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UNITED STATES DEPARTMENT OF EDUCATION  
PRESIDENT'S COMMISSION ON  
EXCELLENCE IN SPECIAL EDUCATION

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FOURTH MEETING

Capital Hilton  
1001 Sixteenth Street, N.W.  
Washington, D.C.

Thursday, May 30, 2002  
9:15 a.m.

The meeting was held pursuant to notice, on  
Thursday, May 30, 2002, at 9:15 a.m., Terry Branstad,  
presiding.

## 1           ATTENDEES:

2           TERRY BRANSTAD, Chairman

3           PAULA BUTTERFIELD

4           DAVID GORDON

5           C. TODD JONES

6           JAY CHAMBERS

7           C. REID LYON

8           DOUGLAS GILL

9           WADE HORN

10          DOUGLAS HUNTT

11          THOMAS FLEMING

12          BETH ANN BRYAN

13          FLOYD FLAKE

14          ED SONTAG

15          ADELA ACOSTA

16          STEVE BARTLETT

17          BOB PASTERNAK

18          CHERIE TAKEMOTO

19          WILLIAM BERDINE

20          ALAN COULTER

21          KATIE WRIGHT

22

-- continued --

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1           ATTENDEES (CONTINUED):

2            JACK FLETCHER

3            BRYAN HASSEL

4            MICHAEL RIVAS

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P R O C E E D I N G S

(9:15 a.m.)

CHAIRMAN BRANSTAD: (Presiding) May I have your attention please? Good morning and welcome. I'm Terry Branstad, Chairman of the President's Commission on Excellence in Special Education. And it is an honor to welcome all of you to today's meeting. The focus of our meeting today and tomorrow will be to review the activities of our task forces and to develop recommendations to submit to the President.

Over the course of the next two days, we will hear from the Secretary of Education, Rod Paige, and Under Secretary Eugene Hickok. Our meetings mark the start of the home stretch of this Commissioner. As you know, President Bush established the Commissioner last October to collect information and to study issues relating to federal, state and local special education programs. the Commissioner's goal is to recommend policies to improve the educational performance of students with disabilities. This charge goes to the heart of the President's No Child

1 Left Behind education agenda. We must ensure that  
2 all children, including those with disabilities, are  
3 educated and prepared to become productive citizens  
4 in this great country.

5 This Commissioner has conducted an  
6 expansive examination of special education. Over the  
7 past four months, we have held 11 public hearings and  
8 meetings in Houston, Texas, Denver, Colorado, Des  
9 Moines, Iowa, Los Angeles, California, Coral Gables,  
10 Florida, New York City, New York, Asheville,  
11 Tennessee, San Diego, California, and Washington,  
12 D.C.

13 The Commissioner has looked at issues such  
14 as teacher quality, accountability, funding, cost  
15 effectiveness, parental involvement, identification  
16 of children with learning disabilities, research,  
17 paperwork, litigation, federal programs, and the  
18 transition of disabled students from school to  
19 college or employment.

20 During our meetings and hearings, we've  
21 heard from 109 expert witnesses and nearly 175  
22 members of the public. Hundreds of other individuals  
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1 have provided us with letters, written statements and  
2 research. This expansive examination will enable the  
3 Commissioner to produce a report that will not only  
4 provide vital input into the reauthorization of the  
5 Individuals with Disabilities Education Act, it will  
6 also contribute to the national debate on how to best  
7 educate all children.

8           As this Commissioner enters the final  
9 phase of its work, I want to personally thank each  
10 and every one of you Commissioners for your  
11 commitment, for your time, your hard work, your  
12 ideas, and your dedication to improving the lives and  
13 the opportunities for all children, especially  
14 children with disabilities in this country.

15           I also want to thank the Commissioner  
16 staff for their energy, their hard work and their  
17 patience as they have worked with us through this  
18 process. They have done an amazing job under  
19 difficult circumstances with a very brief period of  
20 time in which to work. And I want to thank all of  
21 you, the members of the audience that have been here  
22 and listened and participated.

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1           At this time I want to I guess depart a  
2 little bit from the prepared text and announce that I  
3 have I think maybe made a mistake or given out some  
4 information that wasn't exactly correct, so I want to  
5 correct it at this time. The task force  
6 recommendations. As you know, the task forces will  
7 report the next couple of days and we'll continue to  
8 meet. Those task force recommendations will not be  
9 made public until the Commission actually has an  
10 opportunity to meet and approve those at our next  
11 meeting the 13th and 14th of June. This is  
12 consistent with what other presidential commissions  
13 have done in releasing their draft reports to the  
14 public. And frankly, my announcement that we were  
15 going to make these preliminary recommendations from  
16 task forces that don't represent a full majority of  
17 the Commission was premature. So I want to apologize  
18 for that but I wanted to clarify that.

19           We have had great opportunities for public  
20 comment, including the 11 public meetings, and at  
21 least an hour of comment has been available at each  
22 of those, a majority of which has lasted until  
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1 everyone has had an opportunity to speak. We did  
2 extend that at a number of the meetings, because I  
3 believe very strongly we need to have that public  
4 input.

5 But I also think it would be inappropriate  
6 to have people responding or reacting to preliminary  
7 recommendations from task forces that haven't yet  
8 gotten the approval of the full Commission. I think  
9 that could be confusing and consequently that's the  
10 reason why the change that I've announced.

