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UNITED STATES OF AMERICA
DEPARTMENT OF EDUCATION

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IN RE: :
PRESIDENT'S COMMISSION ON :
EXCELLENCE IN SPECIAL EDUCATION:

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Hyatt Regency Coral Gables
50 Alhambra Plaza
Coral Gables, Florida 33134

Wednesday, April 10, 2002
9:00 a.m.

1 APPEARANCES :

2

3 TERRY BRANSTAD, CHAIRMAN

4 STEVE BARTLETT

5 WILLIAM BERDINE

6 BETH ANN BRYAN

7 C. TODD JONES

8 PAULA BUTTERFIELD

9 JAY CHAMBERS

10 ALAN COULTER

11 THOMAS FLEMING

12 JACK FLETCHER

13 DOUGLAS GILL

14 DAVID GORDON

15 NANCY GRASMICK

16 BRYAN HASSEL

17 DOUGLAS HUNTT

18 G. REID LYON

19 BOB PASTERNAK

20 MICHAEL RIVAS

21 CHERIE TAKEMOTO

22 ADELA ACOSTA

23

1 APPEARANCES: (Continued):

2

3 KATIE WRIGHT

4 LINDA JOHNSON

5 SUSAN THOMAS

6 IRWIN KURZ

7 BARRY MORRIS

8 JO ANN SHAW

9 LAURA WHITESIDE

10 CRISHA SCOLARO

11 RABBI EZRA LEVY

12 MARY ELLEN RUSSELL

13 PATRICIA HERNANDEZ

14 BONNIE SCHAEFFER

15 ROBIN M. WILKINS

16 MIRIAM BRINLEY

17 NICHOLAS KING

18 CAITLIN WHITESIDE

19 JOSH KEMP

20

21

22

1 P R O C E E D I N G S

2 CHAIRMAN BRANSTAD: May I have your
3 attention please? Please be seated so we can begin
4 this morning session of the Presidential Commission
5 on Excellence in Special Education. Let me introduce
6 Todd Jones for some housekeeping announcements here
7 before we get started.

8 MR. JONES: Hi, folks. As you know, a
9 number of you have not been reimbursed for your
10 travels up to this point.

11 First of all, I will tell you, I share
12 your pain as I have not been reimbursed either
13 through another separate bureaucratic snafu.
14 However, in my hands, I hold a host of ACH vendor
15 miscellaneous payment enrollment forms. There is a
16 new payment system going on over at the Department of
17 Education. And so, for you to get reimbursed, you've
18 filled out forms and you may get the chance to fill
19 them again.

20 What I have in my hands are the forms you
21 have to fill out or let me put it this way. There
22 are forms that have not been received or completed or
23

1 appropriately filled out for a number of Commission
2 members and received by Tracy who is sitting up
3 front. I'm going to read the names of the Commission
4 members who don't have to fill out these forms. And
5 if you have it, so as not to point fingers, anyone
6 who's leftover gets to fill out the form.

7 The following Commission members have
8 filled out the form and don't need to take a copy of
9 this and throw it out. Berdine, Gordon, Gill,
10 Coulter, Chambers and Fleming. If your name is not
11 in the above six, you get to fill out the form. So,
12 please fill it out today and return it to Tracy who
13 is sitting, she has the longer hair sitting at the
14 desk out front and we'll get you reimbursed as soon
15 as we can. Thank you.

16 MS. WRIGHT: Can I ask a question?

17 CHAIRMAN BRANSTAD: Yes? Katie Wright has
18 a question. Go ahead, Katie. Speak into the
19 microphone.

20 MS. WRIGHT: -- we filled out and sent to
21 Kim Savoy-Brown. Is this different or is this the
22 same? What is this?

23

1 MR. JONES: Well, yes, there are two, the
2 problem is there have been two sets of payment
3 systems, one of which went into effect I believe the
4 day before yesterday. And so, making sure that, the
5 forms you filled out before were appropriate for
6 filling out before, but unfortunately because of
7 delays, we now, everyone has to get paid under the
8 new systems. And unless you filled out the new form,
9 you can't get paid.

10 MS. WRIGHT: Thank you.

11 CHAIRMAN BRANSTAD: This is the
12 government. We're here to help.

13 MR. JONES: I'll pass these along the row.
14 If everyone can take them as they come around, and
15 leave one for Doug Hunt. No need to leave one for
16 Bob as he's being strangled as a government employee
17 in his own particular way like I am. But the rest of
18 you get to fill out a copy of that.

19 CHAIRMAN BRANSTAD: Any other questions on
20 this? If your name wasn't called, you need to fill
21 out the form. That's basically the bottom line so
22 you do get reimbursed.

23

1 Let me try to clarify some things from
2 yesterday in terms the upcoming schedule. First of
3 all, I want to personally thank all of the
4 Commissioners for your attentive involvement and for
5 staying overtime last night. So, we were able to
6 give everybody that had signed up an opportunity to
7 make a presentation.

8 I think that was very important and this
9 is a subject that people have very strong and deep
10 feelings about. And I am very pleased with the way
11 things went yesterday and I appreciate everybody, you
12 know, giving each of the presentors an opportunity to
13 be heard.

14 As we look ahead and we, I think there is
15 a little trepidation about the very significant task
16 that the President has given us. But I feel very
17 confident with the experience and the quality of the
18 people we have involved and their personal commitment
19 to this that we can meet our mission of completing
20 our work and making our report and recommendation to
21 the President before the first of July.

22 This is based on 26 years of experience

23

1 having served in the legislature, presided over one
2 house of the legislature and been governor for 16
3 years. I've been through a lot of legislative
4 sessions and I know that if the effort is put and the
5 deadline is placed, deliberative bodies can
6 accomplish significant things when they have
7 deadlines that they have to meet.

8 As you know, the Commission, we the
9 members of the Commission are responsible for the
10 report. And I appreciate the hands-on involvement of
11 each of you in your task forces and helping us
12 redevelop this. But we are the ones that are
13 responsible for the report.

14 The staff will assist us and work with us
15 in terms of the drafting and, you know, making sure
16 that it all fits together in a cohesive way. And we
17 will be working on this in our upcoming meetings in
18 Washington, DC, May 30th and 31st, and then again on
19 June 13th and 14th. And at those meetings, we intend
20 to develop and approve the report and
21 recommendations.

22 The task forces will release a copy of
23

1 their draft report to the public. First, it will be
2 released to you, the members of the Commission, and
3 to the public about a week before the May meeting.
4 So, at that time, we will have those recommendations
5 available. We will then meet May 30th and 31st. And
6 then, we intend to meet again on the 13th and 14th of
7 June.

8 The task forces will meet again during the
9 May meeting prior to the public meeting of the
10 Commission to debate and debate in the task forces,
11 and the Commission itself will have an opportunity.
12 So, at that time, there will be an opportunity for
13 those task forces to get together and refine or
14 adjust their recommendations. And then, the
15 Commission itself will have that opportunity.

16 We expect to approve the report during the
17 June 13th and 14th meeting, completing our action at
18 that time so it can be printed out. There was some
19 discussion about the possibility of having a meeting
20 at the end of June due to the fact that a number of
21 the Commissioners cannot, that schedule doesn't work
22 for a number of you.

1 It's our intention, and I guess my feeling
2 is we have to go long hours or late into the night or
3 whatever we have to do. We, I believe, can get done.
4 We know we've got this deadline, and so that 13th and
5 14th should be long days, but we do intend to
6 complete our work at that time.

7 Anybody have any questions about that?
8 The time frame or the way this is approached? I
9 wanted to lay that out. Yes, Jack?

10 MR. FLETCHER: I don't quite understand
11 the schedule for releasing the report to the public.
12 Are you saying that the report will be released, that
13 the report will be written and then released
14 simultaneously? I presume --

15 CHAIRMAN BRANSTAD: The task forces, the
16 first thing we will have that will be released to you
17 and to the public will be the task force reports.

18 MR. FLETCHER: Which we prepare, we the
19 task forces prepare?

20 CHAIRMAN BRANSTAD: That's correct.

21 MR. FLETCHER: And I just think it's very
22 important to be clear that we're writing the report
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1 which will be --

2 CHAIRMAN BRANSTAD: You, the members of
3 the task forces, the people that are, in fact, one of
4 the task force on accountability met this morning and
5 I think we made significant progress. We're going to
6 meet again at lunchtime working on our report and
7 recommendation. Now, the actual words may, but I
8 mean it's, I'm really pleased with the progress that
9 particular, and that task force met in the morning,
10 so I was there for that meeting. And I met with them
11 again this morning.

12 That task force is making a really good
13 progress. And we expect the other task forces are
14 similarly moving forward, and those task forces are
15 responsible for making their reports. And then,
16 their reports will be made public and go out to all
17 the members of the Commission prior to our May
18 meeting.

19 MR. FLETCHER: So, when should the task
20 force have their report to the staff for compilation?

21 MR. JONES: Well, the development of that
22 is depending upon the nature of the task force. Some

23

1 task forces want to develop it as a bullet form.
2 Here are the principles we want to do, staff please
3 draft us the sentences which reflect these. There
4 are others who want to draft particular pieces of
5 them and say, here is exactly how we'd like to say
6 this particular section.

7 One of the issues is that the task forces,
8 first of all, overlap in some of their missions or in
9 issues which might be taken up. For example, we
10 heard discussions about charter schools yesterday and
11 how any recommendations on charter schools might
12 affect how the finance task force thinks about
13 finance and also about how accountability systems
14 task force thinks about its work. And more than
15 that, with the report being organized in a thematic
16 manner instead of the bright lines of the task
17 forces, pieces are going to be integrated together.

18 As those are developed by the task forces,
19 they're woven together as pieces of the report. And
20 those go through multiple cycles within each task
21 force until the task force is satisfied with the
22 content of its work.

23

1 MR. FLETCHER: Is there an expectation
2 from staff in terms of when we get the material to
3 you so that you can accomplish these tasks?

4 CHAIRMAN BRANSTAD: Probably the sooner
5 the better.

6 MR. JONES: The sooner the better.

7 CHAIRMAN BRANSTAD: I think the task force
8 on accountability by the end of this meeting is going
9 to be pretty well along on putting its material
10 together for the staff to work on. Now, I don't
11 expect every task force would be that far along. But
12 I think that's attributed to Steve and Steve Bartlett
13 is out of the room right now, but I think he did a
14 good job of synthesizing the concepts. And then,
15 they were refined somewhat this morning and I think
16 will be fully refined at lunchtime. And so, that
17 task force I think is well along.

18 MR. JONES: Some of these issues are also
19 practical. With the two new ad hoc task forces who
20 will themselves also make recommendations, not
21 meeting until the end of the month, the synthesis
22 process will be acting even faster with them. But

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1 then again, those meetings are having built into them
2 the ability for the task force to meet and pool
3 together that kind of thinking.

4 CHAIRMAN BRANSTAD: But for the public, I
5 think it's also important to know that the task force
6 preliminary recommendations will be available, will
7 be distributed and will be available on the website
8 and will be available to the public about a week
9 before our May meeting.

10 MR. FLETCHER: I just thought it was
11 important, Mr. Chairman, to indicate the report has
12 not been written.

13 CHAIRMAN BRANSTAD: That's right.

14 MR. FLETCHER: Some of us are quite
15 anxious about it.

16 CHAIRMAN BRANSTAD: Well, you're
17 absolutely right. It has not been written and a lot
18 of work is ahead of us. And I think that's a point
19 well taken.

20 Well, with that, are there any other
21 questions? Yes, Katie. Katie Wright.

22 MS. WRIGHT: This is the same form like
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1 what I've already filled out. That information is at
2 home. I don't have the information on my financial
3 or whatever here with me. Now, you said to give this
4 to someone here today? We can't do it today. I
5 can't because I don't have my routing number and all
6 that today.

7 MR. JONES: You don't have to give it to
8 me. And by the way, can I remind all the Commission
9 members, please pull the microphones a little bit
10 closer.

11 MS. WRIGHT: Okay.

12 MR. JONES: You don't have to do it today.
13 If you do it today, it will speed the course of
14 payment. But if you can't do it today, you can
15 simply return it to the staff offices when you return
16 home.

17 MS. WRIGHT: May we fax it to the staff
18 office?

19 MR. JONES: You absolutely can.

20 MR. FLETCHER: I believe original
21 signatures are required.

22 MR. JONES: Original is required? It will
23

1 have to be mailed. If that is the case, I'll have
2 staff look at the form and figure out if we need --

3 MR. FLETCHER: The bank says that it has
4 to be an original signature. Mine does anyway.

5 MR. JONES: I'll get you a firm answer,
6 Katie, Commissioner Wright.

7 CHAIRMAN BRANSTAD: Okay. Any other
8 questions? We will proceed with our first panel of
9 the day. The topic this morning is In the Classroom:
10 Perspectives of Parents and Educators serving
11 Children with Disabilities. This panel consists of
12 classroom regular and special educators that serve
13 children with disabilities. The Commission will hear
14 from their perspective on what works and what does
15 not work in today's current educational service
16 delivery model.

17 Our two members are Susan Thomas, a high
18 school teacher of students with learning
19 disabilities, and Linda Johnson, from the Cushman,
20 who is the director of the Cushman School. We've
21 heard from some of her colleagues from the Cushman
22 School yesterday. So, we'll start with Susan Thomas

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1 who I understand teaches in Virginia, but she's a
2 resident of Wyoming. And that just shows you what an
3 interesting world we live in these days.

4 MS. THOMAS: That's right. Can everybody
5 hear me? Well, first of all, good morning, and thank
6 you for inviting me to share with you my thoughts
7 concerning special education at the secondary level
8 in the public high school setting.

9 I'm not here because I am the wife of a
10 United States Senator. Rather, I'm here because I
11 have spent 31 years, I'm finishing my 31st year in
12 the classroom with children with special needs. 22
13 of those years have been at the secondary level, and
14 I believe that this is a real opportunity for all of
15 us to make some changes in this field.

16 I have seven recommendations that address
17 the needs of identified special ed students at the
18 secondary level. And then, I do look forward to the
19 question and comment period following the
20 presentations.

21 My first recommendation, I really believe
22 that we need to set well-developed and realistic

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1 goals for where we want special ed services to be and
2 what we want them to look like in five to ten years.

3 Number two, I believe we need to provide
4 accountability for special ed students and special ed
5 services by using goal-based programs and models that
6 demonstrate measurable but realistic goals for each
7 child according to his ability, whether it involves
8 integration or self-contained classes.

9 Number three, we need to provide reality-
10 based life-skills programs and vocational education
11 for those students who are not at the lowest level of
12 the special ed continuum or at the college-bound
13 level of the special ed continuum. Number four, it's
14 very important to provide alternative diploma choices
15 for those students who are not able to pass literacy
16 or state-mandated tests in required core areas.

17 Number five, we need to provide
18 appropriate guidance counseling or a transitional
19 coordinator/ counselor from school to work for
20 guiding selection of post-secondary training with the
21 same expertise and depth that is provided to college-
22 bound students in a regular setting. Number six, I

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1 believe we need to require teacher training for life-
2 skills programs for the students in the middle.

3 Also, we need to provide teaching training
4 incentives for certification which is dual. There
5 needs to be a way to encourage and support general ed
6 teachers to go back to school to earn special ed
7 endorsement. Also, special ed teachers, I really
8 believe, need to be encouraged to obtain an
9 endorsement in the core academic area as well as in
10 special education. And remember, I'm speaking
11 secondary level here. And number seven, my favorite,
12 we need to consolidate and provide time to do the
13 reams of paperwork required by the law.

14 I would just like to briefly comment on
15 these recommendations, if I may. Vision. Vision is
16 needed in our field to develop a plan of where we
17 want to be in five to ten years. What would special
18 ed services look like? How do we want it all to work
19 and how do we get there from here. A Vision 20-20,
20 if you will, with goals and a mission for the future.
21 If we do not know where we're going, it's not going
22 to matter much where we've been.

23

1 Accountability. We hear that word a lot.
2 I believe it's just as important, if not more so, in
3 the special ed as it is in regular education. I
4 often hear myself telling folks that regular students
5 are going to make it with or without our help. But I
6 think we need to be realistic when we think about
7 special needs children. What kind of accountability?
8 How is it to be measured and at what level? I think
9 we're on a very sharp learning curve here and I'm
10 anxious to make strides forward with that concern.

11 Over the years, we have done and we are
12 currently doing some things very well in special ed.
13 We are providing more services to more children than
14 ever before. For many, we have raised the bar and we
15 have seen them meet the challenge. And this has
16 resulted in achievement at higher levels. But at the
17 same time, the gap between the lowest and the highest
18 functioning special ed students has widened and we
19 have left many children behind.

20 I believe that it should be our goal to
21 help every young person who is using special ed
22 services to leave high school armed with a plan ready

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1 to implement. He or she should be able to begin
2 working toward being an active, contributing, self-
3 sustaining member in our society. And I wonder if
4 we're not missing the boat here.

5 I want to tell you about one of my
6 students, Sam. Of course, the name is made up but I
7 can tell you, Sam is a very real person. He's 19
8 years old and he's set to graduate in June. He's not
9 able to write a coherent, complete sentence. He
10 cannot read beyond second grade level. In English
11 class, he's faking his way through Romeo and Juliet
12 when he should be learning how to read survival skill
13 words, how to fill out a job application form and how
14 to read a pay stub.

15 Sam does not fit into the lowest level of
16 the special ed continuum. Nor does he fit into the
17 college-bound group of special ed students. His
18 social skills are good and he has a well-developed
19 sense of humor. He's very organized and he cares a
20 great deal about his work. But he does not know how
21 to work a checkbook, open a savings account, or make
22 a budget for himself.

23

1 He's never worked for pay, so application
2 forms are absolutely foreign to him. Yet he chooses
3 not to stay in school until he turns 22. Here is
4 where we need transitional life-skills classes and
5 transitional counseling. Because Sam has not passed
6 the reading literacy, or writing literacy test, he
7 does not qualify for a standard diploma. He will get
8 a certificate of attendance.

9 His parents, his mother is very upset
10 because she says he's worked just as hard as the
11 other students who have the ability. So, why
12 shouldn't he be rewarded as they are? His mother
13 also believes he's college material. Somewhere along
14 the line, Sam's family was told that Sam could do
15 anything he wanted to do.

16 This is not realistic and it's very unfair
17 to Sam and his family. High school to work or post-
18 secondary training transitional counseling again is
19 needed here. If we ever look to the future to have a
20 Vision 20-20 of what special education will be, I
21 believe we need to do a better job of teacher
22 training now. For my friend Sam, we need to be

1 prepared to offer strong life-skills, an appropriate
2 support system, and outcomes-based testing that will
3 measure Sam's readiness for graduation.

4 Now, of course, I'm sure you have all
5 heard about the incredible amount of paperwork that
6 we do for all of our students. In fact, I'm on an
7 airplane at 1:00, I have child studies and IEP's
8 tomorrow morning at 7:00 o'clock. At times, I do
9 feel like I do not have time to teach my kids because
10 I'm too busy staying caught with mounting reams of
11 paperwork that we fill out. And I believe we do a
12 lot of this paperwork so that parents and advocacy
13 groups will not sue us. We are covering ourselves
14 constantly.

15 I also believe that if we are doing our
16 jobs correctly, filling out all the forms, following
17 the laws, the rules and the steps, that we should not
18 have this huge fear of being taken to court. I guess
19 maybe I'm in the time of my life where I think I am
20 doing all I can do. And if someone wants to sue me,
21 I say come on, take me to court.

22 If teachers are not following the process

1 nor using the appropriate procedures, then the
2 administrators need to take the corrective steps.
3 But I cannot see why all of us must fill out three
4 more pieces of paper per student because one case
5 manager failed to do what he or she was supposed to
6 do. And I believe that accountability is required
7 here as well as with the student learning process.

8 Mr. Chairman, I have covered only a few
9 items of importance here. I was asked for
10 recommendations and I have given them to you. I hope
11 we all realize the many good things that we are doing
12 for special education. This is a process, and I
13 congratulate each of you for your leadership, for
14 being involved and for caring about the future. My
15 friend Sam and all of his buddies out there are
16 looking to us and their futures depend on it. I
17 thank you for your time.

18 CHAIRMAN BRANSTAD: Thank you very much,
19 Susan.

20 MS. JOHNSON: I am Linda Johnson, and it
21 is a great privilege to be here today to speak to
22 you. I am the director of the Laura Cushman Academy

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1 which is a division of the Cushman School. And I'd
2 like to report to you today about the model that we
3 use to educate children with specific learning
4 disabilities.

5 This is a picture of our courtyard. We
6 are a historic school in Miami which is a new city.
7 And we began in 1924 and we were started by our
8 founder, Laura Cushman, who believed very, very
9 strongly in character development which is something
10 I will talk about later. We are an independent
11 school which means we are a private school. But we
12 have no religious affiliation. We are a non-profit
13 school and fall into 50133 classifications.

14 We serve the needs of students --

15 CHAIRMAN BRANSTAD: Ms. Johnson?

16 MS. JOHNSON: Yes?

17 CHAIRMAN BRANSTAD: Could you speak a
18 little more closely in your microphone?

19 MS. JOHNSON: I will, yes.

20 CHAIRMAN BRANSTAD: Thank you.

21 MS. JOHNSON: We serve the needs of
22 students age 3 through the 8th grade. We have 465

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1 students in the entire school with 65 faculty
2 members. Our students are from diverse communities
3 and represent over 30 countries. Our enrollment is
4 currently capped.

5 The Laura Cushman Academy was established
6 in 1998 to meet the needs of students with learning
7 disabilities. In past years, we have had students
8 with us who, for a variety of reasons, weren't able
9 to be successful at the Cushman School and needed
10 more attention to their individualized needs. We're
11 very, very family oriented and have the situation of
12 multi-sibling families having one child who needed
13 specialized services not available. So, we
14 established the Laura Cushman Academy.

15 We have 40 students, grades kindergarten
16 through 5, and this represents about ten percent of
17 our total school population. And that enrollment is
18 capped. It is capped for a lot of reasons. It's
19 been capped so that our children who have specific
20 learning disabilities can be easily included into the
21 Cushman School and well-integrated. It's also capped
22 so that we are not asking teachers to over-extend

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1 their time, their expertise and their ability to meet
2 individual needs.

3 In the Laura Cushman Academy, we have 17
4 master's level teachers and specially trained
5 faculty, and eight to ten adjunct occupational
6 therapists and speech and language therapists. The
7 mission of the Laura Cushman Academy is the same as
8 that of the Cushman School which is to develop
9 students as responsible citizens and future leaders
10 who maintain a positive approach to life. In the
11 Laura Cushman Academy, we add providing a clinical
12 program within the context of the Cushman School
13 philosophy and atmosphere.

14 Research by Rathkin & Associates in 1999
15 out of the Prostig Institute which was a longitudinal
16 study of adults currently with learning disabilities
17 found out that many of the things that we are trying
18 to teach our children at the Laura Cushman Academy
19 and the Cushman School are effective for these
20 learning disabled adults later. These include skills
21 such as self-awareness pro-activity, perseverance,
22 goal-setting and the effective use of support

23

1 systems.

2 In the Laura Cushman Academy and the
3 Cushman School, our motto is that of collaboration
4 where general educators and special educators
5 collaborate to provide special education for all of
6 the students. Our special ed educators help not only
7 with our special education students but also with the
8 general education students, and vice versa. In the
9 Laura Cushman Academy, students' clinical needs are
10 met in very small classes. We have ten students and
11 two specially trained teachers; yet these students'
12 social, emotional, artistic and athletic needs are
13 met in larger classes which include their non-
14 disabled peers. This is an example of a Laura
15 Cushman Academy classroom and this is Mrs. Finney
16 teaching four students reading.

17 The Laura Cushman Academy is effective in
18 my opinion due to six main reasons, and I will
19 outline those reasons for you today. They include
20 the fact that we have an inclusionary philosophy and
21 setting. We directly address the individual learning
22 needs of each student. We spend a tremendous time

23

1 working on character development all day and every
2 day. We collaboratively teach and meet student
3 needs.

4 Our teachers are experts in the field and
5 there is a wonderful sense of community that pervades
6 our campus. This is an example of our inclusionary
7 philosophy and setting. Dr. Heinz is leading his
8 fourth-grades playing the reporter on Veteran's Day.
9 These are students who are in the Laura Cushman
10 Academy as well as students who are in the Cushman
11 School.

12 The definition of inclusion used at the
13 Cushman School is from Giangreco in 2000. It
14 includes heterogeneous grouping, the sense of
15 belonging to a group, shared activities, but more
16 importantly, individualized outcomes. And I'll talk
17 about individualization as we continue today, the
18 use of environments frequented by others without
19 disabilities, and most importantly, a balanced
20 educational experience. We're teaching a whole
21 child, not just a child with a learning disability.

22 The Laura Cushman Academy is a microcosm
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1 of learning within the Cushman School where students
2 feel a part of the whole school while still receiving
3 specialized services. In the actual Laura Cushman
4 Academy classes, we spend a bulk of our time engaged
5 in diagnostic prescriptive instruction. Teachers are
6 taught to assess and teach, assess and teach, thereby
7 meeting actual student needs, not wasting time
8 teaching things students already know and presenting
9 material in a fashion that best meets students'
10 learning needs and learning styles. All remediation
11 is multi-sensory, yet this is all encapsulated within
12 a fun, fulfilling, interesting curriculum that
13 emphasizes literature, the arts and most importantly,
14 character development.

15 The students in the Laura Cushman Academy
16 spend time in the larger arena of the Cushman School
17 in their teamed class activities. Each student in
18 the Laura Cushman Academy is assigned to a Cushman
19 School class that is their teamed class and they feel
20 like they're a significant part of that class. They
21 also participate in art, music, physical education,
22 science lab, lunch recess and other fun activities.

23

1 Factors for success of inclusion that come
2 from the literature include visionary leadership.
3 And we are, the visionary leadership began with Laura
4 Cushman in 1924 who taught us that all children are
5 gifted and it is the teacher's job to find the
6 child's gift. And this is something that we practice
7 everyday at Cushman School. Her visionary leadership
8 has been taken over by Jim Lutton who has been with
9 us for 22 years.

10 We spend a lot of time collaborating
11 together. We also find one of the most effective
12 pieces in what we do at Cushman School is assessment
13 and prevention. We assess all of our kindergarten
14 and first-graders throughout the Cushman School every
15 year for reading issues. Research by Hurford in 1994
16 showed that students who have reading issues at the
17 kindergarten and first-grade level, regardless of the
18 basis for their reading issues, if those students in
19 fact receive assistance in reading, very often they
20 can be completely remediated and avoid clinical
21 settings.

22 And that has been the case at the Cushman
23

1 School for the past eight to ten years where the
2 students have been assessed. They're given extra
3 help at the Cushman School at no extra charge to the
4 families. And we found that we've had much fewer
5 students needing clinical assistance later in
6 academic careers.

7 We support our teachers and students and
8 we have a tremendous effective staff development
9 program which I will tell you about. Again, Hunt in
10 2000 talked about sense of community being so
11 important, shared responsibility, collaboration, and
12 also, social curriculum and conflict resolution
13 procedures. That is something that we build into
14 every single day and I will discuss in detail.

15 Our goal at the Laura Cushman Academy is
16 to eventually reintegrate students into general
17 education classrooms. And what we've found is that
18 it's most effective done during the academic year and
19 students begin by being integrated into their team
20 classes in an area of academic strength. Gradually,
21 we increase the time, the content area of learning
22 and individual work load responsibility that's

23

1 assumed by the students.

2 During this process, all the supports for
3 the student remain in place. They still meet
4 individually with their remediation specialist. They
5 receive speech and language, occupational therapy
6 services.

7 Full integration is dependent on the age
8 and grade level of the student. Hall & McGregor in
9 2000 noted that the older a student is and the higher
10 the grade level the student is in, the more
11 intervention that is necessary for the student to
12 effectively fully integrated into a general education
13 classroom. McConnell & Odom emphasized the necessary
14 social intervention strategies that must be
15 implemented. Just physically placing a student with
16 disabilities in a general education classroom is not
17 sufficient to meet their needs.

18 Here, you see Caroline Weber, one of our
19 teachers, working individually with two of our
20 students. Cushman serves the needs of children with
21 learning differences in many ways. And I'd like to
22 clarify my use of the words learning differences.

1 Throughout our entire school population, we do have
2 learning disabled children as determined by the DSM4
3 definition. But we also have many, many students who
4 have learning differences.

5 They do well most of the time, but they
6 have an unusual way of taking in information. So, we
7 have a variety of ways of meeting student needs.
8 Early identification, which I have spoken to you
9 about previously. We also have learning resource
10 program where any student at the Cushman School who
11 needs assistance academically for any reason can meet
12 with a learning specialist in a small group and
13 receive that assistance as part of their tuition.

14 We spend a tremendous amount of time
15 supporting our general education teachers and
16 providing resources for them. The resources include
17 staff members as well as information. We have the
18 Laura Cushman Academy which I've discussed for our
19 children who have clinical needs. We also truly
20 recognize and celebrate and teach to the many varied
21 learning styles of all of the students. We also have
22 an outreach program. Our school is placed in a very
23

1 depressed area of Miami, and our remediation
2 specialist and learning specialist stay after school
3 twice a week to provide snacks and teach children in
4 our neighborhood how to read.

5 The literature shows that inclusive
6 classrooms in the general often lack
7 individualization and individualized teaching
8 strategies and that general education teachers really
9 have a hard time meeting the needs of special
10 learners. And the most significant point with regard
11 to successful inclusion of children with learning
12 disabilities is the type of remediation intervention
13 incorporated into the students' intervention plan.

14 That is why we designed our program to
15 have clinical needs met by specialists in education,
16 speech and language, occupational therapy. This
17 allows our general educators to collaborate with our
18 special educators and provide for the non-clinical
19 needs of our students which in effect is the
20 specialty of the general educator and also removes a
21 great degree of stress from the general educator.
22 And they're much more willing to help in the process

23

1 of educating children with learning disabilities.

2 In the Laura Cushman Academy, we have many
3 integrated therapies, and I won't spend a lot of time
4 talking about what actually we do in the therapies.
5 But one of the things that is really important is
6 that this is multi-disciplinary. We have speech and
7 language, occupational therapy, remediation, social
8 skills. And these are actually integrated into the
9 classroom.

10 As we all know, those therapies are very,
11 very expensive. But we really feel that we're
12 getting a lot of bang for our buck because we are
13 able to have this happen in the classroom where the
14 special educators are able to carry out what's being
15 taught as opposed to having children who are
16 receiving these special services leave the classroom.
17 In this way, we're all working together. Speech and
18 language occurs in the classroom for three 45-minute
19 sessions each week and our goal is oral and written
20 language expression.

21 This is an example of the speech and
22 language classroom. And you see Marla Angel who is a

23

1 speech and language pathologist, working with fourth
2 and fifth-graders. One important thing to note is
3 that Ms. Angel is wearing an FM system. This is a
4 system that helps students who have auditory
5 processing and attentional disorders. It doesn't
6 amplify her voice but it makes it much clearer. This
7 is a relatively inexpensive item that's very, very
8 helpful and is in place in every single classroom at
9 the Cushman School.

10 Occupational therapy occurs in two 45-
11 minute sessions in the classroom, and our goal is
12 effective use of visual mode or inattentional
13 strategies for students to best achieve academically.
14 Each student works individually with a remediation
15 specialist for 90 minutes each week, again, using
16 diagnostic prescriptive methods and our goal is to
17 strengthen weak areas utilizing areas of learning
18 strength. Here you can see Susan Zapano working my
19 friend Max in a one-on-one setting.

20 Social skills are taught directly in 30-
21 minute sessions each week in the classroom. We teach
22 very specific social skills, but we also use social
23

1 autopsies. And many of you know that that means
2 stopping what's happening in the classroom when
3 someone else falls over somebody else's foot and
4 causes a problem and dissecting it. What could you
5 have said? What would have been a better choice?
6 Why do you think so and so is sad? In helping the
7 children with this.

8 Our goal of course is to assist the
9 children in developing and maintaining lasting
10 relationships with peers and adults. Here you can
11 see Heather Kravitz working with a group of
12 kindergarten and first-graders. Computer class, we
13 spend a lot of time augmenting processing skills
14 instruction with a variety of activities. Additional
15 therapies are available to any child at the Cushman
16 School and we're happy to and do integrate those
17 therapies into the academic day for those students.

18 IEP's are very, very important. I have
19 provided a copy of a Laura Cushman Academy IEP. You
20 should find it at your place. IEP's at the Laura
21 Cushman Academy are truly used as instructional and
22 social emotional road maps for teachers, for parents

23

1 and for therapists. I brought the IEP after
2 listening to some of the testimony yesterday thinking
3 it might be helpful.

4 At the Laura Cushman Academy, we consider
5 these IEP's living documents. And if you look at
6 them, you'll see these are actual goals for each
7 individual child. There's a social and emotional
8 section. There's an academic section. There's an
9 occupational therapy section. There's a speech and
10 language section. And these are true and real goals.

11 These are prepared twice yearly by our
12 specialists and we meet with parents twice a year in
13 a round table discussion. And we encourage the
14 parents to bring their thoughts, their opinions to
15 the table. And we truly do change IEP's based on
16 parental input. This also provides a tremendous
17 degree of accountability for us as professionals.

18 In the fall, we set out that we are going
19 to achieve these goals. And in the spring, we sit
20 down again with the same family and list truly in
21 fact which goals has this child achieved and why have
22 they not achieved those. So, that helps tremendously

23

1 with the accountability process.

2 CHAIRMAN BRANSTAD: Linda, can you begin
3 to wrap it up here?

4 MS. JOHNSON: Yes, I will. As I mentioned
5 to you, we spend a tremendous time working on
6 character development. We collaboratively meet and
7 teach to student needs. And our teachers are experts
8 in the field. We have a wonderful sense of
9 community. And I think one of the things that helps
10 our students to feel integrated into the whole
11 community of the Cushman School is that most students
12 receive services from or have a friend or a family
13 member who receive services from the Academy. And
14 that's very important.

15 Financial information. Tuition and fees
16 are \$17,200 a year. We do have partial scholarships
17 available. About 17 percent of our students do
18 receive scholarship money which is actually a line
19 item in the budget. And several of you asked
20 questions yesterday about the McKay Scholarships in
21 the Florida.

22 Personally, as an administrator, I found
23

1 these very effective and obtainable for families. I
2 can follow the standard admission procedures,
3 therefore, making sure that we're not accepting a
4 student into our school whose needs we cannot meet.
5 And we truly do follow the DSM4 definition for
6 specific learning disabilities. The scholarship as
7 opposed to earlier scholarship programs in Florida
8 can be supplemented by the family or by other
9 scholarships. It's very easy to go apply for it.
10 It's very simple for me to deal with
11 administratively.

12 The scholarship covers partial tuition.
13 In Florida as in many other states, there's a matrix
14 of service. And my experience has been it covers
15 about \$5,000 or \$6,000 dollars of tuition. Again, my
16 six main points, and at that point, I'll close.

17 CHAIRMAN BRANSTAD: Thank you very much.
18 Reid Lyon has the first question. Reid?

19 MR. LYON: I thank both of you very much
20 for your outstanding testimony, very informative
21 testimony.

22 Ms. Thomas, you have an extraordinarily
23

1 difficult job. You are charged with bringing clarity
2 and instruction to kids who have failed to learn for
3 many, many years. What area of their academic
4 development is most seriously impeded when they come
5 to you that makes achievement in learning difficult?

6 MS. THOMAS: Reading and writing are the
7 two areas that we deal with the most.

8 MR. LYON: And how, what effect does that
9 have on their understanding of content information
10 and the --

11 MS. THOMAS: Incredible, it's everything.
12 It's everything. If you can't read an 11th-grade
13 biology book, then you're not going to understand it
14 very well.

