

# **NEPC Review: Outmatched: Special Education Can't Solve Problems Rooted in the Education Delivery System (Center on Reinventing Public Education, October 2025)**



**Reviewed by:**

Federico R. Waitoller  
University of Illinois Chicago

January 2026

**National Education Policy Center**

School of Education  
University of Colorado Boulder  
[nepc.colorado.edu](http://nepc.colorado.edu)

## Acknowledgements

---

### NEPC Staff

Faith Boninger  
Publications Manager

Paul Thomas  
Academic Editor

Elaine Duggan  
Production Design

Alex Molnar  
NEPC Director

Kevin Welner  
NEPC Director

---

**Suggested Citation:** Waitoller, F.R. (2026). *NEPC Review: Outmatched: Special education can't solve problems rooted in the education delivery system*. Boulder, CO: National Education Policy Center. Retrieved [date] from <https://nepc.colorado.edu/review/outmatched>

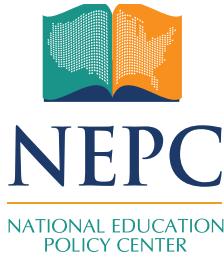
**Funding:** This review was made possible in part by funding from the Great Lakes Center for Educational Research and Practice.



This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

This publication is provided free of cost to NEPC's readers, who may make non-commercial use of it as long as NEPC and its author(s) are credited as the source. For inquiries about commercial use, please contact NEPC at [nepc@colorado.edu](mailto:nepc@colorado.edu).

The National Education Policy Center (NEPC), a university research center housed at the University of Colorado Boulder School of Education, sponsors research, produces policy briefs, and publishes expert third-party reviews of think tank reports. NEPC publications are written in accessible language and are intended for a broad audience that includes academic experts, policymakers, the media, and the general public. Our mission is to provide high-quality information in support of democratic deliberation about education policy. We are guided by the belief that the democratic governance of public education is strengthened when policies are based on sound evidence and support a multiracial society that is inclusive, kind, and just. Visit us at: <http://nepc.colorado.edu>



# NEPC Review: Outmatched: Special Education Can't Solve Problems Rooted in the Education Delivery System (Center on Reinventing Public Education, October 2025)

Reviewed by:

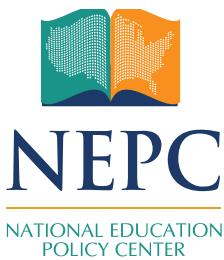
Federico R. Waitoller  
University of Illinois Chicago

January 2026

---

## Summary

While special education in the U.S. has made significant achievements in terms of civil rights and educational equity, many critics have identified inequities in terms of labeling, segregation, and low academic expectations. A new report published by the Center on Reinventing Public Education (CRPE) opens an initiative to restructure special education. It argues that increased special education identifications and persistent achievement gaps reflect the failure of a general education system built for uniformity rather than diversity. It concludes that, as a result of this uniformity, special education serves as a default mechanism for unmet instructional needs, and it calls for replacing the dual general/special education structure with a unified, needs-based system. The report, however, has several major weaknesses. Its rationale rests on broad claims about systemic design flaws, but it provides only limited descriptive statistics and selectively uses research literature. Moreover, while the report accurately identifies very real problems, such as reliance on psychological evaluations and inequitable access to services, it provides no empirical evidence linking these systemic features to rising identification rates or widening achievement gaps. Also, because it only selectively uses research, it overlooks decades of scholarship on identification, disproportionality, and system design, while failing to engage with counterarguments that defend special education as a necessary specialized system. The report's recommendations are bold but are not empirically grounded, leaving unanswered questions about legal protections, expertise, accountability, and instructional quality for students with disabilities. As such, this report provides little direct guidance for developing or revising policy in ways that would reliably safeguard the rights and learning needs of students with disabilities.



