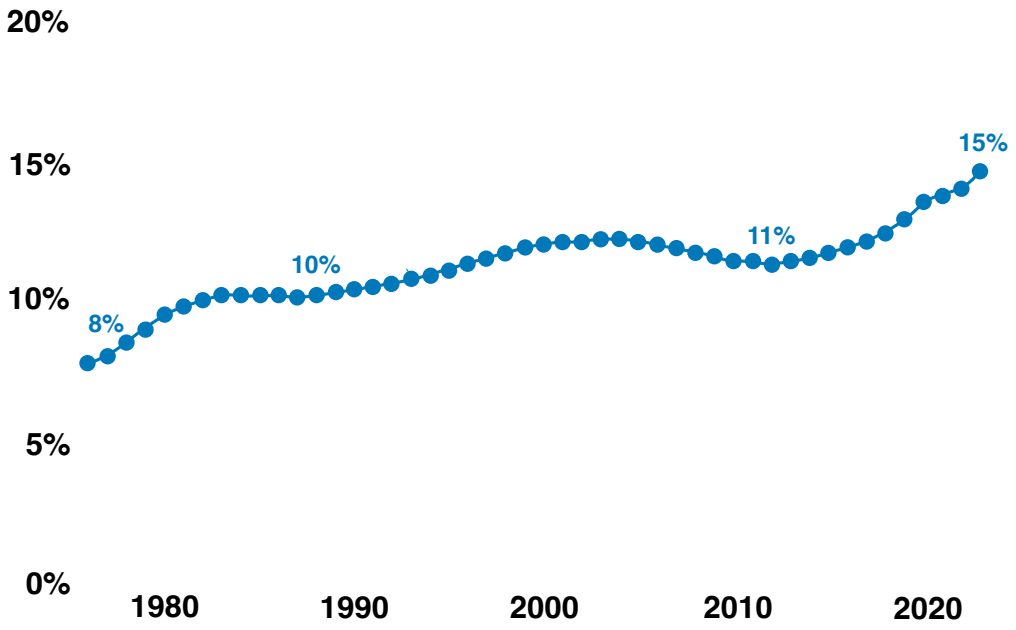
In this essay, we uncover the unexpected roots of these statistics. Using a newly curated dataset that tracks longitudinal trends in special education identification across states, we explore why more children are being identified for special education than in the past. We show that special education has become the stopgap for a public education system never designed to succeed at its core mission: to prepare every young person, regardless of circumstance, for a future of their choosing. While the expansion of special education has undoubtedly provided valuable support to some struggling students, millions of others remain underserved in general education classrooms, even as special education consumes ever larger shares of education budgets. Addressing these challenges, we argue, necessitates rethinking the education delivery itself.

Special education has become the stopgap for a faulty delivery system

> *"Special education has been confused with being an answer to the problems of regular education." –Laurence Liberberman, 1980*

The share of students identified with disabilities has increased dramatically in the half-century since federally-sponsored special education programs were created in 1975 (Figure 1). As of 2023, 15 percent of all public school students were identified with disabilities under IDEA and served through special education programs.

Figure 1: Dramatic growth in special education programs



Source: Annual Reports to Congress on the Implementation of the Individuals with Disabilities Education Act