11 Commission members have received all of  
12 the written materials. In addition to the people  
13 that have actually testified at the hearings, many of  
14 you have written letters, e-mails and whatever, and  
15 those have been sent on to the Commission members,  
16 and it's been a lot of material. But I think it's  
17 very helpful. And the process has I think worked  
18 well.

19 Public comment on the draft would not have  
20 I think the desired effect that we'd want. The  
21 original announcement was made several weeks ago. I  
22 guess in my effort to try to keep the public  
23



1 informed, maybe I got the cart ahead of the horse,  
2 and I just wanted to clarify that so there wouldn't  
3 be any misunderstanding.

4 This is not the end of the public debate,  
5 as you well know. Our recommendations will be really  
6 the beginning of the debate and discussion as it then  
7 goes on to the President, to the Congress as they  
8 consider the reauthorization of the Individuals with  
9 Disabilities Education Act. After speaking with  
10 Assistant Secretary Pasternack, I can now announce  
11 that the final version of the report will be  
12 published in the Federal Register for public comments  
13 to be received by the Office of Special Education and  
14 Rehabilitation Services. So I wanted to make that  
15 clarification.

16 Also, one member of the Commission, Cherie  
17 Takemoto, has informed me that we have a gentleman  
18 named Michael Savory from Winchester, went from  
19 Winchester, Virginia, and he has walked 95 miles to  
20 attend this meeting today and deliver this booklet  
21 with 800 messages from parents. So Michael Savory, I  
22 want to acknowledge Michael Savory. Thank you for  
23

1 coming.

2 (Applause.)

3 CHAIRMAN BRANSTAD: We happen to have a  
4 hotel in Des Moines called the Savory Hotel. So I  
5 don't know if it's named after a member of your  
6 family or not.

7 MR. SAVORY: If I walk there can I stay  
8 there?

9 (Laughter.)

10 CHAIRMAN BRANSTAD: You bet. If you  
11 walked to Des Moines, I'll see to it that they  
12 provide a room at the Savory. We've had many an  
13 interesting political debate or discussion or  
14 conventions at the Savory. It's an old historic  
15 hotel.

16 But thank you for coming, and I think this  
17 shows the dedication of a parent, and I see many in  
18 the audience that have been very committed and have  
19 come to many of our meetings. This is an issue that  
20 people care deeply about, and your coming all this  
21 way on foot I think is an indication of that.

22 And also there's messages from about 800

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1 parents that he's delivered. So with that, I think  
2 we're ready to start with our agenda. We will review  
3 and approve the agenda, I guess that's the first  
4 step. Have you all got a copy of the agenda? It's  
5 in the packet that you received here. Any questions  
6 on that?

7 (No response.)

8 CHAIRMAN BRANSTAD: Is this acceptable?  
9 Okay. We have a motion from Floyd to approve. Is  
10 there a second?

11 MR. GILL: Second.

12 CHAIRMAN BRANSTAD: A second from Doug  
13 Gill. Discussion?

14 (No response.)

15 CHAIRMAN BRANSTAD: All in favor of the  
16 motion to approve the agenda, signify by saying aye.

17 (Chorus of ayes.)

18 CHAIRMAN BRANSTAD: Opposed?

19 (No response.)

20 CHAIRMAN BRANSTAD: It is approved. We  
21 will proceed then with the presentation of the  
22 Professional Development Task Force chaired by Paula

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1 Butterfield.

2 MS. BUTTERFIELD: Thank you, Mr. Chairman.  
3 The Professional Development Task Force had its  
4 official meeting in Denver, and we were very pleased  
5 to have a number of highly respected researchers and  
6 teacher preparation professionals as well as quite a  
7 bit of public testimony. We were one of the groups  
8 that extended so that we could make sure that  
9 everyone had the opportunity. And we've also really  
10 appreciated all of the letters and calls and personal  
11 contacts that have been made to present us with  
12 information.

13 And I can assure you that as late as just  
14 15 minutes ago we were still debating and still  
15 entertaining new ideas, and we probably aren't  
16 finished yet. And so as I discuss some of our  
17 preliminary thoughts, that is exactly where that is.  
18 We needed the sit down, face-to-face time, and that's  
19 very beneficial to us.

20 Basically at this point we believe we'll  
21 be making about seven recommendations. That number  
22 has grown. It originally was smaller and we continue

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1 to struggle with how to present things that we feel  
2 are really, I think as the Secretary said, bold and  
3 vivid. And so I'll just share in general where those  
4 are.

5 Obviously it's extremely important that in  
6 our nation we focus on training highly qualified  
7 general and special education teachers. This is  
8 something that is really an urgent need for our  
9 nation. We want to make sure that our teachers who  
10 teach general ed are as aware of disabilities and  
11 cognizant of the effects on learning as our special  
12 education teachers are. It's important for all  
13 teachers to understand that these are our children.  
14 They're not somebody else's special children in a  
15 special classroom, but they're all of our children.  
16 And I think all too often that divide exists in  
17 public education, and it is something that we need to  
18 make very clear right from the beginning when people  
19 are going into to become teachers.

