

**Written Opening Statement of Sheryl Lazarus, Ph.D.
Director, TIES Center**

Congressional Briefing on “A Truly Inclusive Society: Encouraging the Ability in Disability”

Hosted by the Helsinki Commission

Monday, September 24, 2018, 3:30 p.m.

Dirksen Senate Office Building, Room 562

I. Introduction.

I would like to thank the Helsinki Commission for the opportunity to talk with you today. I am the Director of TIES Center.^{1,2,3} TIES is funded by the U.S. Department of Education⁴, and is the National Technical Assistance Center on Inclusive Practices and Policies. Its purpose is to create sustainable changes to educational systems so that students with the most significant cognitive disabilities can fully engage in the same instructional and non-instructional activities as their general education peers while being instructed in a way that meets individual learning needs. This is based on the belief that inclusion is a human rights issue, and that inclusion leads to better outcomes.

In the United States, there are 13 federally defined disability categories. Many students with the most significant cognitive disabilities take alternate assessments for accountability purposes. As shown in Figure 1, the three most common disability categories for these students are intellectual disabilities, autism, and multiple disabilities.

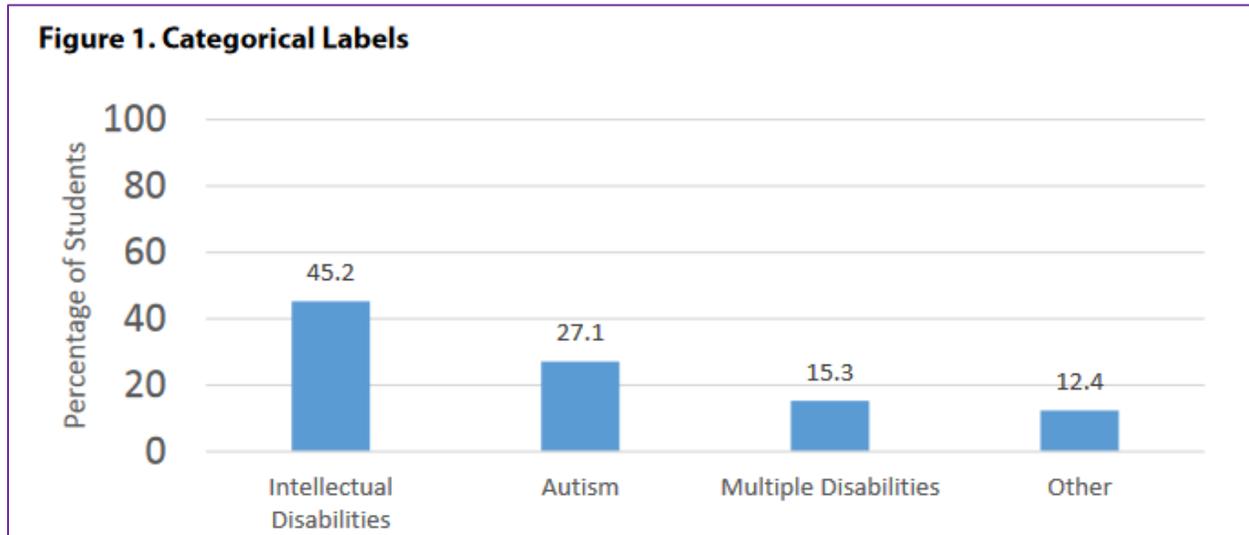
¹ TIES Center website: <https://tiescenter.org/>

² The word “TIES” stands for increased **Time**, **Instructional** effectiveness, **Engagement**, and **State Support** for inclusive practices. These four pillars support sustainable inclusive education.

³ I am also the Associate Director of the [National Center on Educational Outcomes \(NCEO\)](#).

⁴ TIES Center and NCEO are funded by U.S. Department of Education’s Office of Special Education Programs or OSEP. Both are part of the [Institute on Community Integration \(ICI\)](#) in the College of Education and Human Resources at the University of Minnesota.

Figure 1. Teacher Reported Federal Disability Categories for Students with the Most Significant Cognitive Disabilities Who Take Alternate Assessments⁵



II. Laws and Regulations

Expectations for students with disabilities in the United States have historically been low, but several laws have encouraged a more inclusive educational system. Beginning in 1975, Public Law 94-142 set a precedent for inclusive education with its least restrictive environment clause. The Americans with Disabilities Act of 1990 focuses on the rights of individuals with disabilities in all spheres of public life – including education, access to employment, transportation, and accommodations.