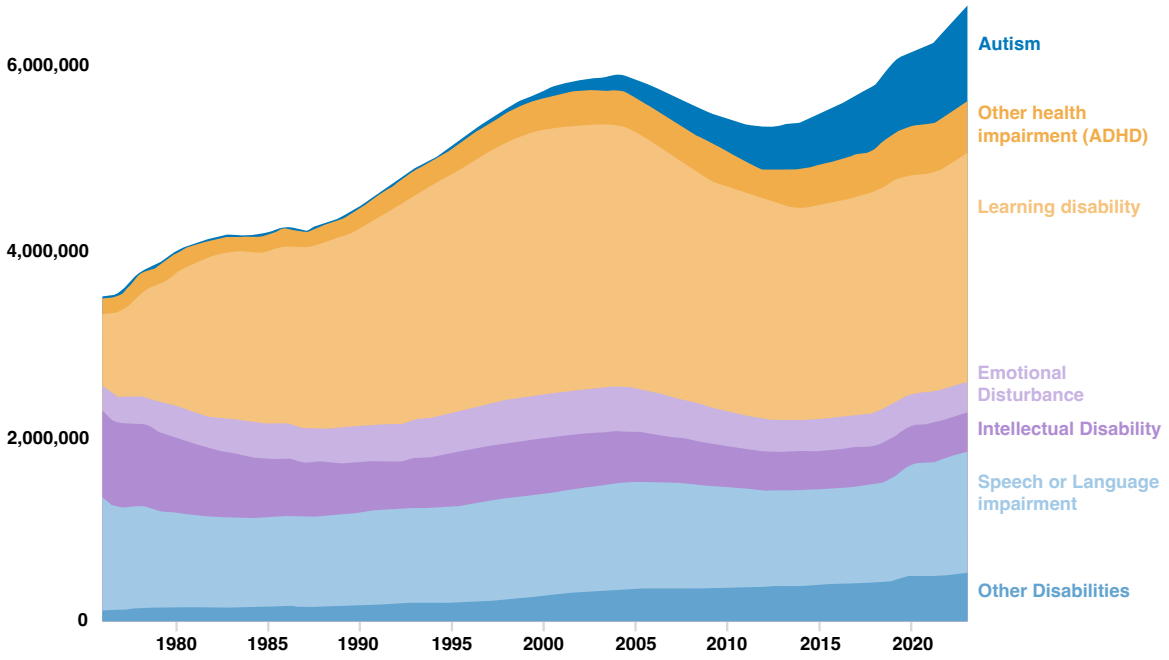
While we are not the first to remark on this trend, less understood is how problems rooted in the education delivery system itself have fueled the growth and changing composition of special education. Enter a school anywhere in the United States, and chances are you will witness the fundamental features of this system in place: a teacher working alone in their classroom charged with delivering a single grade-level lesson to a group of 20 to 30 children, regardless of their readiness to learn. For the parents, educators, and advocates with a front-row seat to students' struggles in this system, special education has offered the tantalizing prospect that reliable help is within reach.

As documented in Figure 2, three conditions—learning disabilities, autism, and "other health impairments" (OHI), the category that includes attention deficit disorder (ADD)–have driven enrollment growth in special education. In 1976, just 1-in-4 students in special education were identified with a learning disability, OHI, or autism. As of 2023-24, more than 2-in-3 were.

Each of these three categories was added to the eligibility criteria in the wake of protracted advocacy campaigns about students' unmet needs for support. Each also unleashed a tidal wave of new identifications, as students whose struggles were previously neglected were suddenly thrust into the spotlight and made eligible for resources that would otherwise be unavailable. Notably, each features eligibility criteria that implicate common–and often highly subjective–learning and behavioral differences.

Consider the inclusion of ADD to special education eligibility rules in 1990. Parents whose children were struggling in school as a result of the condition wanted help. Their pleas found a receptive audience with federal policymakers despite widespread opposition and concerns that including the condition would dramatically expand the number of students eligible for special education. Following the change, identifications under OHI rose more than 400 percent between 1992 and 2001.

Figure 2. Students with common learning and behavioral differences make up the fastest-growing segments of special education



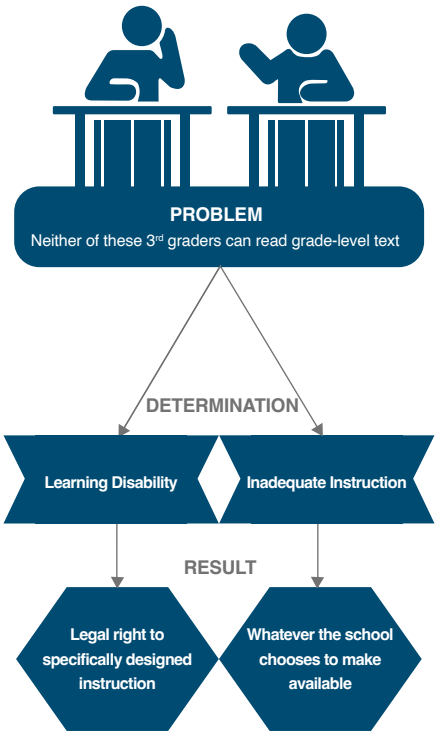
Source: Annual Reports to Congress on the Implementation of the Individuals with Disabilities Education Act

A similar pattern is observed in the case of autism. While autism was added to eligibility rules in 1990, diagnostic standards for the condition shifted dramatically in the intervening years in ways that enabled many more children with modest behavioral differences (especially those from affluent families) to qualify for special education. Efforts to tighten eligibility criteria have run aground in the face of concerns that such changes will restrict access to the services that children and families need.