# NEPC Review: Outmatched: Special Education Can't Solve Problems Rooted in the Education Delivery System (Center on Reinventing Public Education, October 2025)

Reviewed by:

Federico R. Waitoller  
University of Illinois Chicago

January 2026

---

## I. Introduction

Until the 1970s, with the enactment of Section 504 of the Rehabilitation Act of 1973,<sup>1</sup> the Education for All Handicapped Children Act of 1975,<sup>2</sup> and landmark court cases such as P.A.R.C. v. Pennsylvania (1972)<sup>3</sup> and Mills v. Board of Education of the District of Columbia (1972),<sup>4</sup> children and youth with disabilities were not guaranteed access to public education. States and districts could deny public education to children deemed uneducable.<sup>5</sup> Since then, children with disabilities have the right to a Free and Appropriate Public Education and to the Least Restrictive Environment (LRE),<sup>6</sup> as well as to special education and related services. Thus, special education represents a significant milestone in the pursuit of civil rights and educational equity. Yet, the special education system has been criticized since its inception for equity concerns—the disproportionate representation of students from racial minorities, stifling labeling practices, the segregation of students with disabilities, and low academic expectations with simplified curricula.<sup>7</sup>

Since the 1980s, conservative-led presidential administrations have made numerous attempts to deregulate special education and reduce its benefits.<sup>8</sup> In 2025, the Trump administration sought to weaken the Office of Special Education Services (by relocating it to the Department of Health and Human Services) and shift all responsibility for special education to the states. During the 2025 government shutdown, the Trump administration fired nearly 95% of the staff of the Office of Special Education, which is responsible for overseeing the implementation of the IDEA.

In this political and historical context, the Center on Reinventing Public Education (CRPE) released *Outmatched: Special Education Can't Solve Problems Rooted in the Education Delivery System*, authored by Ashley Jochim and Alexander Kurz. This report, which opens CRPE's initiative to rethink special education,<sup>9</sup> draws from many of the historical critiques of special education to argue that the rising number of students identified for special education and their low academic outcomes reflect deeper structural failures in U.S. public education.

The report asserts that special education has become a stopgap for a general education system never designed to meet the diverse needs of all learners. Hence, rather than addressing the root problems in instruction and delivery, the system funnels struggling students into special education, expanding eligibility and costs without improving student achievement. The report recommends dismantling the dual system of special/general education by creating a unified system based on students' needs.

## **II. Findings and Conclusions of the Report**

The report finds that the continual rise in special education identification (nearly one in six U.S. public school students) reflects not a growing prevalence of disability but the failure of the general education system. Its analysis shows that categories such as learning disabilities, autism, and other health impairments (OHI) have expanded rapidly because families and educators turn to special education when general classrooms cannot meet students' needs. It further notes that this system, built on legal entitlement and categorical eligibility, is exclusionary, costly, and inequitable; it rewards families with resources, produces inconsistent determinations influenced by race and income, and invests heavily in assessments that yield little instructional value.

Moreover, the report argues that despite massive growth and spending, students with disabilities continue to experience achievement gaps that widen as they progress through school. The report concludes that the special education system's focus on compliance, litigation, and specialization hinders its ability to address the systemic instructional shortcomings of public education. It recommends dismantling the current dual system of general and special education, replacing it with a unified, needs-based model. Such a reform, it reasons, would respond directly to students' academic and behavioral needs, hold schools accountable for results, and equip all educators to support diverse learners within a coherent and inclusive instructional framework.

### **III. The Report’s Rationale for Its Findings and Conclusions**

The report’s premise is that the persistent growth of special education and the widening achievement gap for students with disabilities stem from a dual special and general education structure, rather than from an increase in disability prevalence. The report argues that the current education delivery model, structured around uniform instruction, inevitably produces academic failure for many learners, who are then identified for special education services. Special education, based on a legal and categorical foundation, operates as an exclusionary mechanism that diverts significant resources toward eligibility determinations and compliance activities, rather than direct instructional improvement.

