With your change in perspective from that of a local board member to a client advocate and a state board member, how did you adapt?

The change that took me the longest to adapt to was learning to look at a situation with multiple sets of eyes—those of an administrator, those of a parent, those of a state policymaker. It’s interesting how different sets of eyes can look at the same situation and see completely different things—and each will be pretty confident they are seeing it correctly. It requires quite a bit of investigation, negotiation, and mediation. In special education, it takes a long time to get everybody on the same page seeing the same thing.

One of the other things that was different for me was I really only looked at special education through the lens of one school district, so I had to adjust my thinking so I could see how different the issues are around the state and how particularly acute the issues are in some very rural parts of the state.

What sorts of issues are those?

One major problem is attracting special education staff with the proper credentials. That became especially acute after the passage of No Child Left Behind with its highly qualified teacher mandate. Finding, attracting, keeping, and providing in-house training for your staff is very difficult in rural areas. Resources are another issue that is more acute in rural areas, and the other thing is volume. There’s not a statewide system in place to help support more isolated students who have complex needs. From a legal perspective, the bottom line is always that if the student is entitled to those services, then the student is always entitled to those services. Often you work with other community and medical agencies. In Utah, there’s the Office of Children’s Special Health Care needs, so you partner an agency with them for some medical and mental health needs. Another partner would be to look for support services. Sometimes it’s a package of services. It’s looking for resources that can support and expand what’s available in a school.

I would imagine many of these issues aren’t just relegated to the more remote areas.

In the population centers, the struggles are likely the same. Finding, recruiting, and keeping qualified special education staff is very difficult no matter what setting you’re in. Teaching special education—particularly to very, very physically involved students and students with severe mental illness—is darn hard work.

Is that the most common thing you’re seeing?

I think finances are always a part of that, as well. Congress has never funded IDEA at the level it promised. Most school districts need to find the majority of their operating costs in their local budgets. This is always tough for school districts. It’s never an excuse not to give the services needed, but it is a challenge for school districts to find those resources.

This issue of the Standard is about inclusion, about social inclusion in particular, but also about inclusion in general. I’m wondering how Utah has approached inclusion.

First, I’d like to point out something about inclusion and federal law that many people don’t realize—and that is, the legal standard under IDEA is not inclusion; the legal standard under IDEA is least restrictive environment (LRE), meaning a child should be placed in an educational environment appropriate for them with the least amount of restriction to them. Inclusion is an educational term that embraces what LRE looks like. Many people think IDEA means you have to do inclusion. IDEA means you have to—for any particular student—decide what that student’s least restrictive
environment is. It could look like a regular classroom where he word “inclusion” would be appropriate, but an LRE can also be a specialized school with a specialized staff. That is something that is probably not so clearly understood by people who talk about inclusion. IDEA is always a case-by-case basis. When I call districts, I read the title of law: “Individuals with Disabilities Education Act”—individual.

I think inclusion could be looked at as a goal in many districts. What IDEA tells you is to start with inclusion as your main goal—that is, the discussion should start with the assumption that the ideal placement for a child would be in a regular school and in an age-appropriate classroom. However, for any particular child, given his or her special needs and whatever else, that may not be an appropriate place. But you start with that as the leveler, and you either embrace that or, for reasons that you have to articulate, decide that the regular school or classroom may not be the best place for a particular child.

Since you started doing this work, how have things changed?

Not as much as I hoped, because if everything was going well, I could retire (laughing). I think the sad part of my work is that I’m very, very busy. This tells me is that even after more than 30 years of trying to figure out how to best provide services in public schools for students with disabilities, we haven’t come up with a really good answer. In my estimation, schools have gotten more open to and better at the assessment pieces, both diagnostic and academic. If a parent requests an evaluation for special education services, it wasn’t unusual 10 years ago for schools to say “no.” Now the answer is almost always is “yes” to some degree. I don’t get nearly the resistance we used to see in assessing and evaluating students. Once you do that and decide a child needs services, the issue becomes determining the appropriate level of services needed.

How many of these changes are due to changes in law and policy as opposed to lawsuits over these issues?