Special education rests on an exclusionary foundation

While the expansion of special education has likely helped some families secure valuable support, it has also introduced new, vexing challenges. Special education was designed as a legal entitlement. Eligible students secure rights and legal guarantees that do not exist for any other group of students, including those that benefit from other targeted federal programs like Title I. Because of this design and the legal obligations it created, eligibility criteria are necessarily restrictive and exclusionary. Students whose reading struggles are associated with dyslexia are "in," whereas those whose struggles are rooted in poverty, language, or poor instruction are "out."

Figure 3. Special education treats students with similar needs differently based on subjective determinations about the cause of their struggles in school



This design has entrenched gatekeeping as one of the system's central features. Schools invest significant resources into eligibility determinations, with federal regulations requiring qualified personnel (usually a school psychologist) to administer specialized assessments not designed for instructional purposes. Since 2008, the number of school psychologists working in public schools has increased by 30 percent, far outpacing the growth of special education enrollment.

While national data on the current costs of eligibility determinations do not exist, data from 1999-2000 analyzed by the Special Education Expenditure Project (SEEP) suggest that assessment and evaluation expenditures cost $1,086 per special education student or approximately 21 percent of all special education spending. These statistics do not include private spending on psychological evaluations, which affluent parents routinely use to secure eligibility determinations and which run upwards of $7,500 per student.

Whether this investment in eligibility determinations is a good use of education dollars depends on the information we gain from them. Expenditures that help schools identify the students most in need of support or inform the development of effective educational interventions might be worthy investments even if they do not contribute directly to student-facing support structures. Unfortunately, special education eligibility determinations have a startling record of failure on both of these fronts.

Investments in diagnostic services and tools have failed to produce reliable mechanisms for distinguishing students whose struggles are based on disability (i.e., innate, neurodevelopmental differences) from those whose struggles are rooted in environmental factors. Lacking diagnostic clarity or reliable assessment tools, schools more often than not rely on a "wait to fail" approach, where students are left to struggle until their academic or behavioral challenges are so severe that they "qualify" for special education. Troublingly, research suggests that systemic bias is "baked in" to determinations, with familiar factors like race, household income, parental engagement, and even the child's relative positioning vis-a-vis peers playing influential roles in special education eligibility. If you are a Black student in a majority Black school, you are less likely to be identified for special education than if you are a Black student in a majority white school.

Federal, state, and local initiatives have long tried to address these problems, urging schools to use high-quality diagnostic tools, intervene at the first signs of student struggle, and consider "disproportionality" in special education enrollment. However, none of these address the core problem: eligibility for special education is based on largely subjective determinations of "disability" (something we can't reliably measure), not demonstration of student need (something we can).[1] As a result, students facing similar measurable learning or behavioral challenges are often treated differently, with one identified as deserving of support and additional resources while the other more often than not goes without.

We might be willing to tolerate such problems if eligibility determinations yield meaningful information that educators can use to target effective interventions more effectively. But they don't. Evidence-based interventions typically address functional concerns–low reading or math achievement, oppositional behavior, or difficulties with peers. Their effectiveness does not usually depend on the categorical labels schools assign to those problems or on disentangling environmental from biological factors. Students who struggle to regulate their behavior in the classroom, for example, benefit from evidence-based behavioral interventions, regardless of whether their behavioral challenges stem from a disability (e.g., autism, ADD), exposure to childhood trauma, or a difficult home environment.