20 One of the things that we really are  
21 concerned about is outcomes, data-driven education.  
22 We want to be certain we're not just talking about  
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1 the process. In my role in my everyday life, when I  
2 talk with a hundred or so principals in the District  
3 where I work, one of the comments I make is, in God  
4 we trust. All others must bring data. And that is  
5 exactly the kind of thing that we need. We need hard  
6 evidence of outcomes, because that is what parents  
7 deserve and what the children deserve.

8           And so I think we would say implicit in  
9 everything we write that is what we want to be a  
10 basic underlying foundation for the work of this task  
11 force.

12           Another big concern of ours is that as  
13 students are preparing to teach that they have  
14 numerous opportunities to be in classrooms prior to  
15 actually having a degree. You know, you can imagine  
16 that if what you've done is spent four years in  
17 college and you don't do student teaching until the  
18 end and all of a sudden you discover you really don't  
19 like to walk into a classroom, that that can be a  
20 problem. And earlier and earlier in the college  
21 experience we believe that individuals need to be in  
22 the classrooms and they need to understand the full

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1 range of what is required in general education as  
2 well as special education and the nature of the  
3 inclusive classroom.

4           We also -- and this is an area that I  
5 think is just key to our recommendation, is that is  
6 rigorous reading requirements. What we have heard  
7 over and over again from researchers is the  
8 importance of reading in every aspect of a child's  
9 academic achievement, and we know that this is an  
10 area that has been problematic in our nation and in  
11 the instruction that's in our nation. So when we  
12 talk about it, we are going to be making some very  
13 specific recommendations that the reading instruction  
14 include phonemic awareness, phonics, fluency,  
15 comprehension and vocabulary development.

16           Another recommendation again goes back to  
17 the issue of accountability, and that is public  
18 reporting. We really want to have colleges and  
19 universities who prepare teachers be accountable for  
20 their outcomes as well as the schools be accountable  
21 for the outcomes with their students. And so we'll  
22 be recommending, or I would anticipate that we'll be

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1 recommending some way of tracking the achievement of  
2 the graduates of the colleges and the universities,  
3 their effectiveness in the classroom and how well  
4 they do over time. This is something that is very --  
5 the research in this area is lacking.

6 In fact, another thing that we note  
7 throughout is that there really is a lack of research  
8 in this field that is quantitative research. We have  
9 qualitative research in the area of teacher  
10 preparation, but we do not have sufficient  
11 quantitative research, so our researchers at the  
12 table have been helping us with that as well as  
13 researchers at the Department of Education, which we  
14 appreciate.

15 And in addition then, we really need to  
16 focus on the fact that there is a shortage in our  
17 nation of faculty to teach special educators. I  
18 believe it's something like 30 percent shortage in  
19 the nation. And then there's also a shortage of  
20 special education teachers in the public schools.  
21 And we need to focus on how to get more teachers into  
22 this field by looking at alternative means of

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1 certification and then we also need to look at how to  
2 retain excellent special educators and general  
3 educators once they're in the classroom so that we  
4 don't have the shortage that is existing and at the  
5 crisis level the predictions of what is coming to us  
6 in the future.

7 And that, Mr. Chairman, is a brief  
8 synopsis of where we are.

9 CHAIRMAN BRANSTAD: Paula, thank you very  
10 much. Are there questions from members of the  
11 Commission?

12 MR. FLAKE: Just one question. And that  
13 is, how do you design --

14 CHAIRMAN BRANSTAD: Floyd, would you speak  
15 into the microphone please?

16 MR. FLAKE: What are your thoughts on how  
17 you design some measuring tool to do an analysis of  
18 outcomes of those who have come out of schools where  
19 they have gotten degrees for special ed? How do you  
20 long-term measure their success?

21 MS. BUTTERFIELD: I might defer to  
22 Commissioner Berdine here because I believe you might  
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1 be able to address that more specifically than I.

2 MR. BERDINE: Floyd, if you're asking how  
3 will the schools of education track whether or not  
4 their graduates have been effective, I don't think  
5 there is a model right now that's out there that is  
6 working. There are some models out there that have  
7 been problematic because of the cost. Just having a  
8 tracking system, because the students disperse quite  
9 widely. But that will have to come.

10 The fact is that our task force felt very  
11 strongly that schools of education should be held  
12 accountable that the people that they produce are  
13 effective in the classroom. The enabling mechanism  
14 has not been specified.

15 MR. FLAKE: Thank you.

16 CHAIRMAN BRANSTAD: Reid Lyon has a  
17 question.

18 MR. LYON: Paula, thanks for the report.  
19 There are a number of initiatives looking at the  
20 issues you're addressing, trying to understand the  
21 multiple layers that have to be addressed. One  
22 proposal has been in terms of the attraction to the

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1 profession and the retention of strong teachers  
2 obviously the salary issue.

3 At the same time, salary hasn't been shown  
4 to be explicitly or significantly related to student  
5 outcome, as best as the data show.

6 Has there been any strong thinking or any  
7 data collected on the effect of providing those  
8 teachers who work with hard-to-teach or harder-to-  
9 teach kids a greater salary for those efforts, and  
10 coupling increments in salary as a function of  
11 student achievement? That is, are there certain  
12 types of teaching situations that should be looked at  
13 as more complex, more difficult, and thus deserving  
14 of higher compensation? That's one question.  
15 Whether that be youngsters or students with  
16 disabilities or science and mathematics teachers or  
17 whatever it may be, some difference in content.