15 MR. LYON: In your professional opinion,
16 do you think that these children who come to you
17 bereft of reading capability could have been helped
18 earlier? That is, with early intervention or
19 specialized instruction that was --

20 MS. THOMAS: Yes. I think that if teacher
21 training were buffed up a bit, that we could do a
22 better job with that.

23

1 MR. LYON: And why, as you look at the
2 secondary level, we know that secondary teachers
3 frequently specialize in their content areas and
4 you've asked for that type of specialization with
5 special education teachers as well.

6 MS. THOMAS: Yes. For example, I teach
7 government to my special kids and then I go into a
8 classroom, integrated classroom where I team with a
9 regular teacher. Now, I'm fortunate because I know a
10 little bit about government, but if I had to go into
11 a biology classroom, I'd be in big trouble. And that
12 happens, I'm sure it doesn't just happen at my high
13 school.

14 MR. LYON: Ms. Johnson, if I could ask you
15 this? Your IEP goals are used within the
16 accountability system.

17 MS. JOHNSON: Yes.

18 MR. LYON: Do you also participate in the
19 State of Florida accountability system?

20 MS. JOHNSON: No, we do not. Most
21 independent schools do not.

22 MR. LYON: How do we then relate what the
23

1 IEP progress is to external means of accountability?

2 MS. JOHNSON: We test our students in-
3 house which of course is internal accountability.
4 But we also encourage and we truly require our
5 families to have their students tested outside of the
6 school every two years. And that can be done, as you
7 know, through the public school system or through a
8 private psychologist. And that provides not only
9 accountability but also provides us more
10 opportunities for meeting needs because it's another
11 opinion, another way of looking at a child.

12 MR. LYON: But we still don't have
13 concurrent information about how those data relate to
14 the state-wide data?

15 MS. JOHNSON: No. And although I do feel
16 personally and it's my personal opinion that
17 sometimes I think having state standards is very
18 important. But I think that they can be very easily
19 misused.

20 MR. LYON: I was interested in the FM
21 system that's used in your speech and language class.

22 MS. JOHNSON: Yes.

23

1 MR. LYON: Do we have effectiveness data
2 on that particular modality?

3 MS. JOHNSON: Yes, we do and I'd be happy
4 to provide that for you.

5 MR. LYON: Okay. Thank you.

6 CHAIRMAN BRANSTAD: David Gordon.

7 MR. GORDON: I, too, thank you for the
8 excellent presentations. Mrs. Thomas, you spoke of
9 the difficulty with the IEP and the paperwork
10 associated with it. Could you share with us, number
11 one, how has the paperwork mushroomed overtime? And
12 number two, what would be your suggestions for some
13 things we could prune out of the system?

14 MS. THOMPSON: Yes, I can. 31 years ago
15 when I started doing this, the paperwork was very
16 small and understandably so. It is out of control,
17 it is absolutely out of control. Each student that I
18 deal with as a case manager, as a monitor, and I have
19 20 students assigned to me as does every other
20 special ed teacher, and special ed is the biggest
21 department in this public high school.

22 Each student, I would say has a minimum of

23

1 60 pieces of paper that need to be dealt with at
2 least twice a year. And that doesn't deal with the
3 upkeep. It all goes back to our we doing our job for
4 each student? I don't have any magic bones. I don't
5 know the answer.

6 I think there needs to be some
7 consolidation and I think that we need to quit being
8 afraid we're going to be sued. Somehow that all ties
9 in with it because we are constantly, every time a
10 child does something that is a behavior problem, you
11 go through ten pieces of paper so that we track what
12 we did, so that we can prove that we did the right
13 thing at the right time. Now, there's something
14 wrong with that. There just is.

15 I don't have any magic answers but I know
16 it is a problem.

17 MR. GORDON: Thank you.

18 CHAIRMAN BRANSTAD: Cherrie Takemoto.

19 MS. TAKEMOTO: Thank you both for your
20 testimony. And Mrs. Johnson, also thank you for
21 bringing an example of an IEP. Other than, that IEP
22 looks very much like my child's IEP with the

23

1 exception of the fact that it doesn't say where he's
2 going to be for what period of the day and it doesn't
3 list the types of accommodations and modifications
4 that he will receive.

5 Now, the things that are important on my
6 child's IEP that I want to monitor are modifications
7 and adaptations. But when it comes to the specific
8 goals of objective, when I look at, my child is in a
9 public school, so this is not public-private issue.
10 When I look at the accountability, did my son make
11 progress, when I look at all those things that, you
12 know, the parts of a story and you know, will be able
13 to recite whatever, I don't really have a good sense
14 with the internal 20 pages of my child's IEP.

15 Did he meet outcomes? The other thing I
16 don't really have a good sense and confidence of, and
17 you don't have to speak for yourselves as educators
18 but just in general in the field is that I also don't
19 have a high degree of confidence that the teacher is
20 treating my individual child's IEP like a bible and
21 saying I'm going to do everything on this IEP. In
22 fact, I have the suspicion that on that performance

23

1 report card, they see it every time there's a report
2 card, but they're not necessarily working from that
3 and it's not necessarily something that teachers feel
4 are helpful in their instructions for a good teacher.

5 And yet, how would we find outcomes, I
6 guess a little bit on what Reid's saying, how would
7 we look at overall outcomes and decrease some of that
8 internal 20 pages that's there? Because again,
9 you're talking about process accountability of the 57
10 objectives he made to. That's not really showing me
11 that he made academic or as you're saying, Mrs.
12 Thomas, social life-skill progress.

13 So, can you both speak to how much of a
14 bible is this? Not necessarily in your exceptional
15 practices but in the field of education, how much are
16 people really playing by that with their 20 kids?

17 MS. JOHNSON: At the Cushman School in the
18 Laura Cushman Academy, the teachers, as I've
19 mentioned to you, the teachers and the specialists
20 who are actually working with the children write the
21 IEP's. And it is a tedious process. They do it
22 twice a year. They write report cards four times a

23

1 year and there is no more paperwork that they are
2 responsible for other than filling out rating forms
3 that come from psychologists.

4 So, we don't have all the paperwork, it
5 just isn't there. The accommodations that you
6 mentioned are built into the program and we do
7 discuss them at IEP meetings such as the FM systems
8 or children who need sensory integration throughout
9 the day and spend some time outside on the
10 playground.

11 But because the teachers actually write
12 the goals themselves and the goals are different for
13 each of the ten children in their classroom, they
14 feel married to these goals. And they revisit these
15 goals and because they have written them and they
16 know that they're going to sit at that round table
17 again in five months and have to report he did this,
18 he did this, he did this, and we're very pleased
19 about that. But he did not meet this goal and this
20 is the reason we feel why that happened and this is
21 what needs to be done.

22 It's an actual true and real process and
23

1 there is very little attention, if any, given to the
2 legal point of what we're doing. We're very clear
3 and up-front and honest about this is what we're
4 providing and this is what we want to do and this is
5 how we want to teach your child. So, there's not a
6 sense of the legality that Ms. Thomas mentioned.

7 MS. THOMAS: Hello, I remember you. We
8 met at a reception. Nice to see you.

9 MS. TAKEMOTO: In the interest of
10 disclosure, I would like to disclose that my daughter
11 goes to the high school that Mrs. Thomas teaches at.

12 MS. THOMAS: But I've never met your
13 daughter. There is -- problem, I believe, with the
14 IEP. I think the idea is admirable. I think the
15 goals and objectives are admirable. In my
16 experience, the goals and objectives which I write
17 for my students which everybody else writes for their
18 students, this isn't an Enron hearing, end up
19 sometimes to be a little bit of gobbledegook.

20 I think that modifications and adaptations
21 are the most important part of an IEP because that
22 tells how the student is functioning. And if he is

23

1 not functioning properly, then obviously he's not
2 going to meet the goals and objectives. These are a
3 way to measure the child's progress. We send them
4 home four times a year to the parents. I'm not sure
5 the parents understand them.

6 This is an example of the paperwork that
7 just boggles my mind. I think, I go back to
8 outcomes-based testing. Somehow we have to get it so
9 that we don't have 42 objectives for a student that
10 include everything from, and I'm not criticizing this
11 because I do this, too, because the law requires it.
12 Now, there's something wrong with that.

13 We have to figure out where we want to be
14 in order to know how to get there. And this is a
15 perfect example of what we're talking about.

16 MS. TAKEMOTO: And those are good
17 instructional practices. I don't want to say what
18 you're doing is wrong, but they're sequenced, they
19 are good instructional practice, they're based on
20 research. But in terms of measuring outcomes or in
21 terms of something that I understand, when I look at
22 that and you're asking me to evaluate my own child's

23

1 progress, I cannot make, you know, so he hasn't
2 mastered his long division yet. Well, tell me then
3 overall how has he progressed in Math and where are
4 his weaknesses? Help me understand that and I'll
5 help him at home, but I think that that might be
6 getting a little bit at the paperwork aspect of that
7 paperwork is not necessarily accountability for
8 outcomes unless we're talking about how do all kids
9 do long division, for instance.

10 Okay. And then, one of the things that we
11 heard in Des Moines was a longer term IEP that's
12 looking at longer term goals with parent ability to
13 call an IEP meeting any time at all, that we're going
14 to be looking at longer term goals between now and
15 say three or four years from now.

16 Can you give me your feedback as
17 practitioners as to how that plays in real life?

18 MS. JOHNSON: At the Cushman School, we,
19 and I can speak only to the Cushman School, we in IEP
20 meetings talk about we're very pleased, your child
21 appears to have improved X number of years in
22 reading. We still find difficulty with higher level

23

1 thinking skills and comprehension skills. And based
2 on that, we would like to think as things continue to
3 move on that we would transition your child in the
4 next year or so.

5 So, we sit down and we talk about. But
6 there is also not a legal obligation. In other
7 words, we feel like we're all sitting around the
8 table working for the best of the child. And if it
9 takes three months longer than what we predict, we're
10 not called on the carpet for it either. So, we're
11 able to work cooperatively with parents and we do try
12 to explain clearly what the detailed goals amount to
13 and why they're important.

14 MS. THOMAS: I am not sure how long the
15 longer term goals are that you're talking about. But
16 I think if we're going to do longer term goals, they
17 can't be very detailed.

18 MS. TAKEMOTO: Long division.

19 MS. THOMAS: Yes, like long division or
20 will know the parts of a frog or whatever it is. I
21 think they have to be overall and I think they have
22 to be testable. They are dealing, we have

23

1 accountability and I understand exactly what you're
2 saying. You don't need the detail, you want the end
3 result, and help getting there if that's helpful to
4 you at home at night.

5 MS. TAKEMOTO: And I don't want to hold
6 you back because my child's IEP is a lot different
7 than other kids' IEP's. I want to look at outcomes,
8 not necessarily each little piece because it's just
9 too hard for me to track all of that. Thanks.

10 CHAIRMAN BRANSTAD: Adela Acosta.

11 MS. ACOSTA: Good morning, ladies. Thank
12 you. Ms. Thomas, I've been at the high school level,
13 I know how frustrating, I hear it, years of hearing
14 it in my ear. And you talk a lot about teacher
15 training and we've heard that testimony -- now. What
16 kind of support mechanisms do you get from the
17 administration, for example, to do your work?

18 MS. THOMAS: I have been very fortunate in
19 that I have 100 percent support. We all cry together
20 about the amount of work that we have to do but then
21 we just get right in there and we do it. And I don't
22 want to leave you all with the impression that it's

23

1 all frustration. It's not. I wouldn't have been in
2 it for 31 years. I mean, those kids are my life.

3 The administration is excellent. It has
4 been again a process. They were fairly resistant, as
5 were general ed teachers when all of these kids
6 started going back into their classes. They were
7 saying, oh my God, we can't work with these kids.
8 But it's coming along and I'm very pleased with the
9 support.

10 MS. ACOSTA: How much training has your
11 administrator had in special education, do you know?

12 MS. THOMAS: I can't give you the number
13 of hours, but they have all been, they have all had
14 classes.

15 MS. ACOSTA: Classes?

16 MS. THOMAS: Classes for special ed.

17 MS. ACOSTA: My experience has been that
18 we talk about teacher training in special ed and many
19 times the principals and the administrators, they
20 don't have any training. And I'm, you know, just
21 wondering if you can give me some indication if
22 that's been your experience as well.

23

1 MS. THOMAS: Well, I've been fortunate
2 because these administrators have had training, and I
3 can tell you if they haven't, we in a hurry train
4 them ourselves. They get it on the ground and
5 running.

6 MS. ACOSTA: Okay. Thank you. I need to
7 know, at the Cushman School, I know it's a private
8 institution, et cetera. And I keep going back to the
9 measure, you know, I am the parent, I have a, you
10 know, a child. How do I know, other than feeling
11 good or feeling that we have a community-family
12 collaboration at the Cushman School that my child is
13 actually meeting goals? Do you have internal
14 testing?

15 MS. JOHNSON: Yes, we do.

16 MS. ACOSTA: And what kind of tests are
17 they?

18 MS. JOHNSON: We have testing that's done
19 by our diagnostic clinicians in-house. It's one-on-
20 one, very typical to psycho-educational evaluations.
21 That's done in-house twice a year.

22 We also have standardized tests, the SAT,

23

1 it's used with the children. And as I mentioned, we
2 also have our children have psycho-educational
3 evaluations at least twice a year outside the school.

4 MS. ACOSTA: Tell me, what is the ratio
5 and composition of your school?

6 MS. JOHNSON: We are very, very diverse in
7 the sense that we have 465 students. We have quite a
8 few white families, a variety of different religions.
9 Very large contingent of Hispanic families. We have
10 Afro-American families. We have families from the
11 Middle East.

12 MS. ACOSTA: And do you have anyone on
13 board to have with language, ESL for example? Is
14 that addressed at your school?

15 MS. JOHNSON: It is, through our speech
16 and language department, and they are very helpful
17 with that. We also have access in an adjunct fashion
18 to a bilingual speech and language group, and
19 actually bilingual speech and language groups are
20 very prevalent in South Florida as you would expect.

21 MS. ACOSTA: Thank you.

22 CHAIRMAN BRANSTAD: Nancy Grasmick.

23

1 MS. GRASMICK: Yes. Thank you both very
2 much. Mrs. Thomas, I thought your seven
3 recommendations were extremely helpful and I'd just
4 like to probe two of them. One has already been
5 raised in discussion and that's the discussion of the
6 end point for the IEP.

7 My question would extend on the
8 information you share, to know whether or not the
9 specificity of what's reflected on the IEP will be
10 realized in terms of the application and integration
11 of that information on a state-wide assessment. Do
12 your students participate in the state-wide
13 assessments?

14 MS. THOMAS: You hit a big problem. Our
15 students do participate in the state-wide assessment.
16 They don't pass, not too many of them pass the state-
17 wide assessments. It's a very tough problem at this
18 point.

19 MS. GRASMICK: And so, because they don't
20 pass the assessments, they don't receive a high
21 school diploma, a standard high school diploma?

22 MS. THOMAS: Correct. They, currently in
23

1 Virginia and it's going to change I understand, they
2 get a certificate of attendance.

3 MS. GRASMICK: And one of your
4 recommendations was the consideration of an
5 alternative diploma. How would you envision that
6 alternative diploma?

7 MS. THOMAS: Something like a modified
8 standard diploma than a standard diploma. And then,
9 it goes to IB, AP and IB. I think they have, a
10 certificate of attendance is the lowest and they know
11 that. They know that.

12 MS. GRASMICK: Do you agree that the
13 certificate of attendance is almost insulting? It
14 really doesn't reflect any academic achievement at
15 all even if that achievement is not commensurate with
16 a standard diploma, the attendance is you just came
17 to school, you didn't do anything.

18 MS. THOMAS: Exactly. In fact, I find
19 myself telling my students, and I'm in the process of
20 doing that right now because I have seniors, this
21 isn't the way it should be. And I say to them,
22 nobody is going to look at your diploma. They are

23

1 going to ask if you have graduated from high school.
2 Nobody is going to see certificate of attendance. I
3 don't want to have to say that.

4 MS. GRASMICK: Thank you very much.

5 CHAIRMAN BRANSTAD: Katie Wright.

6 MS. WRIGHT: Good morning, fellow
7 teachers. I have been where you are. My comment,
8 first comment is that I was trained as an elitist
9 under Sam, Kirk and Gallagher and Goldstein and all
10 of those people. Of course, now we know better. We
11 know that regular teachers, many of them can do a
12 better job with our kids as I call them as special
13 teachers can do.

14 My question is this. I want to ask you,
15 Mrs. Thomas, is your caseload cross-categorical?

16 MS. THOMAS: Yes.

17 MS. WRIGHT: So, what is your
18 recommendation? Should we go self-contained? Is it
19 better for kids to do self-contained? I know the
20 money from the feds comes categorical most of the
21 time. Is it better for the money for the kids to
22 have it cross-categorical or just strictly in

23

1 categories?

2 MS. THOMAS: Now, are you talking about my
3 caseload which is different than my teaching load?

4 MS. WRIGHT: Your teaching load and your
5 caseload. Yes.

6 MS. THOMAS: My caseload or the students
7 that I monitor throughout the year and then I'm
8 responsible for their IEP's, their child studies,
9 their --, their lives.

10 MS. WRIGHT: Yes, now, this is cross-
11 categorical?

12 MS. THOMAS: Cross-categorical.

13 MS. WRIGHT: Now, your teaching load, is
14 that cross-categorical?

15 MS. THOMAS: Yes. Yes.

16 MS. WRIGHT: Okay. Instead of just self-
17 contained?

18 MS. THOMAS: Yes. I have everything from
19 soup to nuts.

20 MS. WRIGHT: And how many are in your
21 caseload?

22 MS. THOMAS: Right now, I have 19.

23

1 MS. WRIGHT: Okay. And how many are in
2 your teaching load?

3 MS. THOMAS: I work probably with 55
4 students a day.

5 MS. WRIGHT: As a young special ed
6 teacher, we didn't have all this paperwork, that
7 stuff that you have. And I feel for the special
8 teachers now. In fact, I feel for all teachers. My
9 daughter is one. It's too much paperwork. How on
10 earth can you get rid of this paperwork? I'm just
11 throwing that question out. It's just too much.

12 Teachers spend so much time doing
13 paperwork rather than teaching, and a lot of testing
14 rather than teaching. I think sometimes, too, that
15 we do too much testing. I really do. We ought to do
16 a lot of teaching and to test on what we actually
17 teach. And that's what you do, isn't it? You test
18 on what you actually teach.

19 One other question. What about the work
20 study program for the children in your caseload? Do
21 you have a work study program in getting ready for
22 transition?

23

1 MS. THOMAS: We are working very hard to
2 buff up transition. We have a career center in the
3 county I'm in and it does a fine job. But I truly
4 believe that we need to do some life-skills work for
5 the students that are in the middle. And then, I
6 also believe as I have stated, that we need to be
7 very realistic in what abilities are and what
8 abilities aren't and what's available out there. And
9 then, they need some counseling on what special
10 school to go to to get trained in how to take the car
11 apart, that kind of thing. And we are working on
12 that. I think that's a weakness.

13 MS. WRIGHT: I thank you so much. And let
14 me say to you that I love your schoolteacher voice.

15 MS. THOMAS: Oh, thank you.

16 MS. WRIGHT: The children will be able to
17 hear you because when we teach, the children have to
18 be able to see us and to hear us. Most of the
19 children, you know, we have auditory, we have to
20 hear, we need to see and I love your schoolteacher
21 voice.

22 CHAIRMAN BRANSTAD: With that, I think

23

1 we're going to cut it off. We're running behind so
2 I'm going to cut it off so we can get on to the next
3 panel. I want to thank Susan Thomas and Linda
4 Johnson for your presentations and for your excellent
5 responses to the questions. Thank you very much.

6 MS. THOMAS: Thank you.

7 MR. CHAMBERS: That's two days in a row,
8 Chairman.

9 CHAIRMAN BRANSTAD: We'll put you on the
10 list for chair.

11 MS. TAKEMOTO: Mr. Chair?

12 CHAIRMAN BRANSTAD: Yes.

13 MS. TAKEMOTO: I just want to apologize to
14 my fellow Commissioners for taking up quite a bit of
15 time with my question, but at the same time, respect
16 the Commissioners who have not asked questions that
17 perhaps instead of whoever gets to raise their hand
18 first, if we can look at members of the Commission
19 who have not asked questions in the previous round
20 have first access to asking questions.

21 CHAIRMAN BRANSTAD: We'll try to do that.
22 Like Doug got cut off and we did, he came first last

23

1 time. We'll put Jay on the list, at the head of the
2 list for, to try to make up for some of that.

3 MR. JONES: That's actually what we did
4 yesterday.

5 CHAIRMAN BRANSTAD: Yes, it is what we did
6 yesterday. And Todd is trying to help me be totally
7 fair in recognizing you all.

8 Our next presentation, Case Study: The
9 Importance of Leadership at the School-Level in
10 serving children-at-risk of academic failure. Crown
11 Heights Elementary School in New York is a success
12 story about serving children in a large urban school
13 where 97 percent of the children are below the
14 poverty line, yet the school consistently scores at
15 the highest levels for reading in New York State.
16 This is a success story of intervening early for
17 young children to identify reading difficulties and
18 provide direct instruction as a model for reducing
19 referrals to special education programs for those
20 children who do not have disabilities.

21 Former Crown Heights principal, Erwin
22 Kurz, will discuss the school's success and his 13-

23

1 year leadership as principal. Erwin Kurz is the
2 deputy superintendent at the Office of Leadership
3 Development, New York City Board of Education.

4 Mr. Kurz, welcome. Thank you for coming
5 to Miami.

6 MR. KURZ: Thank you. I'd like to thank
7 all the members of the Commission for inviting me to
8 testify this morning.

9 I have been a teacher and supervisor in
10 the New York City Public School System for 34 years.
11 I am presently the deputy superintendent in the
12 Office of Leadership Development for the New York
13 City Board of Education. Prior to taking on this
14 position in August 2001, I served as the
15 instructional superintendent for the Brooklyn Region
16 of the Chancellor's district. And from 1986 through
17 1999, I was the principal of PS161.

18 Public School 161 is a kindergarten
19 through grade eight school, located in Crown Heights
20 Brooklyn, New York. We had a student population of
21 1,342 students. 90 percent of our students were
22 African American, eight percent were Hispanic. 97

1 percent of our students were eligible for free lunch.

2 In my final year as principal of PS161, 84

3 percent of our students scored at or above grade

4 level on the city-wide reading test compared to 36

5 percent of students who attended similar schools.

6 Similar schools are defined as schools with similar

7 percent of students, eligible for free lunch and a

8 similar percent of English language learners. On the

9 city-wide mathematics test, 81 percent of our

10 students scored at or above grade level compared to

11 35 percent in similar schools.

12 Our scores on state-wide tests were even

13 higher. 91 percent of our fourth and eighth-graders

14 met the state standards on English language arts and

15 91 percent met the state standards in mathematics.

16 Our school is one of the highest ranked schools in

17 both reading and mathematics in grade 6 and 8 in the

18 State of New York.

19 The key ingredients to the accomplishments

20 realized at PS161 were the emphasis placed on student

21 success and the monitoring and support provided to

22 students and teachers. Very rarely did we have a

23

1 student leave our general population to be placed
2 into a special education class. We had a referral
3 rate of 2.3 percent.

4 The vast majority of these students were
5 referred for additional support services that would
6 enable them to remain in the general education
7 population. These students received academic, speech
8 and guidance intervention services. Out of a student
9 population of nearly 1,350, I don't believe we ever
10 had more than three to five students in a year placed
11 in special education classes. I believe this was so
12 because of the quality of instruction and the early
13 intervention services that we provided.

14 The importance of a good teacher in
15 elementary school cannot be overstated. In
16 elementary schools, students much of their day with
17 one teacher. Research has indicated that teacher
18 quality has a significant impact on student
19 achievement. Some researchers even suggest that
20 teacher quality may have more to do with student
21 performance than home or school environment or class
22 size.

23

1 At PS161, we were able to attract, develop
2 and retain quality teachers. Most of our teachers
3 had more than 12 years teaching experience. Many of
4 our teachers remain in PS161 for their entire
5 teaching careers. Although we had a staff of veteran
6 teachers, it was still very important to provide
7 ongoing professional development. We created a peer
8 observation program in which teachers observed other
9 teachers on their grades and became critical friends.

10 Experts from the literacy and mathematics
11 programs that we were using conducted workshops on a
12 regular basis. Through the interaction with veteran
13 teachers, the new teachers quickly became immersed in
14 the hard work and no excuses culture of the school.
15 Monthly faculty and grade conferences were devoted to
16 comparing student work, making certain that there was
17 uniformity of instruction.

18 We used the open core reading program
19 throughout the school for the 13 years that I was
20 principal of the school. This reading series
21 combined a strong phonics component with real
22 literature. By staying with one reading program

23

1 rather than changing with each new fad, the teachers
2 were able to become proficient in the teaching
3 strategies needed to make this program work.

4 We monitored the progress of students by
5 means of classroom observations, teacher-made tests
6 and mock tests in both reading and mathematics. We
7 administered three mock tests in reading and three
8 mock tests in mathematics. These tests were
9 administered in December, January and February.

10 Students were tutored by our para-professionals based
11 on the results of these tests.

12 In my last year at the school, we
13 identified a hundred students in grade 3 to 5 who
14 needed additional support. 50 students received help
15 in reading, 50 students received help in mathematics.
16 But the students who received the tutoring services,
17 all the students scored at or above grade level on
18 the reading test and 48 students scored at or above
19 grade level on the mathematics.

20 All of our students knew that we expected
21 them to achieve academic success. They knew that
22 their academic growth would be constantly monitored

23

1 and extra support would be given if needed. It
2 became part of the fabric of the school.

3 One day, a team of visitors came to our
4 school to see some of our classes. They were
5 extremely impressed with the reading readiness of our
6 kindergarten students. One of the visitors asked a
7 kindergarten child to give an example of a word that
8 began with the M sound. Without hesitation, the
9 kindergartener responded mock test.

10 The emphasis on instruction, monitoring
11 and success was clearly evident even to our
12 kindergarten students. The expectations for success
13 and hard work were shared among the parents, too.
14 Parents got this message as soon as they registered
15 their children at PS161. In New York City, parents
16 register their five-year-old children in April to
17 begin school in September.

18 When parents registered their children at
19 PS161 in April, they were given a copy of a test that
20 I constructed with my kindergarten teachers. They
21 were told that we were going to administer this test
22 to the children during the first week of school in
23

1 September. The test consisted of 30 questions that
2 ranged from recognition of colors, shapes, letters
3 and numbers to the reading of words and sentences.

4 The parents had several months to prepare
5 their children to take this test. Of course, we did
6 not expect every kindergarten student to know how to
7 read when he or she entered kindergarten in
8 September. But it was amazing to see how hard the
9 parents worked with their children to prepare them to
10 take this test. I believe the parents appreciated
11 that they were told in advance what we expected of
12 their children.

13 Just as it is important for teachers to
14 prepare lessons with clear expectations and to share
15 those expectations with their students, it is equally
16 as important for parents to know what is expected
17 from them. Although I am not a research, I was able
18 to predict based on the results of this test which
19 students would have difficulty succeeding in school
20 without additional support.

21 Parent of students who scored low in the
22 test were called into my office. We spoke about

23

1 their children's test scores and had the parents meet
2 with an early childhood reading specialist to develop
3 a plan to address the academic needs of their
4 children. We offered additional academic and
5 counseling services to the parents and students
6 throughout the year.

7 We had a rigorous academic program for our
8 kindergarten students. We began by teaching letter
9 and sound recognition, blending and decoding skills.
10 Our goal was to have every kindergarten student able
11 to read a book by the end of the first year in
12 school. In addition to this academically focused
13 curriculum, I created a principal's reading club to
14 motivate and monitor student and teacher progress.

15 Students in kindergarten who were able to
16 read a book were sent to my office to read to me. If
17 they were able to read the entire book, they became
18 members of the principal's reading club. I monitored
19 this very closely. Para-professionals were assigned
20 to assist those children who needed additional
21 support. Parents were taught how they could help
22 their children at home.

1 Children who became members of the club
2 had their names posted on the bulletin board outside
3 the main office. Students were also given a
4 principal's reading club button that they proudly
5 wore on their school uniforms. All of our students
6 wore school uniforms.

7 The students were also given certificates
8 to bring home to their parents as well as
9 certificates to be given to their teachers to be
10 displayed in their classrooms. In my last year at
11 PS161, we had 180 kindergarten students in six
12 classes. 170 students became members of the
13 principal's reading club. Not every child read on
14 the same level but it was clear to the teachers,
15 students and parents that we expected every child to
16 read and that we were going to monitor each child's
17 progress.

18 We were hopeful that the early sense of
19 accomplishment and the reading readiness skills that
20 were attained in kindergarten would propel our
21 students to academic success throughout their school
22 years. It was important to foster a love for reading
23

1 in our students. In addition to the principal's
2 reading club, we had several other programs that were
3 designed to increase the children's desire to own and
4 read books.

5 One such program was the supplementary
6 reading program. We provided hundreds of -- sets of
7 different novels. Teachers and students selected the
8 novel that they wanted to read. Students read the
9 book for homework and answered several comprehension
10 questions. After the class completed the novel,
11 usually in two or three weeks, they would select
12 another book.

13 To make certain that all students had
14 books at home, we established a bookstore. Every
15 Wednesday before school, 7:45 to 8:15, students or
16 parents purchased books at a reduced price of one
17 dollar. We bought these books for a dollar from a
18 company that dealt with overstock books. These books
19 were selling for three to twelve dollars in local
20 bookstores.

21 The bookstore, our bookstore was a huge
22 success. One day a parent came to my office and

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1 asked me if she could purchase a gift certificate. I
2 wasn't sure what she was talking about. I told her
3 that we didn't sell gift certificates. She said that
4 her son who was in first grade was having a birthday
5 party in school and she wanted to give everyone in
6 the class a one-dollar gift certificate to purchase a
7 book at our bookstore.

8 I quickly wrote out 35 gift certificates
9 and gave it to her. When I visited the bookstore on
10 Wednesday morning after the birthday party, I saw the
11 entire class in the bookstore selecting books. We
12 used to sell between 200 and 300 books every
13 Wednesday morning before school began.

14 During my years as a teacher and
15 principal, it became obvious that it was much more
16 difficult to impact on emotional or learning problems
17 once a child reached grade four. It would be useful
18 for this Commission to consider recommending that
19 funding be provided to help prepare students to enter
20 kindergarten with the skills necessary to do well in
21 school. Many parents work and their children need
22 all the access to programs that will help them to

23

1 enrich their lives both socially and educationally.

2 When children are three years of age,
3 their parents should have the opportunity to enroll
4 them in quality educational programs. Federal
5 dollars should be spent to assist local communities
6 in hiring reading specialists to help prepare
7 youngsters to have the reading readiness skills
8 necessary for the beginning of their school careers.

9 Although good schools can compensate some of the
10 deficiencies which students may have at the age of
11 five, it would be better if students arrive at
12 schools with the basic skills necessary to ensure for
13 their academic success.

14 Once students arrive in kindergarten, they
15 would be better served by having no more than 15
16 students in their classes. This would allow teachers
17 more time to teach to the specific needs of their
18 students individually and in groups. Considerable
19 federal and local funding would be needed to make
20 reduced class size a reality. Funds would be needed
21 for the building and staffing of new schools. The
22 reduction of class size, however, has to be

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1 implemented with care.

2 Merely reducing class size without
3 providing good teachers and changing teaching
4 methodology will do little to improve student
5 performance. In fact, reducing class size and
6 placing an unqualified teacher in that classroom will
7 do more harm than good. It would be better to have
8 30 students in a class with a good teacher than have
9 15 students in a class with a bad teacher.

10 All of the federal and local money that
11 will be spent on intervention services will be wasted
12 unless students have excellent classroom teachers and
13 administrators. Schools do not work well without
14 competent and well-prepared teachers and principals.
15 Funds should be allocated for professional
16 development activities for teachers and supervisors.

17 There are many factors that impact on the
18 disproportionate number of minority students being
19 placed in special education classes. Researchers
20 have studied this problem and have arrived at
21 different conclusions. Some researchers found that
22 the quality of the teachers or the amount of the

23

1 students in a class were the key factors, while
2 others found that the home environment was the most
3 important predictor of student achievement.

4 Common sense tells us that it is all of
5 the above. There is no single reason, no single cure
6 for this problem. We must provide quality, early
7 intervention services before children enter school
8 and continue to provide intervention services for
9 students experiencing difficulty in school. It is
10 crucial to reach these children before they complete
11 grade three. It is equally as important to have
12 skillful teachers and administrators in every school.

13 I respectfully ask the Commission to
14 consider recommending that resources be provided for
15 quality early intervention programs as well as
16 ongoing professional development. Again, thank you
17 for inviting me to testify today.

18 CHAIRMAN BRANSTAD: Mr. Kurz, thank you
19 for your very outstanding presentation. Jay
20 Chambers.

21 MR. CHAMBERS: Thank you. I greatly
22 appreciate your presentation. It was excellent and
23

1 very interesting. I'd like to ask two questions.

2 I'd still like to know about the 60 pieces of paper
3 in the last presentation but I'll follow up later.

4 Two questions, one on accountability. Put
5 yourself in our position, and I'm trying to think
6 about measuring accountability. How do we approach,
7 when we talk about public accountability in schools,
8 are we satisfied that achievement test scores,
9 multiple choice tests are sufficient to do the job?
10 What else do schools do? What other things should be
11 we be thinking about when we talk about
12 accountability?

13 MR. KURZ: Well, accountability has to be
14 tied in with student success and student achievement
15 because school's ability -- for students to do well.
16 There is a big debate whether you can accept multiple
17 choice tests as the only barometer or you should have
18 other kind of tests. There's problems in both.
19 Multiple choice doesn't test higher over the thinking
20 skills. Some of the test higher over the thinking
21 skills, when you mark those tests, there's a
22 subjective element in that and that creates certain
23

1 problems.

2 So, there's a debate raging now whether we
3 should just use multiple choice or whether we should
4 use the longer test which is now in vogue. But we
5 need some kind of test throughout the school years to
6 determine whether there is accountability. And I
7 think that, quite frankly I know this committee is
8 dealing with special education, but one of the big
9 things that I found in New York and I imagine
10 throughout the country, once we decided that students
11 in special education, their scores will be counted in
12 the statistics, I think the referral rate went down
13 because people weren't so quick to take all the kids
14 they felt were going to fail the test and put them in
15 special ed and label them that way.

16 And it also raised the bar for children in
17 special education. They now had to achieve standards
18 similar to those of the regulated population. Of
19 course, there are students who are not going to make
20 it as we discussed here earlier. But when I'm
21 talking about the disproportionate number of African-
22 American students, their scores have gone up

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1 dramatically in my school and other schools as well,
2 I think partly because of the accountability. And I
3 think accountability has to stay there.

4 Which method, the only one that I really
5 can think of that makes any sense is some kind of
6 test that we have to administer to the children to
7 see if the schools are doing their job.

8 MR. CHAMBERS: So, multiple choice test is
9 --

10 MR. KURZ: Multiple choice, I have no
11 problem with multiple choice but I have no problem
12 with the tests that require a longer response.
13 There's a lot, to be perfectly honest, it costs a lot
14 of money to mark those tests and a lot of time. And
15 that has to be factored in as well. And that takes
16 away, I think that Ms. Wright mentioned that, too,
17 also that sometimes it takes a lot of time out of the
18 teaching and we worry so much about the testing and
19 then the scoring of the test.

20 And then if I gave a mock test with, as a
21 matter of fact, to answer a question before you ask
22 it, the mock test, I mark myself with a Scantron

23

1 machine. The kids took the test, we had maybe 700-
2 800 kids take the test. I used to mark the test
3 myself with two other administrators. We marked it
4 that afternoon and gave back the results the next
5 morning so teachers didn't have to labor over it. We
6 got the instantaneous results.

