

Advocate Academy

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WEBINAR MATERIALS



IDEA at 35:

What Advocates Need to Know and Do

December 1, 2010

Presenter:

Dr. Kurt E. Hulett

ABOUT THE PRESENTER:

Dr. Kurt E. Hulett is currently serving as the Senior Director of Research and Business Development for Pearson Education's Assessment for Learning division. He is also currently serving as a legal author, specializing in special education litigation and legislation, for Prentice Hall Publishing. Kurt published his most recent text in 2009, *Legal Aspects of Special Education*.

In his role as head of Research and Business Development, Kurt leads Pearson's Assessment for Learning business in a number of areas, including the design, functionality, modularity, reporting, data, and user-interface of K-12 assessments.

Prior to his current position, Kurt served as Senior Research Director in Pearson's Clinical Assessment division. In this capacity, Kurt was responsible for the development of all research, content, and assessments developed for the AIMSweb system - Pearson's leading RTI and formative assessment system. Kurt lead the development and conceptualization of new assessments, new scoring approaches, performed psychometric analyses, field testing, and technical adequacy submissions to organizations such as the National Center for Response to Intervention (NCRTI).

Prior to working in the assessment industry, Kurt served at every level of the public education system. He served as a high school special education teacher, middle school assistant principal, middle school principal, district policy officer for special education, and served in the Virginia Secretary of Education's office.

Kurt is a lifelong advocate for children with disabilities and has worked diligently on their behalf in every position he has held, both personally and professionally. He attributes his greatest education in all aspects of advocacy to his mentor and close friend, Joe Ballard - longtime Director of Policy and Government Relations for CEC and one of the original architects of IDEA. Joe took Kurt under his wing and contributed significantly to Kurt's 2009 text, *Legal Aspects of Special Education*.

Kurt has worked with a wide spectrum of advocacy groups, including a few of the more notable: The ARC, Special Olympics, the United Way, Easter Seals, CEC, and the MDA. He has served in myriad roles with these organizations including: camp counselor, event volunteer, policy intern, and board member.

Kurt received his doctoral (2002) and master's (1998) degrees from the University of Virginia. He earned his bachelor of science (1996) degree from James Madison University.

Advocate Academy **The Beginnings**

- How did we get here?
- Ballard, Weintraub, and Abeson and the beginnings
- The relationship between the civil rights movement and the right to education movement: traction, similarities (equal opportunity), differences (invisibility), and barriers for the advocacy of our kids (funding & opportunity cost)

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Advocate Academy **Advocacy: Then**

- Variables driving advocacy then (60's and 70's) and now

Then: no federal statute or regs guaranteeing FAPE and LRE—great need; momentum from civil rights movement and political winds; perfect storm of different advocacy groups needing each other and collaborating – we are much stronger as one; major focus on tracking and guiding litigation to the high court (Rowley 82' – actually bad case and about related services); highly specialized policy experts for the overall good and great attention to words and detail; no long standing resentment between schools and parents

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Advocate Academy **Advocacy: Now**

Now: strong legislation and potential opportunity for complacency; political climate is pushing hard against federal spending and overall government; advocacy has become more fractured – collaboration across the advocacy board is not strong (autism looks out for autism); very little tracking of cases and steering of litigation; the advocates of the 60's and 70's are retired and retiring soon (have we grown enough of a network?); long standing friction between school districts, lawyers, and parents; other organization (NSBA) are very adept at steering language

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Brief Review

- 1960's: state work on legislation and moving litigation; sped is a charity – if we can we will, but if not we won't; ESEA passed in 1965
- 1970's: realization that guidelines at the federal level are needed (PARC & Mills)
- 1980's: Reagan admin and the proposed shut-down of the Dept. of Ed.
- Regular Education Initiative
- Nation at Risk (1983)
- Media pushes back on special education (US News and World Report: "Special Education—Separate and Unequal"). 60 Minutes: Story on student taking leer jet to and from sped program

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- 1990's: 95-96 Congress seriously considers either funding or repealing legislation that is not fully funded
- 2000's: 14 removed from transition language (removed during conference without comment) and no one screamed
- 3 year IEP pilot (supported by CEC and others)
- Teachers can be opted out of IEP meeting with permission
- Removal of short-term objectives unless taking alternative assessment
- Question: Can the needs and advocacy for teachers conflict with needs and advocacy of children?
- Strong focus on decreasing teacher paperwork (does the opportunity exist to weaken student rights while trying to decrease paperwork?)
- RTI and dual discrepancy model: where are we heading with LD
 - Balanced assessment and evaluations

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Protecting the Six Pillars

- The IEP: The Heart of Special Education
- Free and Appropriate Public Education
- Least Restrictive Environment
- Appropriate Evaluation and Assessment
- Participation: Parent and Teacher
- Procedural Safeguards

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Concerns and Areas to Watch

IEP's

- 3 year pilot
- Teacher opt out
- Transition only at 16 (look at drop out rates and graduation rates for sped kids...is this moving in the right direction? Did anyone yell?)

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Concerns and Areas to Watch

- Funding: We fund bad banks and failing car companies to name a couple things; how about fully funding legal promises to our kids?
- Funding vs. Policy focus: Are they joined or mutually exclusive

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Concerns and Areas to Watch

- LD: transition: graduation rates and college degrees – making progress but not where we need to be
 - RTI: Are we unified in the LD community? Are we using the full compliment of available research and data (potential over-reliance on cbm data) to identify and determine these students as eligible (over-identification is bad, but under-identification is worse – in my humble opinion). New approaches need constant evaluation and on-going research.
 - We need a balanced evaluation approach that does not go to extremes

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Concerns and Areas to Watch

- Over-identification of boys – multiple areas (e.g., ED/BD) – this needs to be watched closely. We seem to pay attention to ethnicity but not gender. Any form of over- or under-identification is bad.

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Concerns and Areas to Watch

- The training of the next generation of advocates: Who is being trained and by whom? What are the universities doing? What is the advocacy base doing? How do we make sure a well-informed, motivated group of advocates are available for our future children?

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Concerns and Areas to Watch

- Continuum of services and individualization: schools seem to already have the placement and answer. How often are unique programs developed? FAPE, LRE, and the regular education classroom.
- NCLB: Balancing high expectations and individualization – very tricky (e.g., subgroups)
- Splintering Effect: Lack of collaboration among different advocacy groups to protect core tenets of IDEA.
- Courts stepping into methodology: Autism (ABA and Lovaas) – slippery slope
- Due Process: The intent to keep disputes out of the courts is good, but it needs to remain parent friendly and not made as a barrier (dispute resolution). Still too difficult and expensive for parents to get reasonable resolution when parents and districts disagree.

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Lawyers—What has Happened?

- The involvement of lawyers in the IEP process is completely out of whack and well, well outside of the original intent of IDEA. The culture and practice surrounding lawyers must change.
- Intimidation of parents in the entire IEP process (8 on 1 effect).

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The Future of Advocacy

- Advocacy Unification
- Public Presence
- Maximization of Technology
- Celebrating Success
- NCLB – A Watchful Eye
- A Demographic Upheaval
- A Unified National Dialogue

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Advocate Academy

The Future of Advocacy

- A Professional Academy
- Mandatory Policy and Cross-Cultural Preparation
- Status and Growth
- Domains of Learning
- A Return to Tracking
- Policy Creep

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Advocate Academy

The Future of Advocacy

- Individualized Approach to Education
- Solution Orientation

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LEGAL ASPECTS OF SPECIAL EDUCATION

ISBN-10: 0131173464
ISBN-13: 9780131173460
Merrill, 2009

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