The report reasons that this structure fails to distinguish disability from environmental or instructional causes of learning difficulties while perpetuating inequities and inefficiencies, as similar students receive different levels of support depending on their labels and circumstances. The report concludes that these systemic problems cannot be addressed by reforming special education in isolation because of the design of the overall delivery system. Therefore, it advocates for a comprehensive redesign that replaces categorical eligibility with a needs-based entitlement, unites general and special education under a coherent instructional framework, and aligns accountability with learning outcomes.

### **IV. The Report’s Use of Research Literature**

The report demonstrates a mixed use of research evidence. At several points, it draws effectively on existing literature to support key claims: for example, discussing the relationship between socioeconomic status and autism identification rates, and citing research showing how placing parents at the center of IDEA enforcement creates socioeconomic and racial inequities.

However, elsewhere, the report advances sweeping claims with limited or insufficient support. For example, it asserts that poor academic outcomes among students with disabilities stem from special education’s emphasis on “compliance over accountability” and building “specialized rather than general capacity.”<sup>10</sup> The report provides no evidence directly linking these structural features to student learning outcomes, despite this assertion underpinning its policy recommendations.

The treatment of disproportionality in special education oversimplifies a complex issue. For instance, the report states that “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.”<sup>11</sup> While some research supports this pattern for specific categories, particularly emotional and behavioral disorders,<sup>12</sup> the

broader literature shows that disproportionality varies across disability categories, racial and economic groups, and geographic contexts, and that it encompasses both over- and under-representation.<sup>13</sup>

Importantly, the report overlooks decades of scholarship that have confronted many of the same issues it raises. Long-standing critiques have questioned the consequences of maintaining a separate system for serving students with disabilities.<sup>14</sup> Two National Research Council reports<sup>15</sup> highlight, among other factors, the role of students' prior opportunities to learn in shaping identification patterns. More recently, Taylor and colleagues have called for restructuring the education delivery system to create a unified framework of support for all students, regardless of disability label.<sup>16</sup>

The report echoes many of these arguments without adequate attribution to this substantial body of scholarship. Moreover, it fails to acknowledge counterarguments from researchers who defend special education<sup>17</sup> as a distinct, specialized system, limiting its engagement with the full scope of the research literature.

## **V. Review of the Report's Methods**

Instead of a defined research methodology, the report primarily relies on a small set of descriptive statistics to illustrate trends in disability identification across categories and the achievement gap between students with and without disabilities. These descriptive figures are used as the foundation for the report's broader argument, supplemented by selective references to prior research. However, the report's conclusions extend far beyond what this limited data addresses. Rather than presenting empirical evidence that directly supports its major claims, the report interprets the data through a narrative that presumes systemic causes. In effect, the argument is built around a story imposed on the data rather than on robust evidence that warrants the paper's broad and consequential conclusions.

## **VI. Review of the Validity of the Findings and Conclusions**

To assess the validity of the report's findings and conclusions, it is useful to foreground its underlying "problem–solution" narrative structure. First is the problem with the problems.

The report identifies several problems within the current dual system of general and special education, including:

- a. the uniformity of general education that fails to account for individual differences and leaves many students underserved;
- b. the lack of legal protections and required services for students who need support but do not qualify for special education;
- c. the bureaucratic structure of special education that tends to advantage parents with greater social and cultural capital while reinforcing silos that marginalize students with disabilities; and
- d. the reliance on psychological evaluations as the gateway to services.

Although these issues are not new, they are legitimate concerns that merit attention from researchers and policymakers.

The central flaw in the report's reasoning, however, is that it attributes rising identification rates as well as the persistent achievement gap to these systemic shortcomings without providing a causal link. For example, the report claims that poor outcomes "result from how special education was designed, favoring compliance over accountability and promoting specialized rather than general capacity-building."<sup>18</sup> Yet, it fails to consider other alternative explanations. Some include the long-standing special education teacher shortage,<sup>19</sup> the limitations of standardized achievement assessments for students with diverse learning profiles,<sup>20</sup> or the chronic underfunding of IDEA and its inequitable formula for distributing funding that impacts the quality of educational services.<sup>21</sup>

Further, the report asserts that rising identification for special education is driven by the subjective nature of evaluating achievement and behavioral differences. Yet, the report does not explain why identification in emotional disturbance, a category also marked by subjectivity and known concerns about disproportionality,<sup>22</sup> has not increased at similar rates.