7 Not only that, I mentioned it briefly in
8 my presentation but if I can expand a little bit on
9 that, what happened, we knew where the kids were that
10 afternoon. And that afternoon, we met with the
11 teachers and the reading specialist and we decided
12 this kid needs help in this skill, this kid needs
13 help in that skill, so let's train the para-
14 professional to work with this child, let's train the
15 para-professional to work with that child. And
16 that's why we use the test.

17 Giving a test in itself and the mock test
18 is a complete waste of time unless you monitor it and
19 then support the children who demonstrated a need.
20 So, that's really why I think we really did an
21 outstanding job with that.

22 MR. CHAMBERS: Is it the level of the

23

1 score or gain scores that we're really, when we think
2 about accountability and a school is successful or
3 not successful, what measure should we actually use?

4 MR. KURZ: I think there's at least two
5 measures. One is the rate of growth, because some
6 schools start here and they really have to work very
7 hard to get to here. Same thing with students, some
8 students start here and get here. And they really,
9 you know, even they're below grade level or below
10 standard, they may have worked awfully hard and I
11 think some recognition should go to that.

12 And then, you have to have a bench line, I
13 guess, I don't want to put it on the national level,
14 but you have to have a bench line. What are we
15 looking at? What exactly do we want our children to
16 know at the end of grade 2, grade 3, grade 4. And I
17 think by administering my test at the beginning, you
18 know, to the parents, it gave them expectations.

19 Look, we want your kid to know this color
20 is green, this is red, this is a triangle, this is
21 the letter A or this is the sound of the letter M.
22 And we wanted them to know that. I think by setting

23

1 standards, all the states, all the school systems get
2 to know what is expected of them.

3 MR. CHAMBERS: Are there any other
4 dimensions of student performance that you would
5 include in accountability? Any other measures of any
6 kind besides the test scores?

7 MR. KURZ: Well, there are also other
8 things such as the suspension rate, the referral
9 rate. Those are indicators also of problems. When
10 you have a high suspension rate in a school, there's
11 usually a problem of discipline in the school. I
12 hate to going back to the school but I know best of
13 where I come from and I think we had a one percent
14 suspension rate and we have 1340 kids in our school.
15 And I'll give you an anecdote what happened, and I
16 don't know if you can measure it but I guess that
17 would be an indicator.

18 We used to have a lot of visitors come to
19 our school. Guys coming around or a team of visitors
20 coming around and there was one woman on a team who
21 worked in another district. And she saw one of our
22 students in third grade sitting in the class doing

23

1 the work. And she walked over to me after she came
2 out of the class and said, my God, I don't want to
3 give a name, I'll use Sam, that fictitious name.

4 So, Sam, how come Sam is sitting in the
5 classroom doing his work? So, I said, I don't know,
6 see, he's in class doing the work, I knew he had a
7 great teacher but he was in the class doing the work.
8 So, we called Sam outside and I said, Sam, she's
9 telling me that, you know, you didn't always work and
10 behave like that. What's the difference in this
11 school?

12 He said, in this school you have to do it.
13 And expectations were real. They were real. And it
14 became part of the fabric of the schools, the
15 parents, the teachers and everyone felt it. And when
16 you have a high referral rate, I remember when I
17 first started, and I know it feels funny to me, 34
18 years ago I started, there were teachers that
19 couldn't control the class.

20 So, what did they do? They blamed the
21 kids and put them in special ed. Well, it's not my
22 fault. It's the kids, we'll put them in special ed.

1 I think that subsided to some account but still,
2 you're going to find teachers that cannot handle
3 kids, would rather label the kids than label
4 themselves. So, that's an issue that has to be
5 addressed.

6 Another issue, well, going back to
7 accountability would be the referral rate and the
8 suspension rate. I think those are other indicators
9 as well.

10 MR. CHAMBERS: Thank you.

11 CHAIRMAN BRANSTAD: Douglas Gill.

12 MR. GILL: Actually, I think I got on the
13 list as a carryover from the last set of speakers.
14 So, you know, I really don't have a question for you
15 but I guess I do want to make a comment. And the
16 comment is sometimes I don't think there's much
17 substitute for common sense so I appreciate what
18 you've done.

19 I congratulate you and I don't think it's
20 rocket science either but I think it's understanding
21 the problem as you have done to be able to influence
22 and see referral rates as symptoms, disciplinary

23

1 issues as symptoms of a larger problem and it isn't
2 always the student who is at fault. So, thank you
3 very much for sharing your comments with us today.

4 CHAIRMAN BRANSTAD: One of the other
5 common sense things that you said that I've never
6 heard before anywhere is telling the parents in April
7 of kids that are coming to kindergarten, this is what
8 is expected that they should know when they come to
9 school so that the parents are given a clear
10 expectation of what is expected from them to help
11 prepare the kids to start school. I think that's
12 tremendous.

13 I mean, it's so simple but it, I think,
14 can make a real difference and for some parents that
15 may not have a clue, it certainly gives them a clear
16 indication of what's expected of them.

17 MR. KURZ: You know, I think expectations
18 are extremely important. And I'll give you a little
19 background on the test. What happened, you know, a
20 lot of times in schools and the people who work in
21 the school systems know that, you know, as soon as
22 the kid doesn't do well, they blame the school, the

23

1 school is no good, no good. And at some point, you
2 get tired and oh my God, so you know what? I'm going
3 to test the kids before the second day of school.
4 The parents can blame me for messing up their kids
5 yet.

6 So, I gave them the test. But the, you
7 know, what happens with this research and
8 expectations, we made up this test in about 20
9 minutes with a group of kindergarten teachers. What
10 would you like the kids to know when they enter your
11 class? And what I say about expectations, I'm
12 talking about teacher expectations, too.

13 When a child walks into class, especially
14 a kindergarten kid, reading the New York Times
15 doesn't happen often, there's an expectation all of a
16 sudden. If a kid walks into the class and doesn't
17 know his name, doesn't know his colors, there's a
18 certain expectation. If we can get rid of those,
19 when a kid comes into school, you know, everyone's
20 expectations are going to go up.

21 And even how sophisticated, all the
22 doctors and psychologists and everything, oh how
23

1 sophisticated they are, going back to the common
2 sense, we made up this test and then I showed it to a
3 group of psychologists. And they're looking at it
4 and they're pondering it and they're looking and
5 reading and kindergarten children don't have to know
6 this. They don't have to know, dah-dah-dah, no one
7 has to know anything.

8 And then, I asked them, when your child
9 entered school, did he know that? Oh, yes, my kid
10 knew it but the other kids don't have to know it.
11 And this is what I'm talking about, expectations and
12 common sense, that we want all our kids to know all
13 these things when they come on board. So, the
14 expectation level will start in kindergarten or
15 before.

16 And I think the early childhood programs
17 that headstart and all that, they should have clear
18 expectations. What do we want our children to know
19 so when they start kindergarten, they're ready to do
20 well and they have the reading readiness skills and
21 other skills necessary for success in school.

22 CHAIRMAN BRANSTAD: Thomas Fleming.

23

1 MR. FLEMING: I, too, want to add my voice
2 to just, I read the paper early this morning and this
3 was underlining so many of the areas that I could say
4 my amen to them. But as I listen now to your
5 presentation and I, too, have been an educator for
6 many years and you're talking about teachers that
7 came to the school with the training and everything
8 behind them, my thought was still where did you find
9 these? You get professionals that just do not walk
10 into a school like yours already developed to follow
11 the kind of directions.

12 And if you had to get rid of some of the
13 teachers that you found out did not meet that
14 criteria, I'd like also to hear what was your
15 experience with that.

16 MR. KURZ: Well, I was sort of fortunate.
17 Well, you know, we started out with a group of
18 teachers. You know, when I worked in the school, we
19 had a lot of teachers there and the school was ranked
20 13th out of 16th in a rather disappointing district.
21 And we took those teachers and we told them what we
22 expected and we monitored what they did.

1 Occasionally, there were some teachers
2 that we had, not many, there were some teachers we
3 had to remove. But just as I remarked about that
4 story about that child who behaved in the school, I
5 had a teacher in my school who was doing an excellent
6 job in second grade. And I found out, she came in
7 before I got there, so I found out she was thrown out
8 of another school, you know, that bounced around.
9 But she was doing an excellent job.

10 And I think the environment and the
11 support and the fact that we didn't change reading
12 programs every two years, you know, during these
13 years when we're talking about whole language phonics
14 or whatever and everybody changed every three weeks.
15 And they had to start the program all over again.
16 Our teachers knew what we expected. They knew the
17 program.

18 So, when a new teacher came in, we had a
19 veteran teacher go into the class, work with them,
20 they also observe them. I didn't have to observe
21 much at the end because I had teachers going and
22 observing one another. And they knew that my

23

1 observation, many times, observations from an
2 administrator can be looked on almost as punitive,
3 got you, or this or that.

4 When a teacher does it for another
5 teacher, they know it's just for instruction. And
6 that's all I wanted. All I cared about was how they
7 taught in class. If I wanted to fire a teacher, then
8 I'd have to go and do something. But I wanted my
9 teachers to become better and better.

10 So, we offered the support by having other
11 teachers work with them. We had experts in the field
12 in reading and math work with the teachers sitting in
13 the classrooms. The administrator, I had assistant
14 principals, myself, we used to go in and monitor and
15 help. And I think that's why we were able to keep
16 the teachers.

17 And another thing that I think was
18 important in retaining teachers, my first words when
19 a teacher asked me for anything was yes. Whatever
20 the answer, I don't care how ridiculous it was, I
21 said yes. They want 50,000 pencils, I'll try to get
22 it. They want this, whatever they wanted, I said yes
23

1 because whenever I said yes, they gave back three
2 times over.

3 And we were able to get those books, for
4 example, the supplementary readers. We had candy
5 sales. I have no idea why we were so successful but
6 we raised a lot of money and every cent of it went
7 back into purchasing those books. I think because we
8 expected it, the parents bought into it. These were
9 not wealthy parents but they spent money to purchase
10 the books and have the kids read at home. And that
11 helped our reading program.

12 It also cemented some kind of relationship
13 between the parents and teachers, so the teachers
14 felt comfortable in the school. Some schools,
15 teachers don't feel comfortable. They feel
16 threatened by the administration or whatever and they
17 don't stay. I had some teachers come to my school
18 who I worked with as an AP or who I worked with when
19 I was a teacher who I knew were great. But for some
20 reason, whatever reason, they wanted out of their old
21 school and I was able to get those in.

22 And by hook or by crook, I tried not to
23

1 let, I don't think I should testify to, am I under
2 oath?

3 CHAIRMAN BRANSTAD: No. No, but we sure
4 like what you've got to say.

5 MR. FLEMING: We're all learning a lot.

6 MR. KURZ: By hook or by crook, I tried to
7 keep out those teachers who we felt were unqualified
8 and we were very successful in that. And by
9 maintaining the teachers, teachers from, you know,
10 people wanted to work in the school. It was doing
11 well, they got the support. They got the help. The
12 parents were great, the kids were great. Why
13 shouldn't they want to work in the school? So, we
14 kept them.

15 MR. FLEMING: Thank you very much.

16 CHAIRMAN BRANSTAD: Paula Butterfield.

17 MS. BUTTERFIELD: I'd like to add my
18 congratulations in your testimony and your common
19 sense, and in particular your time at Institute for
20 Learning at the University of Pittsburgh since I'm
21 from Pittsburgh and a fellow, yes, I'm a fellow at
22 the institute.

23

1 I have a couple of questions. One is
2 what, has there been any study, longitudinal study on
3 the students that left your school, how they do in
4 middle school and high school? Has the district
5 followed that at all?

6 MR. KURZ: Well, we haven't had any
7 longitudinal studies but the students who left my
8 eighth grade went, almost all of them went to schools
9 in New York like Sturgis and Brooklyn Tech, all the
10 schools that you had to take a test to get into. So,
11 very few of them went to their locally zoned high
12 school. They took tests and got into these other
13 schools, the large majority. Almost all of them.

14 MS. BUTTERFIELD: I guess the other
15 question I have is now in your current position, you
16 obviously have some real opportunities. What are you
17 doing in your professional development program to
18 kind of clone yourself as a principal leader in other
19 schools?

20 MR. KURZ: Well, what we're doing in New
21 York now, we have in the Office of Leadership
22 Development, we're working, in New York we have close
23

1 to 400 principals who have less than two years
2 experience as a principal at 1100 schools. And we
3 predict another 150 and 200 more new principals next
4 year. So, we have a different, we're attacking it in
5 a different way.

6 What we're doing, we have something called
7 distinguished faculty where we selected about 50 of
8 the best principals that we have in the city. And
9 they work as coaches and mentors for the new
10 principals coming in. Then, we offer courses that
11 deal with the things that they have to know to be a
12 leader in New York. And also, what I'm more directly
13 involved with now is an assessment piece where we
14 assess the principals. So, right now it's on a
15 voluntary thing and we just started this year.

16 We use an assessment and we assess them in
17 four major areas: educational leadership, resolving
18 complex issues, communication skills, and developing
19 self and others. And there's ten skill dimensions
20 that we find their areas of strength or areas of
21 weakness. Then we write a report and then I go over
22 this with them to develop a fresh new development

23

1 plan where they can improve.

2 And what I mentioned about recommending
3 funding for professional development, we always
4 spend, you know, money for teachers. I think the
5 supervisors need as much professional development and
6 I think that was alluded to earlier. They need as
7 much professional development as possible also and
8 we'll be looking for funds for that. And as you
9 know, New York City, the budget is very, very tight
10 and we are looking to expand on that kind of
11 initiative.

12 MS. BUTTERFIELD: Do you have any
13 documentation on your professional development --

14 MR. KURZ: Yes.

15 MS. BUTTERFIELD: Is that something you
16 could share with us?

17 MR. KURZ: Absolutely.

18 MS. BUTTERFIELD: I'm chair of the task
19 force on professional development. I know that we
20 would be very interested in seeing what you have.

21 MR. KURZ: Absolutely. I'll make the
22 arrangements and I'll send you the literature and

23

1 what we're doing with that. And we have a proposal
2 and we're looking for funders.

3 CHAIRMAN BRANSTAD: Jack Fletcher.

4 Incidentally, we're going right through the break. I
5 think this is important enough that I kind of made
6 the decision we're just going to go right through the
7 break. So, go ahead.

8 MR. FLETCHER: I'll be quick. I just have
9 a couple of questions. One is that one of the
10 characteristics of successful schools that I'm aware
11 of is that they test more not less and all can test
12 beyond, for example, city and state requirements.
13 And in light of a lot of the concerns that's been
14 expressed on the effects of testing programs on
15 students in terms of anxiety, problems of self-esteem
16 and so on, I was wondering, in your years of
17 experience, if that was ever an issue at your school?

18 MR. KURZ: It was an issue but it has been
19 addressed. We used to have the children take, when I
20 was there, we took third and sixth-grade tests in
21 both city and state. Now, in New York, we do not
22 have -- the state test in fourth and eighth grade, we

23

1 do not give city tests in those grades in reading and
2 math. We accept the state test. So, those issues
3 were addressed and that helped a little bit.

4 MR. FLETCHER: But is it a problem in
5 terms of the effects of the testing program on
6 children in terms of children developing anxiety
7 disorders or being unable to perform and so on?

8 MR. KURZ: I think any test, if I had to
9 take a test, I'd be anxious myself and I think any
10 student who has to take tests is anxious. And now
11 with the high-stakes testing and every, you know, you
12 can't be promoted until you get to a certain level.
13 There is a lot of anxiety and I guess that we have to
14 address that issue. I'm not sure of how without
15 watering down the standards and watering down
16 everything else.

17 But certainly, there's an issue that there
18 are some students who don't do well in tests, who
19 might be very, very bright, should be able to be
20 promoted but do not do well in tests. I don't have
21 an answer for that. I really don't know. But I can
22 say that if we do away with testing, we're going to

23

1 do away with a lot of the accountability and
2 standards that have helped to promote better
3 education in these schools.

4 MR. FLETCHER: But has it been a big
5 problem? I mean, I'm not hearing you say it's a big
6 problem. So, I'm just --

7 MR. KURZ: In my school, there is a bigger
8 problem with the teachers because every time I did a
9 test and I went to the teacher, I had a meeting with
10 them and said, you know, this student here didn't do
11 well or didn't go up and they felt anxious about
12 that. And I could tell you that all of the years
13 that I was in the school, I never appreciated the
14 scores, because as soon as I got the scores back, and
15 I remember it, the last year, the scores were out of
16 sight. They were terrific.

17 And instead of rejoicing and celebrating,
18 I said, oh God, what do I do next year? And you
19 know, and it just pushes you further and further.
20 Maybe it pushes over to somewhere else but that is an
21 issue. I mean, some students in some school spend so
22 much time on testing, they absolutely do not teach.

1 All they do is teach to the test. And that you have
2 to be cautious of. But if you have high-stakes
3 testing, that's not an issue that's easily going to
4 be addressed or answered.

5 MR. FLETCHER: But is it your experience
6 that teaching to the test is a terribly effective
7 practice?

8 MR. KURZ: If the test is meaningful, yes.
9 If the test is just a bunch of short answers that you
10 have to know X, Y, Z, then it's a waste of time.

11 MR. FLETCHER: Thank you. One other quick
12 question. Of the 2.3 percent of kids that were in
13 special education in your school, what sorts of
14 disabilities did they have? What I'm trying to
15 understand is sort of what happened to children with
16 low-incidence disabilities like, you know, vision
17 problems, multiple disabilities, other health
18 impairments, things that aren't, for example, a
19 learning disability?

20 MR. KURZ: Yes, well, we didn't have any
21 students coming to our school with, you know,
22 disabilities like in a wheelchair or those kind. But

23

1 I know it was mentioned, I believe Mr. Lyon asked
2 about the FM. We had some students in our school who
3 couldn't hear, so the teachers had a microphone and
4 the students had their, whatever that is, speakers
5 plugged into their ears. And it was very effective.
6 It didn't impact on us.

7 But most of the students that we had in
8 special ed in our school, remained in general ed
9 population. We pull them out for one or two or three
10 periods a day depending on the IEP and their needs.
11 Basically, they needed extra help in reading, extra
12 help in math and we pulled those students out.

13 The speech and hearing, we had people
14 coming in and we tried to do it before school when we
15 could get away with it. But other than that,
16 sometimes we had to pull them out of class for their
17 hearing and speech services.

18 MR. FLETCHER: Thank you.

19 CHAIRMAN BRANSTAD: Adela Acosta.

20 MS. ACOSTA: Thank you. As one principal
21 to another, I commend you. And a fellow New Yorker,
22 I hear that accent, it makes me miss home. Most of

23

1 my questions have been asked by other Commissioners.

2 However, how often do you do staff
3 development?

4 MR. KURZ: Well, we did staff development
5 a minimum of twice a month, a minimum. But that was
6 with grade conferences and faculty conferences which
7 was devoted to staff development. But then, in
8 addition to that, we had the teachers going in at
9 least three times a year to visit other teachers and
10 to observe. That's like six times, so they were
11 doing that.

12 In addition to that, we had specialists
13 coming in working, I very rarely send teachers to
14 workshops but I had the specialists come into school
15 working the classes with the teachers. And in the
16 reading and math programs, if the teachers were
17 having difficulty with certain topics, I would have
18 someone from the company, the reading program or the
19 math program, come into the classroom, work with the
20 students and the teachers. So, it was ongoing.

21 There was no, I could say a minimum of
22 twice a month but it could have been three or four or
23

1 five times a month, depending on the needs of the
2 teachers.

3 MS. ACOSTA: I heard, just a point of
4 curiosity, did you say your students wear uniforms?

5 MR. KURZ: Yes, they did.

6 MS. ACOSTA: That's a topic that's being
7 bantered around. I don't, I have no -- any research
8 that supports uniforms making for better academic
9 performance or for better discipline; however, I know
10 that's the popular thinking. Would you just comment
11 for me on what you think the effects are of wearing a
12 uniform or not?

13 MR. KURZ: I'm also reluctant with a lot
14 of research. For everything, you find one thing, you
15 find someone else to say something else. But what
16 happened, and I don't know, I guess I was really
17 blessed, but all I did in 1987 I think it was, I sent
18 a letter home to the parents, beginning in September,
19 our students are going to be wearing uniforms. And
20 the reason I did that, I spoke to the parents, you
21 know, and they felt it was a good idea. And I don't
22 think it was to raise the academic standards or the

23

1 behavior. It's just that I wanted the students to
2 look a certain way.

3 I wanted them to come in, you know, some
4 of the kids wore T-shirts that were not really
5 presentable and some of the teachers looked the same.
6 And when I had uniforms, the teachers came dressed as
7 professionals. They had to come in, the men wore
8 ties or jackets and the women wore skirts. And
9 everyone looked good.

10 And it just sent the feeling, it was just
11 another thing. It wasn't the end-all and be-all. If
12 you have uniforms, it's not going to make a bit of
13 difference unless you have other things in the
14 school. But the uniforms did have a significant
15 impact on the students.

16 In our sixth, seventh and eighth grades,
17 we had students wearing gray slacks, girls wore gray
18 skirts and a blue blazer with the insignia called the
19 Crown School for --. That's what we called the
20 sixth, seventh and eighth grade. It was completely
21 pretentious but that's how I wanted it because, you
22 know, when I saw these grade schools, in private

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1 schools people are paying \$20,000-30,000 and they
2 walk to school like this. So, fine, our kids are
3 going to come to school like this also.

4 And they wore it. The parents loved it.
5 The kids, I guess, hated it, but they went, it was a
6 hundred percent. Everyone wore it and I couldn't do
7 anything.

8 The bottom line is when I first started
9 it, if a kid came without a uniform, I couldn't do
10 anything. I would put my arm in their shoulder and
11 say, Joe, Sam, Sam, why don't you wear a uniform
12 tomorrow? And they'd do it, or I called the parent.
13 By the end, we had it for 10-12 years, by the end, we
14 had tons of uniforms in the school.

15 If a kid didn't have one, we could give
16 him one. But I have to call the parent at home
17 because sometimes parents resented the fact that they
18 wore someone else's uniform. Those are little
19 issues. But it was 99.9 percent effective everyday
20 and it just helped the tone and the expectation in
21 school. And there is this image.

22 And also, when the kids went on trips,
23

1 everyone thought they were private schools. But they
2 didn't think they were private schools just because
3 of the uniforms, because of how smart they were and
4 how they behaved. And that's what made the
5 difference, because if they went to the Met and they
6 were asking questions when they, you know, they went
7 to the Metropolitan Opera and they were asking
8 questions of the people there, they were very bright
9 because we went over the libretto with them before
10 they went. So, they knew what the opera was about.

11 There is no one answer for anything. And
12 I'm reluctant to say everyone has to wear school
13 uniforms. Everyone has to have this or that. But if
14 you put all of those together, I think that's where
15 we had the high level of success that we did.

16 MS. ACOSTA: Thank you.

17 MR. LYON: Mr. Chairman, can I just, this
18 is one of those unique moments.

19 CHAIRMAN BRANSTAD: Yes.

20 MR. LYON: Yesterday, Beth and Bryan
21 showed me a study from the University of Texas that
22 indicated that in fact uniforms had a pretty good

23

1 effect on social and behavioral outcomes. But only
2 if it had the crest of the school name on there. So,
3 I just, well, it's what we call an interactive --

4 MR. KURZ: Gee, I wish I would have known
5 that before I did it. Would have made it much
6 better.

7 CHAIRMAN BRANSTAD: Nancy Grasmick.

8 MS. GRASMICK: Yes. I think you're a
9 perfect example that leadership matters, and your
10 interpretation of the principal as the instructional
11 leader is simply wonderful. My question to you is,
12 and I don't know if you said it, I don't think I
13 heard it, what do you think about full-day
14 kindergarten in terms of this effort that you were
15 making early on with your students?

16 MR. KURZ: We had full-day kindergarten,
17 absolutely crucial. And our kindergarten was not,
18 you know, I walk around in some circles, in some
19 early childhood centers and they're playing in the
20 clay and they're drawing pictures and they're having
21 all these social skills and everybody is hugging each
22 other and all that. That's wonderful. But in my

23

1 kindergarten, we spend most of the time on academic
2 pursuits and it was reading and math skills that we
3 really structure the day around.

4 And the kids did fine. They were treated
5 with respect and they acted with respect. And I
6 think it's crucial to have full-day kindergartens.

7 MS. GRASMICK: Thank you. That was
8 wonderfully helpful. And my second question is what
9 if in this country we could have a seamless system of
10 early childhood opportunities? That is, a real
11 sequence between headstart and pre-kindergarten and
12 kindergarten so that educational goals were sequenced
13 properly? Could you comment on that?

14 MR. KURZ: Yes, I think I touched on that
15 in that we should have benchmarks at every grade
16 level so that we know and if we start when they're
17 three years old and by the time they're five, we know
18 what we want them to know when they get into
19 kindergarten. And it should be seamless because if
20 you have a separate system, they might be teaching
21 something in early childhood that really serves no
22 function. Or it might be more than that, who knows?

1 But the fact is that it should be
2 seamless, that we start when they're three years old,
3 it should continue until they finish high school and
4 beyond. But it absolutely should be seamless and
5 there should be clear objectives for each level.
6 When they're third grade or fourth grade, I'm not
7 talking about core knowledge or that kind of stuff,
8 but I am talking about clearer standards of
9 achievement in reading and math and other skill
10 areas.

11 And even in math, I mean, with the math
12 skills, there should be certain achievement levels
13 children should have. They should be able to count
14 to five, to ten, whatever, by the end of this. And
15 that should be able to be measured.

16 MS. GRASMICK: Thank you.

17 CHAIRMAN BRANSTAD: Mr. Kurz, I think
18 Nancy Grasmick said it very well, it's a lot about
19 leadership. And I can tell you, just about everybody
20 around this table would love to be a teacher in your
21 school. I can see why you were able to attract great
22 teachers and made such a big difference in the lives

23

1 of the children. So, thank you very much for your
2 presentation. Truly outstanding. Keep up the good
3 work.

4 MR. KURZ: Thank you very much. Thank
5 you.

6 (Applause.)

7 CHAIRMAN BRANSTAD: We're going to
8 continue to proceed without a break. If people do
9 need to go to the bathroom or whatever, you're
10 excused. But we'd like to ask you to come right
11 back.

12 The next presentation is Options for
13 Parental Involvement in Special Education Part V.
14 Parental choice is an increasing option for parents
15 of children with disabilities. Parents of children
16 with disabilities should be entitled to the same
17 options of public, charter, parochial, and other
18 educational options. The growing trend in charter
19 school options for children with disabilities is the
20 focus of this panel.

21 The members of the panel are --

22 MS. SCOLARO: Crisha Scolaro.

23

1 CHAIRMAN BRANSTAD: Thank you, Crisha.
2 Crisha is a parent and founder of the Pepin Academy
3 located in Tampa, Florida. Jo Ann Shaw is the
4 principal of the Pepin Academy. We have Dr. Barry
5 Morris, curriculum specialist at the Pepin Academy,
6 and Laura Whiteside who is a parent. Thank you all
7 for coming. And Crisha, I'll turn it over to you.

8 MS. SCOLARO: Thank you very much for
9 having us. We're very honored to be here. We are
10 speaking about a public charter high school that now
11 has a middle school. We are just now in our third
12 year. We are very much out of the box so we are very
13 excited about speaking to you today about the school.

14 I ask anybody to correct me if I'm wrong
15 but we have done research and we find that we are the
16 only public high school in the country at this time
17 that is a non-tuition based high school that serves
18 only students with learning disabilities. So, I
19 think we can bring quite a bit of very important
20 information to you today.

21 I as a parent, I was going to give you a
22 brief description of my son but I can just tell you

23

1 right now, I am the mother of Sam. So, if you were
2 here earlier and you had the description that the
3 teacher was giving to you of Sam, except for a year's
4 difference in age, that's my son.

5 You can understand that in our outline we
6 started with fear, fear that created the mission for
7 this school. And as a parent, to go into classrooms
8 and sit, preparing to move our son into a high school
9 setting, was absolutely traumatic as parents to go in
10 and find that there was no setting that he would
11 succeed in. And that was basically bottom line.

12 Fear did set in, so several of us got
13 together. It took us five years to get to today.
14 So, we have an academy, we are in our third year. It
15 has been a very long struggle. A lot of slammed
16 doors in our faces, but we have learned a lot.

17 We will talk to you about some very
18 exciting things in high school, things that these
19 kids do need a transition from school to the rest of
20 the world. But I can tell you that learning
21 disabilities as the school system tells you, that
22 learning disabilities are not cured. They do not go

23

1 away and these kids do not grow out of learning
2 disabilities, which is what's told to you in the
3 public school system.

4 We went through public school through
5 fifth grade, it's a wonderful pure SLD environment.
6 Wonderful education. There is no life after fifth
7 grade, so we had to create our own. We have a lot of
8 very interesting things to tell you. I'm going to
9 turn you over to Jo Ann Shaw and Dr. Barry Morris who
10 are really the two curriculum and school creators of
11 this wonderful model and let them tell you a little
12 bit about why we're so out of the box.

13 MS. SHAW: To describe our students at our
14 school would have to be a diversity as far reaching
15 as Albert Einstein, Whoopi Goldberg, Thomas Schwab,
16 Tom Cruise, General Patton and Thomas Edison. These
17 are all people with learning disabilities. Our
18 students span of disabilities reaches the breadth of
19 those people.

20 We are a school and we declare it for our
21 kids that we are a gifted school. We teach to the
22 gifted model. We serve secondary students who have

23

1 parents who chose a different setting for their
2 children. In some cases, the student self-referred.
3 They found out about our school, went and told their
4 parents, this is where I need to go to school.

5 Some of our kids gave up phenomenal
6 opportunities for a social life and a large high
7 school. Our learning disabilities encompass specific
8 learning disabilities, language impaired students and
9 some Asberger's autistic kids. Our population is
10 approximately 25 percent free and reduced lunch, 9
11 percent black, 12 percent Hispanic and 79 percent
12 white and other.

13 Our charter required us to do certain
14 things. As a charter public school, we aren't just
15 given a blank check and say go out and do what you
16 want to do. As a charter school, we were required to
17 maintain and ascertain safety for our kids to the
18 same level of every other state public high school or
19 school, period. We are required to follow all that
20 paperwork as is required for special education from
21 our district, the district that sponsoring group is
22 Hillsborough County and we have to follow their exact
23

1 model.

2 We have the same graduation requirements
3 as all other high schools in the State of Florida.
4 And we have to follow the same course descriptions
5 and requirements for our classes to count toward
6 credits for our children. However, we did get to
7 choose a lot of things. We chose to structure our
8 school by SACS accreditation, Southern Association
9 Schools and Colleges. We chose to keep our
10 communication line directly from our board of
11 directors to the principal to the teachers to the
12 students to the families.

13 We chose to make that very, very close.
14 We chose to have a contract which our parents and
15 students and the school signed that we would
16 guarantee certain things between the two parties.
17 Included in that was the responsibility for the
18 students who came to our school to participate in
19 their own education. And those of you that have
20 special ed kids or have worked with them, you know
21 how crucial that step is for a child to guarantee,
22 I'm going to get in there and I'm going to do my

23

1 part.

2 We chose to involve business and
3 community, and the community reaches at this point to
4 those job opportunities, to the transition teams. We
5 have associated our self with the associations that
6 have federal grants and whatever for all the testing
7 and all of the evaluation and things of that nature
8 so that our kids get those opportunities. We have
9 chosen to make Pepin a community of learners. All of
10 us learning together where you talk about teacher
11 expertise and whatever, we use our school as a Petrie
12 dish.

13 We have certified teachers in regular
14 subject areas and special education. We have a full-
15 time nurse, a full-time guidance counselor for 135
16 kids. We have a behavioral specialist on a part-time
17 basis. We have speech therapists, we have everything
18 that is required by these students to have their
19 education. We have chosen to do a technology model.

20
21 At this time, Dr. Barry Morris, who is an
22 integral part, in fact, he is the person who actually
23

1 wrote and structured the curriculum for our school,
2 is going to explain exactly what we do there. Once
3 we've got the kids then, once the parents have made
4 the choice, he can explain what goes on at our
5 school.

6 DR. MORRIS: 34 years ago, I went into my
7 internship. First, I knew nothing about it but I was
8 in National Teacher Corps and that was a teacher
9 crisis time. And here we were, a bunch of people,
10 knew only that elementary kids were short. And
11 that's all I knew and I was soon to have my own
12 class, so I was a little terrified.

13 And here I went to my intern teacher to
14 find out what to do with fourth-graders. And she
15 looked at me and said, just understand this. It's a
16 snake pit. Don't turn your back on them. They will
17 eat you alive. So, I wrote that down on my little
18 Palm Pilot. I'm not quite as technologically
19 advanced as the rest of you and wrote it down.

20 And then, she said, now, sit down for my
21 good morning and motivational speech. Good morning,
22 babies, so glad to see so many of you back from last
23

1 year. And she said, this year, with you able to pass
2 the test, and of course the tests were there, you
3 might be able to pass this grade. She said, most of
4 you have good brains and since she named two people
5 she considered to be most of them, and those were the
6 two that had the good brains.

7 Most of them had lazy brains, and by lazy
8 brains, she meant a moral implication that lazy
9 people somehow had a weakness in their character. I
10 picked that up right away that if you're not working
11 up to your entire ability, complete ability, somehow
12 there's some kind of weakness in your character,
13 weakness in your moral fiber. And then, she said,
14 and some of you are worse than lazy, and you know who
15 you are. And if we didn't, she had grouped them in
16 the back and she said, and she walked back, put her
17 hand on one of the children's shoulders and said some
18 of you are retarded.

19 And that was my introduction to special
20 education in the fourth grade. I found out later on
21 that that lady was what I later called a disease
22 model teacher. Basically, she modeled the diseases

23

1 all the time. She felt she had a triage unit, a
2 trauma unit where she didn't have enough resources
3 and she had to figure out which children she could
4 help, and those that she had to be able to set aside
5 and keep them comfortable until they died.

6 And so, I've watched that type of triage
7 unit going on across the United States. I visit in
8 schools all over the country and one of the things I
9 have picked up is that there are gifted model
10 teachers and there are disease model teachers. And
11 those disease model teachers follow a medical model
12 and that medical model is that we are to diagnose,
13 prescribe and remediate.

14 And that medical model has seeped through
15 which deals with every child in special education as
16 operating from a disability. And that's the disease
17 model teaching stuff and out of it we have developed
18 a disease that is more difficult and more painful
19 than ADD or ADHD could ever be or SLD. The disease
20 that the schools are dying under, and it's a disease
21 that's infectious, is learned helplessness.

22 And this learned helplessness is killing

23

1 our schools and is causing our teachers to drown.
2 It's causing parents to give up and to lay down and
3 just assume that their children are being kept
4 comfortable until they die. And that learned
5 helplessness is a thing we must fight in our schools.

6 I've met those same kind of teachers
7 turned around by remarkable understanding that if
8 they were to see the gifts and the strengths of these
9 same children instead of looking at them from a
10 diagnostic perspective of just something that is
11 wrong with them, something that needs to be fixed, if
12 we could see it from that point of view, we would see
13 the gifted model of teaching. And that's the kind of
14 teaching that is so powerfully described in the
15 powerful schools that you saw, the one that was
16 described today in New York, that gifted model
17 teaching, the seeing and celebrating the gifts of
18 those children.

19 So, when five years ago I was asked, and
20 I'm an elementary instructor by the way at the
21 University of South Florida, when I was asked to
22 design a school for high school, I said, well, I

23

1 guess I know they're taller because that's all the
2 background I had. And I said, what would we do?
3 Well, first we have to defeat this learning
4 disintegration cycle that takes a child and infects
5 him with this learned helplessness, makes them
6 understand their disease only as a label, their
7 difference is only as a label, and then groups and
8 targets them for remediation and fixing. And out of
9 that, we get a learning disintegration cycle that
10 actually reduces their ability to build intelligence
11 inside of their own minds.