18 And secondly, what data indicates are or  
19 there any initiatives designed to tie increments in  
20 teacher salaries to student achievement?

21 MS. BUTTERFIELD: We've had some  
22 discussion of that. And of course you get into the

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1 issues of local control and local contracts and all  
2 of that. But again, Commissioner Berdine would like  
3 to comment on that.

4 MR. BERDINE: Reid, we did have a  
5 discussion about differential pay, and I had hoped  
6 when we hear some of the other task forces' reports  
7 that would be, the issues of differential pay and  
8 salary would be dealt with under finance rather than  
9 in this task force.

10 MR. LYON: Why would the analysis of a  
11 teacher's capabilities and their impact on students  
12 be adjudicated by a board? Why doesn't the principal  
13 or the school level leadership address these kinds of  
14 things? I mean, it seems to me you're putting a  
15 significant distance between how well people interact  
16 with children and their achievement if you allocate  
17 this to general local sources.

18 MS. BUTTERFIELD: Well, I guess maybe I  
19 wasn't making myself clear. There's no question that  
20 that, I would say probably almost 100 percent of the  
21 teachers in America are evaluated by their building  
22 principals, and that is part of that whole process.

23

1           The issue is, whenever you get to the  
2   issue of payment for teachers, then that becomes a  
3   board negotiated, you know, contracts and all of  
4   that. That doesn't say that we can't make a  
5   recommendation in that area. And I think that's  
6   probably what you're driving at. I would say that we  
7   have been discussing that and it's still possibly in  
8   the mix.

9           MR. LYON: Thank you.

10          CHAIRMAN BRANSTAD: Dr. Pasternack?

11          MR. PASTERNAK: Thank you, Mr. Chairman.  
12   Just real briefly, I just wanted to commend you for  
13   putting this issue first. I know that they're not  
14   really ranked by priority. But clearly what we've  
15   talked about at the Commission is no matter what we  
16   do in statute, no matter what we do in regulation, no  
17   matter what we do with funding, if we don't have  
18   highly qualified people teaching our kids, we're  
19   never going to get the President's commitment of  
20   excellence in special education, nor are we going to  
21   achieve the goal of leaving no child behind.

22          I know there are many issues that we've

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1     been talking about in professional development, but  
2     just want to remind you and the other members of the  
3     task force not to leave out the other members of the  
4     learning community besides the teachers. We have a  
5     huge pool of para-educators. We've heard disturbing  
6     stories around the country, as you know, about them  
7     not getting paid for enough hours to be able to get  
8     benefits in some instances. I know that Commissioner  
9     Gordon who is a superintendent knows the challenges  
10    that oftentimes we give, apropos of what Commissioner  
11    Lyon just mentioned, some of the most difficult-to-  
12    teach kids to para-educators. They get little  
13    training, little supervision. They certainly get  
14    incredibly little money. And we've also heard the  
15    need to really have well trained administrators in  
16    understanding issues affecting kids with  
17    disabilities.

18                 So I know these are things that you've  
19    been talking about. I know you didn't have a chance  
20    to go through all of the recommendations, and I just  
21    wanted to remind the task force not to forget all the  
22    members of the learning community, because clearly

1 they all have a role in achieving the President's  
2 notion of excellence in special education.

3 CHAIRMAN BRANSTAD: Ed Sontag.

4 MR. SONTAG: Thank you, Mr. Chairman.  
5 Paula, I'm wondering if the task force looked at  
6 alternate funding streams to create change in teacher  
7 training. Historically the states have not been a  
8 major player in deciding who gets these grants.  
9 Those funding strategies have created wide  
10 disparities of what kinds of teachers are being  
11 trained and so on. Is there any sense that the money  
12 should be closer to the states and the state  
13 education agencies?

14 MS. BUTTERFIELD: We didn't directly deal  
15 with that. We've had some discussion in that area.  
16 But I'm assuming that, you know, we've got some other  
17 task forces that are dealing with finance. Actually  
18 I think the discussions we had though was that the  
19 money should be closer to the local school than to  
20 the state, I mean, go down even further. So we have  
21 talked about that.

22 We've talked about our concern that for

1 professional development that we need to have more  
2 funding available for professional development,  
3 because school districts do not have a great deal of  
4 money available for this. And so allocating --  
5 looking at some of the funding, making it available  
6 for the ongoing professional development.

7 CHAIRMAN BRANSTAD: Reid Lyon.

8 MR. LYON: I think Steve had -- I've  
9 already had one.

10 CHAIRMAN BRANSTAD: Okay. Steve Bartlett.

11 MR. BARTLETT: This was an extraordinary  
12 task force, Madam Chair, which I got a chance to sort  
13 of sit there as an asterisk because everybody else  
14 had a string of Ph.D.s behind their names. It was  
15 quite informative to listen to the experts.

16 Four points I sort of took away from the  
17 report for emphasis, and there were others, but for  
18 emphasis in my world anyway, and one is the need at  
19 the university level for curriculum based on outcome-  
20 based research as opposed to qualitative or theory-  
21 based research. What we found across the board was  
22 this dramatic need for additional outcome-based or

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1 quantitative research.