The report highlights important systemic issues, but explanations for rising identification rates and achievement gaps serve more as hypotheses than empirically validated findings. Unfortunately, the report presents these explanations as established facts rather than propositions requiring further investigation. This is particularly notable given that this report grounds a broader initiative intended to explore identification trends; yet it leaps ahead of that process by prematurely framing both the problem and the solution in ways not fully supported by evidence.

Next is the problem with the solution. The report proposes a set of ambitious and compelling reforms, echoing long-standing proposals from scholars advocating for more inclusive education systems. These include whole-school inclusion,<sup>23</sup> the Index for Inclusion,<sup>24</sup> and recent calls to unify systems of support.<sup>25</sup> These ideas, however, have been met with substantial debate and critique from researchers who argue for

preserving special education as a distinct, specialized system.<sup>26</sup> Since the report does not directly address the historical and legal concerns that accompany proposals to dismantle or subsume special education, some of these critiques are worth mentioning, including the following:

- Without IDEA, how would legal protections such as individualized services, the least restrictive environment, and due process rights be maintained or extended to all students?
- How would the proposed model ensure access to educators with specialized expertise, particularly for students with extensive support needs?
- How would a unified structure avoid diluting the distinctive knowledge base of special education?
- And how would accountability for serving students with disabilities be preserved under a new, merged system?

The report also contains internal inconsistencies. It notes that the value of special education is aspirational rather than grounded in real-world outcomes. Then it advocates for expanding evidence-based interventions—many of which are currently implemented within special education—to all students who struggle academically. This raises a logical question: If special education is ineffective, why should the interventions implemented by special educators become universal?

Moreover, the solutions offered resemble multi-tiered systems of support (MTSS) in many respects, aside from the shift in funding structures. If so, the report must grapple with the well-documented limitations of MTSS for students with intensive support needs.<sup>27</sup> The proposed solutions do not specify instructional changes that would improve outcomes; instead, they focus primarily on restructuring financial and administrative boundaries.

Finally, the report's reliance on charter school examples warrants closer scrutiny. Unclear is how the highlighted practices differ from a robust implementation of MTSS. Moreover, the exclusive use of charter examples presents a selective view: While some charters do serve students with disabilities effectively, national trends show that charter schools enroll lower proportions of students with disabilities—especially those with extensive support needs.<sup>28</sup> As well, charters have engaged in practices that discourage enrollment or counsel out such students.<sup>29</sup> Presenting only charter examples risks implying that the solution lies within the charter sector, a conclusion not supported by the broader evidence.

## **VII. Usefulness of the Report for Guidance of Policy and Practice**

The report offers limited practical guidance for policymakers. Although it opens a broader and potentially valuable initiative to investigate rising special education identification rates, it moves prematurely toward solutions without establishing a sufficiently evidence-based understanding of the underlying problems. The proposed reforms are compelling, but similar ideas have long appeared in the literature on inclusive education and whole-school reform. More importantly, the recommendations leave significant unanswered questions—especially regarding how the legal rights and protections currently afforded to students with disabilities under IDEA would be preserved, extended, or enforced within a unified system.

The proposed solutions are design concepts that require extensive empirical testing and legal analysis before they can inform policy. Policymakers seeking concrete, actionable strategies will find that the report presents ideas to be explored rather than solutions ready for implementation. While the report raises important issues and could stimulate productive discussion, it provides little direct guidance for developing or revising policy in ways that would reliably safeguard the rights and learning needs of students with disabilities.