The Individuals with Disabilities Education Act of 1997, which is often referred to as IDEA, says that students with disabilities have the right to learn the general curriculum based on the same standards as their peers who do not have disabilities. The most recent reauthorization of IDEA, as well as the 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), also known as the Every Student Succeeds Act (ESSA), reaffirmed the right of students with disabilities to have access to the grade-level curriculum provided to all students. These laws state that instruction must be designed to promote progress in the general education curriculum. IDEA also mandates that students with disabilities be provided with a free and appropriate public education, which includes both special education and related services, and that students are to be educated in the least restrictive environment. This creates a legal presumption that the general education setting is the default UNLESS the child cannot be educated satisfactorily there even after all the necessary support is provided.

⁵ This figure is based upon the findings of a study conducted in 15 states. Figure source: Thurlow, Wu, Quenemoen, & Towles (2016).

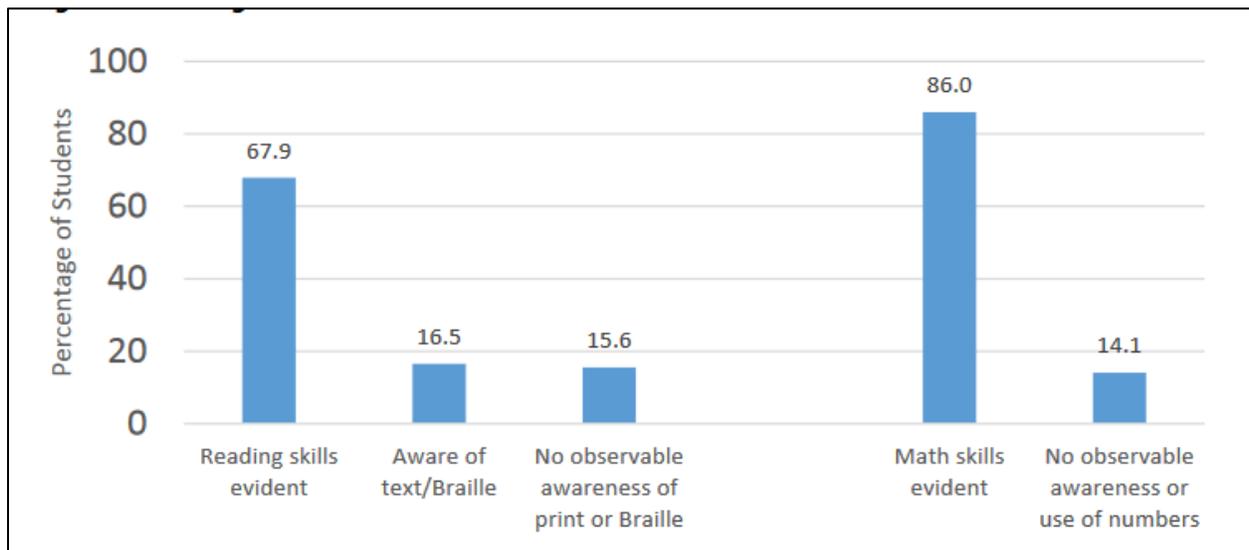
These, and other laws and regulations, provide the underpinnings of inclusive education in the United States, but the real heroes are the individuals with disabilities, their families, and advocates. They have exercised their rights, and sometimes had to push, shove, and hold the educational system to what the law required; though they must consider themselves fortunate to be in a country in which individuals with disabilities and their families have the legal right to disagree with schools and the government.

III. Critical Components

Several critical components that support sustainable inclusion for students with the most significant disabilities include: raising expectations, increasing educator capacity, access to the content, and systems change.

Raising Expectations: It is vital to raise expectations for students with the most significant cognitive disabilities. When given the opportunity to learn they often surprise us. It is important to note that students with the most significant cognitive disabilities are very diverse. For example, as shown in Figure 2, more than two-thirds are readers.