12 And so, just like Mel Lavine and William
13 Glasser and some of these others in cognitive
14 psychology, I said, we must discover the strengths of
15 these children. So, we built called Pepin Academy.
16 And out of it came together to say, let us teach
17 these kids multiple intelligences. So, we start with
18 a three-day seminar, that first three days, we work
19 on building into these kids what it means to be
20 intelligent. What are the gifts? And we trained
21 them in the eight gifts and trained them to
22 understand what they meant.

23

1 Then, we took those gifts and we said,
2 now, each of you may have areas that are weaknesses
3 but they're possibilities for growth, possibilities
4 for training. And out of it, we developed a school
5 that looked at the gifts and powerfully interacted
6 with the gifts. Then, we took everything from gifted
7 education and we put it right into that special
8 education facility.

9 We are a high school fully accredited by
10 SACS. We are not a special education facility. We
11 are after bringing in powerful partnerships from
12 other institutions. So, Saint Leo University has
13 come in and is now going to place interns in our
14 school. University of Tampa is coming in to work
15 with us on a business incubator business model and
16 actually being able to reproduce the curriculum,
17 reproduce the philosophy of the school and be able to
18 put it into other school settings.

19 We believe that we needed to find a way to
20 break the learned helplessness by building a little
21 one-room schoolhouse. So, we built something we
22 don't think is anywhere else in the United States.

1 We partnered with another charter school and brought
2 a kindergarten through fifth grade facility inside of
3 our school. Two charters working on the same plant,
4 now we've got a kindergarten through 12th grade
5 little one-room schoolhouse.

6 Now, those children, 125 of them, are
7 children from the inner city right around in that
8 area. 98 percent of them are African American, 85
9 percent are free and reduced lunch. And guess what?
10 They have a new set of teachers. We are taking our
11 children who have severe learning disabilities and
12 they are teaching those younger kids.

13 We decided to powerfully break the learned
14 helplessness cycle by bringing these kids into a
15 powerful one-on-one bonding with these younger
16 children to allow them to become role models in a way
17 that they had never been before. To break through
18 the invisibility that is a part of the nature of
19 special education, our students have discovered if
20 they can just become invisible, people will leave
21 them alone. And they are quietly suffering in the
22 corners of classrooms all over the place.

23

1 I was with a fourth-grader and I sat down
2 beside him in a classroom in another school and I
3 said, what are you doing? He had these beautiful
4 drawings all out in front of him and he said it's a
5 story. And I said, tell me about it. And he began
6 to tell this magnificent story. He was obviously a
7 genius in word-crafting. He was word smart and he
8 could craft the language.

9 And suddenly I felt an angry fingernail
10 into your shoulder. Now, if you've never looked up
11 into the flaring nostrils of an angry fourth-grade
12 teacher, it's a scary event. And there she was and I
13 was looking up at her and I checked my trousers to
14 see if I'd wet my pants, he was checking his
15 trousers. And she said, I'd like you to step over
16 here please.

17 We both started to get up, she said, I
18 mean you. And I walked over, I was a visiting
19 professor from the university and I felt like I had
20 made a mess. And she said, I don't want you to upset
21 him anymore. And I said but you don't understand,
22 stupid me, ivy tower, all of this problem with

23

1 professor types that can't understand about the
2 schools.

3 I said, don't you know, if you brought a
4 fifth-grader in here to take story dictation, this
5 child would read magnificent stories because the
6 stories were all inside of his heart. They're all
7 there. And she says, you better understand
8 something, and she was quivering and her hand was
9 shaking and it saddened me because here was a lady
10 who was a good teacher, a good lady frightened.
11 Frightened of a little boy in a corner. And she
12 said, he will never learn to read, now leave him
13 alone and don't upset him.

14 And as I looked over her shoulder, he had
15 taken a black pen and was striking through his
16 pictures. And as I came back to him to say goodbye,
17 I asked him, you got all these beautiful paints and
18 magic markers and all of this stuff, where did you
19 get it? And he pointed at her with such sadness and
20 an old wisdom in his eyes, an oldness he didn't need
21 to have. He said she gave them to me.

22 A deal had been struck. If he would sit
23

1 in the corner, she would supply all the materials he
2 needed. These folks are called compassionate
3 cripplers. What are we after? They use this term,
4 they say to the child, bless his child, he can't do
5 much. And that compassionate crippler says we can
6 let the child off the hook because they're broken
7 anyway. But we let the teacher off the hook, and out
8 of that we let the school off the hook. But out of
9 that understanding, these children begin to collapse.

10 We have decided at Pepin Academy to become
11 brain detectives, that every child is a unique mind,
12 that every child is an unexplored territory, that if
13 we fail in the learning process, it's our planning
14 that's at risk and we must go back to the drawing
15 boards and we as teachers and administrators and
16 curriculum people have to come back and build a
17 powerful new story for that child because we believe
18 that the brain is plastic, that we can create and
19 engineer intelligence and we tell the teachers
20 everyday, you can engineer intelligence.

21 You can powerfully build and take out the
22 learning blocks and powerfully build roadways that
23

1 map the powerful understandings these children need
2 not only to survive, and I'm against these survival
3 skills, folks. I believe they ought to be there to
4 create, that we ought to see them in the powerful
5 understanding of who they are as individuals and out
6 of that, let them say there is no glass ceiling, out
7 of this, there is no possibility that should be
8 shutoff, that these children are ready to take on the
9 world.

10 And so, out of that, we built our
11 curriculum. We celebrate the gifts. We bring
12 together role models. We allow the older and the
13 younger kids to work together. And we bring a high
14 school curriculum with high technology to the school
15 setting.

16 MS. WHITESIDE: I am Laura Whiteside and I
17 can't tell you how delighted I am to be before such
18 an esteemed panel and I wish you great guidance in
19 your project.

20 I would be somewhat unfair to not tell you
21 I am also an attorney, and in 1993 began representing
22 families of children with disabilities and began to

23

1 specialize in that at approximately 96 or 95. And
2 that's all the work that I did. So, a lot of my
3 experience does come from representing families.

4 There was a hesitancy, I have a daughter
5 Caitlin who you will meet later today. She's 17.
6 She was severely premature which apparently sets her
7 up for a high risk of learning disabilities but they
8 don't know the direct connection. There was a
9 hesitancy to test her when she was young, when she
10 was in kindergarten and first grade.

11 The teachers really felt that they knew
12 there was something there. They weren't sure what.
13 A pre-K teacher thought she might be having seizures,
14 and then it was this and it was that. And we really
15 didn't know what it was. Kindergarten, first grade,
16 the teachers just felt they would be able to pull her
17 through. But she wasn't learning to read and so they
18 started saying, okay, we'll go ahead and test her
19 even though we feel like she should not be put into,
20 they were equating if she got the NSLD label with the
21 placement in a resource room and they didn't think
22 that would be good for her.

23

1 By second grade, when she wasn't reading,
2 we'd had her tested. She went into a resource room
3 one hour a day with a really wonderful and loving
4 teacher. She also was getting tutoring a couple of
5 times a week that I paid for. And this tutor would
6 watch this event that happened when she was trying to
7 read, that she would look up and he would see just
8 that there was blankness in her stare. And this is
9 what had been described to me as maybe seizures.

10 And he finally, after observing in a
11 while, he asked her what it was that she was seeing.
12 And she said it was just all scrambled, that she was
13 looking up to try to get things working again to
14 where when she looked down at it, it wasn't moving
15 around. And it turns out, he checked into something
16 that was very controversial in the professional
17 community.

18 We got her vision therapy, it's a
19 behavioral optometry, and she learned to read. And I
20 could tell by the testing that it in fact helped her.
21 I did not ask the school to pay for any of those
22 extra things partly because I already was

23

1 representing families and I didn't want to bring my
2 profession into it.

3 By third grade, she was reading, and in
4 elementary school, things went pretty well. She was
5 in a resource room about one hour a day and they
6 helped keep her organized and they helped focus on
7 the things she wasn't doing well in. Sixth and
8 seventh grade in middle school, she did pretty well.
9 She was successful in what was called a fused
10 classroom where they had co-teaching. They had a
11 regular teacher, mostly regular students, a few kids
12 with learning disabilities and a learning
13 disabilities teacher in there. That was a wonderful
14 model for Caitlin.

15 Unfortunately, not very many of the other
16 children were having success as I understood it. So,
17 they pulled it back, they pulled the SLD teacher out
18 of the class and they allowed my daughter to leave
19 her classes whenever she needed it and go to the
20 resource room. And because she had a good work
21 ethic, she was able to have that much freedom on
22 campus.

23

1 But by eighth grade, things were starting
2 to get messed up and she could tell you about that if
3 she feels it's important. But she was starting to be
4 invisible. Invisible was an issue. Even in my
5 family, she was finding that she didn't fit in quite
6 like the other kids.

7 She couldn't abide by the rules of group
8 games and things and it was easier for her to just
9 sort of slip away and watch television and not deal
10 with the fact that people, she has auditory
11 processing delay. When you ask her a question, it
12 might take a second for her to respond longer than it
13 would others, and people don't know how to deal with
14 that. I'm impatient with it frequently because
15 otherwise she's so normal.

16 Going on high school, I was very worried
17 about the size of the school. She did go to a magnet
18 school because she played harp. That, I didn't feel
19 that they tapped into the fact that she had this
20 amazing musical ability that was based on that,
21 something related to this auditory issue. She's also
22 just an amazing musical talent but she couldn't read

23

1 music.

2 And this performing art school had in mind
3 that they would be training orchestra players. And
4 that didn't work for her. So, I didn't know what I
5 was going to do. I really felt like she needed to be
6 in a school that was smaller where they knew her. If
7 you know her, it's amazing the things you can pull
8 out of her. But she won't be the pursuer of things.

9 I had the fortune to know Crisha Scolaro
10 and I knew she had been involved in setting up a
11 school and happened to see her and ask her about it.
12 And they had some slots available and I went to the
13 school and it looked like it would be wonderful for
14 my daughter. And she bloomed. And I think that it
15 did get her past the invisibility. All the teachers
16 know her, they know, you know, and they're
17 encouraging to her all the time.

18 I think it's very useful to her to have
19 access to a guidance counselor who she knows because
20 if there is anything on her mind, you know, sometimes
21 you have to talk to her for a while to realize what
22 is in the way of her learning. I want to tell you

23

1 though, it's not a choice. The charter school option
2 is not a choice that IEP teams bring up and mention
3 to you. Nor is the McKay Scholarship.

4 Parents at IEP meetings are not informed
5 about these options and I consider the small school
6 to have been something that should be on the
7 continuum of alternative placements. It's a regular
8 school for Caitlin, it's just smaller. I have
9 represented a number of children who had similar
10 disabilities, particularly in SLD and ADD kind of
11 joint disability where they simply cannot survive in
12 the large school.

13 You'll have a child who does, they have a
14 learned, what do they call it, a defensive
15 aggressiveness, some of them, where because they feel
16 so bad for having had so much failure, when other
17 kids pick on them, they have this artifice of being
18 aggressive. So, several of the children I've
19 represented could not make their way through the
20 halls without having problems. But they did need the
21 freedom of an environment where they could go to a
22 lunchroom and to all the activities, but not the

23

1 numbers. And we've been successful in proving that a
2 regular size school, and they're huge in Florida, was
3 not an appropriate placement.

4 I'll say more later.

5 MS. SHAW: I want to sum up and say that
6 this is our first year that we will have a graduating
7 class. We have six students who started this year
8 with enough credits to graduate by State of Florida
9 standards. At this point, five of the six have
10 passed all their state tests, the high school
11 competency tests that are required in Florida.

12 These students got one-on-one tutoring and
13 all the other helps that they needed in order to
14 prepare for that test. And we have that opportunity
15 because we are small. Next year, we already know
16 that we will have a bigger challenge because we have
17 26 students that are juniors that will be moving up
18 to the senior class. The one student has one section
19 of the test, we're waiting for the results to come
20 back in the math section.

21 This student is 20 years old. He failed
22 ninth grade four times before he came to our school.

1 It has been a struggle to change this child's
2 perception of himself and his thoughts about what he
3 was able to do. This student is a gifted artist. We
4 are hoping in working with schools of art to have him
5 be able to finish his education after high school
6 there. We have all beliefs that he is going to be a
7 successful graduate.

8 It is not easy when you get kids at the
9 high school level as their entry level to convince
10 them that they can learn when they have decided
11 themselves, and if you know high school kids, you
12 know that many of them decide for themselves that
13 it's over, I can't do this. And so, for some of our
14 kids, it takes a period of time. We have seen kids
15 take a full year before that wall is broken down
16 where they actually start believing in themselves and
17 learning.

18 We see other kids that recover faster.
19 Because of that, this past year, we started a middle
20 school in conjunction with the high school because we
21 knew that a lot of the problems in looking at their
22 case histories had started when they left elementary

23

1 school. A large population of our school are
2 language-impaired students who are in very self-
3 contained units with a teacher and aid, small groups
4 through fifth grade.

5 At the end of fifth grade, they receive
6 almost no support. And so, those kids were
7 definitely just falling through the cracks. And if
8 you know language-impaired kids, you know these are
9 kids that language doesn't come that easy to. If
10 there's two meanings to a word and they've learned
11 one meaning, that's what it means. And when they get
12 into a more adult world or around other kids, a great
13 deal of cruelty comes into play, too.

14 The primary functioning principle of that,
15 we go in our school and we tell them from the first
16 day they arrive there and we tell our staff members,
17 respect is the number one thing. You will be
18 respected and you will not make fun of other students
19 and you will not hurt them.

20 I retired after 30 years in Hillsborough
21 County Schools as a school principal in middle and
22 elementary schools. I brought to this school an

23

1 elementary mind set of student-centered versus
2 subject-centered. And that's a big difference in our
3 school.

4 The other thing that I brought to the
5 school is I have two sons that were also in SLD
6 classes. They are both grown but I know the parent
7 part of that. I know what happens at night with
8 these kids. My sons had two educators for parents
9 and I read a lot of textbooks to my children aloud so
10 they would get the content.

11 I knew they were smart enough to learn but
12 they had to get the information given to them. For
13 that reason, we have software that actually will read
14 the text that you can scan in from a book or a test
15 or something of that nature. So, kids that can't
16 read, and whether we want to realize it or not, there
17 are adults in our society because of the way they
18 process information, they cannot read.

19 That does not mean they're not intelligent
20 and does not mean that they cannot be contributing
21 members of our society and be on the roles of earning
22 money versus being on the roles of having to be

23

1 supported by the state whether that be in
2 incarceration or by being on the welfare roles. And
3 I think those are role realities that we have to look
4 at if we don't get these kids, especially the very
5 bright ones.

6 My older child, we always pushed our
7 children to go to college. We never thought for a
8 minute our kids would not go to college. After a
9 year in college, we thought with our older child that
10 maybe we pushed too far. Maybe this is not the thing
11 we should do. So, we had him retested at that point.

12 The psychologist's answer to us was he has
13 too many areas. His analytical skills on the test
14 were 99th percentile. He knew how smart he was and
15 he was above average intelligence. He knew that he
16 was smart. He knew things a lot of other people
17 didn't know. But as far as functioning in some of
18 the areas, he did have difficulty there.

19 Today, he is a college graduate. He is a
20 PE teacher because he was a steady kind of learner
21 and he loves his job. He is an excellent teacher.
22 He is a contributing member of society. I'm not

23

1 going to raise my grandchildren. My son is going to
2 provide for them.

3 My second son is a minister and he is
4 working on his master's degree. He will have a
5 degree in December. These are kids, they were lucky.
6 They had teachers for parents. But they also had
7 parents that would not say that just because you
8 can't do this, you can't go on. Both of them, I had
9 one expected grandchild from the one that's going for
10 his master's degree and the best solace, and I tell
11 the parents and I've told them all along whether
12 their kids are in regular ed or special ed, the best
13 reason to get your kids in education, best reason as
14 parents to do everything you can do for your
15 children, is so that you can enjoy your years when
16 you get older.

17 And I believe that. And so, for all these
18 kids and for all these parents that come to Pepin, we
19 are going to provide everything we can to reach every
20 crevice of their minds so that we can put them on the
21 income roles in America and not on the disability or
22 the incarceration roles. Our kids come to us in many
23

1 cases with long discipline records.

2 We do not have disciplinary problems at
3 our school. We've been in operation for three years
4 and we've never had a fight even though those things
5 were on their records before. We've had kids that
6 went to school 40 days out of a year that are coming
7 everyday. So, for lots of reasons, high school is a
8 time you cannot quit on these kids.

9 We know because as Crisha said earlier, we
10 have researched around the country. And I will tell
11 you, I did have an elementary perspective. If I had
12 known what the state and everybody required of these
13 kids to graduate to the extent I know today, and knew
14 how hard it was just to get courses and credits and
15 everything in the computers, I probably would have
16 said no when they called me and asked me to sit on
17 this board initially. Because it would have been, as
18 an administrator, I would have known it was too big a
19 job.

20 I'm glad I didn't know all that because
21 we've been able to learn that and cracked it along
22 the way to meet the needs of these kids. But it is

23

1 an extreme need not to say that kids because they
2 have learning disabilities and maybe even as extreme
3 as they can't read, can't do other things.

4 The other resource we are able through a
5 grant to click into next year is we are going to
6 click into the services for the blind and have all
7 our textbooks put on disk so that when the teacher
8 says turn to page 127, our kids can listen or can
9 listen to the text of that textbook. And so, they
10 will get the same content the other kids are getting.
11 Our kids who cannot read when given the content in
12 another area can make a hundred on a content test.
13 Just because they can't read to get the information
14 does not mean that they should not be able to learn.

15 So, we expect learning however we have to
16 deliver it and whatever we have to do to get there.
17 And in closing, I will say that we have mentioned
18 technology. We go after anything and everything. We
19 have the people come to our school show us what it
20 does, then we look to see whether or not there is a
21 child that can benefit from it.

22 We hope to graduate and right now we are

23

1 on track to graduate our kids as they go off to
2 college, every one of them knowing how to design a
3 web page because we figure, for most of them, if they
4 can do that and it's using all those higher level
5 thinking skills, that they can make money while
6 they're in college or while they're in trade school
7 or while they're doing something else. And the kids
8 at this age, they're high school kids, eat this up.

9 They also are learning to do their
10 presentations because they're nervous about getting
11 in front of groups on PowerPoint. Our kids are
12 developing PowerPoint presentations. They will go to
13 college with some deficits, no doubt about it, but
14 they will go with strengths and skills that other
15 kids in their classes do not have.

16 Are all of our kids in the category that
17 they will go to college? No. We have some that we
18 are putting into a jobs trend. But we take as long,
19 and the parents understand that that may be a
20 possibility down the line, but we don't make that
21 decision until all other things have been explored.
22 And then we click into those community resources to

23

1 get people in to help us evaluate them and place
2 them. Thank you.

3 MS. SCOLARO: And I would like to add,
4 too, that we did not mention the Excel program that
5 we have which is the only school in the State of
6 Florida, I believe, that has a partnership program
7 with the Workforce Development Board. We truly
8 believe in that transition from school to work. It
9 is funded by the Hillsborough County Workforce
10 Development Board.

11 We receive dollars. We have a teacher
12 that's assigned to it. The students receive credit.
13 They have a dress code. They learn life skills.
14 They learn how to write resumes. They learn how to
15 do interview techniques.

16 It is extremely important that these life
17 skills be taught to these kids. They have wonderful
18 outgoing personalities but their language processing
19 difficulties make it almost impossible for them to go
20 out and do this by themselves. It's a very important
21 key to this education.

22 We also have, with Hillsborough Community
23

1 College, a transition program where the students will
2 be able to receive, take and receive up to nine hours
3 of college freshman courses at our location. That is
4 extremely important to be able to accommodate these
5 students with learning disabilities, with the tools
6 that we have in our school for them to be that
7 successful before going on to the junior college or
8 the college campus that they need.

9 I ask you also to look at this. This is
10 high school. There is not, this answer is not
11 available in other areas. You have to address this.
12 I don't have the figures for you but the
13 incarceration of teens, the very, very high
14 percentage of them in the 70 percentile in this
15 country are teens that are learning disabled. So,
16 you must address it one way or the other because it's
17 either funding for the prison system or it's funding
18 in high school.

19 These are smart people. They learn
20 differently. Please help us get them to stay in high
21 school. It's very important. And let's also do
22 something, if I can recommend about this special

1 diploma which there is nothing special about a
2 special diploma when you can't even join the
3 military, you can't go to junior college, you can't
4 go to college and you can't even go to a trade
5 school. There's nothing special about that diploma.

6 If these kids can listen to a book and
7 still know the content, there's no reason why they
8 have to write those answers on a piece of paper. Let
9 us give them the same accommodations that our IEP
10 teams agree that they need on an everyday basis for
11 every other test, but yet you do not allow them to
12 take a state or a federal test, mandated test with
13 those same accommodations. You take a student that's
14 extremely dis-graphic who is, as I call it, allergic
15 to paper and pencil, who can score a perfect score on
16 a test that's given on the computer but fail a test
17 because it's on a piece of paper.

18 That is discrimination. Please address
19 these issues. Thank you.

20 CHAIRMAN BRANSTAD: Steve Bartlett has got
21 the first question.

22 MS. WHITESIDE: I wanted to pick up on the
23

1 accountability issue.

2 CHAIRMAN BRANSTAD: Okay.

3 MS. WHITESIDE: If I could, before you ask
4 questions, this may get through some of it.
5 Assessments of course is a very big issue in
6 accountability in Florida. We have in Florida now a
7 program called A Plus that gets to the
8 accountability. It's intended to be our
9 accountability.

10 IDEA as you know requires that children
11 with disabilities participate in assessments of
12 state-wide, district-wide assessments that the state
13 is giving to anyone else. The IEP team is supposed
14 to decide what accommodations are made for those
15 testing. They should get appropriate guidance to
16 ensure the statistical validity of the test for the
17 State.

18 Florida, in fact, has not followed federal
19 law on that point yet. The IEP teams are not allowed
20 to make those decisions for kids with disabilities.
21 The IDEA, of course, is trying to measure the
22 outcomes of kids with disabilities in their

23

1 educational programs. If the IEP team feels that
2 they are not able to participate in the state-wide,
3 district-wide assessments with appropriate
4 accommodations, there is supposed to be an alternate
5 assessment so that you follow outcomes of these kids.

6 Alternative assessments, I submit, is
7 pretty sorely ignored in Florida and is not fully
8 reported. The IEP team is supposed to make those
9 decisions with respect to the individual child. And
10 what more local control can you have than deciding
11 what this child needs to do. And as you know,
12 anything that's not on the IEP, anything that's not
13 addressed in the IEP should be regular curriculum.

14 If it's not on the IEP, it's regular
15 behavior. If it's not on the IEP, it's regular
16 English. You know, whenever you deviate from what
17 you're giving to other kids, you need to make sure
18 it's individualized based on that child's needs and
19 not that child's label as a child with a disability.

20 The state, of course, has developed
21 accountability across the whole system. It also,
22 what Florida does and I'm sure many other states, it

23

1 ties the diploma to that. And that's where you get
2 to what does this actually do to kids with
3 disabilities. Schools are graded through it and kids
4 have this hurdle on it.

5 The lack of implementation of the
6 accommodation sets these kids up to not get a
7 diploma, not have their true abilities tested. And
8 also, even if they're accommodated, in Florida, the
9 tests are thrown out. Kids with disabilities don't
10 count on our only accountability piece in Florida.
11 The tests are thrown out.

12 I have spoken to teachers who have been
13 very concerned about McKay because of the fact that
14 kids on the McKay scholarship, they go out, they're
15 not using IEP's necessarily, they're not entitled to
16 free appropriate public education during that time.
17 They might age out of whatever school they left to go
18 to. They come back into the system and SLD criteria
19 is higher. So, they may not, maybe they qualify and
20 maybe they don't.

21 If they don't qualify to get back into
22 special education, the teacher's concern is their

23

1 tests are going to count. Their FCAT is going to
2 count and bring the teacher's score down. Okay, now,
3 that's a problem for teachers, yes. But what you're
4 talking about is if we ever get a system in Florida
5 where kids, their tests are counted, then those kids
6 are not going to be included in regular classrooms.

7 The teachers who have the ability to say
8 I'm going to get good scores because I'm in the A
9 Plus, you know, I know my money is actually attached
10 to it as well as accolades are attached to it. The
11 kids with disabilities, and we count their scores,
12 it's going to bring us down. We have been, really it
13 was in being invited to this, I had been aware that
14 these scores were not considered. But I hadn't
15 really put it together until I sat down to do this
16 presentation for you.

17 At this point, it is under study and
18 we've, okay, all right. We are trying to address
19 that and I believe just this past week, the governor
20 is trying to look at that. But accountability of
21 kids, of the outcomes of kids with disabilities is a
22 true issue.

1 And the other side I want to bring to your
2 attention on McKay, when kids take a McKay in
3 Florida, the decision has been made that it's the
4 equivalent of a unilateral placement. And that means
5 they don't get due process, they don't get faith,
6 they don't get an annual IEP. Florida is coming to
7 the point of using it as a de facto placement. And
8 in doing that, they really need to be sticking with
9 the federal standards so that you're not just getting
10 the best parents to take their kids out of the
11 system, the parents who are paying more attention to
12 what the kids are doing.

13 CHAIRMAN BRANSTAD: Steve Bartlett has the
14 first question and we're running behind. Thank you.
15 Steve?

16 MR. BARTLETT: I'm not sure where to
17 start. You've given us so much content. One is it's
18 pretty clear from our other witnesses and you've
19 reinforced it that, I believe anyway, the Commission
20 will be recommending, at least we'll be discussing a
21 unified assessment on accountability systems. So,
22 the assessment will be unified. All students will be

23

1 tested.

2 I will say it's disappointing, and I was
3 going to ask this question but you've really answered
4 the question. It's disappointing to learn that in
5 2002 with all the federal laws that require
6 reasonable accommodation, that reasonable
7 accommodation does not yet apply to standardized
8 testing for diplomas. And that's disappointing but I
9 think that's something that can and will be altered.

10 My question then, any of you that choose
11 to answer this, tell us about the outcomes. You've
12 been in business now for three years. You've told us
13 some exciting things about the inputs. Tell us about
14 the outcomes. What's your graduation rate? What's
15 your grade level? What's your average annual
16 improvement?

17 MS. SHAW: Our students are accomplishing
18 the Sunshine State Standards across the board with
19 about a 90 percent rate. And I'm going back to this
20 last report period on their grades of kids that made
21 all A's, B's and C's. We still have some students
22 that are struggling because they, depending on how

23

1 they came, the amount of time it takes them to do it.

2 MR. BARTLETT: In the interest of time,
3 are you testing all of your students?

4 MS. SHAW: We test all our students.

5 MR. BARTLETT: On standard testing?

6 MS. SHAW: There are, out of the 135,
7 there are three students at this point in the school
8 we are not testing on state test. We are also
9 applying the Sunshine State Standards to all our
10 curriculum whether for those three it's a special ed
11 curriculum but the other it's the regular. We gave
12 the PSAT to all our students this year because we
13 wanted them to see what it was like so we could start
14 working with them on that.

15 We do SAT preparation. We know these are
16 tests. We know the kids are going to be expected to
17 do them. We work at that. We have had ourselves
18 designated as a testing site for SAT so our kids will
19 not have to go out into a huge environment to take
20 the test.

21 MR. BARTLETT: And the outcome is?

22 MS. SHAW: And the outcome this far, we

23

1 have, many of our kids are retaking it at this point
2 but we are encouraged that most of our kids that are
3 going to be juniors next year have taken it very
4 seriously. Their parents are. They're coming for
5 tutorials. In three years time, this is the first
6 time we've had seniors. So, our outcome will be
7 determined in a couple more years.

8 But as far as attitudes, we had three,
9 four students last summer that were dual enrolled at
10 the community college. All four of them made A's in
11 two classes that they took. We have 15 students next
12 year that meet the criteria for dual enrollment in
13 community college for next year. Okay.

14 MR. BARTLETT: The only other question is
15 if we could build the same sense of high expectations
16 in neighborhood schools that you build at Pepin,
17 would we have similar results?

18 MS. SHAW: I think because of the nature
19 of our students in many cases, the largeness of a
20 regular school with as many concerns as they have, I
21 think that would be difficult in a typical high
22 school. We are advantaged by being, our ultimate
23

1 goal is to be at 200. That would be the top because
2 we want that small school. We want the ratio with
3 our counselors. We want the ratio with the tutorials
4 we could give the kids.

5 I do not, with my respect to, and the
6 school I retired from had 1100 elementary kids, I
7 don't believe that the same environment and climate
8 could be accomplished in a traditional huge school
9 because their concerns, and administratively, the
10 concerns are so diverse. And so, kids get to be a
11 number, they get to be a test score. They get to be
12 other things as they're placed in the classes. And
13 that's one of the things we have the advantage of.

14 MS. SCOLARO: These disabilities are
15 tremendously affected by anxiety. And putting
16 students, putting anybody in that number of people, I
17 don't even know why any schools have over a thousand
18 kids at one location. It's a very high anxiety
19 situation on an everyday basis. And especially if
20 you have learning disabilities, feel that you don't
21 fit in, become a target as far as peer pressure.

22 I've seen these kids just absolutely
23

1 thrive because it is their own environment. They're
2 taking ownership in it. They need to be in a
3 different area.

4 MR. BARTLETT: Thank you.

5 CHAIRMAN BRANSTAD: Cherrie Takemoto.

6 MS. TAKEMOTO: Thank you for reiterating
7 and amplifying much of what we've heard from not only
8 the expert testimony but also the testimony of the
9 public and families who have come to speak to us and
10 individuals families who have come up to individuals
11 on the Commission to talk about the importance of the
12 information for families that include options like we
13 heard about McKay Scholarships. The families say I
14 never heard about that. We've heard about charter
15 schools. Families say I never heard about that.

16 Opportunities and possibilities. And I
17 think that the possibilities there are a very
18 important aspect that we need to make sure we have.
19 You're also dealing with a very difficult population
20 in that when kids are little and we see them in the
21 pre-school, they're so cute and the life are still on
22 in their eyes. And we're seeing those lights flick

23

1 out one by one, not only through juvenile justice but
2 also to dropout.

3 So, thank you for helping us look at that,
4 look at possibilities and reinforce that, yes, that
5 thing that you have in your heart, that hope that you
6 have in your heart for your child is something to pay
7 attention to.

8 I'm wondering about the application of
9 applying this to children with more serious
10 disabilities because too many times when we as
11 parents have these ideas about possibilities, they
12 say, we'll your child is, and then you fill in the
13 blank whether it's learning disability or speech
14 language or severe profound deaf blind. You fill in
15 the blank and that means that your child cannot
16 learn.

17 Can you tell me a little bit about
18 applying what you're talking about to children with
19 more, I shouldn't say serious because learning
20 disability is a serious disability but other
21 disabilities that some folks would deem as more
22 significant or severe?

23

1 DR. MORRIS: I would sum it up in the
2 philosophy of Annie Sullivan with Helen Keller. The
3 Helen Keller syndrome is, oh, well, she's in that
4 special category and of course she can't do. Bless
5 her heart, she just can't do much. But here comes
6 Annie Sullivan who says no, this is a very different
7 kind of thing. And through the perseverance and the
8 battle that she battles with this child in her mind,
9 she comes through and shows this child the gifts that
10 she has.

11 So, that's the philosophy. It's not about
12 a specific curriculum. It's about a powerful
13 different understanding of neuroscience, about how
14 the brain works and the powerful, the issues of the
15 gifted side of every human being, and in looking for
16 that and struggling with that rather than the medical
17 model.

18 MS. TAKEMOTO: What kind of
19 recommendations could we make that would reinforce
20 that aspect of special education?

21 DR. MORRIS: I believe at a national
22 level, the universities have been left out of the

23

1 loop. Somehow the word has gotten out that the
2 universities are just lost in a fog and they have no
3 clue. There are magnificent programs and the
4 national agenda ought to be to search out these
5 programs that are going on through the universities
6 and find out where they're developing schools all
7 across the nation and put these back into the loop,
8 put this information database back in.

9 MS. TAKEMOTO: Okay. Because as I tell
10 families who are calling me, they are hearing that
11 from teachers, I ask them to reframe it, that let's
12 change that from you can't because you are, you can't
13 because you have, to the teacher saying I don't know
14 how to, let's find out. And I think that you're
15 trying it to professional development really is a key
16 there.

17 MS. SHAW: A quick reference. Georgia
18 Tech has a team that actually, if a parent calls or a
19 school calls and says we have a student with this
20 disability and we have been able to tap into this
21 service, this is what they do. They research all the
22 possibilities out there and come back with

23

1 recommendations.

2 An example is we have calculators that
3 show the whole problem on the screen. Many times our
4 kids will put it in but the answer comes up wrong and
5 we don't know what they'd done. And that was the
6 source that we went to to find that. But there are
7 places out there and resources, but they are hard to
8 find.

9 CHAIRMAN BRANSTAD: Nancy.

10 MS. GRASMICK: I don't think I heard this.
11 What is the cost per year per student?

12 MS. SHAW: Between what we get from
13 community contributors and from the state, about
14 \$17,000 dollars is what we're currently, with the
15 value of our assets and things that we were able to
16 put into this further per student. We collect the
17 same FTE they would collect if they were in the
18 regular program.

19 MS. GRASMICK: So, there's nothing
20 additional that's charged to the parents?

21 MS. SHAW: No. No, we are bound by our
22 charter not to charge any fees other than what the

23

1 county charges to students.

2 CHAIRMAN BRANSTAD: Cherrie, you had one
3 more follow up question?

4 MS. TAKEMOTO: In our Houston hearings, we
5 heard some recommendations about getting rid of IQ
6 tests is one piece. The other is looking at failure
7 to respond to research-based interventions as being a
8 criteria for entering special education. And as LD
9 specialist, I've heard that possibly folks who say,
10 Jo Ann you said something about, I'm sorry, Mrs. Shaw
11 you said something about special gifted high, you
12 know, and I did hear that from Dr. Morris that we see
13 all of our kids as gifted.

14 But can you speak to that, number one, the
15 IQ test as a determinant or as necessary. And number
16 two, allowing a child with say an 80 IQ who has the
17 characteristics of a learning disability to get into,
18 as child with learning disability.

19 MS. SHAW: Part of our charter was that we
20 would accept some students that did not meet
21 criteria. So, we in fact do have some students that
22 are close but don't make it. So, that was part of

23

1 our charter that we were required to accept some
2 students that we do not get the basic funding from
3 the state.

4 So, we are required to use the IQ, the
5 qualifying data that all other students in
6 Hillsborough County have to meet, so we have to do
7 that. However, we do find though many cases with our
8 students is we had extremely depressed IQ's on an IQ
9 test. Many of our kids, especially the language
10 impaired students are going to score extremely low on
11 the verbal part of an IQ test because they don't have
12 the language to put it there. But they have a lot
13 more.

14 When I say gifted, we do have five
15 students that test in the gifted range by test scores
16 but when we say gifted, we do Gardner Armstrong's
17 gifted model. And so therefore, we find the area
18 that that child has a strength, and we use that
19 strength or that gift that child has to open up the
20 critical thinking and all the other areas because
21 they have it. They can develop it. But we have to
22 find a way that they can be reached to develop those
23

1 skills. So, that's where the gifted model comes into
2 play.

3 MS. TAKEMOTO: But those are tests to
4 determine intervention or instructional practices as
5 opposed to an IQ test that determines eligibility.
6 Are IQ tests in and of themselves helpful in
7 determining eligibility?