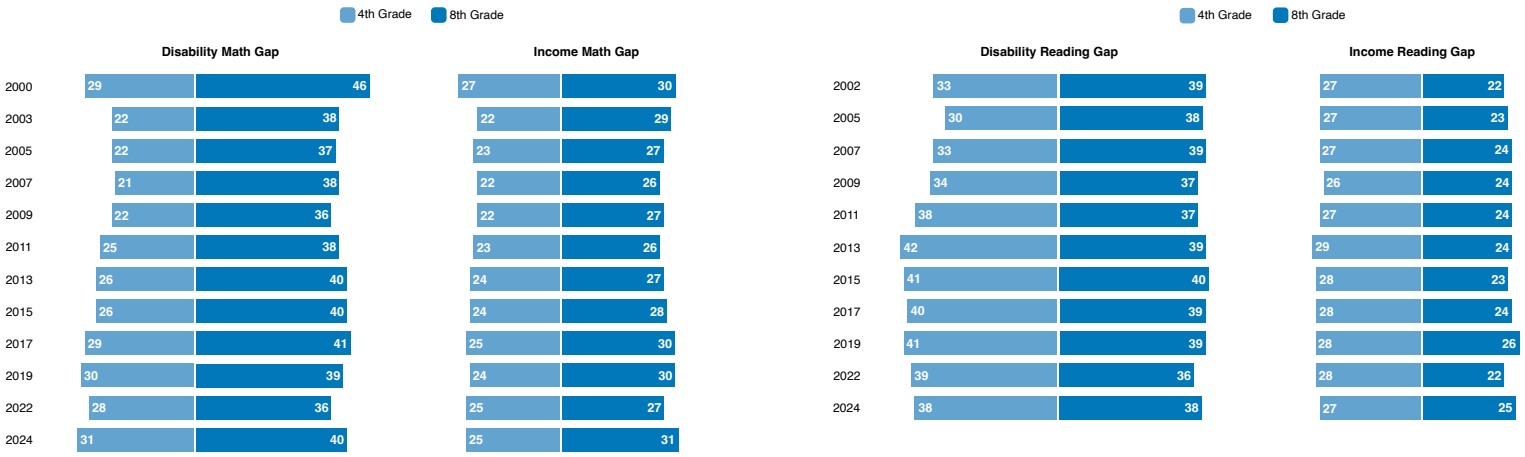
1. Special education eligibility is based on two prongs: (1) the disability prong, which requires students to meet eligibility standards in one of 13 disability categories and (2) the need prong, which is based on whether an eligible student requires special education to access the general education curriculum. We focus on the disability prong here.

Special education is poorly optimized for the students it serves

The fight over special education eligibility rules suggests that families can obtain something valuable if their children secure access. However, the value of special education to the children it serves has always been based more on aspiration than real-world results.

The achievement gap between students with disabilities and their peers is larger than the income-based achievement gap and has widened over time (Figure 3). While income-based achievement gaps narrow as students progress through school, a trend that suggests additional years of schooling help compensate for disadvantage, the reverse is true in special education. These trends are especially noteworthy given data that suggests students identified for special education enter kindergarten with academic achievement on par with national norms for all students.[2]

Figure 4. The special education achievement gap is larger than the income-based achievement gap, has increased over time, and enlarges as students progress through school



Source: National Assessment of Educational Progress. Figure reports the difference in mean scale scores in 4th and 8th grade mathematics for students identified with disabilities (including those with a 504 plan) and peers and students identified as economically disadvantaged and their peers.

2. Based on data from NWEA's MAP Growth assessment in a cohort of 4,228 students in 109 public schools, students ever-identified for special education entered kindergarten with an RIT score of 139.7, which is the 50th percentile among students nationally who take the assessment. Students never-identified for special education entered kindergarten with an RIT score of 144.5 (64th percentile).

We argue that these outcomes result from how special education was designed, favoring compliance over accountability and promoting specialized rather than general capacity-building.

Compliance over accountability: To be eligible for federal special education dollars, school districts are required to follow the rules specified in IDEA and its implementing regulations. Though these rules require schools to provide the support that students need to progress in the grade-level curriculum, they do not include any basis for evaluating whether that, in fact, occurs. Though most students with disabilities participate in annual state testing, policymakers have shown little willingness to act on the special education achievement gap or hold schools and districts accountable for closing it.[3]

In theory, families can exercise the legal rights outlined in IDEA to secure what their children need. This includes the right to provide input into their children's individualized education programs and the right to litigate failures to provide required services in the courts. But these tactics routinely fail to protect children or families from discriminatory treatment, and more often than not, families are left to struggle with inadequate support.

This is because IDEA relies on parents to act as the primary enforcers of special education law. Parents who lack the information, time, or money to invest in litigation cannot benefit from those protections. Even when they can afford the costs of litigation, it fails to provide a timely resolution to families' challenges.[4] Endrew F vs. Douglas County School District, for example, was decided eight years after Endrew's parents withdrew him from public school as a result of their school's failure to serve. In addition, because such cases are about individuals, they fail to address any of the systemic obstacles students with disabilities face in accessing better educational opportunities.[5] A solution secured by one family does not address the needs of similarly situated families who have yet to take their case to the courts.

3. Achievement gaps are not one of the metrics included in IDEA's implementing regulations. According to the Office of Special Education Programs, students with disabilities learning outcomes comprise just four out of 13 possible points in the Results Driven Accountability. As a result, states can meet expectations by simply avoiding placement in the bottom third of the achievement distribution according to NAEP.
4. IDEA regulations specify that due process complaints must be resolved within 75 school days. Appeals, however, can substantially extend the timeline to resolution.
5. In 2003, the special education legal scholar Perry Zirkel described these litigation costs as "transaction costs" that had long outlived their useful purpose since children with disabilities were no longer excluded from school, which was the original purpose of including due process protections in federal special education law.

