

Bending the Arc Toward Justice: IDEA and the Common Good

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Good morning. I'm so honored to be here with all of you, and I want to talk about bending the arc toward justice, IDEA and the common good.

As someone who taught Kindergarten in impoverished Boston Public Schools, at a time when it took 5 years to get a 5-year-old with significant developmental delays even tested, it is deeply redemptive to be here at The White House celebrating the 40th Anniversary of IDEA, and the progress we have made as a nation.

From the heartbreaking history of children confined to institutions, and all but children with mild disabilities barred from the doors of our schools, it has been IDEA, along with Children's Supplemental Security Income-SSI, that has made it possible for families to raise their children at home. IDEA is the major hedge against the injunctions of the past, when physicians typically told families when their child was born: "*don't take him home- it will ruin your family.*" "*Don't see her-don't hold her, just place her and go home and get pregnant again.*" Now, when a child with a disability is born, through IDEA, our nation expresses to families "*we value your child and your family.*" We will embrace your family through Early Intervention; we will educate your child from pre-school forward. We say to you emerging adults, we will support your transition to a life of opportunity, meaning and contribution.

While IDEA has bent the arc toward justice for generations of children with disabilities and their families, this justice is not universally distributed. We know that the educational outcomes of children with disabilities living in poverty are poorer than for more advantaged children. We know that disproportionality— in eligibility, in placement, and in disciplinary actions— persists for minority children, and children who are English Language Learners. The common good is not served by suspending or expelling preschool children.

To hold ourselves accountable to our children and our nation’s future, we must ensure that the information we collect through ESEA, the Elementary and Secondary Education Act, the information about discipline, as well as proficiency and achievement, be disaggregated by race, ethnicity, disability, and gender. We must also honor many of the opportunities inherent, but under-resourced, in Part D of IDEA, to address these disparities.

IDEA makes manifest the imperative for the federal government to ensure opportunity for children wherever they live. IDEA reminds us that we belong to each other; that the common good is enhanced when we have not only the opportunity, but also the support to be included, to be present with each other, to have the resources to communicate with each other and to learn together. In the early 1970s, when Gunnar Dybwad counseled the parents of the [then] Pennsylvania Association for Retarded Children, that it was time to resort to

the courts, and Tom Gilhool litigated what became the PARC consent, in our wildest dreams we could not have imagined the paradigmatic changes that have occurred.

Achieved through assertive advocacy and bolstered by empirical findings, access to the general curriculum, now the norm, represents a quantum leap from how access was first conceived of in PL 94-142. As we recognize that the aspirations of all students may be very similar, opportunities and support are not yet comparable. We need to further develop and apply the body of instruction and support that makes college and careers accessible for students with significant disabilities. Many families feel that when we speak of access to the general curriculum and participation in alternate assessments that measure achievement aligned with the states' standards by grade level, that this does not yet have resonance and relevance for their daughters and sons who have severe disabilities. If families feel left out, if they do not see their children supported and learning, it is harder for them to develop or embrace the high expectations which are most predictive of employment as an outcome for students with disabilities.

Too many children receive their education in places that are separate from their brothers and sisters, from their neighbors and peers without disabilities. To make inclusion real we need not only highly qualified Special Education teachers, but to ensure that all teachers receive meaningful preparation in

Universal Design, differentiated instruction, and tiered intervention. Teacher preparation and teacher certification must be moving to joint certification in General Education and Special Education for inclusive schools to become a reality for all children. Part D of IDEA recognizes the importance of Personnel Preparation to educate new teachers, and the necessity of Professional Development to enhance the skills of cohorts of teachers, paraprofessionals, clinicians, and related services personnel. We must ensure that resources are dedicated to the skills and development of the human beings that are at the heart of our most human enterprise: education.