8 MS. SHAW: Again, we have to go by those
9 because that's the standard.

10 MS. TAKEMOTO: Well, no, I'm --

11 MS. SHAW: Are they helpful? Many of them
12 with our kids because there are cognitive problems
13 and processing problems, they do not define really
14 what their IQ is. And so, I don't know exactly how
15 to answer your question.

16 MS. TAKEMOTO: I just need a yes or no.
17 Do you need an IQ test to determine LD eligibility in
18 your opinion?

19 MS. SHAW: In general as opposed to in
20 Florida under Florida's criteria --

21 MS. TAKEMOTO: No, no. I'm not talking
22 about the law.

23

1 MS. SHAW: Okay. Right. You mean --

2 MS. TAKEMOTO: I'm talking about practice

3 --

4 MS. SHAW: Discrepancy modeling, I think,
5 I'm sure you've been hearing this, it's gone under
6 quite a bit of attack concern because of the fact
7 that you, in order to qualify, the child has to show
8 that they are not achieving to their abilities. So,
9 I would imagine that you would have a lot of children
10 who ended up not qualifying for SLD if they were
11 getting interventions without qualifying, that kept
12 them from failing or from achieving to their
13 abilities.

14 That doesn't necessarily mean that you
15 address all their needs because you're still, if
16 you're basing that on the discrepancy model, then you
17 still may be looking at that the child's got
18 something interfering with their full ability. But
19 you would potentially keep them from ever meeting
20 that criteria.

21 I have a student that's under evaluation
22 now for next year. And she did not qualify. She was

23

1 one of those that slipped through the cracks. She
2 had educators for parents, a grandmother that was a
3 specialist. And through second grade, that carried
4 her with her discrepancy between the achievement and
5 whatever.

6 So, she didn't qualify. She's at fifth
7 grade now and she is bombing big time because she
8 could only carry those initial skills so far. And
9 now that the body of knowledge has gotten so broad,
10 there is a huge discrepancy now in her learning and
11 her achievement because she's not able to keep up.
12 But she was unidentified child who at this point, you
13 know, we're evaluating to see if she qualifies.

14 But it is an issue. And all those things
15 that parents do to help their kids sometimes as far
16 as qualifying data does hurt them because they
17 intervene and they help them. And then, when the
18 test is given and then to get that re-given when the
19 determination was made at one point is very
20 difficult.

21 MS. WHITESIDE: If you don't have
22 questions, I have one more comment to make after the
23

1 questions.

2 CHAIRMAN BRANSTAD: We have one more
3 question from Mr. Thomas Fleming. Yes, speak into
4 the microphone please.

5 MR. FLEMING: As I heard you talking, are
6 you talking about a diverse group of students? You
7 have diversity in your school?

8 MS. SHAW: It's extremely diverse.

9 MR. FLEMING: Okay. Then, one of the
10 things that I was interested in as I kind of heard
11 back and forth about the language model that you were
12 using, then you must have then kids that come from
13 the home with Ebonics as their major language.

14 MS. SHAW: Yes, sir.

15 MR. FLEMING: And so, what has been your
16 success in helping them to still respect their home
17 language but also how to include standard English
18 both to interpret reading, both to write
19 respectively, all of those things?

20 MS. SHAW: We pair our speech language
21 therapist with our reading teacher, and they do a lot
22 to make sure that the child is understood and that

23

1 language is understood. Then, she also goes into
2 classrooms. And when a term is used that that
3 teacher may not be accustomed to, then she also is
4 there to help that teacher understand.

5 A student that comes to mind is one that
6 gets some of his test given orally because he's
7 extremely bright but he is reading at a low level.
8 And then, his way of defining terms as he answers the
9 question, unless you take that in to consideration,
10 it may not appear that he knows what he's talking
11 about. But he's on target 99 percent of the time.
12 So, we utilize specialists who can also, because we
13 have 47 employees for our 135 kids, and so, we have a
14 tremendous resource of people to help.

15 MR. FLEMING: What role do parents have in
16 that?

17 MS. SHAW: Well, number one, parents have
18 to be involved for their kids to come to our school.
19 And many times, these are parents that have never
20 been involved, but they have to. Because it's a
21 charter school and it's a choice school, we're really
22 blessed because our parents have their kids there and

23

1 they are on board. We don't fuss with our parents.
2 We don't fight with our parents. Frustration
3 sometimes, sometimes we disagree but we have an
4 environment where we know these parents and their
5 children intimately.

6 And because we're small, all of us know
7 all of the kids. And so, the parents, it's not
8 unusual for us to pick up the phone once or twice a
9 day and talk to a parent if need be or for the parent
10 to be told this is something this child needs to do
11 at home. We have some young children, some of our
12 teenagers that are reading at a low level and part of
13 their homework assignment is, and because we're
14 paired with an elementary school, we have an
15 elementary library in our school, too.

16 So, their homework assignment is to go
17 checkout elementary library books and read them to
18 their younger siblings at home that night. So, the
19 parents have to be part of that plan. They have to
20 know that that child is going to sit and read aloud
21 to their younger brothers and sisters. So, they have
22 to be part and parcel to it.

1 Planners, because these kids are totally
2 disorganized human beings. They can't find anything
3 any time and they don't turn things in. I mean,
4 that's just part of, their disorganization is a big
5 trait for us. The parents have to sign planners.
6 You talk about high school kids, they have to sign
7 planners.

8 Wearing the uniform, the parents have to
9 make sure the kids come and that in and of itself, it
10 takes away a lot of the distractions that a high
11 school has. So, the parents are expected to
12 partnership in many ways. We have affairs, they're
13 expected to come help us.

14 Volunteerism, whatever we need them to do.
15 Some of them can't come, they're a part of the phone
16 chain that communicates to parents. So, whatever the
17 parents can do, that's what we ask them to do.

18 Next year we're implementing a plan where
19 we're actually going to have workshops for parents
20 and they can earn time by coming to the workshops
21 because we feel that if we educate the parents, then
22 we're going to reach the kids better. So, parents

23

1 are a necessity.

2 MR. FLEMING: I think I was kind of trying
3 to hear if you've actually had any success stories.
4 When we're really talking about an issue like this
5 between home and school, have you had any
6 breakthroughs that are exceptional?

7 MS. SHAW: I'll go back to the 20-year-old
8 that's graduating this year. This young man has a
9 lot of fear. I mean, he's extremely afraid of
10 everything. And part of the reason I think he stayed
11 in school after four years in ninth grade was his
12 fear to do anything but go to school.

13 That father is a single parent. And we'd
14 had, you know, we had almost a year with this child
15 where he sat and did nothing but draw. And that's
16 very frustrating for educators especially when you
17 got all these standards. But he came to school
18 everyday. I mean, he was there every single day. 40
19 days the year before this child was in school.

20 He has a lot of ability but he had given
21 up on himself. It was crucial that this father
22 become very involved and be available on the

23

1 telephone or whatever. There came a point at which I
2 even told this child you can't come back here if
3 you're going to sit and do nothing. And so, the
4 father had to be part of that, too, and had to agree
5 that if we had to go tough love, we had to go it.

6 After a few days, he called me up at 6:30
7 in the morning and said I want to come back to
8 school. I said, well, if you do, there will be a
9 contract and it will be stricter than everybody
10 else's. Okay, he's honored that from that day forth
11 and that was almost a year and a half ago. If that
12 father were not, typically and I have no doubts
13 because of this child being this child, this child
14 would be on the street or worse.

15 But because this father intervened,
16 because if he were in a regular high school when he
17 turned 18 and he had no achievement and he had failed
18 ninth grade four times, a dropout is assured. There
19 is no other option probably for this child. But
20 because this father said, and he found the school, he
21 said I've got to find something. He found the
22 school, he brought his son here and then he worked to

23

1 do the steps that we needed to have done to make sure
2 that child came to school.

3 And you know, we've got our fingers
4 crossed. He'll have one more chance to take the test
5 if he didn't pass it this time, but we hope to have
6 this young man walking down the aisle and graduating.

7 MR. FLEMING: Thank you very much.

8 CHAIRMAN BRANSTAD: We're 15 minutes over
9 so I think we're going to have to cut it off. I want
10 to thank all of our panelists. You know, we have
11 lunch planned for the members of the Commission here
12 coming up and the room is going to be closed and
13 locked. This room will be closed and locked during
14 that period of time, so you can leave your stuff and
15 not have to worry about it.

16 But we will reconvene at 1:30. We are
17 going to reconvene at 1:30. So, we're going to
18 recess at this time. And again, I want to thank our
19 panelists. Thank you very much.

20 MS. WHITESIDE: Thank you for having us.

21 (Lunch recess.)

22 CHAIRMAN BRANSTAD: We'll reconvene the
23

1 President's Commission on Excellence in Special
2 Education.

3 We have a panel, another panel this
4 afternoon that will be focusing on Options for
5 Parental Involvement in Special Education Part VI.
6 Parochial schools play an important role in the
7 history of education in our nation. Many parents of
8 children with disabilities send their children to
9 religious-affiliated private schools. These schools
10 face unique challenges in financing and providing
11 special education services for those students with
12 disabilities.

13 This panel consists of experienced private
14 school educators and administrators who will discuss
15 the current status of special education services and
16 make policy recommendations to better serve students
17 with disabilities in this setting. Our panelists
18 include Mary Ellen Russell, assistant secretary for
19 Catholic Schools Parental Rights Advocacy, United
20 States Conference of Catholic Bishops, and Rabbi Ezra
21 Levy, administrator of the middle school of the
22 Keshet School.

23

1 I'll start with you, Mary Ellen.

2 MS. RUSSELL: Thank you. Thank you,
3 Governor Branstad and members of the Commission. We
4 are really very, very grateful to be here today for
5 this opportunity to speak to you about parentally
6 placed private school students under IDEA. I just
7 what to give you a little bit of context for our
8 comments to begin just by talking about the tradition
9 of the church in serving individuals with
10 disabilities of all ages. And especially to point
11 out that I think that the faith-based community like
12 the Catholic Church often does do this in conjunction
13 with government agencies, whether it be health
14 services or housing services or many other services
15 in addition to education.

16 It's common to do that with government
17 agencies, and most especially in the area of
18 education since 1965, we've worked with local
19 educational agencies in states to receive services
20 through the elementary and secondary education acts.
21 So, just to be conscious, I think, that this is a
22 very common partnership between us and government
23

1 agencies.

2 I think what organizations like the church
3 bring to this and I think what's been coming through
4 here is the fact that often we're doing this not
5 because of a legal requirement to do this but because
6 of what we consider it to be a moral obligation to
7 serve, in this instance, students with disabilities.
8 And I think we really share that commitment with
9 everybody here in the room today. And I think that's
10 what we're hoping to better facilitate through the
11 re-authorization of IDEA.

12 I'd like to just give you a little bit of
13 background about what Catholic schools specifically
14 are doing for students with special needs and we've
15 provided you with some material in addition to our
16 remarks in your binder. There is an orange directory
17 of resources for special needs children in Catholic
18 schools. And essentially, we've put that together to
19 try to help, for one point just to get at the mis-
20 perception that Catholic schools don't provide
21 services to students with special needs.

22 By no means are we here to claim that

23

1 every single Catholic school can take every single
2 child that comes to them with a special need but
3 there really is a lot going on around the country
4 that we want to make sure that you're aware of it.
5 And we're actually trying to make our own school
6 community aware of and we're using this resource
7 directory as a resource for our own schools for
8 people to get in touch with each other and see what's
9 going on in our schools.

10 I would, for instance, bring your
11 attention to one program based in Virginia called the
12 Options Program at a Catholic high school in Northern
13 Virginia that accommodates about 12 students. I
14 think it's on page 121 in your directory. And for an
15 additional fee of only \$1800 dollars on top of the
16 regular tuition of \$6000 dollars, takes in students
17 with Down syndrome and has a peer mentoring program
18 with the students, provides some resources to the
19 students in the classroom, but really works very hard
20 to include those students in the regular school
21 program. And that kind of program is a really fine
22 example of things that are available.

23

1 You have a couple of brochures about
2 programs here in Florida as well, just to give you
3 some idea of the things that are going on here. One
4 of the things I also want to point out to you
5 especially about the programs in Florida is that two
6 of the programs, the Pax Christi High School program
7 and the St. Joseph program at St. Peter and Paul
8 School are new programs that had been developed
9 because of the existence of the McKay Scholarship
10 here in the State of Florida. And I think one of the
11 points we really want to drive home is that with
12 additional resources available to students in our
13 schools, we would be able to do so much more and it's
14 so quickly happening here in the State of Florida.

15 I'd like to really address our issues
16 today, although not so much to the programs that
17 we're operating to, but to make some very specific
18 recommendations about the law itself and how it
19 serves or actually does not really serve to
20 parentally place students in private schools. And
21 you have some very specific recommendations that we
22 made in our, that we gave to you in our remarks.

23

1 Let me just lay out first of all to be
2 crystal clear here, we're talking about not students
3 that are placed by the local education agency in a
4 private school, not students that are placed in the
5 private school because the parents have an issue with
6 faith and they've had a determination to be able to
7 place the child in private school. We're talking
8 about parents who on their own decide to forgo their
9 child's individual entitlement to special ed services
10 because they really want to have that child in a
11 private school. And that's the category under the
12 law called parentally placed private school students.

13 What IDEA will provide for these students
14 is a free evaluation. The student can go to the LEA
15 if there's a suspicion of a disability. And if
16 there's a determination of a disability, that child
17 will be eligible just for the federal portion of the
18 dollars. But there's no mandate that they would
19 receive services through state or local funding. The
20 state and local district can provide services with
21 their own funds, but essentially the child has
22 available to them about the 16.5-17 percent of the

23

1 total cost of services.

2 Needless to say, that's a difficulty for a
3 parent who really cares, especially for a parent who
4 wants to have their child in a religious school
5 environment or whose other children are already
6 enrolled in a private school. Basically, if they go
7 to the LEA and the LEA says, yes, your child has a
8 disability, the LEA will then inform them, if you
9 want services, you can place your child in the public
10 school. Otherwise, we can provide you minimal
11 services with the federal portion of the dollars and
12 you'll have to assume the cost of services for your
13 child on your own otherwise.

14 I just want to outline where the situation
15 is for parentally placed private school students. A
16 couple of things about this. I think we're clear and
17 I think you will probably all agree with us that
18 politically it would be a very difficult thing to
19 say, we think that IDEA should mandate that every
20 single child should have services available to them
21 with state and local funds. We'd love to see that
22 happen.

1 I think that the kinds of options that
2 we've been hearing about would be wonderful to
3 encourage states to do. And if there's any way that
4 the law can make these things more possible, I think
5 that would be great. But we'd like to just talk
6 about some of the interim suggestions we have for how
7 the parents and the families of children in private
8 schools could have better access to services through
9 IDEA.

10 One of the first issues that we're going
11 to talk about is funding and I promise you I'm not
12 going to talk about amount of funding. Obviously,
13 the amount of funding, because that's all that's
14 available to private school students, is really
15 critical to us. But we have a concern with the
16 formula for the funding and how the funds are
17 generated to serve students in private schools who
18 are parentally placed.

19 What our suggestion is the funding is tied
20 to the number of students identified through the
21 child find process. We're suggesting that if there
22 was a disaggregation between that, if there was a

23

1 set-aside amount of money of the federal funds put
2 aside for private school students based on assumed
3 percentage of students with disabilities in private
4 schools, that that would remove what we consider to
5 be a disincentive for the LEA to identify private
6 school students.

7 The problem is that if the LEA finds that
8 a private school child has a disability through the
9 child find process, they're going to lose money to
10 that child. And we have a couple of issues with the
11 whole child find process and how that works. So, our
12 suggestion is that the money be set aside and that
13 would make that whole process not as problematic to
14 ensure that there are at least those federal funds
15 definitely reserved for private school students.

16 The child find process itself as a part of
17 the reason we're suggesting this is that very often
18 our parents will tell us that there is, first of all,
19 enormous delay in even convincing the LEA to evaluate
20 a private school child. And then, very often once --
21 if you can get to the evaluation and have that
22 performed, that they'll come back and say there's no

23

1 disability often when the parents will then choose to
2 pay for a private evaluator and have the child
3 determined most definitely to have a disability. And
4 these are stories we hear quite frequently.

5 And I think essentially the problem with
6 that is that the whole child find process is oriented
7 toward the child in the public school system, whereas
8 if that process could be performed in the environment
9 of a private school child, I think there would be a
10 lot less difficulty in ensuring that the evaluation
11 was done with people who are familiar with that
12 child.

13 So, our other suggestion is that the law
14 allow for the evaluation of private school children
15 to be done by personnel in the private school;
16 certainly, obviously not at a greater cost than it
17 would be available to the private school child than
18 the public sector. But that the environment for the
19 private school child be part of the process for
20 determining, let me just give you a quick example for
21 instance.

22 One teacher who was in a county teaching
23

1 at a Catholic school in one county and switched to
2 public school in the county described the difference
3 between what happened if they referred a child for an
4 evaluation in the Catholic school and then what
5 happened when she was in the public school with her
6 children. She said that in the Catholic school, she
7 could refer the student. The parent would initiate
8 the process with the LEA.

9 Prior to even testing the child, the LEA
10 would suggest interventions for the child which may
11 have already been performed in the Catholic school.
12 She'd never had a child tested before May, and the
13 next year, the whole process would begin all over
14 again for the child if the testing hadn't been done.
15 In the public school, she would report to a resource
16 teacher. On the premises of the public school, she
17 could refer the child right there.

18 Within a week, they would come in and
19 evaluate the child. Within two weeks, they'd have
20 completed an evaluation and the school would initiate
21 interventions for the child immediately, just to give
22 you an example of the difference and how that would

23

1 work.

2 One last issue about funding just to point
3 out to you is that because the federal funds are so
4 important to serve private school students, we would
5 suggest that there be an explicit mandate in the law
6 that if a state does on their own provide funding to
7 private school students that they can't use the state
8 funding, to basically supplement and not supplant
9 state funding for private school students. And
10 actually the State of New Jersey has passed a law
11 which we attached to our testimony so that the IDEA
12 funds stay with the private school children
13 regardless of whether or not there's additional state
14 and local funding available to that child.

15 Finally, I just want to make a few points
16 about accountability in terms of reporting to be very
17 specific about that. We provided you with a chart of
18 the numbers that are reported through IDEA on the
19 private school children that are served through IDEA.
20 You can see how incredibly low that percentage is
21 very often.

22 What we're suggesting is, I've referred
23

1 earlier to it, assume percentage of students with
2 disabilities in private school. That number is very,
3 very difficult to get at. And if there were a
4 requirement to report the number of students
5 referred, identified and served, since private school
6 children generally are not going to be served through
7 IDEA, we'd have a much better reflection of what's
8 going on when, at least in terms of the experience of
9 private school children in the child find process. I
10 just wanted to point those figures out to you.

11 We seriously, looking at these numbers,
12 for instance, I know in the State of Pennsylvania
13 that there's probably a much higher number of
14 students being served. So, there's a real difficulty
15 in the reporting requirements for the participation
16 of private school students in IDEA. And also, I
17 think it would be important that during federal
18 monitoring, when the federal government comes to
19 monitor the state compliance with IDEA, that it be a
20 requirement that private school representatives be
21 included in that reporting so that we also would have
22 access to information in that way.

23

1 I think finally to conclude, I just want
2 to make a final point about what we've been talking
3 about over and over again here in terms of parental
4 choice. To say, just to report to you one of the
5 stories that we hear so often when it is finally
6 successful that a parent, especially a parent with a
7 child say with Down syndrome or a fairly severe
8 disability is included in a Catholic school. One of
9 the things we haven't heard a lot about today is what
10 that does to the rest of the children in the families
11 in that school. And so often they report to us that
12 the presence of that child in the school transforms
13 the whole school community.

14 Many parents will come up and thank the
15 child with disability for the fact that their child
16 is there. And I think that that is because or that
17 happens most often when there's a real match between
18 the school saying yes, we want your child and the
19 parent saying this is where I want my child. I think
20 that's so important to parents and I don't think
21 that's, you know, we have the corner on that market
22 in private schools. I think it's the very same thing
23

1 for a parent who could choose a public school.

2 I think they're looking for people like
3 Mr. Kurz. They want to know that the person in
4 charge cares that their child is there and welcomes
5 their child in the school. And that's where
6 successful things start to happen. And I think
7 that's what we're really trying to accomplish by
8 providing greater flexibility through IDEA for all
9 students no matter where they're going to school.
10 So, thank you very much.

11 CHAIRMAN BRANSTAD: Rabbi, it's your turn.

12 RABBI LEVY: Thank you. Hi, my name is
13 Ezra Levy. I'd like to thank the Commission for
14 allowing me to testify before them today.

15 I'll share just a little bit about myself.
16 I am an educator. I have been with the program since
17 its inception seven years ago. My master's is in
18 special ed. I am working toward my doctorate in Nova
19 Southeastern University in education. And I run two
20 Sunday programs for the Orloff Central Agency of
21 Jewish Education in Broward County that also work
22 with special needs children.

23

1 Keshet was found seven years ago. It's a
2 private non-profit organization and the Jewish
3 community in South Florida had gone together to come
4 up with a program that will help and work with Jewish
5 special needs children so that they wouldn't have to
6 go to a public school if they weren't making it in
7 the current day school setting.

8 The original group had educators,
9 administrators, parents and psychologists. After
10 observing models throughout the country, they came up
11 with the model that we now use in Keshet. I'll speak
12 about it a little bit later.

13 My idea that I was coming here was to talk
14 a little bit about the program, and one of the
15 reasons is that we accept McKay Scholarship and it
16 has been beneficial for many of our families. Our
17 first class began in 1995. We had only five
18 students. We were housed in Hebrew Academy, Miami
19 Beach. And currently, seven years later, we are
20 housed in the Samuel Shekel Community Day School.

21 We have 77 students. From pre-school
22 through grade 10, we have 11 classrooms. The Hilo
23

1 School is our host. We do not pay them rent. This
2 is by their graces. We are allowed to include our
3 higher level students into their classes with our
4 special ed support.

5 We are happy with the relationship. We
6 are going to try to build with them as they build
7 their next set of buildings. We will try to build
8 with them so that we will eventually have 16
9 classrooms plus therapy rooms because we are finding
10 that Hilo is allowing us to actually have our special
11 ed grades in the same area of the school where their
12 grades are. So, our children are not relegated to a
13 side of the campus or a back of the campus. We are
14 totally integrated.

15 Our families have chosen to send our
16 students to us because we are a Jewish program and
17 because of the Jewish environment of the school. Our
18 students pray with the Hilo School students, many of
19 them. They attend the assemblies and lunch and field
20 trips. And this would be true for our higher
21 functioning students as well as our lower functioning
22 students. These are abilities that we have because
23

1 of the whole school.

2 In addition to teaching about the Jewish
3 holidays, we teach the full gamut of secular studies,
4 language, arts, math, science, history, all taught
5 individually, all taught on different levels based on
6 academic needs. And we also teach our children
7 organizational skills, study skills and life skills.
8 We do firmly believe in the least restrictive
9 environment and our philosophy is also that every
10 Jewish child deserves a Jewish education.

11 Being hosted by this mainstream school
12 allows our students to go to school with their
13 friends, families and their neighbors. They don't
14 have to go to a separate school as was the case
15 before the Keshet Program was started. They would
16 have to go to public school while all their friends
17 and families were still going to day schools.

18 Our middle and high school does have an
19 inclusion program, and our special ed teachers and
20 assistants go with our students into the mainstream
21 class to help the students. They modify the
22 curriculum when needed and they also act as co-

23

1 teachers. We have a co-teaching model with the
2 special educator which is our teacher and the regular
3 educator from the Hilo School in the classroom. And
4 we do training when necessary together and we do try
5 to plan together.

6 We do have a wide range of
7 exceptionalities in the program. All the students
8 are special needs and the disabilities include Down
9 syndrome, learning and development disabilities,
10 autism, pervasive developmental disorders and other
11 related disabilities such as Asberger's.

12 Part of the reason that we are successful
13 is because of our staff. We have a very small
14 teacher/adult-student ratio. We have a three to one
15 student to staff person ratio.

16 All our teachers are certified whether by
17 the State of Florida for the secular teachers or by
18 the local Central Agency for Jewish Education for our
19 Judeo studies teachers. They either all hold
20 master's degrees or are in the process of getting
21 their master's degrees. In addition, most of our
22 assistants have their bachelor's degrees in

1 educational or related field. We also have part-time
2 on-staff guidance counselors and different therapists
3 such as speech language and occupational therapy.

4 For our lower functioning students, we do
5 have a life skills track. We are in the midst of
6 creating a life skills lab where they'll be taught
7 daily living skills. We're also trying to work out
8 something where they can have community based
9 instruction. As they get older, lower functioning
10 students can go out to the workplace and actually get
11 job skills.

12 The families as we are in host school pay
13 tuition to us. As our higher level students are able
14 to be mainstreamed with the regular classes, we
15 recommend to the host school to take them on as half-
16 day students and we have had cases where we've been
17 successful because of our model that our higher level
18 students have actually been able to be fully
19 mainstreamed back into the regular host school with
20 whatever academic support the host school can
21 provide.

22 The McKay Scholarship, -- offer seven

23

1 years way before the scholarship is handed out. We
2 currently have ten students who participate in the
3 scholarship. These students, the parents have told
4 us, would not be in our program without the
5 scholarship.

6 Just one short story, it really touched my
7 heart. We have a student who I've known for years
8 now even when he was in the public school. He came
9 to visit our school, he is with us with a McKay
10 Scholarship. He is a little bit lower functioning,
11 he's 14 years old. But he decided on his own he only
12 wanted to eat Kosher food. Even the parents told him
13 that it would be difficult in the public school.

14 He decided he would only eat food he
15 brought from home. Parties, special things, he
16 didn't want. And he would only eat things he brought
17 from home, nothing ever brought into class would he
18 eat. When he came around our program, and at that
19 point, the parents didn't even know that they were
20 eligible for a McKay Scholarship which they found
21 that they were and they are receiving, he was in awe,
22 shocked that he could eat food on the school campus,
23

1 that he could partake in parties with his friends in
2 school. And that was a big thing for him and I was
3 touched that, I mean, even the snack machine, he was
4 saying, because the kids are allowed the snack
5 machine twice a day, he was just amazed that this was
6 allowed. And the parents are thrilled what he's been
7 able to do in our program.

8 We do write yearly IEP's for our students.
9 We do take a look at their goals that come from the
10 public school setting. We do add to them and we do
11 mark off whether or not they've been mastered. Our
12 children do get report cards, the report cards are
13 through the host school system and we do mark the
14 modifications that we give to the students such as
15 oral test taking or the longer test time on the
16 report card.

17 Just a couple of recommendations if
18 possible, not necessarily for the McKay Scholarship
19 though, for programs possibly similar to it. We
20 would like to see if possible, because we see the
21 success with the students that we have who have been
22 able to come from a public school setting, I would

23

1 personally actually like to see a similar program
2 like this throughout the country that students with
3 these needs can get and can make their choice and
4 come to the school that their parents deem fit for
5 them.

6 We are fortunate, and I would be proud to
7 say this, that over the two years, all of our
8 students that we've had come into the program on the
9 McKay Scholarship, none of them have left. They are
10 still with us. As far as we know, they are still
11 registering for next year.

12 We'd like to see the scholarship age
13 expanded though. We find the early childhood and
14 early intervention is a big plus. We find that when
15 you catch a disability at a young age, you tend to
16 get much farther with them as you work with them as
17 time goes on. And if possible, we've seen students
18 be -- at earlier ages out of the special ed system
19 with the skills that they need to go into regular ed.
20 So, if possible, I would like to see our students'
21 ability coming in to the program at a much younger
22 age. I believe the current age is first grade.

23

1 To close, the McKay Scholarship really
2 does give the parents the choice of a religious
3 school setting for their children. Our parents are
4 all with us because of the scholarship. And they
5 wouldn't be with us today with the tuition that the
6 scholarship provides. Now, as the scholarship really
7 doesn't come close to covering the actual cost, it
8 still gives the parents the ability to make that
9 choice even if there are actually financial means
10 coming from their own pocket.

11 They choose our school because of the
12 Jewish environment. And we do actually have doctors
13 and psychologists coming to us and visiting our
14 program and recommending us to their patients, that
15 we are the program that can help their patients and
16 fulfill their academic needs.

17 I'd like to end with the sentiment that I
18 would personally love it if there were programs such
19 as the McKay Scholarship available to students in
20 schools, private and religious, throughout the
21 country. We are able to help many more students
22 because of the scholarship.

1 And something that really hit me
2 yesterday, and this is a really private note, I was
3 listening yesterday to the amount of students
4 currently on the McKay Scholarship and I heard there
5 are about 5,000. We only have ten in our school. I
6 also understand that they have to be in the school
7 setting for a year before the parents are given the
8 ability to make the choice. And just from my own
9 understanding of the way the scholarship works, the
10 student needs to be in the setting and I believe a
11 certain amount of goals have not been met on the IEP
12 to prove that certain needs of the students weren't
13 met. That's my understanding and I called this
14 morning to make sure that I was accurate.

15 There are a couple of goals that haven't
16 been met during that year and that is when the parent
17 gets to make that choice. I would only hope that, I
18 mean, I think that 5,000 students times a year of
19 lost education for a special needs student is a lot
20 of time in the student's life. If the parent is
21 going to get that choice anyway, I would love to see
22 that ability happen from when the student is

23

1 diagnosed with the disability and not having to make
2 the parent and the student wait a year and possibly a
3 year of goals not being met.

4 I want to thank you very much for inviting
5 me and allowing me to testify before you. The truth
6 is it is an honor for me. And thank you very much.

7 CHAIRMAN BRANSTAD: Are there questions?

8 Yes. Adela Acosta is first. Adela.

9 MS. ACOSTA: Thank you for your testimony.
10 I just wanted to ask the representative from the
11 Catholic school. I just want some clarity. And I
12 haven't had time to read your brochure yet, but
13 having been a principal of a Catholic school, I, too,
14 struggled with not only maintaining the Catholicity
15 of the school but also with the issue of
16 accessibility. We have, today we're talking about
17 parental choice and I just wanted just to be clear if
18 you accept children, are you suggesting that you
19 take, the child's money go with the child to the
20 Catholic school, is that correct? Is that what
21 you're saying?

22 MS. RUSSELL: I think I said actually two
23

1 things. I think we're asking that there be more
2 flexibility with the way parents are allowed to use
3 their federal funds, the proportionate amount of
4 federal funds. Whether or not we can ask the
5 Commission to recommend or Congress to mandate that
6 states and local governments provide the same amount
7 of funding to children in private schools that they
8 would if the child were in a public school I think is
9 a separate question.

10 And I think that the McKay Scholarship, I
11 mean, in other words, if there were a way for the law
12 to allow states to do that, I mean, it allows states
13 to do it now, but to encourage states to do that
14 especially if it's not going to be more expensive
15 than to place the child in a public school that, and
16 actually, it's not so much that the funds would go to
17 the school but that the services would be provided at
18 the expense of the local school district in the
19 private school.

20 MS. ACOSTA: You mean, the private school
21 then would have the responsibility of more providing
22 data for accountability?

23

1 MS. RUSSELL: The same, I mean, I think
2 we've talked about the issue of accountability. I
3 think the private school would follow the same
4 procedures they do already for being accountable to
5 their parents or whatever state regulations are in
6 place as well.

7 MS. ACOSTA: And how about low matrix
8 children, how are they processed into the Catholic
9 school system? I guess having been in the system, at
10 least in my small view, in order to come into the
11 private school system, you have to pass the reading
12 test, you have to pass the math test, you have to be
13 accepted as a student. What happens to, how do I
14 recommend a private school setting to parents when,
15 you know, the criteria for entrance is so stringent
16 to begin with?

17 MS. RUSSELL: Not all Catholic schools
18 have entrance requirements. You know, they try to
19 accommodate as many students as they can regardless
20 of the, you know, academic requirements. And I think
21 what we're trying to point out is that more and more
22 Catholic schools are doing everything they can to

23

1 accommodate the students.

2 I want to apologize for not introducing
3 Patricia Hernandez who's a teacher here in a Catholic
4 school and she may be able to specifically talk, if
5 you would like her to answer that question about how
6 that's --

7 MS. HERNANDEZ: Good afternoon. I'm a
8 special education coordinator for the Archdiocese in
9 Miami. I work at St. Agatha Catholic School
10 presently and also the Pax Christi High School.

11 In reference to the children being, the
12 criteria to be entered into the program, the
13 archdiocese, each of the schools that have decided to
14 serve these students and design the program according
15 to how what they would like to do at their school.
16 It begins there. And then, once that school decides
17 that program, they set the criteria. So, in essence,
18 when that child from the public school comes to that
19 private Catholic school, they have to meet the
20 criteria of that school.

21 In essence, I think the Catholic school
22 perspective is that we want to make sure that we can
23

1 serve that student. And so, we have our criteria
2 that they must meet first to enter into the program.
3 And that criteria obviously is not the one of the
4 school. It's individualized for the type of program.
5 It's designed around the type of program that that
6 school wants to incorporate in that school.

7 MS. ACOSTA: How much training, what kind
8 of training do your teachers have to provide special
9 education services?

10 MS. HERNANDEZ: What we would require is
11 that the teacher have a special education background,
12 like myself. My bachelor's is in special education
13 and I'm certified by the State of Florida to teach
14 children from K to 12 with different disabilities.
15 So, we require that the teacher is certified by the
16 State of Florida and has completed either a
17 bachelor's or a master's and/or higher in that field.

18 MS. ACOSTA: Thank you.

19 CHAIRMAN BRANSTAD: Jack Fletcher.

20 MR. FLETCHER: I have two questions. The
21 first one is for Rabbi Levy. And I was very
22 interested in your comment about the possibility of a

23

1 program like the McKay Scholarship for every child at
2 the time of diagnosis, correct? Did I understand you
3 correctly?

4 RABBI LEVY: Yes.

5 MR. FLETCHER: I wonder if you'd thought
6 about how much that would actually cost.

7 RABBI LEVY: Well, my understanding is
8 that currently, the children have a one year in the
9 school system before they are allowed to make that
10 choice. The diagnoses are already made at this point
11 through the school system or through a private
12 psychologist. So, I don't know the number, I would
13 assume it would just be one, it would be the same
14 amount of money. My assumption on the McKay
15 Scholarship -- yesterday was that it's the amount of
16 money following the child.

17 MR. FLETCHER: Right. It's about \$5800
18 dollars per student, correct?

19 RABBI LEVY: Well, I think for the lower
20 matrix, yes. So, I don't know that it would cost any
21 more money. The child would just get to make that
22 choice earlier.

23

1 MR. FLETCHER: But your recommendation
2 essentially would make it available to any child
3 served through IDEA, correct?

4 RABBI LEVY: Correct.

5 MR. FLETCHER: Okay. So, how much money
6 would that be?

7 RABBI LEVY: \$5800 dollars per year per
8 student.

9 MR. FLETCHER: Times 6.2 million. The
10 math is \$3.4 trillion dollars.

11 RABBI LEVY: Okay. Let's --

12 MR. FLETCHER: 6.2 million times \$5800, --
13 one of our finance people.

14 RABBI LEVY: You know, that would also
15 hold true, I guess, then for the recommendation to
16 make it available for students throughout the
17 country. That would be, yes, it would be quite
18 costly but I don't think it would be extra money. I
19 believe the money, from what I understand, it's
20 already being spent on these students in the public
21 school system. It is not extra money from my
22 understanding. It's just moving it from the public

23

1 school back to follow the student to where the parent
2 chooses, my understanding.

3 MR. FLETCHER: My second question is for
4 any of you, and it's something that I just don't
5 understand, maybe you can help me understand. And
6 that is that if you take what is essentially public
7 money, why wouldn't you participate in the same
8 accountability system that public school children
9 would be required to participate in?