## Notes and References

---

- 1 Rehabilitation Act of 1973, § 504, 29 U.S.C. § 794 (1973).
- 2 Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 89 Stat. 773 (1975).
- 3 Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania, 343 F. Supp. 279 (E.D. Pa. 1972).
- 4 Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (D.D.C. 1972).
- 5 Winzer, M.A. (2019). *History of special education: From integration to inclusion* (2nd ed.). Gallaudet University Press.
- 6 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004). The Individuals with Disability Education Act requires that students with disabilities be educated with their non-disabled peers to the maximum extent appropriate.
- 7 Andrews, J.E., Carnine, D.W., Coutinho, M.J., Edgar, E.B., Forness, S.R., Fuchs, L.S., Jordan, D., Kauffman, J. M., Patton, J.M., Paul, J., Rosell, J., Rueda, R., Schiller, E., Skrtic, T.M., & Wong, J. (2000). Bridging the special education divide. *Remedial and Special Education*, 21(5), 258–267. Retrieved November 3, 2025, from <https://doi.org/10.1177/074193250002100501>
- 8 Kauffman, J.M. (1989). The regular education initiative as Reagan–Bush education policy: A trick or a treat? *The Journal of Special Education*, 13(3), 251–257.
- 9 CRPE (2025). Unlocking potential: Rethinking what's "special" about special education [webpage]. Retrieved December 4, 2025, from <https://crpe.org/unlocking-potential-rethinking-whats-special-about-special-education/>
- 10 Jochim, A. & Kurz, A. (2025, October). *Outmatched: Special education can't solve problems rooted in the education delivery system* (p. 8). Center on Reinventing Public Education. Retrieved November 3, 2025, from <https://crpe.org/wp-content/uploads/Outmatched-Unlocking-Potential-10-25.pdf>
- 11 Jochim, A. & Kurz, A. (2025, October). *Outmatched: Special education can't solve problems rooted in the education delivery system* (p. 6). Center on Reinventing Public Education. Retrieved November 3, 2025, from <https://crpe.org/wp-content/uploads/Outmatched-Unlocking-Potential-10-25.pdf>
- 12 Serwatka, T.S., Deering, S., & Grant, P. (1995). Disproportionate representation of African-Americans in emotionally handicapped classes. *Journal of Black Studies*, 25(4), 492–506.
- 13 Cruz, R.A. & Rodl, J.E. (2018). An integrative synthesis of literature on disproportionality in special education. *Journal of Special Education*, 52(1), 50–63. Retrieved November 3, 2025, from <https://doi.org/10.1177/0022466918758707>
- 14 Brantlinger, E. (Ed.). (1997). *Who benefits from special education? Remediating (fixing) special education*. Teachers College Press.

Andrews, J.E., Carnine, D.W., Coutinho, M.J., Edgar, E.B., Forness, S.R., Fuchs, L.S., Jordan, D., Kauffman, J.M., Patton, J.M., Paul, J., Rosell, J., Rueda, R., Schiller, E., Skrtic, T.M., & Wong, J. (2000). Bridging the special education divide. *Remedial and Special Education*, 21(5), 258–267.

Retrieved November 3, 2025, from <https://doi.org/10.1177/074193250002100501>

Baglieri, S., Valle, J.W., Connor, D.J., & Gallagher, D.J. (2010). Disability studies in education: The need for a plurality of perspectives on disability. *Remedial and Special Education*, 32(4), 267-278. Retrieved November 3, 2025, from <https://doi.org/10.1177/0741932510362200>

15 Donovan, M. S., & Cross, C. T. (Eds.). (2002). *Minority students in special and gifted education*. Washington, DC: National Academies Press. Retrieved November 3, 2025, from <https://doi.org/10.17226/10128>

Heller, K.A., Holtzman, W.H., & Messick, S. (Eds.). (1982). *Placing children in special education: A strategy for equity*. Washington, DC: National Academies Press.