Figure 2. Reading and Math Skills of Students with the Most Significant Cognitive Disabilities (Based on Teacher Perceptions)⁶



Content expectations have changed over time. Historically, students with the most significant cognitive disabilities often were only taught functional skills; that is, how to do self-care, tell time and use money, or routine daily tasks. The curriculum started to change in the early 2000's when accountability for academic performance for students with disabilities was strengthened. Currently, there are requirements that content must be aligned to grade-level standards. For example, federally funded projects worked with educators to develop high-quality standards-

⁶ This figure is based upon the findings of a study conducted in 15 states. Figure source: Thurlow, et al. (2016).

based materials and training on how to implement them successfully.⁷ However, in practice this shift to more rigorous and grade-level content-based curricula does not always occur, and there are concerns about whether access to general education have been actualized (Ryndak, Moore, Orlando & Delano, 2008; Soukup, Wehmeyer, Bashinski, & Bovairdet, 2007).

As teachers began introducing new content for students with the most significant cognitive disabilities similar to what their same-age peers were learning, we heard over and over, across the entire country, “Who knew that these students could learn to read, and do math, and social studies, and science?” The reality is that most of us do not learn things that we have never been exposed to. It is no different for students with disabilities.

As students with the most significant cognitive disabilities taught us what they could do when taught well, we realized we had to continue raising our expectations for them. We must presume competence of students because the most dangerous assumption we can have as educators is that students CANNOT learn and therefore we do not teach them. If that is our mindset, then students with significant cognitive disabilities most certainly will not learn because they have not been afforded the opportunity. But if we do teach them, using practices that have been shown to be effective, then students can learn. And, if this learning can occur alongside their same-age peers in a general education classroom, then ALL students can benefit. This goes back to the point about this being a human right. Presuming competence is a human right, and inclusion is a human right.

Increasing Educator Capacity. Although the learning curve for the adults is sometimes steep, students – both the included student and their student peers - often make the shifts well when all are supported. Improving the quality of instruction is critical to successfully increase the amount of time in inclusive settings and the amount of educational engagement. Teachers need to feel confident that they have the knowledge and skills needed to successfully instruct all students in their class. Successful inclusion in the academic content as well as in the physical space creates a shared bond of common experiences and learning that results in natural peer acceptance in activities outside the classroom. For this to occur, special education and general education teachers – and the school administrators who support them – must have the knowledge and skills to confidently instruct all students, including students with the most significant cognitive disabilities.

Access to the Content. Meaningful access to content continues to be one of the biggest challenges for students with the most significant cognitive disabilities. The diversity of this population creates challenges for educators as they work to create inclusive learning environments and design accessible academic instruction. For example, Jamie uses oral speech, is mobile, has adequate hearing and vision, but requires academic accommodations and adaptations that are significantly different than typical peers to meaningfully participate in academic instruction. Shelby has limited mobility, no oral speech, uncertain use of vision. When engaged by peers, she alerts to others and smiles. She learned to use a single switch to indicate “more” of the activity in which her peers were participating in a short five-minute teaching

⁷ For example, the National Center and State Collaborative’s online Wiki at https://wiki.ncscpartners.org/index.php/Main_Page or the Dynamic Learning Maps professional development site at <https://www.dlmpd.com/>

session. Then there is Stevie. Like Shelby, Stevie does not have oral speech but does use some signs, pictures, facial expressions, and vocalizations to communicate a variety of messages. He can follow 1 -2 step directions when motivated to do so, and answer questions about literature by pointing to the picture. He is beginning to use a picture-based voice output augmentative and alternative communication device which will enable him to communicate a wider array of messages and participate actively in lessons.

The use of the principals of Universal Design for Learning can be used to create instruction that is accessible to a wide range of students (e.g., Coyne, Pisha, Dalton, Zeph & Smith, 2012; Spooner, Baker, Harris, Ahlgrim-Delzell, & Browder, 2007). In Universal Design for Learning, lessons can be designed by the general educator and special educator collaboratively with ALL students in mind. For example, if you think back to when you were in school, you likely used a graphic organizer such as a Venn Diagram or a T-chart. This support benefits students with disabilities directly because it provides an organizing schema, but it also may benefit other learners in the classroom who need help with organization.