10 RABBI LEVY: Can I try? Can I? I'm
11 sorry.

12 MR. FLETCHER: Sure.

13 RABBI LEVY: I think with regard to the
14 Keshet Program, at least I think we are, we have been
15 approved to participate in the regional accreditation
16 process through SACS.

17 MR. FLETCHER: No, I'm talking about FCAT.

18 RABBI LEVY: Our students take the SAT's
19 or the FCAT's --

20 MR. FLETCHER: FCAT, they take the FCAT.

21 RABBI LEVY: Right. And our students
22 currently are taking the SAT's which are our similar

23

1 measurements. There are some of our students
2 actually who went to the, a couple of weeks ago when
3 they took the testing went to the public school to
4 take the FCAT's.

5 MR. FLETCHER: All of your students take
6 the FCAT?

7 RABBI LEVY: No. No, all of our included
8 students take the SAT though.

9 MR. FLETCHER: But not the FCAT?

10 RABBI LEVY: Not the FCAT, no.

11 MS. HERNANDEZ: Excuse me, may I? I know
12 that in the children that we have registered, the
13 state of course sends them the mailing that they can
14 participate in the FCAT -- and the students haven't
15 chosen to participate. And I've actually encouraged
16 it. As far as the Catholic schools, we require the
17 children to have standardized testing and our special
18 education students are included in that.

19 So, we choose, for example, the Iowa Test
20 of Basic Skills and they do receive that. And also,
21 we have additional testing, Woodcock-Johnson Test of
22 Achievement that we also document their progress in.

1 And obviously, those are known reference tests.

2 MR. FLETCHER: Do they take these tests
3 with accommodations?

4 MS. HERNANDEZ: Yes, they do, time. In
5 other words, accommodations according to IDEA have to
6 be based on need. And at least the students that I
7 have in this program, what they have needed is just
8 more time to complete that exam.

9 MS. RUSSELL: The only thing I would, I
10 mean, that's typical nationally, all students in
11 Catholic schools take national standardized tests.
12 But I think another issue for students in private
13 schools taking state tests which does occur in many
14 states around the country is the cost of the testing.
15 That would be an additional cost to the public school
16 system to test all of those other students as well.
17 So, that would have to be addressed.

18 MR. FLETCHER: Thank you.

19 CHAIRMAN BRANSTAD: Bryan Hassel.

20 MR. HASSEL: Just to continue on that
21 issue, you described the situation in your schools
22 but why would you say your students should not be

23

1 required to participate in state assessments if they
2 are in fact the beneficiaries of public funds? What
3 argument would you make aside from the cost? Let's
4 say we could solve that problem, what substantive
5 argument would you make that they should not be
6 required to participate?

7 MS. RUSSELL: I think probably the same
8 answer that probably several other people have made
9 is that I think we're trying to apply an
10 accountability system for a system rather than for an
11 individual school that's accountable to the people
12 and the school that it serves. I mean, when we look
13 at accountability, period, I think what we're asking
14 is why do we, who do we ultimately want to be
15 accountable to and who is the end user of the
16 program. And that would be the parents and the
17 children.

18 And I think that it's pretty clear from
19 what we can say about our own schools anyway that
20 parents know very much about their, you know, what
21 the benchmarks are and how their child is doing in
22 order to reach those benchmarks. And I think that's

23

1 even something that's been added to the No Child Left
2 Behind Act is that there's the requirement that
3 parents have individual information about their
4 children. So, I think that's really what our
5 response would be to where the accountability lies.

6 RABBI LEVY: I don't know that there's a
7 problem or that I'd be against a student taking an
8 FCAT. If the student of this level of disability
9 would be taking it in the public school, I would have
10 no problem taking it in the private school. We
11 simply give the SAT's because that's what's given.
12 The tests are very similar for the higher level
13 students.

14 But if this level of assessment was given
15 to this level of special needs students in the public
16 school, I'd have no problem giving the same level of
17 test to the child in the private school.

18 MR. HASSEL: I've also got a couple of
19 questions about the funding that you receive or that
20 you benefit from. The allocation that's generated
21 for students in your schools, federal allocation, do
22 you receive those funds or do you receive services

23

1 that are funded with that money?

2 MS. RUSSELL: We receive services.

3 Generally, there would never be direct money going to
4 the school.

5 MR. HASSEL: Is that, do you find that to
6 be a satisfactory arrangement? Do you think that the
7 services provided match what the students need? Is
8 that a satisfactory way to do it?

9 MS. RUSSELL: Currently, there are, I
10 would say, very minimal services being provided to
11 private school children through IDEA. It's
12 completely inadequate to what the need of the child
13 is. And that's because there's only the
14 proportionate amount of the federal funds available.

15 Generally, there will be a decision at the
16 county level to say, okay, we have X number of
17 students that have been identified through a process
18 that we're saying I don't really does get to the real
19 number of students in private schools with
20 disabilities. And then, they'll have to decide,
21 well, there's one child here who could actually, if
22 they were to get the full amount of services they

23

1 need, use up all that money or will only provide
2 speech or will only provide, you know. And that's
3 the optimal situation generally, unless the local or
4 state government decides to provide services in
5 addition with their own funds.

6 MR. HASSEL: And how do you propose that
7 the presumed percentage be calculated?

8 MS. RUSSELL: I think that that's a very
9 good question. I mean, one simply could, I mean we
10 can do, we are trying to survey right now in Catholic
11 schools the number of students with disabilities.
12 The problem is that there are a lot of students in
13 the schools that aren't diagnosed. So, we have to
14 first, I think, say who do we mean by a child with
15 disabilities? Is it a child with an IEP? Students
16 in private schools don't have IEP's necessarily.

17 I would suggest that we could simply begin
18 by saying it's less than the total percentage in
19 public schools. It would be higher where there are
20 services available to the children in private
21 schools. So, I mean, let's start with that as the
22 top benchmark, the percentage of students with

1 disabilities in public schools and work down to a
2 reasonable number from there based on what data we
3 can collect that we can rely on about that number of
4 students.

5 The assumed proportionality way of doing
6 that is also something that's included in the No
7 Child Left Behind Act right now for the Title I
8 program. You can assume a proportionate number of
9 poor children in private schools based on the
10 percentage of children in the public schools. So,
11 it's something that's been used before in federal
12 law.

13 CHAIRMAN BRANSTAD: Katie Wright. Or
14 Rabbi, did you want to respond?

15 RABBI LEVY: If I can?

16 CHAIRMAN BRANSTAD: Go ahead, you respond,
17 I'm sorry.

18 RABBI LEVY: Just regarding the funds,
19 through the McKay Scholarship, we do receive the
20 actual funds that are sent to the parents and then
21 sent back to the school. And many of our students do
22 participate in the Medicaid Waiver Program where

23

1 those are actually not funds but services that are
2 given from the government to the children directly in
3 the Medicaid Waiver.

4 CHAIRMAN BRANSTAD: Okay, Katie, your
5 turn.

6 MS. WRIGHT: Mr. Chair, most of my
7 questions have been answered. But I think I'm
8 missing something. I didn't find in the literature
9 in my briefing book, I guess maybe the others have
10 it, I don't know. I don't have literature. I don't
11 know where your school is located. Where is it
12 located?

13 RABBI LEVY: It's located here in North
14 Miami Beach, Florida.

15 MS. WRIGHT: Okay.

16 RABBI LEVY: The reason, from my
17 understanding is that our offices were asked to send
18 in our recommendations and not the actual
19 presentation, but I do have a copy.

20 MS. WRIGHT: No, I don't mean the
21 presentation so much but something about the school.
22 And I think maybe you said it but I forgot, how many

23

1 kids there are and how many teachers.

2 RABBI LEVY: I would be happy --

3 MS. WRIGHT: And well, I found that
4 somebody asked your accredits to school and what
5 else? Tuition, you have tuition and is it just for
6 Jewish kids or just what?

7 RABBI LEVY: Okay. First, we are here in
8 North Miami Beach, Florida. We are a local program.
9 We have currently 77 students. We have been approved
10 to go through the --

11 MS. WRIGHT: How many children?

12 RABBI LEVY: 77 students.

13 MS. WRIGHT: 7-7?

14 RABBI LEVY: 7-7. We have been approved
15 to go through the accreditation process through SACS
16 which is a big plus for us. The tuition -- if I'm
17 not mistaken is a little over \$16,000 dollars. What
18 was your other question?

19 MS. WRIGHT: You have scholarship
20 programs, that was the McKay?

21 RABBI LEVY: Yes. Yes, well, we have
22 obviously a large budget because of our low ratio and

23

1 we have a very aggressive fund-raising program
2 actually run by our president in the audience today.

3 MS. WRIGHT: And this school is just for
4 Jewish kids? Because it's a religious school, is
5 that true?

6 RABBI LEVY: No, children who are non-
7 Jewish are willing to apply and come to the school.
8 We have had children who aren't Jewish come and look
9 through the program. Generally, the parents of
10 special needs children who aren't Jewish aren't
11 interested in the program because we do a lot of
12 Jewish education and Hebrew and Hebrew reading and
13 prayers. And they find that this might be too much
14 academically for their student to handle.

15 They are definitely welcome to apply.
16 They are definitely welcome to come in. And it's the
17 parent's choice.

18 MS. WRIGHT: Have you ever had any black
19 kids to apply to come to the school? I just wonder.

20 RABBI LEVY: I don't know. I don't know.

21 MS. WRIGHT: You haven't seen any there,
22 have you?

23

1 RABBI LEVY: No. I haven't seen any.

2 CHAIRMAN BRANSTAD: Thank you, Katie. Bob
3 Pasternack.

4 MR. PASTERNAK: I've been quietly
5 listening for the last couple of days, so I'm just
6 going to ask a couple of quick questions I think just
7 to see if I can get a perspective on a couple of
8 things.

9 Apart from the choice issue, what's the
10 fundamental difference between what you provide to
11 kids with disabilities and what a public school would
12 provide to a kid with disabilities?

13 MS. HERNANDEZ: Can you repeat that?

14 MR. PASTERNAK: Apart from the choice
15 issue, what is the fundamental difference in what you
16 provide to children with disabilities and what a
17 public school would provide to a student with a
18 disability?

19 MS. HERNANDEZ: A very good question.
20 Most of the parents, I think that from the parent's
21 perspective I can answer that. What we offer is
22 first and foremost the religious, the Catholic

23

1 environment which the parents so much yearn for.
2 Also, they receive low teacher to student ratio. I
3 know a lot of parents have had difficulty in the
4 public school system simply because there's one
5 special education teacher serving many more children
6 than she should at one time. That's the second
7 thing, so, a low teacher to student ratio.

8 And finally, the third thing is that by
9 our nature, we're designing the programs to have a
10 strict criteria. So, in essence, in this classroom,
11 let's say, there's children with similar disabilities
12 as opposed to varying exceptionalities class which is
13 very popular in the public sector where it's
14 difficult for that teacher to meet the needs of so
15 many diverse children with so many diverse
16 disabilities.

17 So, I think, at least in this program at
18 St. Agatha and in the Pax Christi High School, those
19 are the three factors that the parents will receive
20 there that they are not receiving in the public
21 schools.

22 MR. PASTERNAK: Given the last issue that
23

1 you raised, tell us a little bit about the
2 categorical nature of the programs that you provide
3 so that I can understand the specialization that you
4 were just referring to.

5 MS. HERNANDEZ: Well, special education is
6 basically based on serving the child's needs. And
7 from the teacher's perspective, you have to make the
8 environment so that you can do that. And I stress
9 that to the parents that come to the school, if we
10 promise something, we have to deliver it. And the
11 service to that student --

12 MR. PASTERNAK: I'm sorry, just in the
13 interest of time, I think you may have misunderstood
14 my question. The third reason, if I understood you
15 correctly, was the difference between what you
16 provide and what we provide to students with
17 disabilities in public schools across the country and
18 we're responsible for about six and a half million
19 kids that we're talking about now in terms of the
20 system view that we're trying to take.

21 If I heard you correctly, I believe you
22 told us that the kind of program that you have is

23

1 specialized and serves one type of student with
2 disability as opposed to what we would describe as a
3 cross-categorical program, right, program that serves
4 a number of kids with disabilities. So, tell us
5 about the kinds of kids with disabilities that you
6 are uniquely serving or especially serving as opposed
7 to the cross-categorical kind of program you think
8 goes on in most public schools.

9 MS. HERNANDEZ: It depends on the school,
10 the Catholic school, the program they've designed.
11 But this one is learning disabled. So, those are the
12 children that we're serving and we're not serving
13 children that maybe have emotional needs and
14 disorders, physical, severely physical handicaps and
15 so forth. And in -- classroom in the public schools,
16 you would find that mix.

17 MR. PASTERNAK: So, the parents that come
18 to you who have, the kids with those types of
19 disabilities, you would not serve them?

20 MS. HERNANDEZ: The criteria is that the
21 child would be two years behind in their achievement
22 based on a learning processing difficulty.

23

1 MR. PASTERNAK: And do the teachers that
2 work in your settings have special training?

3 MS. HERNANDEZ: Yes. They are certified
4 to teach, the State of Florida certifies you in
5 special education and then you have to pick your area
6 of emphasis. So, it would be learning disabilities,
7 they have that, and certified from K to 12.

8 MR. PASTERNAK: And if I understood the
9 discussion that we were having earlier, if kids in
10 parochial schools don't take the FCAT and kids in
11 public schools do take the FCAT, isn't it
12 fundamentally unfair to compare the kids who get
13 diplomas from the public schools with the kids who go
14 to your schools?

15 MS. HERNANDEZ: We meet state standards,
16 actually we met with the county public schools and we
17 make sure that we are meeting the state standards to
18 fulfill those requirements for graduation.

19 MR. PASTERNAK: Okay. And I guess, thank
20 you very much and I have lots more questions but I
21 won't go much further.

22 I'm curious, Rabbi, I read Hebrew and I'm

23

1 curious about the incidence of kids with dyslexia who
2 come to your school and whether you notice that some
3 kids may not be able to read English, yet are they
4 able to read Hebrew?

5 RABBI LEVY: The reason, we find that
6 there are children that do have, believe it or not,
7 an easier time reading Hebrew than English. I don't
8 know that it has to do with their dyslexia. I do
9 believe the reason is because the Hebrew language is
10 fully phonetic and there are no tricky rules and
11 there are no instances where this is not exactly what
12 it appears to be. It is a phonetic language, the
13 letters always make the same sound even when they are
14 blended. The vowels make the same sounds when they
15 are together with the letters.

16 And that's really what, this is really the
17 difficulty that many, many students have with reading
18 and you start with whole language because the
19 phonetic rules are very difficult for students and
20 whole language is the way that students could begin
21 to learn. Hebrew doesn't have so many phonetic
22 rules. This is what it is, you put it together. So,
23

1 yes, I would think there are -- some of the students
2 who have difficulty reading English and not having
3 such a difficulty reading Hebrew.

4 MR. PASTERNAK: And finally, Mr.
5 Chairman, just one last question to all of you.
6 What's the lesson learned from your schools that you
7 think would help improve the results for students
8 with disabilities that are being served in public
9 schools?

10 MS. RUSSELL: I think I would go back to
11 my concluding remarks about that. I don't think that
12 what we're offering necessarily is better than what
13 public school is offering all the time. I think
14 whether it's a public school or a private school, the
15 program for the child seems to be most successful
16 when the parent and child feel convinced that that's
17 the place that they want to be, that the program
18 hasn't been imposed on them and that their child
19 hasn't been imposed on the program.

20 And I think that can happen anywhere, but
21 parents knowing that they have that choice to make, I
22 think, really is a contributing factor to a

23

1 successful program.

2 MS. HERNANDEZ: I would re-emphasize the
3 teacher to student ratio. Also, the category like
4 you expressed, controlling the criteria of the
5 children being served at one time by that teacher.
6 And very close parental involvement.

7 MR. PASTERNAK: And Rabbi?

8 RABBI LEVY: I promise to be short but can
9 I answer in two parts? I'd like to answer the
10 academic first. I believe we are a better program
11 academically. Maybe I'm biased but our teachers are
12 all certified. We do have very small ratios and we
13 give all the academic subjects that the mainstream
14 students get on our students' level.

15 I believe one of the bigger benefits that
16 we have as a school is the religious aspect though.
17 Our students choose our school because they want the
18 other students to identify with the religious
19 background, with their friends and neighbors that
20 they grew up with and the religion that the parent
21 has chosen for the child. So, from both points, I'd
22 like to --

23

1 MR. PASTERNAK: Well, I guess, I'm just
2 troubled by the fact that Utah has the largest pupil-
3 teacher ratio in general education and the largest
4 pupil-teacher ratio in special education, yet some of
5 the best results. And the California Class Reduction
6 Initiative that they just conducted did not yield the
7 kinds of results that you guys think might be
8 attributable to a small class size.

9 So, I think this is not the forum to have
10 the discussion about the role of class size or the
11 impact of class size, but as people who are
12 considering policy issues, I'm just curious about the
13 differences and the lessons learned and how they
14 would apply to the larger numbers of students. I
15 understand the choice issue and I respect what you're
16 telling us about that and I just wondered if there
17 might be anything above and beyond that.

18 And I'm hearing, if I could just
19 paraphrase and I want to make sure I'm being accurate
20 here, the selectivity of your admission criteria is
21 one issue. And parental involvement, is that
22 something that you mandate? Do parents have to be

23

1 involved or you kick their kids out?

2 MS. HERNANDEZ: No, at least in the
3 program we're at. I think that just by the nature of
4 it, when we constantly have quarterly meetings, when
5 we are constantly communicating about the child's
6 progress, the parent is always up to date on what's
7 going on with that child, just that constant report
8 on the child's progress, I think.

9 But going back to the teacher to student
10 ratio of Utah, you made a very good point. Again, I
11 think that category is a big issue. I have
12 colleagues in the public school system and one of the
13 biggest differences that we find between my
14 experience and theirs is that we've set it up so that
15 it's almost achievable when you can serve that child
16 and what they feel with the paperwork and also with
17 these VE classrooms is that it's so difficult just to
18 meet the needs of each of those children when you
19 have a child that consumes you because they have much
20 more severe needs that need to be addressed at that
21 moment. Or there's a child with a learning
22 processing difficulty which is not being addressed at
23

1 that time.

2 MR. PASTERNAK: So, we're talking about
3 the quality of the teacher that you have in your
4 program contrasted with the quality of teachers that
5 work in public schools?

6 MS. HERNANDEZ: No, not at all. The
7 quality of the teacher is the same. It's the
8 circumstance the teacher has to deal with is
9 different. My students, their needs are similar.

10 MR. PASTERNAK: So, this homogeneity in
11 the groupings that you have in your school as opposed
12 to the heterogeneity in the groupings that we are
13 faced with in public school?

14 MS. HERNANDEZ: Exactly, and the self-
15 contained classes. Now, when you refer to the
16 pullout classes, there the difference would be that,
17 we find, and again my colleagues in the public school
18 system where the pullout classes where they just see
19 them for maybe an hour or two, that serves a very,
20 you know, it's documented and researched that that
21 serves very few of those children. They don't make
22 the gains. They're in that classroom for maybe two

23

1 hours of the day, then they return to the regular
2 classroom for the rest of the time.

3 So, I know that those two different
4 settings have, you know, two sets of problems. The
5 self-contained class, because of the multi-
6 categories, and then the pullout, because they're
7 served only for maybe one or two hours a day.

8 MR. PASTERNAK: I'll stop there, Mr.
9 Chairman. Thank you all very much.

10 CHAIRMAN BRANSTAD: I think we're going to
11 have to cut it off because we've --

12 MR. FLEMING: Was it Jay's turn again?

13 MR. BARTLETT: No, I think it was my turn
14 this time.

15 CHAIRMAN BRANSTAD: No, it's not this
16 time. Well, you take care of that, Steve. I'm going
17 to have to go. I'm going to have to catch a plane
18 back to Iowa.

19 MR. FLETCHER: May I correct the record
20 please, Mr. Chair? The math figure that I gave out
21 should not have been three and a half trillion
22 dollars. It's about 36 billion dollars. In doing

23

1 so, I'd like to note that I'm a product of the Gascon
2 County School System up in North Florida and a
3 graduate of the University of Florida.

4 CHAIRMAN BRANSTAD: Well, you know, it's
5 all about true confessions, I guess.

6 MR. FLETCHER: And I'm a member of the
7 finance task force. If only we'd had the FCAT when
8 I'd gone to school.

9 CHAIRMAN BRANSTAD: This whole thing can
10 be a very humbling experience. Again, I want to
11 thank our panelists and thank all of you. And I want
12 to ask Steve Bartlett to assume the chair as I'm
13 going to have to catch a plane. But thank you all
14 very much. And we're going to have just a five-
15 minute break, and then the next panel will take over.

16 (Off the record.)

17 MR. BARTLETT: Commissioners, please take
18 your seats. We're going to reconvene in one minute.
19 Would staff please step outside the door to ask
20 Commissioners to come in the room? Without
21 objection, the Chair would ask that one additional
22 question be posed to the representatives of the

23

1 Catholic schools here who were here at the previous
2 panel. Mary Jane Russell is still in the room. And
3 we'll pose this in writing and keep the record open.

4 The question is how many mentally retarded
5 students and/or Down syndrome students are enrolled
6 in Catholic schools either nationally or here in
7 Florida. There seems to be some misunderstanding or
8 some lack of knowledge on the part of the Commission
9 and we'd like to keep that in the record if we could.

10 Ms. Russell, for the record, if you could
11 just follow up on it in written communication. Some
12 members of the Commission would like to know how many
13 mentally retarded and/or Down syndrome students are
14 enrolled in Catholic schools either nationally or in
15 the State of Florida.

16 MS. RUSSELL: I mentioned we are
17 conducting a survey right now about that. As soon as
18 those results are available, we'll have that --

19 MR. BARTLETT: How long would that take?

20 MS. RUSSELL: Well, before your report.
21 It should be done by the beginning of June, we're
22 hoping to have those numbers. And it's on a sampling

23

1 of Catholic schools in the country.

2 MR. BARTLETT: Could we have it before May
3 15?

4 MS. RUSSELL: Before, I'll try, I'll check
5 with the, we're having someone conduct the survey.
6 By May 15?

7 MR. BARTLETT: If we could just get an
8 estimate by May 15 it would be very important to us.

9 MS. RUSSELL: Sure, we'll get you that.

10 MR. BARTLETT: We'll hold the record open
11 until May 15.

12 MS. RUSSELL: Okay, great. Thanks very
13 much.

14 MR. BARTLETT: Thank you very much. The
15 next panel is entitled Options for Parental
16 Involvement in Special Education. We have a 20-
17 minute section for the panel which is led by Robin
18 Wilkins, the special education director for the
19 Pennsylvania Virtual Charter School assisted by
20 Bonnie Schaeffer, the mother of a child with a
21 disability who attends that school. And I see that
22 we may have the student here also. So, Robin

23

1 Wilkins.

2 MS. WILKINS: Good afternoon. Thank you
3 for inviting me along with Bonnie and her son, Andrew
4 Schaeffer, as representatives of the Pennsylvania
5 Virtual Charter School.

6 MR. JONES: Ms. Wilkins, if you could
7 speak much, much closer to the mike. Thank you.

8 MS. WILKINS: Okay. To come here today to
9 share how we are meeting the needs of identified
10 learners. For the past 20 years, I have directed my
11 energies towards focusing on best practices for
12 exceptional children. My work has included classroom
13 management, staff implemental professional
14 development as well as special education
15 administration.

16 Benjamin Bloom said, It's easier to sort
17 children than support children. I could not agree
18 more. Offering new choices like charter schools, the
19 McKay Scholarship program and the virtual charter
20 schools is a critical step in the process of moving
21 away from sorting to supporting our nation's
22 school children.

23

1 First, allow me to quote Pennsylvania's
2 current Secretary of Education, Charles Zogby.
3 According to Secretary Zogby, virtual charter schools
4 ...have the power to combine the customized
5 curriculum of charter schools with the easy access
6 and flexibility of the Internet making these schools
7 uniquely adaptable to student's individual learning
8 needs. Virtual schools like the Pennsylvania
9 Virtual Charter School combine the best traditional
10 materials (books and manipulatives for instance) with
11 new technology (like the Internet, assistive
12 technology and web-based programs) and committed,
13 active parents and great teachers. This is a recipe
14 for success, especially for the special needs
15 children.

16 As you probably know, the traditional
17 school model doesn't always fit all children. As
18 we've learned in so many other walks of life, the
19 one size fits all approach just doesn't work very
20 well. A majority of special education children
21 require unique education plans with requirements
22 above and beyond the confines of the structured

1 curricular periods offered in conventional brick and
2 mortar schools. At the Pennsylvania Virtual Charter
3 School, we provide unique, adaptable, customized
4 education courses of study for each and every child.

5 How do we do this? By the smart use of
6 new technology, by highly trained and competent
7 teachers, by parental involvement, and by a home-
8 based learning environment that is specific to that
9 child's educational, emotional and social needs.

10 Research shows that students with
11 disabilities are being under-served in conventional
12 classrooms for most of the school day. The presence
13 of these students usually adds considerable variance
14 to the overall composition of classes and increases
15 already heavy demands on teachers. In the
16 traditional school model with a ratio of one teacher
17 to 30 students with the possibility of having up to
18 half the class identified, the challenges are
19 enormous. This ratio is reduced to one child to
20 three adults at the Pennsylvania Virtual Charter
21 School (PAVCS). These adult role models include the
22 regular and special education teacher along with the
23

1 parent or responsible adult. The three utilize a
2 collaborative co-teaching model for instructional
3 delivery.

4 How does this all fit together? PAVCS
5 uses an Online School (OLS) curriculum created by K12
6 which is led by William J. Bennett, the former
7 Secretary of Education. K12 believes in using
8 technology as a means, not an end in itself so that
9 children develop the necessary skills and knowledge
10 that all children need regardless of their academic
11 background, regardless of special needs or
12 disabilities, and regardless of their geographic
13 location.

14 A typical day at my school, the
15 Pennsylvania Virtual Charter School includes the
16 following:

17 Frequent breaks for the child who displays
18 hyperactivity and/or social and emotional concerns,
19 as well as those whose educational program includes
20 related services without a break in sequence of the
21 curricular lesson. When a child is back on task and
22 focused on the activities contained within the

23

1 curriculum, she resumes instruction. At PAVCS, we
2 know exactly how fast or slow a child is moving
3 forward, and we know where she's having difficulty
4 and where she's having success. With this
5 information, we are able to deliver a customized
6 course of study and make sure that students don't
7 fall behind.

8 Concepts presented in various modalities
9 that afford the child, for example, in need of
10 sensory integrated curriculum the ability to learn
11 and generalize new concepts.

12 Immediate feedback to the student,
13 teacher, and adult care-giver, which establishes a
14 sense of student educational ownership, pride and
15 accountability. This data plays a vital role for
16 future planning and monitoring movement within the
17 curriculum.

18 I. A rigorous multi-media curriculum that
19 builds and supports new learning while remediating
20 prior gaps in knowledge and skills. For example, a
21 child using the first grade curriculum but
22 chronologically in second grade can have her lessons

1 tailored to meet specific skill needs at both levels.
2 This extinguishes the false sense of accomplishment
3 children often develop when they are required to
4 repeat prior learned knowledge.

5 II. The support of an assigned regular and
6 special education teacher to ensure that the
7 specialized design instruction is implemented and
8 that the child is moving forward and never falling
9 back through the general education curriculum. At
10 this juncture, I'd like to share with you a quick
11 lesson so that you get an idea of what our Online
12 School consists of. The parent is served up this
13 lesson, the deep ocean, this is a continuation from a
14 previous learned skill. When the parent accesses
15 this lesson, they are given information so that they
16 can gather the material.

17 You can see these areas right here, for
18 the sake of time, I won't drop down these windows,
19 but these would familiarize the parent with
20 vocabulary. Not vocabulary to drill but vocabulary
21 that becomes meaningful in the child's life. Lesson
22 notes, just a prompt to tell the parent preview

1 website prior to introducing. Pronunciation keys for
2 new words and resources.

3 First part of the lesson, the objective is
4 to ascertain a generalization with old to new
5 knowledge. In this lesson, the child has been
6 learning about different parts of the ocean and about
7 some of the plants and animals that live in the
8 ocean. Can you name some of them? So, they're
9 making some associations here.

10 By the way, the K, 1 and 2 level which our
11 school presently has this year, the children are
12 about 20 percent of the time online. Most of the
13 time it's offline instruction. The lesson continues
14 with this instrument showing a child this is the
15 entrance you use to go down and to explore the ocean.
16 Once the child has made some associations, they go
17 into the reading room where this is an assimilation
18 of the same frame they just saw.

19 I'm going to fast forward this so that we
20 go pretty quickly. Here the child actually gets into
21 this little sub-vessel and go down. And at different
22 prompts, they're asked different questions. For

23

1 example, there is a lot of different areas here and a
2 child that might have some sensory integration needs
3 may not understand the concept of pressure. So what
4 we might do is take that child and say, hello, may I
5 borrow your hand? We could exchange hands and
6 squeeze hands so that the children understand what
7 it's like, what that pressure is outside the vessel.

8 And we continue going down. Here the
9 child notices that it's getting dark and the
10 association made here is sunlight does not enter this
11 part of the ocean. There's other things falling
12 down. I don't know if you can notice them going down
13 but when we ask the child what this is, they may
14 associate to say that it's snow but then we'll draw
15 them back to you're below the ocean and go on to tell
16 them that it's the fuzzy stuff that's called marine
17 snow which is the remains of animals that have died.
18 And so on.

19 And then, the child continues to go down
20 until they are the bottom of the ocean floor. We're
21 almost there. Notice as they go down, they can make
22 that association here, the pressure is moving, we do

23

1 things like this so that they know what pressure is
2 outside the vessel. Notice that the temperature has
3 dropped so that they know that it's cold also.

4 We draw their attention to the different
5 types of land form that they have learned that are on
6 the surface of the earth, that there are also at the
7 bottom of the ocean such as this, such as the valley
8 here and the sea mount here.

9 At PAVCS, parental choice and involvement
10 take on significant meaning. Choice allows the
11 parent to enroll their child in an educational
12 setting that will best serve her needs. Involvement
13 signifies active participation in their child's
14 educational program and setting. Research has shown
15 that parental support is critical to the success and
16 progress in any school model. IDEA 97 strengthens
17 the role of the parents in the educational planning
18 and decision making of their children by encouraging
19 them to become more active participants in choice
20 options.

21 I submit to the Commission the following
22 recommendations that based on my experience determine
23

1 the success of the virtual school and the special
2 education students it serves:

3 III. Encourage local school districts to work
4 cooperatively with virtual schools so that the union
5 collaboratively offers genuine educational
6 opportunities for the identified child.

7 IV. Appropriate funding to sources such as
8 research in the area of best practices for
9 teachers, administrators, and parents involved in
10 virtual schools.

11 V. Establish consortiums at the state and
12 local levels in which their sole charge is to provide
13 technical assistance to virtual charter schools in
14 all phases of special education and compliance. The
15 way the least restrictive environment continuum
16 stands with the new virtual charter school does not
17 take into an account our learning environment which
18 is home-based, which essentially takes the child,
19 once the child is enrolled in our school, they are
20 leaving a least restrictive environment and coming to
21 our environment. They're automatically, according to
22 the least restrictive environment continuum, placed

23

1 in a more restrictive environment.

2 VI. Encourage legislators and others involved
3 in funding decisions for virtual schools to establish
4 fair and equitable funding base that takes into
5 consideration the ongoing expense of technology so
6 the virtual charter school can continue to deliver
7 high quality special education services.

8 We have spent decades since the enactment
9 of Public Law 94-142, Education for All Handicapped
10 Children Act, assuring that all special needs
11 children have available to them a free and
12 appropriate public education. However, our task
13 today is not to ensure access to schools, but rather
14 access to programs that truly deliver a specialized
15 design course of study, a program that enables the
16 identified child access to the general curriculum by
17 providing the necessary resources and support
18 systems.

19 I urge this Commission to explore further
20 the virtual school model as a viable education
21 alternative for the special needs child. Thank you.

22 MR. BARTLETT: Use the microphone please.

23

1 MS. SCHAEFFER: Yes, thank you. Sorry
2 about that. Can you hear me okay? Anyway, my name
3 is Bonnie Schaeffer, and I'm going to spend a few
4 minutes talking about the subject of parental options
5 in the context of PAVCS and then to introduce you to
6 my son Noel. He looks like a fairly typical nine-
7 year-old, wouldn't you say?

8 You know, often we think of special needs
9 children as having very obvious impairments and we
10 label them quickly like this, the deaf child, the
11 girl with braces on her legs, or even the child with
12 autism. You know, he's the kid that is non-verbal,
13 who rocks continually, who won't make eye contact.
14 We try to mainstream them as much as possible but
15 it's pretty clear what their issue is.

16 But what about the Noel Schaeffers of this
17 world? I'll tell you a little about our experience.
18 In pre-school which happened to be the only private
19 pre-school around, I was told nearly everyday about
20 how my son belligerently hid under the chairs, about
21 how he talked back to the teacher. And the teacher
22 would give me her sage advice and her warnings, Mrs.

23

1 Schaeffer, he's going to be stigmatized. You're
2 child is going to become a delinquent, and a lot of
3 this is your fault because you need to be punishing
4 him more at home.

5 I'll tell you then what happened when we
6 went into the public school. And I'll just read the
7 highlight here from this report from one of the
8 teachers there which was the Phys Ed teacher, that's
9 not atypical. Noel Schaeffer, he said, his behavior
10 has been very abnormal. He will display loud
11 disrupting outbursts. He will become very loud and
12 emotional. He has said things like I'm bad, nobody
13 likes me, I'm going to be put in jail. He won't
14 follow procedures. His behavior in my opinion is
15 attention-getting, paranoid, erratic, and
16 unpredictable. Behavior problem, right?

17 Yes, it's a behavior problem. But the
18 real question is why and what needs to happen in
19 order for someone like Noel to learn. I mean, do you
20 think he liked having that experience?

21 From a parent's perspective, I was losing
22 my child. Noel was anxious, self-deprecating,

23

1 fearful, he was withdrawing more and more. He
2 wouldn't get up in the morning. He was always in
3 trouble at school for not paying attention, for not
4 cooperating, for doing the wrong thing at the wrong
5 time, for being rude. And why was this? Because
6 almost everything in his learning environment was
7 wrong.

8 Let's let Noel tell you a little bit about
9 how he sees it.

10 MR. SCHAEFFER: I could never understand
11 the teachers. They would start out being nice but
12 they'd get meaner and meaner. Before going to
13 school, I wanted to learn but no one came to
14 understand. I was always in trouble and the
15 principal would come. I couldn't get anyone to
16 understand I am a nice person.

17 So, often I just wanted to be in my ball
18 pit or on the swing. I just needed a break. But a
19 lot of times after waiting all day for recess, I was
20 in trouble because I didn't write as fast as the
21 other kids did. So, they made me miss recess. It
22 wasn't fair.

23

1 I have Asberger's syndrome which is a form
2 of autism and ADD. ADD makes the thoughts come into
3 my mind very fast and all at once and it's really
4 hard to grab the right one. Autism means that I
5 experience the world differently than you do. My
6 senses work differently than yours.

7 For example, loud voices and noises like
8 clapping are really hard for me. I don't like the
9 taste of -- most foods. I work -- and I like -- when
10 my mom rubs me. Rocking and swinging help me feel
11 calm. Some of the saying I do that get me in trouble
12 are because of my senses being different.

13 Transitions are hard. Time is a strange
14 concept to me. If I'm in the middle of doing
15 something important and it doesn't make any sense --
16 I should ask you to stop. Being with other people
17 can be very hard. Sometimes what you do, when you
18 say something, it doesn't make sense, so I just block
19 it out.

20 You can read faces but I've had to learn
21 how to do that. It often seems silly to me that I
22 have to do what my mom calls social convention. I

23

1 practice looking at my mom's eyes. It's hard but she
2 loves it when I do it, so I do that for her.