16 Taylor, J.L., Proffitt, W.A., Cornett, J., & Sailor, W. (2024). Unintended consequences of special education and consideration of change. *Journal of Special Education*, 58(4), 187–197. Retrieved November 3, 2025, from <https://doi.org/10.1177/00224669241256959>

Taylor, J.L. & Sailor, W. (2023). A case for systems change in special education. *Remedial and Special Education*, 45(2), 125–135. Retrieved November 3, 2025, from <https://doi.org/10.1177/07419325231181385>

17 Kauffman, J.M., Hallahan, D.P., Pullen, P.C., & Badar, J. (2018). *Special education: What it is and why we need it* (2nd ed.). Routledge

Kauffman, J.M. (Ed). (2022). *Revitalizing special education: Revolution, devolution, and evolution*. Emerald.

18 Jochim, A. & Kurz, A. (2025, October). *Outmatched: Special education can't solve problems rooted in the education delivery system* (p. 8). Center on Reinventing Public Education. Retrieved November 3, 2025, from <https://crpe.org/wp-content/uploads/Outmatched-Unlocking-Potential-10-25.pdf>

19 McLeskey, J., Tyler, N.C., & Saunders Flippin, S. (2004). The supply of and demand for special education teachers: A review of research regarding the chronic shortage of special education teachers. *The Journal of Special Education*, 38(1), 5-21. Retrieved November 3, 2025, from <https://doi.org/10.1177/00224669040380010201>

20 Meyer, A., Rose, D.H., & Gordon, D. (2014). *Universal design for learning: Theory and practice* (Version 2.0). CAST, Inc.

21 Kolbe, T., Dhuey, E., & Doutre, S.M. (2023). (Re)considering policy proposals to increase federal special education funding. *American Journal of Education*. Retrieved November 3, 2025, from <https://doi.org/10.1086/721846>

Kolbe, T., Dhuey, E., & Doutre, S.M. (2023). Unequal and increasingly unfair: How federal policy creates disparities in special education funding. *Exceptional Children*, 90(1), 57-75. Retrieved November 3, 2025, from <https://doi.org/10.1177/00144029221148784>

22 Sullivan, A.L. (2017). Wading through quicksand: Making sense of minority disproportionality in identification of emotional disturbance. *Behavioral Disorders*, 43(1), 244–252.

23 Sailor, W. (2014). Advances in schoolwide inclusive school reform. *Remedial and Special Education*, 36(2), 94-99. Retrieved November 3, 2025, from <https://doi.org/10.1177/0741932514529111>

org/10.1177/0741932514555021

24 Booth, T. & Ainscow, M. (2011). *Index for inclusion: Developing learning and participation in schools* (3rd ed.). Bristol, UK: Centre for Studies on Inclusive Education. Retrieved November 3, 2025, from <https://index-for-inclusion.org/en/>

25 Taylor, J.L., Proffitt, W.A., Cornett, J., & Sailor, W. (2024). Unintended consequences of special education and consideration of change. *Journal of Special Education*, 58(4), 187–197. Retrieved November 3, 2025, from <https://doi.org/10.1177/00224669241256959>

Taylor, J. L. & Sailor, W. (2023). A case for systems change in special education. *Remedial and Special Education*, 45(2), 125–135. Retrieved November 3, 2025, from <https://doi.org/10.1177/07419325231181385>

26 Kauffman, J.M., Hallahan, D.P., Pullen, P.C., & Badar, J. (2018). *Special education: What it is and why we need it* (2nd ed.). Routledge.

Kauffman, J.M. (Ed). (2022). *Revitalizing special education: Revolution, devolution, and evolution*. Emerald.

27 Wiley, A.L. & David, D. (2024). Multi-tiered systems of support in special education reform: A critical appraisal. In J.M. Kauffman, D.P. Hallahan, & P.C. Pullen (Eds.), *Handbook of special education* (3rd ed., pp. 23-38). Routledge

28 Center for Learner Equity [CLE] (2022). *A secondary analysis of the Civil Rights Data Collection to inform policy and practice*. Retrieved November 3, 2025, from <https://www.centerforlearnerequity.org/news/crdc17-18/>

29 Mommandi, W. & Welner, K. (2021). *School's choice: How charter schools control access and shape enrollment*. Teachers College Press.