Specialized versus generalized capacity-building: A foundational precept of special education law and practice is that teaching students with disabilities requires specialized expertise, instructional technology, and programming.[6] The decision to create separate pathways for teachers and administrative structures to oversee them helped to seed the siloes that pervade most schools and districts in the United States.[7] Those siloes have relegated special education, its teachers, and the students it serves to the periphery of public education–regularly forgotten, ignored, and dismissed. It has left students with disabilities with fewer opportunities to learn, as staff are forced to shuffle them from place to place (e.g., resource classes, pull-out sessions) and administer interventions with little connection to the general education curriculum. It has also left regular classrooms where the vast majority of students identified for special education spend 80 percent or more of their school day, without the capacity to educate the students in their care or the motive to rectify these gaps.

Tinkering at the margins of the "dual" delivery system won't address its problems

While the challenges we have detailed thus far may seem provocative, they aren't new. Before and after the creation of the federal special education program, researchers, educators, advocates, and families have expressed concerns like those we described above. Initiatives to address them are a perennial part of special education reform–from "mainstreaming" students with disabilities to "regular education initiatives" to "inclusion" to today's "multi-tiered systems of support" (MTSS). All have failed for the same reason: the system of general education was designed for uniformity, not difference. Asking it to accommodate differences without modifying its underlying technology is akin to asking a fish to climb a tree.

As of 2023, 74 percent of educators reported that their school was using MTSS, suggesting widespread adoption of the most recent iteration of this reform. Intended to support students based on need through targeted instructional

6. The creation of a special education teaching workforce was among the first charges of the Bureau of Education for the Handicapped established in 1967. By 1975, this emphasis on the need for a specialized workforce was codified in the Education for All Handicapped Children Act, which required states to develop and implement a comprehensive system of personnel development to implement the requirements of the act. In the 2004 reauthorization of IDEA, the emphasis on special education teachers as the primary owners of how students with disabilities are educated was further reinforced, through implementing regulations that required all specially designed instruction to be designed and overseen by a special education teacher.
7. During congressional hearings held on the eve of the passage of the Education for All Handicapped Children Act in 1975, the Lieutenant Governor of Massachusetts foreshadowed how separate training programs would affect the system of special education in saying, "We fear that current funding arrangements may discourage integration rather than encourage it."

strategies and interventions, MTSS avoids a categorical approach to service delivery in favor of a needs-based one. While MTSS can be effective,[8] they exist in little more than name in most schools ostensibly implementing them.[9]

That's in part because schools rely on general education teachers to deliver interventions, ignoring the many practical constraints on their ability to do so: inadequate time to plan instruction, lack of high quality curricula and aligned interventions, more students in need of support than a single adult can reasonably serve, and support staff whose efforts lack coherence, grounding in evidence, coordination, or supervision. It is also a function of weaknesses in the instruction provided by classroom teachers, few of whom are provided the knowledge and skills needed to support diverse students' access to the general education curriculum.

It would be easy to blame these problems on resource constraints–schools simply don't have the time or money needed to invest in the support that students need to succeed in school. But such an assessment is hard to reconcile with the data. Public schools employ 171,000 more staff than they did five years ago, most of whom have been placed in the student support infrastructure, including paraprofessionals, guidance counselors, and attendance officers. Yet, the vast majority of struggling students–whether identified with a disability or not–continue to lack any support beyond that provided by their teachers, most of whom are overwhelmed by the needs of students in their classroom.

While we acknowledge that more resources may be necessary, our assessment of the root cause is different. MTSS can't address the inadequacies of our "dual" system of general and special education because it only tinkers at the margins of those very systems. It cannot reallocate resources locked up in eligibility determinations of questionable value or create alignment between tiers of instruction that were, by design, created to be separate.

New education delivery systems are possible

The promise of public education has always rested on its ability to enable all children, regardless of circumstance, to succeed in a future of their choosing. We cannot hope to deliver on this promise–for students with disabilities or anyone else–relying on an education delivery system designed to provide everyone the same thing, at the same time.

8. In a meta-analytic review, Hattie (2012) noted an effect size d = 1.07, showing the third most significant effect size out of 150 educational practices.
9. Turri et al., 2016; Balu & Malbin, 2017.