3 People -- also special interest or
4 passion. -- because it's much easier than people or
5 feelings. I like science, especially robotics and
6 astrophysics and medical science. And do you know
7 that Albert Einstein had Asberger's? He and I have
8 the ability to see things in different ways. Some
9 day I hope I can use that to invent something -- to
10 you.

11 I used to hate school, it looked like a
12 prison. But now it's okay. My mom makes me work
13 hard a lot of times but I like learning the cool
14 stuff about science and history especially. My dad
15 teaches me history. I hope you -- kids go to a
16 school go to a school like PAVCS.

17 MS. SCHAEFFER: I found out about PAVCS
18 through friends in late August of last year. It was
19 sort of like two weeks before regular school started.

20 MS. WRIGHT: Excuse me.

21 MS. SCHAEFFER: Yes, ma'am?

22 MS. WRIGHT: Could we give some applause

23

1 to Noel because --

2 (Applause.)

3 MS. WRIGHT: I just had to do that.

4 MS. SCHAEFFER: Thank you. Thank you so
5 much. Anyway, we found out about PAVCS last summer.
6 And it took my husband and me about, I would say, 48
7 hours or less to decide. It was kind of scary. It
8 was a big thing for me but there was no question in
9 my mind. And you might wonder, what is it that made
10 you do this, Bonnie?

11 Well, the answer is easy. I talked to my
12 mother and my brother. You see, my older brother
13 Dennis who is 47 years old also has high functioning
14 autism. And his life, most especially school, has
15 been very, very difficult. You'll see a little bit
16 of him here in just a minute on a video.

17 But I told them about PAVCS. And I told
18 them about how I'd have a very strong curriculum that
19 would be given to me, about how we'd use tools such
20 as the computer and the Internet and email in ways
21 that make the most sense for Noel. He loves the
22 computer, by the way. He and I would have the chance

23

1 to develop his abilities in technology, something he
2 loves and which I know is going to be an important
3 part of his career future.

4 And very importantly, I told them that I'd
5 be able to adopt the environment to his specific
6 sensory needs. We'd be able to separate the
7 socialization component from the academic element
8 which is exactly what someone like Dennis, my
9 brother, and Noel need. All of these things are so
10 critical for Noel but he couldn't get them in the
11 traditional classroom.

12 The other important element that I'd be
13 able to have is to tailor the teaching around Noel's
14 passion. I would have a special ed teacher and a
15 regular ed teacher to help. I wasn't quite sure how
16 I was going to do this, but the important thing was
17 that I get to do it. I get to try.

18 I don't know how much you all know about
19 Asberger's and high functioning autism, but the key
20 to their learning is to use their passion as a
21 crosswalk into all other learning. So, for Noel, as
22 he told you, his passion is science and robotics.

1 So, we do that, we use that all the time and he has
2 learned enormously.

3 I'll never forget the words of my mother
4 who at that point had lived with her own autistic son
5 for over 47 years. She said in a minute, she said,
6 Bonnie, do it. She said, if I had had that chance 40
7 years ago, I would have done it, absolutely. She
8 said there just was nothing, no choices back then for
9 someone like Dennis. But for Noel, life could be
10 very, very different.

11 Options, I just can't tell you enough how
12 important it is to give parents like me the option.
13 I know it might not be for everyone but this way we
14 have a real option. And as you know, Noel's
15 diagnoses are not uncommon. You've probably heard of
16 the number 1 and 20 for ADD. For autism spectrum
17 disorder, the statistics are changing all the time
18 but you'll hear anything from 1 and 500 down to 1 and
19 100.

20 My wraparound and I were counting up the
21 number of students at the -- City School where he is,
22 and it ends up to be about 1 and 200. There's four

23

1 for 700 students in grades 3 through 6. And that's
2 not counting Noel. There's a growth rate of about 10
3 to 17 percent of -- of his diagnosis on the high end
4 of the autism spectrum.

5 Now, Noel and I would like to show you a
6 little video clip, if you are willing to watch,
7 about what his days are like, a typical day in PAVCS.
8 I'm just showing you a couple of subjects. Remember
9 that Noel told you that transitions are difficult for
10 him. So, rather than cover all the subjects every
11 day, we do about three subjects and we spend a longer
12 time.

13 MR. BARTLETT: We have time for about one
14 more minute.

15 MS. SCHAEFFER: Okay. Let's show you the
16 first couple of minutes of it, a minute and then you
17 can --

18 MR. BARTLETT: Two minutes.

19 MS. SCHAEFFER: Two minutes, you can tell
20 them when to cut the video. Okay.

21 (Video presentation)

22 Q Tell us your name.

23

1 A Dennis McClay.

2 Q Tell me a little bit about you.

3 A Okay. I have -- functioning autism
4 which I didn't find out about until last year. But
5 my nephew Noel has Asberger's. And that's all I
6 really know, that he has it and he's having home-
7 schooling.

8 Q Was school hard for you?

9 A Yes, it was hard for me to learn the
10 subjects except for math.

11 Q What made it hard?

12 A Because it took mere memorizing in
13 the other subjects than it did in math and other
14 subjects did not involve numbers.

15 MS. SCHAEFFER: There's about 30 seconds
16 left here. Do you want to advance it so you can see
17 --. I don't know if you can do that back there.

18 (Continuation of video
19 presentation.)

20 Q What was it like being around the
21 people that --

22 A It was stressful.

1 (Fast forwarding video.)

2 MS. SCHAEFFER: If you go a little
3 farther, you'll get into the, you notice how he
4 doesn't make eye contact. His body movements.
5 Right.

6 (Continuation of video presentation.)

7 Q Would you like to see a little bit of
8 Noel's school now? Would you like to see that?

9 A Yes. Yes.

10 Q Okay. Let's do that.

11 MS. SCHAEFFER: Now, we start our morning
12 --

13 (Video presentation with music.)

14 MS. SCHAEFFER: And the next thing is he
15 eats breakfast. I'm -- food so he has to have a
16 vanilla milkshake. -- high calories. Then we do an
17 --. And this all takes about an hour. Then we start
18 the academic component of his school day.

19 Right now he's doing a spelling test.
20 Noel's handwriting is very poor, very, very difficult
21 -- motor skills. So, we taught him how to type. We
22 substituted the penmanship aspect of the curriculum
23

1 with typing. And he types a whole lot, he spells a
2 whole lot better now because he can type his lessons.

3 In fact, he really misses --. So, that is
4 one of the examples of the things he likes. This
5 might be a little dark but it's -- language arts.

6 (Continuation of video presentation.)

7 MS. SCHAEFFER: In here, Noel like most
8 children with autism had an incredibly difficult time
9 learning directions. And they had lessons that he
10 did map work. It's very hard for them to put
11 themselves in another person's shoes. So, I put him
12 inside the map.

13 We made a map of our street and here we're
14 doing directions like left and right and pointing to
15 the street sign. And he's having to tell me, you
16 turn left on to Garden Avenue and then turn right.
17 When I did that he got it and then he went back and
18 was able to do a different map and then he knew it.
19 It was so exciting.

20 You can see the maps are too abstract for
21 --. We're doing math here --. Noel is so visual that
22 I have to find ways always to make it visual.

23

1 (Continuation of video presentation.)

2 MS. SCHAEFFER: We do tea breaks every
3 hour.

4 MR. BARTLETT: Thank you. That was great.

5 MS. SCHAEFFER: Here we go. Okay. Just a
6 little taste of what he does.

7 (Applause.)

8 MR. BARTLETT: Ms. Wilkins and Ms.
9 Schaeffer and Noel, Mr. Schaeffer, we sure appreciate
10 your presentation. First question, Doug Hunt.

11 MR. HUNTT: This is unusual for me going
12 first. Normally, I get out of the loop, I don't get
13 to ask questions like my cohort down the end of the
14 table.

15 I missed the first part of your discussion
16 but I wanted to know the choice on home-schooling.
17 If you had a choice of a private school that would
18 give you the same outcomes, would that be a choice
19 for you or would you still do the home-school?

20 MS. SCHAEFFER: I tried that and it didn't
21 work at all because Noel's needs couldn't be
22 addressed in a traditional classroom.

23

1 MR. HUNTT: But what about a private, if
2 you had a private school that would offer --

3 MS. SCHAEFFER: With very low student
4 child ratio? Yes, except it's hard for me to see
5 that they could tailor it, they could customize the
6 environment to the degree I do. So, I'd have to say
7 I'd still do virtual charter school.

8 MR. HUNTT: Okay. Thank you. Thank you,
9 Mr. Chairman.

10 MR. BARTLETT: Doug Gill.

11 MR. GILL: Thanks, folks. You actually
12 answered one of my questions which was going to be
13 what does a typical day look like and I appreciate
14 the video.

15 Is it fair to describe the Pennsylvania
16 Virtual Charter School as essentially an Internet-
17 based curriculum for home-school kids or if that's
18 not fair, how would you characterize it?

19 MS. WILKINS: No, I don't think it's fair.

20 MR. GILL: Okay. How would you
21 characterize it?

22 MS. WILKINS: Part of our curriculum,
23

1 well, I should say most of our curriculum is offline.
2 This year, we have grades K, 1 and 2. Next year,
3 we'll have K to 5. Now, we've reached over a five-
4 year span up to grades 12.

5 The most that a child will spend online
6 will be about 65 percent of the time. And at that
7 point, we're talking about 10th, 11th graders, 12th
8 graders. Right now, our children spend about 20
9 percent online. So, most of the instruction is
10 offline.

11 MS. SCHAEFFER: And let me add to that.
12 You noticed in the video, the only lesson I think I
13 was doing with him online was his spelling. And
14 that's only because he wasn't handwriting it. The
15 online part is, in my opinion anyway, for the parent,
16 for the teacher, and I log the time there.

17 MR. GILL: So, is it fair to say it's a
18 home-school curriculum?

19 MS. WILKINS: There's a difference between
20 a home-school curriculum, I'm a person recently out
21 of the public school system and have very little
22 knowledge of home-school other than the few children

23

1 who trickled into the public school. Our system is
2 home-based, yes, and I think that's where the
3 misconception is. The other misconception is we're
4 totally Internet-based where you have the server out
5 there in the cyberspace and a child connected at the
6 other end to a computer. That's not it at all.

7 We have teachers that are actively
8 involved in this. Not teachers in which a parent
9 just calls and happens to get a teacher but assigned
10 teachers. Our kids get together every month through
11 outings. The teachers supplement what's done online.
12 Our curriculum is rich so that we can tailor it to
13 meet individual needs. We follow all the guidelines
14 of Chapter 22. The parents are required to follow
15 the guidelines that we pass on to them.

16 And we have found that, most of our
17 attrition has been contributed through previous home-
18 schoolers who have enrolled in our program and didn't
19 want to stay because of the requirements that we
20 asked of them.

21 MR. GILL: Okay. So, what specific
22 recommendations would you have regarding IDEA?

23

1 MS. WILKINS: IDEA, off the top of my
2 head, the continuum. Right now it's structured where
3 the home-based, where the home environment is the
4 most restrictive environment, one of the more
5 restrictive environments. If we take a child, not
6 Noel for example but a child that may just need
7 accommodations and strategies for reading or math,
8 they're using the online school curriculum for all of
9 their other subjects and the specialized design
10 instruction is just in one core subject. That child
11 should not or would not be in need of a more
12 restrictive environment because the parent opt to use
13 a home-based environment to educate them.

14 So, when we look at that continuum, the
15 question is where is the least restrictive
16 environment for that child? It's not that it's a
17 flaw in the continuum, I'm not questioning that.
18 It's just that now a new learning environment has
19 come into the game.

20 MR. GILL: So, you don't think IDEA
21 recognizes that different kind of a learning
22 environment?
23

1 MS. WILKINS: Oh, absolutely, because one
2 of the more restrictive environments is home. But
3 since we're now here, new kids in the block, our
4 school is the home. So, if I have a child, for
5 example, I have children enrolled in my program that
6 are quite exceptional. They're gifted and they have
7 a learning disability. -- in need of a restrictive
8 environment.

9 MR. GILL: But isn't the least restrictive
10 environment, at least as I understand it, in the full
11 continuum of options individually determined?

12 MS. WILKINS: Yes.

13 MR. GILL: Okay. So, help me understand
14 what the issue here is.

15 MS. WILKINS: The issue here is initially,
16 when we look at a child's need for level of
17 intervention, we start with in the classroom and we
18 move accordingly. But if the classroom now is in the
19 child's home, where do we start? Because the
20 continuum states that their home is a more
21 restrictive environment. The school districts look
22 at us and say that this is a more restrictive

23

1 environment. It's just --

2 MR. GILL: So, would you ask the IDEA
3 folks or the Commission to redefine LRE with respect
4 to virtual school home-based programs? Is that what
5 you're asking?

6 MS. WILKINS: Just that environment, to
7 take that environment into consideration. I don't
8 know how it would be worded or how it fits into the
9 game play. But I know that I would not want my child
10 listed, and not that we've done this because we've
11 had to be very creative in consult with PDE charter
12 school representative on how we level --

13 MR. GILL: PDE means Pennsylvania
14 Department of Education?

15 MS. WILKINS: Department of Ed, yes.
16 Sorry. How we list that least restrictive
17 environment or the level of intervention.

18 MR. GILL: So, how you'd report --

19 MS. WILKINS: Well, right now, we're using
20 an inclusionary model because all of our children
21 have access to the Online School. So, our model is
22 inclusionary. And the way that it's written now, we

23

1 have up to 21 percent, and then over 21 to 60 percent
2 and then 61 to all of that child's time. That's
3 what's, -- charter school format, IEP form. So, the
4 majority of our children are at the 0 to 20 percent
5 and the 21 to 60 percent.

6 MR. GILL: I understand that. We call
7 them 1077 form in our state, it's LRE, it's
8 percentage of time in regular class --. So, does
9 that drive funding in some way in Pennsylvania? Or
10 I'm just really not clear on this.

11 MS. WILKINS: Well, I'm not really
12 familiar with funding so I don't want to speak on
13 that part. But I'm looking at the child and the
14 level of service that that child needs. Like someone
15 like Noel, for example, whose service is that 21 to
16 60 percent because he spends a lot of his time
17 offline away from the general curriculum as Bonnie
18 explained to you.

19 But by the same token, he should not be
20 penalized according to the continuum that his home
21 environment in which he learns is now a more
22 restrictive environment because that's one of the

23

1 reasons why Bonnie pulled him out of conventional
2 school, because it was restricting. It wasn't able
3 to meet his individual needs. But it doesn't mean
4 that he needs to be in a more restrictive environment
5 according to the continuum.

6 And that's what I'm proposing a suggestion
7 to the Commission about IDEA. Just the way that
8 continuum is.

9 MR. BARTLETT: Move to the next question.
10 Bryan Hassel.

11 MR. HASSEL: So, as a practical matter,
12 you're talking about Noel potentially being
13 penalized, is the problem that the state is
14 threatening you with some kind of compliance action
15 because your kids are not the least restrictive
16 environment? What is the practical impact of the
17 problem that you're describing on your school or your
18 students?

19 MS. WILKINS: Well, the problem, we're not
20 having a problem with the state. As a matter of
21 fact, the state is working with us. They're working
22 through these issues because they are aware that now

23

1 that we have a new learning environment, that there
2 are issues that need to be addressed. It's just
3 something that has to be done in terms of placing
4 levels of intervention for children.

5 MS. SCHAEFFER: I was just going to add
6 that I think part of the issue that we get into with
7 the funding, as you probably all know is the
8 allocations that is given for a child. Like I had to
9 withdraw him from the public school, they were not
10 happy about that because those moneys go to PAVCS.
11 In my opinion as a parent, I should be able to do
12 that because I'm actually solving a problem for them.

13 MR. HASSEL: How many students are
14 enrolled in the school?

15 MS. WILKINS: The entire school, we have
16 over 600 students. About 650 right about now.

17 MR. HASSEL: And how many children with
18 special needs?

19 MS. WILKINS: Less than five percent.

20 MR. HASSEL: Less than five percent. And
21 how many school districts do you draw from?

22 MS. WILKINS: About 300.

23

1 MR. HASSEL: 300. And do you, are you
2 your own LEA for the purposes of special education?

3 MS. WILKINS: Correct.

4 MR. HASSEL: So, you receive the funds
5 from various districts and the states, but then
6 you're responsible for providing all of the special
7 needs services?

8 MS. WILKINS: Exactly.

9 MR. HASSEL: Do you work at all with those
10 districts? Is there any interaction?

11 MS. WILKINS: Yes, that was one of my
12 other recommendations. Presently, the school
13 districts, many of them in Pennsylvania are in
14 litigation with the virtual charter schools for
15 various reasons. It seems like at the differing
16 levels, the virtual charter schools have been
17 winning. So, the school districts are backing off a
18 little bit.

19 Right now, many of them are very
20 uncooperative in terms of sharing services that all,
21 that children like Noel are entitled to. For
22 example, in Pennsylvania, there are 501 school

23

1 districts that you are aware of. And of those school
2 districts, 29 IU's service them for related services.
3 Out of the 29 IU's, since we draw children from
4 across the state, two have been willing to contract
5 services with us even though it's stated that the IU
6 is supposed to supply services within that's child
7 resident district, for that child's resident
8 district. But many of them have taken the backseat,
9 sitting back waiting for the results of legislation.

10 MR. HASSEL: Are the IU's not willing to
11 provide services to you at all or is it you're not
12 willing to pay enough to cover their cost?

13 MS. WILKINS: No. We paid more because
14 we've gone actually to the source that the IU's use.
15 Actually, they would serve as the middlemen but we've
16 gone directly to the providers in many cases. No,
17 they are just waiting because many school districts
18 refuse to see us as a public school.

19 MR. BARTLETT: I might suggest, we have
20 three more Commissioners. I might suggest that we
21 want to ask staff to probably work with the school
22 offline and the Pennsylvania Education Authority to

23

1 determine kind of what statutory implications there
2 may be here. Michael Rivas.

3 MR. RIVAS: I want to thank you for your
4 testimony. A couple of my questions have already
5 been asked. I was a little confused there on, I
6 guess, the structure of this virtual school. And one
7 of my questions is do you cater or do you target
8 specific children with learning disabilities? Or are
9 you open to just, you know, all learning
10 disabilities? I mean, I'm just confused about the
11 structure of the whole --

12 MS. WILKINS: Well, our school is a public
13 charter school and we do not deny access to any
14 child. So, if a parent enrolls with a child with
15 multi-handicap skills, we would take that child and
16 that parent would have to go through the same process
17 as that of a parent that had a non-handicap child who
18 were listed in our school for services.

19 MR. RIVAS: And once you accept a child
20 with learning disabilities, do you sit down with the
21 parents and, I guess, construct, customize some sort
22 of specific curriculum for them? And I guess, those

23

1 needs would be that he has to be more home-schooled
2 as opposed to being in a general school setting that
3 you have set up already?

4 MS. WILKINS: The home-school doesn't
5 enter the equation. We follow the same process that
6 any traditional school would follow. A parent would
7 enroll their child in our school, fill out the
8 application. If that child meets special services,
9 that's check on the application, I as the director of
10 special will contact that child-parent, ask for
11 additional information. And because again, we're a
12 new school, it's new to a lot of school districts, I
13 have to deal with a lot of necessary issues, and even
14 getting previous IEP's from former school districts
15 because they refuse to send them. And although they
16 are aware that a child should not have lapsing
17 services, they have done this.

18 So, I follow the same thing that a
19 traditional school will follow if a parent enrolled
20 their child in that school with special needs.
21 Bonnie can tell you a little bit about how we run our
22 IEP meeting.

23

1 MS. SCHAEFFER: Let me, yes, speak to that
2 point in a quick second here. -- had an IEP in first
3 grade and second grade and the IEP was handed to me
4 and I signed off. We discussed it. They did a
5 pretty good job. We had my first IEP meeting with
6 PAVCS in December and for once I didn't leave the IEP
7 meeting depressed and it was because enough legwork
8 had happened ahead of time. They were very
9 interested in having input.

10 My wraparound was there, my wraparound
11 boss was there. Usually the school doesn't want to
12 talk to these people. We actually wrote the IEP in
13 the meeting. So, I came with my input about the
14 accommodations that I need to have to know. And then
15 I was able to draw on the expertise of these
16 teachers, Mrs. Wilkins and his homeroom teacher. So,
17 we had a really excellent IEP put together that's
18 very workable. Best one we've ever had.

19 MR. RIVAS: One last question. Did I hear
20 you correctly? Your students with special needs only
21 makes up five percent of your student population?

22 MS. WILKINS: And that's because, yes, and
23

1 that's a good ratio because our population this
2 school year is K, 1 and 2. So, we really shouldn't
3 be looking to identify these young children. We
4 should be giving them the supports that they need to
5 keep them in the general education curriculum. And
6 that's what our -- school does. It monitors, it
7 assesses, that's why it works so well with children
8 who need a specialized design course of study.

9 So, that's, and many of our children, I
10 think this year, we've identified two children, and
11 they were older. All the other children enrolled in
12 our school or they transitioned from early
13 intervention services to school aid services.

14 MR. BARTLETT: Katie Wright and then Tom
15 Fleming.

16 MS. WRIGHT: I am so excited and it's just
17 lovely to see a child. You know, we go around and we
18 hear grown people talk and everything and to see an
19 actual child in action is just wonderful.

20 Let me say this. Years ago, I used, as
21 director of special education in East St. Louis,
22 Illinois, I used 94142 money to establish a program

23

1 that we call School-Home Intervention for
2 preschoolers. We actually sent, and this is not that
3 new, we actually sent staff members, special
4 educators and speech therapists into the homes, Mrs.
5 Schaeffer, to show parents how to do, the children
6 were enrolled with IEP's, to show parents how to do
7 the very thing that you're doing.

8 And of course, I know that -- your
9 approach is rather -- enough, some -- and some
10 stimulating the child's central nervous system and
11 that kind of thing. But so, this is really not that
12 new, and that's why to me, I mean, it's very familiar
13 to me and very wonderful that you're able to do this.
14 And to have parents, this is not a home-school
15 program; home-schooling is when the kid is not even
16 enrolled in the schoolhouse. Your kid is enrolled in
17 the schoolhouse and is working with the school to do
18 the things that you're teaching the parents. You
19 taught the parents. Your school, your staff taught
20 the parents to do all of this, right? You didn't
21 make all this up. So, what we did in East St. Louis,
22 we sent staff people into the home to show the

1 parents to do this kind of thing. I used, I had
2 about, that program was about \$300,000 dollars or
3 something and I used 94142, and that was back in the
4 1970's to do this. And I can't think of some of the
5 other things that we used.

6 But this is wonderful, and Noel is just
7 wonderful. He's responsive and he's -- smart and all
8 like this. And I've enjoyed seeing him and hearing
9 him. And good luck to you.

10 MS. SCHAEFFER: Thank you. Can I just
11 say, too, that for my family, home-schooling was not
12 an option. And the reason is there's just no way I
13 could do it. I mean, I can't put a curriculum
14 together. I know you can buy stuff but what I have
15 are my special ed teacher and my homeroom teacher to
16 give me all the teaching expertise.

17 My expertise is in my child and I couldn't
18 do it without the support of the curriculum, I got
19 nine boxes of it, and the teachers.

20 MR. BARTLETT: Tom Fleming.

21 MR. FLEMING: Mrs. Wilkins, now, I suppose
22 maybe I just really need, I was trying to put some

23

1 notes down here. You are the one and only teacher
2 for --

3 MS. WILKINS: Oh, no. No, I'm the
4 director of special ed.

5 MR. FLEMING: Okay. So, you're the
6 director.

7 MS. WILKINS: Yes.

8 MR. FLEMING: And if I understood it, at
9 one point you said there are 600 students within this
10 school.

11 MS. WILKINS: Correct.

12 MR. FLEMING: And it's an online school?

13 MS. WILKINS: 20 percent of the day. 20
14 percent of the time, yes, we're online.

15 MR. FLEMING: Okay, that piece I didn't
16 hear. And then, when Noel was being described and
17 they asked about the funding, I'm acquainted with
18 amount of money per child per school going into the
19 school district and then being distributed in such a
20 way that it will take care of the entire class or the
21 entire school in what their needs are. How did you
22 say this is funded?

23

1 MS. WILKINS: Our school?

2 MR. FLEMING: Yes.

3 MS. WILKINS: Our school is funded like
4 all the other charter schools.

5 MR. FLEMING: So, these 600 students, the
6 head count money for each student goes where?

7 MS. WILKINS: To our school. It comes
8 from the resident school district. The resident
9 school district is billed for the child and then the
10 money is sent to our school.

11 MR. FLEMING: Okay. Then, maybe that's
12 where I'm lost. The resident school is located for
13 the 600 where?

14 MS. WILKINS: Across the State of
15 Pennsylvania.

16 MR. FLEMING: 300 different school
17 districts?

18 MS. WILKINS: Yes, they're coming from.
19 Our school is open to every resident within the State
20 of Pennsylvania. And so, from the residents, there's
21 501 school districts, these children can potentially
22 come from any one of them. Right now, we're drawing

23

1 from a little over 300 of the school districts. So,
2 the school districts are paying us, and I should
3 correct myself because they're not.

4 Secretary Zogby had to withdraw funding
5 from the schools because they're all, most of them
6 are involved in a litigation with the virtual charter
7 schools. So, their money that would normally be sent
8 to them, he's taken it from them and sending it to us
9 because they are not willing to pay. They're
10 waiting. The Pennsylvania School Board Association
11 in conjunction with many of the school districts in
12 the state of Pennsylvania is suing the virtual
13 charter schools.

14 MR. FLEMING: Well, you can kind of see
15 them probably because that's where my head is kind of
16 also dealing with, how that a school district
17 literally distributes the money and how it pays all
18 of the bills including lights, janitorial services,
19 et cetera as part of that. And that comes out of
20 head count money for per child per school per subject
21 per classroom per supplies. And so, I was just kind
22 of confused on how all of this then really is

23

1 operational in the kind of program that you're
2 describing here.

3 MS. WILKINS: Well, we have also a
4 management company that we work with. PAVCS doesn't
5 work by itself. We have a management company that
6 manages the services, K-12 and the online school.
7 So, we have responsibilities to them as well.

8 MR. FLEMING: That helps a little bit.
9 Thank you.

10 MR. BARTLETT: That's your last question.
11 We very much appreciate what you do for the students
12 as well as your being here to present testimony. And
13 I think staff will probably in touch with you to work
14 on the specifics. Thank you.

15 MS. WILKINS: Thank you.

16 MR. BARTLETT: Our next panel is going to
17 be a fascinating hour. We have four students, and
18 I'll call them up. You all come on up and take your
19 seats. This session is entitled, What's it all
20 about? , hearing from the students.

21 I'm sorry, we need a five-minute break in
22 order to set up the room. So, five minutes and then

23

1 we'll be back.

2 (Off the record.)

3 MR. BARTLETT: Let me introduce you first,
4 although I don't have a long bio or resume, but at
5 least let me get your name and where you're from. We
6 are delighted in this section of the hearing to hear
7 what's entitled What It's All About: Hearing from the
8 Students themselves.

9 We have with us, and I'm going to read
10 according to the list on the sheet, Miriam Brinley
11 who is a freshman at St. Mary's College in Maryland,
12 Nicholas King, a 16-year-old student from Temple
13 Terrace in Florida, Caitlin Whiteside, we've already
14 heard from mom, Caitlin says she's going to do better
15 than mom, who is an 11th-grader from Pepin Academy,
16 and Josh Kemp, a 19-year-old student in transition as
17 we say from Oregon who has transitioned all the way
18 from Oregon to Miami and presumably back.

19 So, Ms. Brinley, are you going to start?

20 MS. BRINLEY: Yes. My name is Miriam
21 Brinley. I am currently a freshman at St. Mary's
22 College in Southern Maryland. I've been asked to

23

1 talk about my experience as a student with a
2 disability in both public and private schools, and
3 particularly my experience in a Catholic high school.

4 My choice of Georgetown Visitation where I
5 went for four years was based on three basic things
6 that were important to my parents and me: a Catholic
7 education, a rigorous and fulfilling curriculum and
8 an all-girls environment. Freshman year, my mother
9 tried to give me a headstart on the challenges of a
10 new school by arranging for a counselor to take me on
11 a tour of where my classes would be held.

12 The administration had pre-arranged for my
13 classes to be in the same building before and after
14 lunch so that I could have a better chance at being
15 on time. I also had a meeting with teachers to
16 explain my condition because of previous events in
17 sixth grade, my teacher didn't know what kind of
18 disability I had and was sort of left in the dark
19 about what kind of help he was supposed to give me or
20 even if I could understand what he was teaching me.
21 So, that was just sort of to avoid that.

22 My Visitation teachers turned out to be
23

1 gracious in letting me have time to get to class and
2 provided accommodations such as extra textbooks so
3 that I wouldn't have to carry heavy books back and
4 fourth to the school. Sophomore year, the same
5 arrangements were made but I also had a rolling
6 backpack. And this a compromise between my parents
7 and me because at a Catholic private school, we carry
8 a lot of books, we carry a lot of heavy books. About
9 25 pounds was the amount when I was in school that
10 students were carrying around on their backs.

11 And Visitation was an old campus. It was
12 a very large campus. It was about 30 acres. So, for
13 me, with cerebral palsy, that was very difficult, and
14 so I decided to have a backpack on wheels. And this
15 sort of worked, it sort of didn't work but it was one
16 of the accommodations that helped me with my
17 disability in high school.

18 It could also be a problem though because
19 Visitation was a very old campus. It's a 200-year-
20 old institution. I would have to bring the rolling
21 backpack with me to classes that were up flights, two
22 flights of stairs. So, that was difficult to drag it

1 up the stairs. And then, also the backpack would
2 threaten my balance going down the stairs again.

3 So, that was sort of typical of the kind
4 of accommodations that could be made for me at a
5 school like Visitation. But what I got at Visitation
6 was a very good education and emotional support from
7 the teachers even though I couldn't have such
8 accommodations like I had PT outside of school which
9 could only be reached through public transportation
10 because both of my parents were busy at work at the
11 time.

12 And that was hard because of the amount of
13 homework that I had because of just like the effort
14 of being on public transportation was hard for me to
15 get from physical therapy to school and back and
16 forth and stuff like that. So, that was hard. And
17 then, of course, my disability also played a factor
18 in where I decided to go to college or where I
19 thought about going to college.

20 I visited several schools along with
21 everybody else who decides to go to college. And
22 often, my disability was the deciding factor in
23

1 whether I seriously thought about going to a school.
2 I visited the University of Chicago in January one
3 time with my father and we had to walk over 15 blocks
4 of snow and ice and water. And that was very
5 difficult and that's why I decided not to go to the
6 university because if I had to climb over snow banks
7 to get to class, it would be very difficult for me to
8 last even a semester there.

9 Another thing with applying to college was
10 that I was eligible for the vocational rehabilitation
11 program run by the DC government. This would help me
12 with tuition money for college. But as it turned
13 out, getting information from this program and
14 maintaining contact was very difficult. My parents
15 and I found out after I had decided what college to
16 go to, a public college, St. Mary's is a public
17 college, that if I decided to go to a private
18 college, I would be receiving much less money from
19 voc rehab than I am right now going to a public
20 college. And we only found this out after I decided
21 to go to a public college, so that was a little bit
22 disconcerting.

23

1 So, because of this and other problems,
2 we're in touch with an advocacy group and with Mr.
3 Coony who is an attorney as part of the advocacy
4 group for parents who use vocational rehabilitation.
5 And even though that has helped somewhat and
6 vocational rehabilitation has promised to pay a large
7 part of my tuition at St. Mary's, they were billed
8 last fall and still have not paid. So, that's a
9 problem.

10 Also, St. Mary's is a larger campus than
11 Visitation was. It's not as large as like large
12 universities, like University of Maryland, but it is
13 large. It's about, it's been taking some getting
14 used to but there are less books than in high school,
15 so it's a better adjustment that way.

16 One problem that I didn't consider when
17 deciding to go to somewhere like St. Mary's which is
18 in rural Southern Maryland was that we had found out
19 that there was a physical therapist in the area but I
20 don't have a car. And the physical therapist is only
21 20 minutes away from my campus but not having a car
22 is a big problem. And there isn't much public

23

1 transportation or the taxi service is not that great
2 down there either. And I don't want to regularly
3 impose on my friends who do have cars.

4 So, that has been a problem. There is
5 someone at St. Mary's who has also been helpful like
6 the people of Visitation to help me make some minimal
7 accommodations and he is specifically in charge of
8 people with disabilities. But when I arrived at St.
9 Mary's he was new on the job and so he did not know
10 very much about what things were around St. Mary's
11 that could help me connect with such things as my
12 physical therapy.

13 So, although I haven't decided what I want
14 to major in or really what I want to be when I grow
15 up, I don't want my disability to be a hindrance in
16 furthering my education and in getting a good job.
17 And I'm hoping that changes can be made to places
18 like Visitation and St. Mary's so that students with
19 disabilities who come after me will have easier and
20 happier experiences to get the same opportunity and a
21 good education. Thank you.

22 MR. BARTLETT: Thank you very much. Mr.

23

1 King.

2 MR. KING: Since I was young, I have been
3 fighting with dysgraphia. I can hear something, read
4 something, think about something in writing, I'm
5 fine. But if I try and read something and then write
6 it, it wouldn't process. The letters get all
7 scrambled up and jumbled up, can't see anything.

8 I kind of slipped through the cracks
9 basically until about fourth grade. Copied out
10 people, it's really hard but at least I got the work
11 done. I couldn't think and get the work done, I
12 didn't have enough time and I was roller-coastering
13 around with this medicine and that. Sometimes, they
14 bring out -- my hands or feet constantly or I'd fall
15 asleep, couldn't wake up. So, it was pretty much an
16 uphill struggle the whole way.

17 I got to Pepin Academy in my first year of
18 high school and they made lots of accommodations to
19 help me. Like with my reading, so I wouldn't get so
20 -- they'd take a piece of paper, cut out just enough
21 where you could see one sentence, then I could read
22 it and do my problems from there. And they didn't

23

1 start everyone off like just saying, here, 300-word
2 essay, boom, do it.

3 They started off small and worked their
4 way up. Small groups in ten to one student-teacher
5 ratios, so it's really kind of cool. We could learn
6 a lot better, a lot more one-on-one attention. And
7 this year, finally I think I've gotten it. I've come
8 over the hill and now I don't have anymore problems
9 anymore.

10 MR. BARTLETT: Pretty good. We're going
11 to have some questions.

12 MR. KING: All right.

13 MR. BARTLETT: And now, Caitlin Whiteside.

14 MS. WHITESIDE: Hello. I like to make
15 sure everybody is awake, you know. So, you know,
16 responding. My name is Caitlin Whiteside. I am 17
17 years old. I'm going to be 18, 19 this month. Very
18 happy about that. Kind of scary.

19 I have an auditory processing disability.
20 You say something to me and it will take me a couple
21 of seconds to realize that you have even said
22 something or that those things that you have said are

23

1 words that mean something. But at the same time, my
2 life did not begin with being diagnosed with a
3 disability.

4 I had a life before that. I was a child
5 before that. I was diagnosed very young. I was very
6 lucky but before I was diagnosed, I could tell that I
7 was a bit different. I didn't understand what the
8 teacher said and everyone else around me seemed to
9 understand it.

10 And not knowing why was one of the hardest
11 things that I've ever been through. I thought that I
12 had some sort of disease or something. I mean, I
13 didn't know anything about special education,
14 disabilities. I mean, when you're little, you don't
15 think anyone is different. You think everyone is the
16 same, you know. You look at a kid next to you and
17 they're just like you, and if you're different, you
18 feel very, very weird.