2           Second is, is a special emphasis on  
3 retention. And we're going to put an emphasis on  
4 both, both additional teachers coming through the  
5 pipeline but also some way to measure, emphasize at  
6 state, federal and school district level, to measure,  
7 emphasize and then hold accountable retention of  
8 special ed teachers in the classroom.

9           Third is to develop and emphasize  
10 curriculum that is -- and I'll use lay words rather  
11 than the Ph.D. words -- beyond sight/see, or the idea  
12 of comprehensive reading curriculum that actually  
13 works that's phonetically based, that's based on  
14 outcomes of students. So that curriculum that works  
15 that helps students to learn, that's what ought to be  
16 taught in the classroom.

17           And then last is to always emphasize a  
18 collaborative model in the classroom so the special  
19 ed and the general ed teachers are collaborating and  
20 coaching one another and each understands they are  
21 fully competent in the other's areas.

22           So those were the four take-aways that I  
23

1 took as far as the emphasis of our report.

2 MS. BUTTERFIELD: I'm glad that you  
3 brought that up again. I think I mentioned it, but I  
4 don't think we can stress enough that, particularly  
5 when we're talking about No Child Left Behind, that  
6 these are all of our children. They're not -- I used  
7 in the District say that the special ed director's  
8 name is Kaye. These are not Kaye's kids. These are  
9 the children of each teacher in the classroom.

10 And I think that for far too long, because  
11 the model was that these were the children who were  
12 educated in an annex somewhere or some other part of  
13 the building, that thinking has to change. And  
14 that's where we're talking about that. The  
15 collective thinking of us all, the collaborative  
16 thinking. And we really need to continue to  
17 emphasize this. Because I believe this continues to  
18 be an issue.

19 CHAIRMAN BRANSTAD: Cherie Takemoto.

20 MS. TAKEMOTO: I think -- it sounds as if  
21 you discuss this in the context of making sure that  
22 teachers are spending time in the classroom. But did  
23

1 you specifically address the great cultural diversity  
2 in our classrooms today in preparing teachers for the  
3 students that are actually coming to school now?  
4 That the whole cultural competent teaching is one  
5 area of need?

6 MS. BUTTERFIELD: I don't know that we've  
7 really dealt with the issue of culturally different.  
8 I think we've dealt more with the issue of the  
9 disabilities and the teaching methods. That's  
10 something we can look at again. I mean, not again.  
11 We can look at. We haven't. I guess that's the  
12 answer. No.

13 MS. TAKEMOTO: Okay. And then my other  
14 question, it sounds as if you might have been talking  
15 about this. In addition, I think in other hearings  
16 we heard about shortages of teachers that are  
17 certified in certain areas of expertise. Have you  
18 address that? You know, the deaf educators, blind  
19 educators, severe disability, assistive technology?  
20 Do they get lost in the training of special educators  
21 and general educators at the same time?

22 MS. BUTTERFIELD: You know, I guess we  
23

1 haven't brought it up as the specialists I guess you  
2 would say within the field. I think it was an  
3 underlying assumption for us. And if we can go back  
4 and look at the language to make sure.

5 I think one of the things I want to say is  
6 too that we want to stress we're not just talking  
7 about just certified, because there can be people who  
8 are certified but really aren't qualified, and I  
9 think there's a difference. That's the kind of thing  
10 that we're talking about.

11 We may go back and look at the language.  
12 I'm not certain that we've stressed it in that way in  
13 terms of the specialties within the field.

14 MS. TAKEMOTO: Because I think in the  
15 reams of public comment we've heard complaints from  
16 families that the teachers are not certified in  
17 categories. And I'm not saying I have answers. I'm  
18 just asking you experts to address that public  
19 comment that we've received. Thanks.

20 MS. BUTTERFIELD: I think that goes to the  
21 issue that we just -- we simply have a crisis in  
22 terms of the numbers of people that are certified.

23

1                   CHAIRMAN BRANSTAD: Reid? Reid Lyon

2                   again.

3                   MR. LYON: Sorry to not have asked this  
4                   initially in the first stream. If we are to leave no  
5                   child behind, I think as Steve has pointed out, we  
6                   have to make sure that the instruction that's  
7                   provided is based upon what works and that the  
8                   teachers have a very strong ability to understand  
9                   what it is that works, how they judge what works  
10                  versus what doesn't work, what types of evidence  
11                  adjudicate that particular kind of question.

12                  And they have to understand that some  
13                  approaches, some methods, some strategies may be more  
14                  beneficial for some kids in certain situations than  
15                  others.

16                  That's a complex undertaking. And it's  
17                  going to require, as we heard in testimony, a great  
18                  deal of systems change within the teacher education,  
19                  teacher preparation community. A good deal of  
20                  testimony we've heard indicated that in many cases  
21                  teachers are prepared on the basis of philosophies or  
22                  beliefs which do not reflect the scientific evidence.

23

1                   How are we going to creatively provide  
2           incentives to academic faculty members in colleges of  
3           education to begin to shift teaching practices when  
4           it doesn't reflect that which stands as gold standard  
5           evidence of what works? What incentives are there?  
6           And if that in fact doesn't occur, have we looked at  
7           systems to in a sense move around the colleges of  
8           education to provide certification to teachers in the  
9           areas which they're teaching where they do not have  
10          to be matriculated from a teacher education college  
11          or program?