I think probably a little bit of both. I also think there are better assessment systems in place now than there used to be. If I had to point to one positive thing among the millions of words spoken about No Child Left Behind, it’s that it helped schools collect data about students. Part of that data is available—I know this sounds radical—to actually help students. (Laughs) Who knew? I think one of the differences is that for any one student, we’re not starting with a blank piece of paper. We already have a rich accumulation of data on that particular child. If you use it correctly and are skilled in how to use data correctly, I think going the next step to looking at someone being assessed for special education isn’t quite as a big of a leap as it used to be.

How much of what you do in the private sector influences the work you do on the state board?

I think consciously and subconsciously, it influences my board work. I never look at a report without asking what it looks like for kids with disabilities. I think about it every time we talk about the achievement gap. What you see depends on what set of eyes you’re looking through. Most people look at the achievement problems in terms of so-called “minority” populations or your refugee or your low-income populations. But when I look at it, I see that the worst performers on all of those indicators are always students with disabilities. The achievement gap in high school graduation is greatest among students with disabilities. I can tell you there is not a board meeting that goes by where that issue doesn’t come to my mind either consciously or subconsciously.

So how is the state board addressing your questions, and other issues such as additional training for teachers?

I think the board is very open to a viewpoint that’s probably not been represented by others on the board. In Utah the state board is also charged with the supervision of the school for the deaf and blind. We talk quite often with the deans of the colleges of education in Utah. We try to meet with them at least once a year as a group to talk about what skill sets teachers going into classrooms in Utah need to have. That’s been one of our better outreach efforts. Clearly, that also includes qualifications for special education teachers. I think the Utah Common Core has moved the conversation to college- and career-ready standards, but for us that also means meeting the needs and having standards for children on every part of the spectrum, including students with severe mental and physical disabilities. We also have in Utah a K-16 alliance to help with the transition of students to post-secondary planning and transition. A third leg of that is transition planning for students with disabilities under IDEA. I think our push for the near future is to get that conversation in a place where we’re all comfortable with it.
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and community. Students without intellectual disabilities can increase their knowledge, skills, and comfort in forming positive social relationships with their peers. Together, they can create a safe and more productive school community for everyone. In the years ahead, the Special Olympics movement is committed to growing Project UNIFY to meet the full vision of inclusion—one that goes beyond services and supports—to unlock the dignity of every student. All educators would do well to take the lead from young leaders today who are championing a future of dignity for all.

Timothy P. Shriver is chairman and CEO of Special Olympics.

Where is Utah on the issue of restraint and seclusion?

In the area of restraint and seclusion, the protection and advocacy system has worked long and hard on a restraint and seclusion bill and supports its passage. In my private practice, quite a few pieces of my work deal with behavior and intervention plans for students, and usually some mention of restraint and seclusion is the last step in a plan. We have a sort of companion piece as well, which is to work with school districts on what constitutes an appropriate law enforcement referral. The big push from our office has been to work with districts to put together good intervention plans for students, knowing sometimes there could be an emergency situation where such a referral becomes necessary.

What do you think more people should know about?

I think one of the most overlooked things is the requirement for transition services for students. In Utah, schools think of themselves as ending their responsibilities when students are at age 18. Transition has been around for long time, but I think it’s not a conversation that’s natural to a lot of school districts.

Transition programs are almost always one-on-one programs, which make them expensive, and many are community-based and can’t be done in classrooms. It still surprises me how easily schools and districts excuse themselves from running a good transition program for students ages 16-22. When schools and school districts say, “We don’t do that,” or “We’ve never done that,” that continues to surprise me.

In special education there is never a “never” and never an “always.” You need to take the time to focus on each individual child and go forward from there.


8Centers for Disease Control and Prevention, School Connectedness.

9Ibid.


11The National Longitudinal Study of Adolescent Health (Add Health) is a longitudinal study of a nationally representative sample of U.S. adolescents in grades 7-12 in the United States during the 1994-95 school year. The Add Health cohort has been followed into young adulthood with four in-home interviews, the most recent in 2008. See http://www.cpc.unc.edu/projects/addhealth/about.