19 When I was diagnosed, it was a mixed
20 blessing. It was kind of like being hit with a brick
21 and then when you got up, it didn't really hurt as
22 much as you thought it would. When I first learned

23

1 that I had a disability, at first I felt like, this
2 is awful. No one is ever going to speak to me ever
3 again. I'm never going to have any friends.

4 But then, I realized that it was a tool, a
5 tool to help me get services that are out there. A
6 tool to help me learn and to explore the school
7 system a lot more effectively. Let's see, in
8 elementary school, elementary school was fun, wasn't
9 it? You didn't really have to do very much but you
10 learned a lot more than you thought you did.

11 Let's see, in fifth grade, I had the most
12 wonderful teacher. And she was an SLD teacher and
13 she would pull me out of regular class and she would
14 teach me the times tables using little pictures and
15 that was the best thing for me that I have, I mean
16 it's wonderful. I would never have learned my times
17 tables. You can tell me a time table and I know it.

18 But let's see, sometimes I get mixed
19 reactions. If someone asked me, you know, what kind
20 of school do you go to, you know, where do you, you
21 know, that kind of thing. I don't lead up to, you
22 know, I have a disability. I don't define myself by

23

1 my disability. I introduce myself, I say hi, I'm
2 Caitlin Whiteside, I have a disability. No, that
3 doesn't work that way.

4 I am person just like everyone else, not
5 despite my disability, not because of my disability,
6 but in addition to my disability. My disability
7 makes me a better person because I understand and
8 have compassion for those who have another
9 disability. It makes me a better person, I think.

10 And let's see, my disability gives me the
11 most wonderful gift. I am wonderful at music. I
12 hear tones beautifully. And I'm bragging because I
13 have the right to brag. I can tell you that I have
14 never been able to read music, but I've played the
15 harp for 12 years. And if I hear a song, I can play
16 it automatically. I know exactly how to play it and
17 that's just the way that my brain works. And it's
18 wonderful. But if someone tells me something in a
19 mean way, I'll think they've said something mean.

20 My accommodations and my IEP have been a
21 savior to me. Ever since I've known what an IEP
22 means, I have been to every single IEP meeting I have

23

1 ever had. Every single one, because it is what gives
2 me the opportunity to learn and to become a person
3 who can be productive in America.

4 This work that my mother does, she's a
5 lawyer for children with disabilities. I know a lot
6 of children with disabilities who are a lot lower
7 functioning than I am. And they are not stupid
8 people. They are not stupid people at all. They
9 just can't communicate how smart they are to the rest
10 of us.

11 They're not disabled, they're different.
12 We're all just different. And if you leave here with
13 nothing else today, I really do wish that you would
14 understand that children with disabilities are not
15 disabled, they are different. They learn
16 differently. And that's what they need. They need a
17 different system. They need something different.

18 It's kind of funny, I've been in SLD
19 classes. And in SLD classes, they put everyone who
20 has some specific learning disability together. They
21 don't really categorize what disability they have.
22 Just as long as they have a disability, they'll put

23

1 them in the same class. And they put one teacher in
2 there and they expect, okay, you can teach all these
3 kids, they all have the same disability, you know.

4 Well, it doesn't really work that way
5 either because everyone functions differently just
6 like I just said. Everyone is different. You cannot
7 teach two people with different disabilities the same
8 way. Some people might be kinesthetic where they
9 learn by touching things. Another person might be
10 auditory where they learn by listening to the teacher
11 lecture them.

12 Other people might be visual where they
13 learn by watching, by looking at pictures. And it's
14 not a wrong way. There is no wrong way to teach a
15 child. Every way is a right way as long as they
16 understand it. And they, I mean, I teach middle
17 school sometimes. No, I don't teach middle school,
18 but I tutor. I tutor some of the middle school kids
19 that we have in the school that I go to.

20 And I'm teaching a child right now who has
21 very short-term memory problem. I learned that she
22 had a short-term memory problem because when I taught

23

1 her some math problem, the next day, she didn't
2 remember it. And it was kind of funny, you know, I
3 just taught you this yesterday. But if by repeating
4 it and repeating it and repeating it and repeating
5 it, last week, I taught her the same thing again
6 thinking she wouldn't remember it, she was, oh, but
7 you taught me this. You know, I understand it. And
8 she knows how to do it now.

9 And that is the experience that I have
10 had. Every teacher that I have had who has been
11 understanding to me and loyal to me and cared about
12 me not as a disabled child but as a child who wants
13 to learn, I have loved because they opened up an
14 entirely new world to me. When I learned to read, it
15 was the most wonderful experience of my whole life.
16 I can read every name in this room. That is a great
17 accomplishment, especially for someone like me whose
18 brain doesn't necessarily think that it can.

19 By putting disabled children in a
20 classroom with a teacher who thinks that they're
21 stupid, the child will start to believe that they are
22 stupid. It's kind of they learn that they cannot
23

1 learn. And I really do hope that there is, I mean,
2 if I can do one thing in this world, it would be that
3 no child would ever have to experience that, the
4 feeling that they will never be able to accomplish
5 what they set out to do.

6 Every child who has a disability, I
7 believe that there is some way that they can be
8 taught. That's what I believe because I have seen
9 it. I have seen miraculous things, I have seen
10 children who cannot walk, cannot speak, cannot do
11 anything, cannot breathe on their own, go to college,
12 get a scholarship, take photography and make
13 beautiful pictures. And I mean, I just, I wish that
14 you could go out there and see it, see it happen
15 because it's wonderful.

16 Every single person here has the
17 opportunity to change the world. You have been put
18 in a situation where you can change this country for
19 the better. Please, please, please use it. I mean,
20 I have been too much, okay, I got to stop. But this
21 is so cool, so, okay, I'm passing on. There you go.

22 MR. BARTLETT: Thank you, Ms. Whiteside.

1 Mr. Kemp, you're next.

2 MR. KEMP: Hello, I'm Josh Kemp. And
3 about a year ago, I was a senior at Marshall High
4 School in Portland, Oregon. And I was pretty well on
5 my way to graduation. I had received a note saying
6 that my grades were average but if I didn't watch out
7 I'd probably fail. And I figured, oh, it isn't going
8 to happen but, you know, just to be on the safe side,
9 I'm going to work my hardest.

10 And then, I had -- any notices of that
11 again pretty much until one month before my senior
12 year, before my graduation, I mean, of my senior
13 year. But okay, every one is awake here, right?
14 Okay, good, good. Because you just begin the story
15 and you have a little -- and then you go on.

16 But one month like I said, one month and
17 then I found out I couldn't graduate with a regular
18 diploma. And it was kind of a downer. Fortunately,
19 there were ways around it. I mean, there was the
20 modified diploma. Now, modified is basically like
21 regular without the, basically just means that you
22 can't, well, it's kind of hard but you can't do the

23

1 things that you can do for regular diploma, it has
2 some more limitations to it than -- there's not
3 really a better way to explain that.

4 But you know, I figure there was a couple
5 of flaws in this and that this wasn't the only avenue
6 I could take. Everything else, now, they gave me
7 those options but I either had to take them or go
8 with the worst. And the worst was pretty much going
9 to night school and taking another year and becoming
10 a super senior and stuff like that.

11 And I had my options. I had a voice but
12 nobody would back me up on that. Basically, because
13 I had a great teacher who couldn't really do the
14 options she wanted to because of the requirements and
15 what had to be done. And so, it was pretty hard.

16 In the end, on June 11th, 2000 when I did
17 get that modified diploma, I have had plans to go to
18 college and those got a little drowned by that. I
19 kind of that depressed and I just, it was kind of
20 like, everything kind of darkened on me. And that
21 fall, I didn't find myself in college like I had
22 planned.

1 I'd been telling people, you know, I might
2 be going to college this fall. I'm thinking of
3 taking radio broadcast and their feeder. And I have.
4 I have been doing some radio work with a country
5 station in Portland, Oregon. Did a great job with
6 them. Did a few skits, walked around this famous
7 summer festival thing and asked people funny jokes
8 and questions and stuff. And it was pretty good. I
9 mean, it was a pretty good feeling inside.

10 And that summer, I pretty much just lost
11 my hopes there. And I mean, my high school years
12 were, it was a combination of there were some good
13 things. I mean, I had some good friends and I did
14 have some great classes like drama. I love drama.
15 It was just a great chance and go on and far beyond
16 words for what it did for me but it was great.

17 And there was this bonus class which was
18 run by my caseworker and we did all kinds of things
19 like we played tennis and basketball. And we went to
20 community centers around our community and went
21 swimming and went in the weight room and stuff.
22 Pretty much the big thing of the year was that we

23

1 took the train up to Seattle. That was like two
2 hours from Portland, actually three. Took the train,
3 walked around for a while and then came back to
4 Portland. It was a whole day trip and it was pretty
5 fun.

6 But the rest of it, the rest of my classes
7 were not, I mean, I did the best that I could but the
8 teachers were just, the teachers, some of them
9 weren't very understanding to the kids. Like a
10 couple of classes that I would have had to take, the
11 teachers didn't seem to understand like what Ms.
12 Whiteside here said that people think differently and
13 that, you know, there will be some problems with
14 other kids.

15 Other kids was, the reason basically why I
16 stopped going to US History class back in my junior
17 year there, a big group of kids who were teasing and
18 intimidating me, the teacher wouldn't do anything.
19 He just snapped jokes back at the kids about
20 something and basically one of them became the
21 teacher's pet. I don't know how but it all happens
22 to you, don't you hate it?

23

1 But I have Asberger's syndrome which is a
2 social disorder which makes it kind of hard for me to
3 function sometimes on socially related issues. And
4 so, sometimes it's hard to ask people for help or
5 even talk to a person or talk in front of strangers I
6 don't know. I'm doing a really good job here because
7 I've been doing a lot of speaking at conferences
8 about other things. But I do get the initial
9 nervousness, pretty much went on.

10 But hey, I'm here and I'm overcoming my
11 disability pretty much. I was diagnosed with it in
12 the sixth grade. Before that, they thought I just
13 had hyperactivity and put me on Ritalin which was
14 pretty fun. And no, I didn't sell it to any middle-
15 schoolers, I'm innocent. I mean, the medicine put me
16 on good behavior, made me feel like going home and
17 cleaning my room but by that time it had worn off.

18 Mom would walk in an hour later and she'd
19 still -- the hotwheel cars on the carpet. So, you
20 know, but by the time they had actually diagnosed my
21 Asberger's disorders, things changed and it was kind
22 of a wake-up call but it didn't really hit me until

23

1 high school. High school came and there was so much
2 more that had to be done. And at the end of my
3 freshman year, the caseworker I had started out with
4 got promoted to be a vice principal on another high
5 school, and by that time, I wasn't pretty sure where
6 my transition was going to go.

7 But then, one of the other great
8 transition teachers took me under her wing and made
9 sure that I was doing okay. But by junior year, I
10 had almost wanted to drop out of school. It was just
11 so nauseating. And the IEP meetings were, I went to
12 every one of my IEP meetings but it had just gotten a
13 burden on me to attend school and I wanted to drop
14 out because it was tough. I was in a public school
15 and my mom had thought that I was going to have a
16 hard time with it.

17 She was kind of right but I was a
18 workhorse. I put my best work into it. No matter
19 what, I asked about whatever accommodations I could
20 get done from teachers, redoing questions with me in
21 the books to, even modifying the assignments to get
22 the key points of the assignment that I was supposed

23

1 to learn because there would be all these words and
2 I'm a great reader. I taught myself to read when I
3 was three. I read road signs and stuff.

4 But you know, it would be all these words
5 and it would just be kind of confusing and I would
6 often miss the key points. And if it wasn't for
7 that, I did pretty great after that. I was also a
8 great writer. Great writer, still am, still intend
9 to take that in college.

10 But the IEP meetings were, first of all, I
11 have a dad, a step dad who has English as a second
12 language and there weren't any interpreters
13 available. So, he would just go up in the meetings
14 and sit in the back and keep an eye on my little
15 sister. And he wanted to listen in but he couldn't
16 really understand what was going on and he kind of
17 has like a social disability himself. And I mean, he
18 could get the gist of what was going but it was kind
19 of tough.

20 And pretty much, my mom supported in
21 working through high school, and I figured I might as
22 well finish school and graduate and do my good stuff.

1 And then in one month, the graduation roadblock
2 occurred and pretty much, they offered me all kinds
3 of different things. They offered me Job Corps
4 basically.

5 Job Corps is a good program. I mean, you
6 go off to like a real college, you stay there and you
7 learn all kinds of stuff, but I have no interest in
8 it. They wanted to push me into that. They also
9 wanted to push me into a life skills class which was
10 basically a class for kids with learning disabilities
11 and some mental disorders.

12 And what they would do is that they would
13 do things on teaching how to cook, but stuff like --
14 and macaroni, stuff I already knew how to do. Or
15 finding jobs like learning to become a janitor or
16 something like that. And I was like, I wanted to go
17 to college. I wanted to pick up some skills there.

18 And even though I said they were glad to
19 help me with that, I found that pretty soon enough, I
20 was not getting enough help with the college
21 interest. And so, eventually, I just stopped going.
22 I only go there about once every two weeks to check
23

1 in and let them know I'm okay. I mean, they do have
2 a nice teacher there.

3 But I also, but I don't think that things
4 are really being accounted for in the school systems.
5 And when I was invited to speak here, I was very
6 excited and I know I've probably talked a little bit
7 past my time, I'm sorry about that. But I was very
8 excited to speak out and get my voice heard. And I
9 think, you know, I should have gotten more earlier
10 notification that my grades were dwindling a little
11 bit. I don't really think that they were really
12 keeping an eye out on me in that way.

13 And I also think there needs to be more
14 follow up on what happens to students after two years
15 after they graduate, that's the right term. I don't
16 really think that anybody is really keeping an eye on
17 what happens to these people, like are they just, are
18 they going to college or are they just sitting around
19 home all day or are they working, doing some work
20 somewhere or are they just doing nothing on the
21 streets or something. I don't really think anyone
22 follows up to what happens to these kids and to these
23

1 young adults.

2 And so, and also, I'm going to stress one
3 more thing. There needs to be some more social
4 groups available for not only people with
5 disabilities but all kinds of kids. Like I was in a
6 group called Teen Solutions. It's a great leadership
7 group. If it wasn't for them, I don't think I would
8 be here and I don't think I would have gotten through
9 high school.

10 But they were great. They involved us in
11 a lot of volunteer activities. And at first I had
12 thought, oh, this is going to be really boring, but
13 at the end, I realized I had made a big impact. I
14 spoke in front of medical students teaching them,
15 offering my recommendations on how to better talk to
16 teens with disabilities and doing the same thing with
17 student teachers, you know, hopefully so they would
18 recognize how to, that we are normal people. We can
19 do the same things. We just talk a little weirder
20 and we seem to ramble on about things and we have
21 hotwheels on our carpet floors.

22 But Teen Solutions sadly folded about last

23

1 year because of lack of grant money. I really think
2 that more social programs like that should be
3 established and stuff like that because I really
4 think that they would have given me some moral
5 support. It was kind of hard because all the people
6 who did that got moved on to different things. And I
7 still get to speak at conferences every so often
8 which is pretty great. But anyway, that's kind of my
9 story. I'm sorry if it went in different places and
10 bounced all over the room.

11 MR. BARTLETT: You're right on time, Mr.
12 Kemp. Thank you very much.

13 MR. KEMP: Yes, thanks.

14 MR. BARTLETT: And thank all of you. You
15 were great. Thanks.

16 (Applause.)

17 MR. BARTLETT: Cherrie Takemoto followed
18 by Jay Chambers if we have time.

19 MS. TAKEMOTO: Thank you so much.

20 MR. BARTLETT: Go ahead, Commissioner.

21 MS. TAKEMOTO: Thank you so much for
22 coming. And this is quite a fitting end and probably
23

1 a beginning for much of what we're going to be doing
2 on the transition task force of which I am a member
3 of. So, I have taken some notes and I will bring
4 many of your thoughts and recommendations to that
5 task force.

6 My question is I am, you are walking
7 evidence about the importance of students having real
8 say in their education. And I want to hear from you
9 what would you recommend that would encourage, in the
10 law or whatever, what would help students have even
11 more of a say in their special education services?

12 MR. BARTLETT: Anyone.

13 MR. KEMP: Can you repeat that?

14 MS. TAKEMOTO: Okay. With your situation,
15 I'm saddened by the fact that you find out about a
16 month before school is out that you don't have all
17 the credits it's going to take to get a graduation.
18 So, number one, students should know, I mean, there
19 should be someone telling students where they are on
20 their track to graduation. And if they're saying
21 they're going to go to college, that someone is
22 walking them through and how are they going to get

23

1 from here to college. It should not be a surprise a
2 month before.

3 So, you've told me one thing about what
4 didn't happen. But what else could help students
5 have more control or more of a say in what you're
6 getting in school and how you're learning and being
7 taught?

8 MR. BARTLETT: Go ahead.

9 MS. WHITESIDE: I think that self-
10 advocacy is very, very important for students with
11 disabilities. I think that if there is any change in
12 like the status of their IEP or anything like that,
13 that students should be informed of it immediately.
14 I think that's very important. And other than that,
15 I think that students with disabilities should take
16 it upon themselves to know what they need, to be able
17 to tell the teachers exactly what is on their IEP,
18 what services they are required to get. And unless
19 something changes in their education plan, I think
20 that the student should already know about it.

21 Students who need assistance in knowing
22 those kind of things, I think there should be

23

1 someone, like give it to somebody to help them keep
2 some kind of planner or something to know what rights
3 and services they have.

4 MS. TAKEMOTO: Others of you?

5 MR. KEMP: Yes, self-advocation is
6 definitely important. And I gave out my
7 recommendations and no, it didn't involve rocket
8 cars. I joked to someone about that earlier. But I
9 think that I had a voice but nobody would back me up.
10 I asked why this had happened and I don't really
11 think that there was anything that could let people
12 loosen up, if the student got all weird and pretty
13 tightened up and from then on it was kind of like go
14 their way or fall off the track.

15 MS. TAKEMOTO: Mr. King, and this is
16 really, I don't know whether you were hesitating to
17 be polite to your colleagues here or whether you
18 wanted to tell us something.

19 MR. KING: I'm sorry. Usually I'm like
20 really articulate. I'm just, so I use this one on
21 one, this is a huge group so you've got me lost for
22 words.

23

1 MR. BARTLETT: What could the school do
2 different --

3 MS. TAKEMOTO: Or for you to tell the
4 school, how would it be easier for you to tell the
5 school what it is that you want?

6 MS. BRINLEY: Well, I'm not sure how much
7 you can be involved in this, but one problem that
8 I've found is difficulty in communication between
9 parts of the school, like that situation that I
10 talked about, about how my sixth grade school teacher
11 didn't know that I didn't have a learning disability
12 and didn't know anything about my disability. That
13 was because my mother had gone to see the
14 administration and said, okay, this is what she
15 needs, this is what's going to happen, you know, I
16 need these accommodations. And the administration
17 didn't talk to the teacher and that became a problem.

18 And at college, I've had problems with,
19 for several months, I didn't even know the -- hadn't
20 paid my tuition to the college because there was mis-
21 communication between the financial aid office and
22 the business office. So, that isn't very much

23

1 involved in the outside sources but that's been a
2 problem for me.

3 Also, self-advocation is very important
4 like the student has to be willing to speak up. I've
5 learned this through high school a bit, the student
6 has to be willing to speak up and say, excuse me, I
7 need such and such. And sometimes it can't always
8 happen and I realize that like -- couldn't install
9 elevators in all the buildings but just that they
10 know that you have the need is very important.

11 MS. TAKEMOTO: And I just want to let you
12 know that, oh, I'm sorry, Mr. King? Okay. I just
13 want to let you know that you folks are so
14 knowledgeable and articulate about your disability
15 from a position of strength as opposed to a position
16 of weakness. And I just want to commend you for that
17 and speak to my respective colleagues in academia as
18 we're looking at academic outcomes. I think that
19 this panel is an excellent example of outcomes in
20 those life skills that are going to carry you to
21 success on the other side of high school asking for
22 accommodations. And knowing enough about your
23

1 disability to do that is such a strength and a
2 difficult skill for all of us to learn. So, thank
3 you very much.

4 MR. BARTLETT: Jay Chambers.

5 MR. CHAMBERS: I want to thank the panel
6 for reminding us why we're here. All of your
7 presentations were wonderful and I enjoyed them very,
8 very much, thank you. I guess, I hope my wife is in
9 the room because if she knows the impact that Ritelin
10 would have, she'd give it to me to clean the garage
11 at home.

12 MS. TAKEMOTO: Timing is everything.

13 MR. CHAMBERS: At any rate, I heard a
14 couple of you mention, in fact, almost all of you at
15 one point during the discussion mentioned
16 participating in your IEP meetings. And I guess I'm
17 just wondering, I'd never even thought about that
18 before. What role, I mean, you talked a little bit
19 about it in response to Cherrie's question, what role
20 does the student play? I mean, you're being an
21 advocate, you've already said that, but at what
22 point, at what age level should children be involved

23

1 in the IEP process? At what point can you be
2 involved in the IEP process? How old?

3 MR. KEMP: I'll take that. I remember
4 going to my IEP meetings in like seventh grade and
5 eighth grade but most of the time, I was just kind of
6 sitting around being bored and stuff. And one time I
7 even left there early because it was like lunch time
8 and stuff. But I think a good thing, well, at least
9 according to what I went through as freshman or
10 sophomore year, for me, once I got in tenth grade, I
11 started becoming more aware of my disability and my
12 needs and then the IEP stuff just, I became more
13 understanding of it and was able to say more of what
14 I thought I needed.

15 And I was pretty much able to tell
16 teachers, okay, this is what I need compared to this
17 is what they thought I would need. And so, I think
18 that's, at least in my opinion, a good place to
19 start.

20 MS. WHITESIDE: I was -- to IEP meetings
21 the first, I think the first year that I was
22 diagnosed. I think that if a child is old enough to
23

1 be diagnosed with disability that they're old enough
2 to be dragged to an IEP meeting even if they don't
3 understand it.

4 (Applause.)

5 MS. WHITESIDE: I mean, if it is an annual
6 thing and the child knows every year I have to go to
7 the stupid meeting and then they start to understand
8 it, they will know, they will understand and it won't
9 have to be a new thing. And I think that, in my
10 opinion, it should be required that the child attend
11 IEP meetings. That's what I believe because it's not
12 an educational plan for the parent. I mean, while
13 the parent should be the advocate for the child when
14 the child can't be an advocate, the child should
15 always be there. It's about the child, the child's
16 education.

17 So, I don't know why anyone would not want
18 their child to be there ever. From elementary on,
19 pre-school, you know, whatever, I think that they
20 should always be there.

21 MR. BARTLETT: Mr. King?

22 MR. KING: As far as being there from an
23

1 early age, I agree with you there. But as far as
2 having a say in it, a lot of times we don't know, you
3 know, what we're going through and a lot of times
4 we're the only ones who can truly say what it is.
5 So, as soon as the child can understand and can
6 converse enough with a respective authority to see
7 whether, to finally figure out what they're going
8 through, then they should have a very big say in
9 their IEP, just right at that instant from then on
10 because they are the ones who know, okay, maybe if
11 you do this, that will work. So, I'm going through
12 this, and that's the solution for that. Because --
13 also, you know, if they're somewhere in here, the kid
14 knows I'm right there.

15 MS. BRINLEY: Something that I did not
16 mention was that when I was four, three years after I
17 was diagnosed with cerebral palsy, I did have an IEP
18 and I did attend pre-K at a public school across the
19 street from my house. But after that, my parents
20 decided to put me in a private school because the
21 school had, what I was doing in the pre-K was, they
22 were doing ABC's which I already knew. But they were
23

1 asking the students to write out the ABC's which was
2 more of a motor skill than I could do at that point.
3 That was just one of the issues but that was a large
4 one was that they were expecting very little of me in
5 one sense and very much of me in the other sense.

6 So, my parents sent me to a Montessori
7 school which if any of you are familiar with that
8 system, it's much more fluid in terms of the children
9 being, the child being hands-on and being able to
10 construct what they want to work on and stuff like
11 that. So, but I've heard from all these speakers and
12 from other speakers about the IEP's and I think that
13 if I had stayed in the public system, that it would
14 have been very helpful for me just to be informed
15 about my visibility, serve as a guideline for what
16 options I had.

17 MR. BARTLETT: Thank you very much. Bill
18 Berdine.

19 MR. BERDINE: I have a question for
20 Miriam, and you answered part of the question. I was
21 just going to ask you have you ever had an IEP and
22 you've answered that you did while you were in public

23

1 school. When you went to St. Mary's, did you self-
2 declare to the office of students with disabilities?

3 MS. BRINLEY: Yes.

4 MR. BERDINE: There is an office there for
5 students with disabilities, correct?

6 MS. BRINLEY: Yes, yes.

7 MR. BERDINE: So, you did self-identify?

8 MS. BRINLEY: I did and this man, Mr.
9 Amberger has been trying to help me this year with
10 getting me to physical therapy and things like that.
11 But because he is not very experienced, it has been
12 sort of a challenge. We've been working together but
13 it's --

14 MR. BERDINE: Yes, that was very unusual
15 with your financial situation. That quite often
16 happens in universities when there isn't that
17 communication with that office. That office is
18 typically charged around the country with the
19 responsibility to see that it doesn't occur. But you
20 did self-identify so there is no reason for it to
21 occur.

22 MR. BARTLETT: Doug Gill.

23

1 MR. GILL: Thanks, Chairman Bartlett. I
2 want to ask each of you the same question, okay. And
3 that is, what was the best thing about your education
4 experience so far and what was the worst thing? So,
5 I'll start with you, Josh. What was the best and
6 what was the worst of your education?

7 MR. KEMP: I would say the best part of my
8 education was all the things I learned socially when
9 I got out into the world, things that would help
10 teach me more about transition and how to get out
11 into the world and be more assertive for myself and
12 speak for myself and become friends with other and do
13 stuff that would help me vocationally like learning
14 to write better or maybe learning my way around
15 science or crosses that would prepare me for college
16 or even personal finances and stuff like that.

17 And I really enjoyed my friends and of
18 course the extra-curricular classes like the arts
19 classes. And I know this is -- thing to say but I
20 don't think those really should be cut out because it
21 will go downhill with the student's self morale. But
22 anyway, the worst things were basically when, it was

23

1 basically when something really bad would happen, and
2 like with the program or something and I would get so
3 frustrated, I wouldn't know my way out of it. And
4 then, a teacher would want to do something to help me
5 out but she couldn't do
6 that.

7 And well, it's kind of hard to describe
8 but the hardest thing was being in my IEP and like
9 having someone recommend something to me and they
10 would think that, oh, I couldn't handle the other
11 thing and I would just laugh in their face for their
12 recommendation. I knew it was like, I didn't know it
13 was rude but and I didn't really care in the end
14 either because they had said something to me that
15 seemed like it was a pretty mature habit for me and I
16 was far more skilled than what they had recommended.

17 And that was like a while ago. I don't
18 remember the exact thing about it but I know that I
19 was like way above what they thought I could amount
20 to and it was pretty great just to blow them out of
21 the wind like that.

22 MR. GILL: Thank you. Caitlin, best and

23

1 worst so far?

2 MS. WHITESIDE: The worst thing I think I
3 have ever experienced in my education was when I was
4 diagnosed with disability because it was like, oh my
5 gosh, I am different. Is there something wrong with
6 me? And my self-esteem really plummeted. Then,
7 again, the best day that I've ever had and the best
8 thing that's ever happened to me in my education was
9 when I was diagnosed with disability because
10 afterwards, I realized that, hey, you know, these
11 teachers are giving me things that it's the same
12 thing that they gave the other kids but I can do it.
13 I can learn, and it opened up a whole new world to
14 me. So, that was the best and worst experience.

15 MR. GILL: I've had times when I thought
16 the best and worst were in fact the same thing
17 myself.

18 MS. WHITESIDE: Yes.

19 MR. GILL: So, thanks. Nicholas, best and
20 worst so far about --

21 MR. KING: Speaking of best and worst
22 being the same thing, I'd have to say the same for

23

1 me. The best thing would probably be when I figured
2 out really what my gift was. I can take knowledge, I
3 can take a subject, if someone gave me a subject and
4 say do a report research on this. Okay. Take,
5 research all the knowledge I can find on it and then
6 I can put all that together and see it from every
7 different angle. Whereas other people might miss
8 some of that stuff. I can rework problems until
9 there are no flaws anymore.

10 The problem with that is that I'm also
11 very hyper-verbal, so with all these millions of
12 thoughts going through my head like every second and
13 trying to spit all those out at once and everyone
14 would be, in school would be like, yes, that's cool,
15 you go over and we're going to go that way. So,
16 major plummet in self-esteem there. But actually,
17 the truth of it is that was one of the worst things,
18 best and worst.

19 The best thing actually with my mom,
20 through everything I've been through, she's been
21 right there doing, you know, staying up late nights,
22 working late hours, trying to do research and figure
23

1 out, you know, what this is, what that is, what I
2 need to do to help my son through that. And so, you
3 know, that was definitely the best thing.

4 MR. GILL: Thank you. Miriam?

5 MR. CHAMBERS: I think we need to have him
6 help us in our deliberations.

7 MR. GILL: Miriam, best and worst?

8 MS. BRINLEY: I have a lot of things to
9 say about the best.

10 MR. GILL: Okay.

11 MS. BRINLEY: One with my parents who've
12 always been very, very supportive of me and that's
13 been very wonderful to have them there and --
14 especially when I was little. Knowing, going to
15 visitation and getting a good education there, one
16 that I knew would support me later when I try to find
17 a job has been very wonderful. But also, I beg to
18 agree with Josh that social integration and
19 adjustment is very wonderful. And this year,
20 especially going to college, I'm figuring out that I
21 can do my laundry and I can go to class and I can do
22 all these things all at once. It's so wonderful to

23

1 know that I can actually be independent. So, that
2 would probably be the best thing.

3 The worst thing at the same time is the
4 social aspect of having a disability. Grade school
5 for me was very hard because little children can be
6 very cruel and don't really have the social veneer of
7 knowing when to stop with their cruelty. So, yes,
8 that would be the worst thing, just like being
9 uncertain of where I fit in.

10 MR. GILL: Thank you all very much for
11 your insights.

12 MR. BARTLETT: And to wrap it up, Katie
13 Wright.

14 MS. WRIGHT: Thank you, Mr. Chair.
15 President Bush, when he appointed us to the
16 Commission, they looked into our backgrounds. And
17 each of us brings certain things here. I've been a
18 special ed director, but I've also been a learning
19 specialist at a college at St. Louis University to
20 work with students like yourselves. And to hear you
21 be so articulate and to answer the questions and to
22 put yourself forward to me is just wonderful. And it

23

1 makes me know that special educators like myself and
2 learning specialists like myself have done a good job
3 and can do a good job.

4 I want to say to you, student advocacy, as
5 you brought out, Caitlin, is so important, to
6 advocate for yourself, learn to be assertive and to
7 speak up for yourself. And the word assertive
8 doesn't mean -- or anything like that. There are
9 different ways in which you can be assertive. And
10 also, you need adult advocacy, too. You're going to
11 need grown people, other people to speak, even now at
12 my age, I need people who will help me, mentors. And
13 so, you need to seek that out.

14 But at college, you're going to need a
15 learning specialist perhaps, someone, a professor who
16 will be your advocate. For example, at St. Louis
17 University, I advocated for my student with the
18 professor. I would go to, and this is a Catholic
19 university, Fr. Bacon, my student needs to take the
20 exam orally. My student is smart, my student can do
21 this, my student has, you have to give, I want you to
22 give it to my student in your office orally. Or give
23

1 my student a little more time.

2 These are kinds of things that an adult,
3 that an advocate at the college, you understand, can
4 do for you. Another thing, to accommodate your
5 particular learning style, for example, Caitlin said
6 that some people have, they need to have it visible
7 and auditory and like that, so you will need at the
8 college level, and those of you who go to college,
9 you're going to need someone to advocate for your
10 learning style, to take your exams orally and like
11 that.

12 You're going to need encouragement.
13 You're going to need someone who will teach you to
14 speak up for yourself. You guys are very articulate,
15 you really are. And you're good speakers and you
16 answered all the questions that they asked you. But
17 the main thing is, and also, you're going to need
18 some social skills. You know, like I think it was
19 Mr. King who mentioned something about socialization.

20 I had to teach my students how to have
21 fun. You know, that's part of being in school.
22 Maybe you'll need someone to work you through the

23

1 driver's ed manual, and those kinds of things. But
2 the main thing is to learn to speak, there was, who
3 was this, John Aldon and Priscilla, speak up for
4 yourself. You need to learn to do that. And I
5 noticed that you guys are very, very articulate.

6 One of my students, because I had to
7 counsel students and tutor them, too, in the
8 humanities and sociology courses and psychology
9 courses. One of my boys, and I call them boys, six
10 feet tall, he was six feet seven really, when he went
11 to NBA, and I had brought him to St. Louis
12 University. Had brought him up to a 2.7 average.
13 And that's tough at St. Louis University because it's
14 tough there. Those -- so tough, brought him up to
15 2.7.

16 He went to the NBA, signed a million-
17 dollar contract and gave me a diamond bracelet. I
18 still have that. But it's just so good to see you be
19 able to answer these questions and to smile and to
20 relate and to make eye contact. These are the things
21 that I discovered. I'm glad that the other
22 Commissioners asked you some questions so that I can

1 see how articulate you would be. And you've got it
2 going on, just keep it going on.

3 MR. BARTLETT: Hear, hear.

4 MS. WRIGHT: Thank you.

5 MR. BARTLETT: That was the final panel.

6 We very much appreciate your insights and your unique
7 knowledge which you've shared with the Commission.
8 You've made a huge difference in our thinking and I
9 think you'll make a big difference in the final
10 report. We wish you well in your continuing
11 education and in your life. Thank you very much.

12 (Applause.)

13 MR. BARTLETT: As you can see, you've made
14 some fans out here. Hit them up for a job or
15 something. Todd, you have a final comment?

16 MR. JONES: Yes. Actually, I want to say
17 this is the end of our seventh day of testimony we've
18 taken. We have actually five days of hearings to go.
19 And every hearing and every panel we've developed,
20 the selection of witnesses has been almost
21 exclusively a collaborative process. Commission
22 members, even members of the public have recommended

23

1 people to testify, the shape of panels, what themes
2 should be.

3 There's been one major exception to that
4 and I want to pay credit where it's due. The idea
5 for this panel, the development of this panel
6 occurred as the stroke of genius of one man. That is
7 my deputy, your deputy executive director Troy
8 Justison. And I want to pay him credit for this idea
9 because when he told me about this, I said, yes, this
10 defines it. You've hit it exactly right. And he not
11 only came through with the idea but he has produced,
12 helped us find the four great people here today and I
13 want to offer him my thanks and hopefully your thanks
14 as well.

15 (Applause.)

16 MR. BARTLETT: Amazingly enough, we are
17 right on time. Closing time for today, there's, we
18 have time for, if any Commissioner has any other
19 thing that you want to say, ask about, comment on?

20 MS. BUTTERFIELD: Just a reminder, there
21 are professional development task forces staying
22 here.

1 MR. JONES: 5:30.

2 MS. BUTTERFIELD: Oh, 5:30.

3 MR. BARTLETT: Anything else?

4 MS. WRIGHT: I want to say this.

5 MR. BARTLETT: Commissioner?

6 MS. WRIGHT: It's a joy to serve on this
7 Commission. It really, really is. And I just want
8 to say that and to serve with the other
9 Commissioners. I think I know quite a bit but I'm
10 learning a lot myself in serving on this Commission
11 and meeting the panelists and meeting the students
12 and like that. So, it's a joy for me.

13 MR. BARTLETT: You're a joy to have with
14 us. And with that, we're adjourned.

15 (Whereupon, at 5:00 p.m., the meeting was adjourned.)

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