12                   MS. BUTTERFIELD: We've had a lot of  
13          discussion about that particular area in terms of how  
14          to change that. And I don't know, Bill, if you'd  
15          like to address some of that? Because I know that's  
16          been a particular interest of yours.

17                   MR. BERDINE: We've discussed alternative  
18          routes. We don't at this time have a specific  
19          recommendation on that, and perhaps if you'd like to  
20          sit in the next time the task force meets and help us  
21          word one, that would be good. There's been a lot of  
22          talk about it, Reid, and a lot of interest in it.

23

1 We've not been able to get that talk to the point  
2 where we could form a recommendation.

3 MR. SONTAG: Mr. Chairman? Just briefly.

4 CHAIRMAN BRANSTAD: Yes. Ed Sontag, go  
5 ahead.

6 MR. SONTAG: I strongly support what Dr.  
7 Lyon has just suggested. I think it clearly should  
8 be added to the task force report.

9 CHAIRMAN BRANSTAD: Okay. Any other  
10 comments or questions before we move on to the next?  
11 Beth Ann? Beth Ann Bryan.

12 MS. BRYAN: I think the only thing that I  
13 would like to say is that the general overriding  
14 consideration of this task force is not so much the  
15 various processes and how do you change the  
16 processes. And Cherie, I think this gets right to  
17 your question. It's the issue of how do we figure  
18 out what kinds of gains individual teachers help  
19 children to make? That's the bottom line in the  
20 classroom is what kinds of gains can that teacher  
21 make happen for whatever the disability. And getting  
22 at that as the key thing to look at instead of the

23

1 various processes that we may think are broken,  
2 working backwards from student achievement. And I  
3 think everything we looked at we framed in that way.

4 But, Ed, we did talk quite a bit about  
5 various messages on alternative certification, that  
6 perhaps you can get some of your training out of a  
7 psych department. Perhaps you can get it, you know,  
8 someone who's been in a medical school might have an  
9 interest in getting some type of alternative  
10 certification in special ed, and there might be folks  
11 that would have an interest there.

12 So I don't think we have not addressed it,  
13 but again, we haven't focused on the various  
14 processes. We've focused more on what kind of gains  
15 will children make as a result of the quality of the  
16 teacher.

17 CHAIRMAN BRANSTAD: Okay. Paula, thank  
18 you and your task force. We'll move on to the  
19 presentation of the Accountability Systems Task Force  
20 Activities. Chairman Steve Bartlett.

21 MR. BARTLETT: Thank you, Governor. Let  
22 me start with what's the most important thing, and  
23



1 that is Mexican food. Tex Mex. My wife serves the  
2 best fahitas east of the Mississippi. By Texas  
3 standards it's somewhat above average. And those  
4 will be served at my home for all Commission members  
5 and staff beginning at seven o'clock. So if you  
6 haven't signed up, see Todd and be sure to tell my  
7 wife how good I told you here fahitas were.

8 (Laughter.)

9 MR. BARTLETT: This task force has had six  
10 pretty intensive working group sessions, some face-  
11 to-face, some on the telephone. We have cussed and  
12 discussed and rediscussed every issue one can  
13 imagine. We've gone through four drafts. The fourth  
14 draft is one that no one on the task force has seen  
15 yet, but I'm told it's included in the comments or  
16 the recommendations that I'll list for you in a  
17 moment.

18 We conducted one day-long hearing at the  
19 finest state capital in America, Des Moines, where  
20 the governor was kind enough to stay and conduct  
21 additional constituent who wanted to -- I mean,  
22 members of the public, who wanted to testify until  
23

1 late into the night. We did accept all witnesses,  
2 everyone who wished to speak were given the  
3 opportunity to speak and be heard and responded to by  
4 the Commission.

5 We also had, as accountability, we had  
6 large sections of two other full Commission hearings  
7 were devoted to accountability. We have received, so  
8 far as I can tell, and I lost the entire measurement,  
9 but we have received a stack of 18 inches of written  
10 comments that were delivered to and summarized and  
11 distilled by every task force member, and there will  
12 be a question on your final exam on that entire 18  
13 inches of written comments.

14 And we have considered and accommodated,  
15 actually -- it was quite a consensus-building task  
16 force. We've accommodated the strongly held views of  
17 every single task force member and where there were  
18 conflicts, we figured out where the conflicts were,  
19 and usually they weren't conflicts. They were just  
20 simply changes of emphasis.

21 Special thanks to the task force members  
22 Dave Gordon, Bryan Hassle, Alan Coulter, Cherie

23

1 Takemoto and also other Commission members that gave  
2 us their input, Floyd Flake, Jack Fletcher, Doug  
3 Gill, Doug Hunt, Bob Pasternack, Beth Ann Bryan, and  
4 my own daughter Courtney, who is a high school  
5 teacher at Yorktowne High.

6 We found, and our report will probably not  
7 say this as strongly as I'll say it to you. It  
8 probably should, but it's not going to, because after  
9 all, this is Washington. But we found if you just  
10 remove the varnish, that the accountability systems  
11 that are now in place are not even close to  
12 satisfactory, and that's probably the kindest way  
13 that one could characterize them.