Despite IDEA's presumption toward Least Restrictive Environment, the majority of students with intellectual disabilities and students with severe disabilities do not yet spend most of their days with their peers. We have not sufficiently bent the arc toward justice in making available the opportunities for learning and relationships that contribute to future employment, and the richness of lifetime connection and relationship. I want to raise up the importance and meaning of school-wide interventions, including Positive Behavior Support, in this context. Beyond the empirical impact of these interventions, school-wide interventions serve as a preview for an inclusive society. It is in school where we learn how to exercise our individual responsibilities as a member of a group, to listen and to work with each other, to support each other. We learn that everyone's success, and our success as a whole, creates the common good.

We have strong empirical data that inclusion benefits children with disabilities. We are learning that inclusion benefits all students— that it is a contribution to the common good. We are indebted to the work of Erik Carter, who has demonstrated “that peers who play an active role in providing support in inclusive classrooms do better academically as a result of learning alongside their peers; ‘A’ students stay ‘A’ students but struggling students go up in grades” (2015). By being present and engaged with each other, students learn about diversity and disability in the most personal of terms: relationships develop and attitudes change. Students with disabilities are meeting and in relationship to their future employers and employees— another testament to why transition, including Community Based Instruction and other experiences, needs to happen in one’s home community.

I now ask the medical students I teach, whether they have gone to school with students with disabilities. With each generation of medical students more hands go up. We can take great heart knowing that IDEA has made it possible for these future physicians to see their future patients not as other— defined by diagnosis and labels— but as friends, as neighbors, as peers.

The purpose of IDEA, of all education, is to make it possible for young people to flourish in adult life. As we celebrate that increasing numbers of students in Special Education are graduating from high school with their peers, a milestone in all our lives, we must assure that there continues to be the full

flowering and implementation of the transition entitlement, making it possible for students to access postsecondary education and employment and to truly have a successful and meaningful transition to adult life. The braiding together of IDEA with ESEA enhances the circumstances for opportunity and achievement, but also creates policy complexities which we must help schools and states navigate.

Around the country there is shared concern about students who complete their education but are not achieving post school outcomes: not accessing higher education, not working or meaningfully engaged, or receiving adequate services and supports. There are proposals to create new transition structures to address this cliff students and families experience as they move from education, which is an entitlement, to service systems based on eligibility. We must proceed vigorously, but carefully, to address these needs of the growing cohorts of students, the IDEA generation, who have, or who are finishing their education. We must apply the resources necessary to strengthen the transition purpose and processes of IDEA, while we also advocating for invigorating adult service systems, braiding together the opportunities inherent in the Work Force Opportunities and Investment Act and in Home and Community Based Services.

The centrality of families in their child's education is at the heart of IDEA. To honor all families we need to ensure that parent information and education,

elements of Part D, reaches families in ways that are responsive to their language, their culture, and life circumstances. With Early Intervention now provided in natural environments, we must be intentional about assuring that parent-to-parent support is there for all families, as they begin their family's trajectory in living with a disability.

As we celebrate and affirm the right to education, we are also challenged to develop and support new ways for parents and schools to work collaboratively to resolve differences and disagreements. As schools, can we listen to parents in their knowledge and hopes for their beloved child? As families, can we appreciate both the good intentions and the pressures upon schools? Can we approach each other with the empathy of Lincoln (1854), that "They are just what we would be in their situation." "They are just what we would be in their situation."

IDEA is structured upon civil rights—the right to exercise procedural safeguards and due process protections, the right to resort to the courts. These protections can never be abrogated. We also know that often, after prevailing in these protections, the relationship between the school and the family has become so frayed and adversarial, that it becomes difficult to create the common ground conducive to achievement, security, and shared purpose for the student.

Can we affirm rights as the underpinning for each student, as well as in our advocacy writ large, keeping in the forefront of our minds and actions the observation of the Quaker William Penn (1602), “we are too ready to retaliate, rather than forgive in Love and Information”?

Today we celebrate IDEA and the lives that have been changed by the right to education. With love and information, we can together go forward, serving the common good and assuring the future of our nation-educating all of our children so that lives are filled with hope and connection, productivity, and joyous spirits.

Thank you.