Systems Change. Creating systems that facilitate the successful implementation of inclusive education is key. For example, districts that have found improved outcomes for students with disabilities demonstrated that a shared commitment to educating all learners was requisite to breaking down traditional programmatic silos (e.g., general education, special education, gifted education, etc.). It is essential to create collaborative structures that allow personnel at all levels of the educational system to learn together, and that bring the collective expertise of all educators to bear in improving instructional practice and addressing student instructional needs.⁸ This shift away from longstanding isolated practice to collaborative practice cannot be achieved without focused and intentional action of the adults.

Communicative Competence. Most students with the most significant cognitive disabilities communicate verbally just like everyone else. However, a few students communicate in other ways or show minimal response to stimuli. Students who lack a consistent mode of communication are often served in segregated educational settings because many teachers feel unprepared to support them. A key to successful inclusion, and better outcomes, is getting a communications system (e.g., augmentative and alternative communication) in place in a timely manner – ideally by kindergarten or the early primary grades. According to Kleinert, Holman, McSheehan, and Kearns (2010), “Augmentative and alternative communication (AAC) includes all forms of communication (other than oral speech) used to express thoughts, needs, wants, and ideas” (p. 1).

Here is an example, from the next issue of *Impact*⁹ magazine, which illustrates how a commitment to building communicative competence helps enable students to thrive in inclusive contexts. Jaimar Fish is a middle school student in Danville, Kentucky. He has multiple disabilities. He did not have a consistent communication system. He gets along well with the other students, but it was difficult for him to develop relationships with them because he could

⁸ For example, see [Moving Your Numbers](#).

⁹ *Impact* is published by the Institute on Community Integration at the University of Minnesota. Available in November at https://ici.umn.edu/index.php?products/view_all/14. See article by Kleinert, Land, Newton, & Logsdon.

not communicate. His educational team addressed his communication needs by first figuring out what he enjoyed – and might want to communicate about. They soon realized that he could follow simple directions. Next they gave him an augmentative and alternative communication device. In his case, this is a simple motion detection switch. It is activated by his smallest movements and translates these movements into verbal language. Now Jaimar can respond to questions during his classes; talk with his friends about his likes and dislikes; and is one of the group.

IV. Summary

Research has shown us the path to successfully educating all students, including those with the most significant cognitive disabilities; and, the United States has taken some steps in that direction, but we need to have the commitment to make sustainable inclusion happen for all students. To improve outcomes for kids, the behavior of adults needs to change. There needs to be a shared responsibility across educators for the success of all students with all students being held to high expectations. Together, we can create a future that supports the learning of all students in inclusive settings, which will lead to a future with communities where all individuals are valued members.

References

- Coyne, P., Pisha, B., Dalton, B., Zeph, L.A. & Smith, N.C. (2012). Literacy by design: A Universal Design for Learning approach for students with significant intellectual disabilities. *Remedial and Special Education, 33*(3), 162-172
- Kleinert, H., Land, L., Newton, K., & Logsdon, P. (Fall, 2018, in press). Peer networks benefit all students: The power of communication, *Impact*. Will be available in November at: https://ici.umn.edu/index.php?products/view_all/14
- Kleinert, J., Holman, A., McSheehan, M., Kearns, J. (2010). *The Importance of developing communicative competence*. Synthesis Report #1. Lexington, KY: University of Kentucky National Alternate Assessment Center.
- Ryndak, D.L., Moore, M. A., Orlando, A., & Delano, M. (2008). Access to the general curriculum: The mandate and role of context in research-based practice for students with extensive support needs. *Research and Practice for People with Severe Disabilities, 34*(1). 199-213.
- Spooner, F., Baker, J.N., Harris, A.A., Ahlgrim-Delzell, L., & Browder, D.M. (2007). Effects of training in Universal Design for Learning on lesson plan development. *Remedial and Special Education, 28*(2), 108-116.
- Soukup, J., Wehmeyer, M., Bashinski, S. & Bovaird, J. (2007). Classroom variables and access to the general curriculum for students with disabilities. *Exceptional Children, 74*(1), 101-120.

Thurlow, M. L., Wu, Y., Quenemoen, R. F., & Towles, E. (2016, January). *Characteristics of students with significant cognitive disabilities* (NCSC Brief #8). Minneapolis, MN: University of Minnesota, National Center and State Collaborative.

Towles-Reeves, E., Kearns, J., Kleinert, H., & Kleinert, J. (2009). An analysis of the learning characteristics of students taking alternate assessments based on alternate achievement standards. *Journal of Special Education*. 42, 241-254.