14 We find those accountability systems to  
15 emphasize excessive paperwork and process, to have  
16 virtually no measurement of performance or of outcome  
17 of students, virtually no measurement of performance,  
18 and little or no -- and the debate on our task force  
19 was between some thought it was very little and some  
20 thought it was absolutely zero ability to enforce, or  
21 enforcement mechanisms, or enforcement measurements.  
22 When you see the actual draft, it won't be stated

23

1 quite as strongly as that, but that's what we're  
2 trying to say.

3           We have six recommendations in our report.  
4 One is that we believe we ought to adopt a unified  
5 assessment and accountability system that is unified  
6 with and consistent with No Child Left Behind. That  
7 includes -- and there will be other things in the  
8 recommendations, and I'll try to hit as I recall the  
9 highlights -- but includes but it's not limited to  
10 testing all students in the assessment system, all  
11 students without exception, some kind of assessment  
12 measurement or test.

13           Special education students should be then  
14 ranked separately as well as together with general  
15 education students and the schools held accountable  
16 for both, both for the overall school, including  
17 special ed, as well as their performance with special  
18 ed students.

19           Second, we proposed -- and I'll use the  
20 word, because it was in the staff draft, so we can  
21 blame them. We propose that the nation adopt radical  
22 -- radical new monitoring and technical assistance

23

1 systems that measures performance instead of process,  
2 and no educational agencies should receive IDEA funds  
3 unless their accountability systems for performance  
4 have been established.

5 Third, we would propose to establish new  
6 accountability sanctions or enforcement measurements,  
7 which is probably what we'll call them instead of  
8 sanctions, that would be adopted -- and this is the  
9 key. This was actually the Bryan Hassle add. That  
10 these new accountability enforcement measurements  
11 would be developed and adopted by each state based on  
12 federal law, and those would include the minimum of -  
13 - again, consistent with No Child Left Behind -- of:

14 One public annual rankings by school into  
15 categories that are consistent with No Child Left  
16 Behind;

17 Second, mandatory -- mandatory technical  
18 assistance plan for each school that performs below  
19 the minimum standards; and

20 Third is a state mandated direction of  
21 federal funds for any school that is below those  
22 standards for three consecutive years.

23

1           So three things happens with the school.  
2       One is they have to rank their performance with  
3       special ed. Second is that if they fall below, the  
4       state sends, with the assistance of the Department of  
5       Education, sends a technical assistance team to help  
6       that school figure out why they're below the  
7       standards. If you're not performing, then you have  
8       to change. And the technical assistance teams bring  
9       some ideas for how to change. And if you continue to  
10      fall below, then the state sends in someone to direct  
11      the actual use of federal funds for special ed for  
12      IDEA.

13           Fourth, major paperwork reduction  
14      strategy. On any side of the debate that you're on  
15      in all of our hearings, everyone said, on both sides  
16      of the debate, that the paperwork is a problem. Some  
17      people think it's a problem because of this, some  
18      people think it's a problem because of that, some  
19      people think it's a huge problem, some people think  
20      it's a gargantuan problem, but we had no witnesses  
21      say that paperwork was not a problem.

22           We recommended a report by the Secretary  
23

1 of Education with 18 months of enactment of this law  
2 back to Congress on specific solutions for specific  
3 strategies for reducing paperwork, 814 different  
4 federal regulations. We didn't feel like this  
5 Commission had either the mandate or the resources to  
6 sort through that.

7           Second is the Secretary to be authorized  
8 to grant up to ten state waivers during those 18  
9 months for specific states that make proposals to  
10 replace process with performance standards. Now  
11 that's not a waiver to get out of the regulations.  
12 It is a waiver to replace the current process  
13 regulations with performance standards and  
14 enforcement on performance.

15           Fifth, we emphasize a parental choice  
16 option in three ways. One is that each state may  
17 offer a parent a voucher for the federal funds for  
18 school choice if that state chooses. That's optional  
19 by the state.

20           Second is that each state must offer the  
21 parent at any school that's below those minimum  
22 standards for three years -- again, these are  
23

1 performance standards, not process standards,  
2 performance standards -- a voucher equal to the per  
3 capital of federal funds for special ed. Again,  
4 consistent with No Child Left Behind. So the voucher  
5 is for failed schools, not for all schools.

6           And then third, and this is Cherie's add,  
7 is that parents shall be provided respect and an  
8 opportunity to participate in choosing the  
9 educational services for their student without regard  
10 to whether the voucher has ever been exercised. So  
11 additional respect and opportunity for parental  
12 choice in the educational process.

13           Sixth is that there be a lot of  
14 performance measures that will be measured, but two  
15 that our task force singled out that need to be  
16 included. One is graduation rates. I think we found  
17 one state that's beginning to measure graduation  
18 rates for disabled students, even though all states  
19 measure graduation rates for their other students.  
20 And we think that ought to be sort of the base. And  
21 we also, by the way, as an aside, we also noted that  
22 there ought to be graduated -- graduation. There

23



1 ought to be different kinds of degrees as opposed to  
2 alternative certificate or certificate of attendance  
3 or diploma. We think that there are some other  
4 gradations.