Closing the gap between our aspirations for public education and its results requires investment in a new education delivery system. That system must be designed to provide all children–rich and poor, disabled and able, immigrant and native born, Black and White–a reliable springboard to the future. Equipping a system designed for uniformity to respond to students' varying needs for support will require significant–and likely controversial–changes (Table 1).

Table 1. The education delivery system of the future depends on change

Instead of...	We must..
Sorting students into categories based on subjective judgments	Identify and act on students' demonstrated academic and behavioral needs without delay
Investing in "diagnostics" with no educational value	Use assessments that enable educators to identify critical gaps and better target their instructional efforts
Relying on teachers to provide all the instruction students need	Make teaching a team sport, jointly reliant on teachers, tutors, and paraprofessionals, and rooted in a coherent instructional system
Maintaining separate pathways for general and special education teachers	Prepare all teachers to work with the diverse students in general education classrooms while maintaining opportunities for specialization
Using instructional technology designed for uniformity	Invest in instructional technology designed to provide both the additional *instruction* and *practice* students need
Preserving categorical programs that aren't designed to meet students' diverse needs or delivering the desired results	Invest in programs that provide the flexible resources schools need to support students while holding them accountable for delivering results
Relying on an entitlement that treats similarly disadvantaged students differently	Create an entitlement that affords educationally disadvantaged students equal protection

A new, needs-based entitlement is the linchpin of any effort to fix today's system of general and special education. It would establish reliable criteria (e.g., students identified at-risk for low achievement in reading or math) for identifying educationally disadvantaged students and a legal mandate to provide those students with the additional instruction and support they need to succeed in

school. This would: (1) level the playing field, ensuring similarly disadvantaged students are treated the same under the law, (2) preserve specialized instruction, educational environments, and support services for students with the highest needs (including those with low-incidence disabilities), (3) provide a basis for bringing greater coherence and flexibility to existing state and federal grant programs (e.g., Title 1 and IDEA), and (4) strengthen accountability by providing parents, the courts, and state policymakers a legal basis for adjudicating claims of inadequacy.

It also addresses political challenges that have long stymied efforts to reform special education. Advocates for students with disabilities have long resisted any effort to alter the terms of special education, worrying that doing so would leave students and families without legal recourse in the face of schools' failure to serve. A universal entitlement preserves the protection that students with disabilities have today while ending the current system's reliance on exclusionary criteria. As federal policymakers consider proposals for creating more flexibility in current federal grant programs, they should consider a universal entitlement as a mechanism for connecting flexible funding with accountability for results.

Though there is much holding our current system fixed in place, promising examples drawn from the charter sector show how schools and systems could move towards a system like we describe within the constraints of current law:

- In Boston, Match Charter Schools shed the liabilities of the traditional delivery model by offering high-quality, curriculum-aligned tutoring to every student who needs it. Students who attended the schools were less likely to retain their special education status and more likely to demonstrate proficiency according to state standards, take at least one Advanced Placement test, and enroll in a four-year college.
- In New York City, Haven Academy deploys multi-disciplinary teams of educators and specialized staff to meet the unique needs of children in the child welfare system. Though the school serves doubly-disadvantaged, at-risk students, it outperforms its peers in the district, city, and state.
- In Washington state, Catalyst Public Schools deploys paraprofessional "small group instructors" to every classroom in support of its differentiated student support system. According to the state for 2023-24, educationally disadvantaged students at the school demonstrated higher growth rates than their peers attending nearby public schools.

Addressing the dysfunction of our current system–whether within the constraints of current law or through a wholesale reimagining of it–will not be easy. Today's education delivery system has many advocates, and their opposition to change has doomed many prior efforts to address the problems we have detailed. But there are powerful tailwinds in favor of change. Rising identification rates and increased special education spending have invited policymakers' questions and concerns about our investments in special education and its results. This conversation arrives at a moment when public education writ large is faltering as widening achievement gaps, frustrated families, and burned-out educators increasingly threaten the collective commitment that public education requires.

We cannot address the challenges that threaten public education by ignoring their roots in today's "dual" system of general and special education. This system, seemingly fixed in place, could be changed. We hope you will join us in imagining how.

Over the next year, we will be engaging researchers, advocates, and practitioners to help us define those changes and engage policymakers in what it would take to operationalize them. If you have data or experience that speaks to the challenges in today's system or the solutions that would help, you can write to us here to share your perspective or express interest in collaborating.