5           And then second is, is that inclusion or  
6 least restrictive environment rates should be  
7 measured as a performance outcome rather than merely  
8 a process. We think it is so important that's part  
9 of the outcome, not simply part of the check box for  
10 process.

11           Our other recommendations of the task  
12 force, we concurred, and they will be included in  
13 other task force recommendations, so we just noted  
14 that these are important to us in accountability but  
15 didn't make a specific recommendation. One is an  
16 early intervention prior to classification for  
17 learning disabled students, and second is, is a high  
18 cost reimbursement mechanism. We found it to be  
19 virtually impossible to achieve accountability in the  
20 face of sometimes, you know, \$100,000 cost for an  
21 individual child with no relief for that school  
22 system.

23

1                   So, Mr. Chairman, that's our report.

2                   CHAIRMAN BRANSTAD: Thank you very much.

3                   Are there questions? Yes? Jack Fletcher.

4                   MR. FLETCHER: I really appreciated the  
5                   work of the task force, and I think your  
6                   recommendations are cogent and potentially have great  
7                   impact.

8                   I do have one question about your fifth  
9                   recommendations which involves parental choice, and I  
10                  want to know if that is with or without  
11                  accountability. In other words, if a parent  
12                  exercises choice, does the child leave the  
13                  accountability system?

14                  MR. BARTLETT: No. The accountability  
15                  would go with the voucher on the school choice, so  
16                  the accountability system travels with the student  
17                  with the voucher. That's in the text of our  
18                  recommendation. I don't know if it's in the  
19                  recommendation. But it would be I think suitable to  
20                  elevate it into the actual language of the  
21                  recommendation, Todd, if we could do that.

22                  MR. FLETCHER: I just think it's important

23

1 that parents know how well their choices actually  
2 function, you know, given some sort of objective  
3 information. Thank you.

4 MR. BARTLETT: Yes. The accountability  
5 system travels with the student, along with the  
6 money.

7 CHAIRMAN BRANSTAD: Wade Horn.

8 MR. HORN: Could you explain a little bit  
9 more the thinking behind the recommendation to  
10 include some kind of measure of least restrictive  
11 environment as an outcome measure as opposed to a  
12 process measure?

13 MR. BARTLETT: Well, there is some  
14 difference of opinion there, but the majority of the  
15 task force believes that least restrictive  
16 environment or inclusion in fact is an outcome as  
17 well as a process, and it's often measured as more of  
18 a check box on the process.

19 The outcome is, is that special education  
20 students both in their academics performance as well  
21 as socializing, that the LRE is an important part of  
22 the outcome. And so we think it should be measured

23

1 as that.

2 We also in our field hearings -- and as  
3 you can tell, I haven't been delicate about anything  
4 else, so I won't be in this. In our field hearings  
5 we found ample, ample examples of schools that  
6 believe they were doing good, but doing good meant  
7 the special ed students went into the portable  
8 classrooms for years. We found at a school that we  
9 visited that was an example of a good school, the  
10 task force members went back and found the temporary  
11 classroom with students that had been in that  
12 classroom for over two years for behavior issues and  
13 had been administered by a substitute teacher for two  
14 years, and that's it. That was the outcome.

15 So we think that an outcome is, is  
16 inclusion in the outcome is how do you get them back  
17 into the regular classroom. That doesn't mean that  
18 you don't do pull-outs. It doesn't mean you do  
19 special teaching and all of those things, but it does  
20 mean that the outcome ought to be to be able to make  
21 it in the real world.

22 CHAIRMAN BRANSTAD: Floyd Flake.

23

1           MR. FLAKE: Thank you. Steve, with the  
2 gaps that are in the system, Cherie's question was  
3 tilted toward the cultural side, but there is a  
4 reality that there's a tremendous gap as it relates  
5 to education in general in terms of communities,  
6 race, other kinds of disparities.

7           When you talk about creating a process for  
8 leaving no child behind using vouchers and so forth,  
9 is there a way to do some analysis of whether or not  
10 those schools that students are already far behind by  
11 virtue of the curve, the gap that already exists,  
12 whether or not special ed can in fact be changed in a  
13 way that students in those schools -- rather, I guess  
14 first we need a way to measure whether or not there  
15 is consistency in the gap as it relates to special ed  
16 and those kind of schools, and then is there some way  
17 to propose how to assure that the gap does not become  
18 greater because they carry a secondary so to speak  
19 burden now of also being special education students?  
20 I'm not sure whether or not that came out, but I  
21 think it needs to be addressed.

22           MR. BARTLETT: It's embedded in our  
23

1 recommendations, in the sense that first start to  
2 measure performance, and that has simply not been  
3 done. And then second is to say -- it's a jargon  
4 that's called AYP or adequate yearly progress that's  
5 embedded into No Child Left Behind. And so you  
6 measure the progress of the school.

7           And then a subject of considerable  
8 discussion within the task force, although not debate  
9 or not a division, and that is the importance to  
10 measure all the students and the progress of that  
11 school from year to year of the school as a whole,  
12 and that's one measurement.

13           And the second measurement, you just make  
14 a cut of the special education students to be sure  
15 that the special education students are also making  
16 progress and hold the school accountable for both of  
17 those.

18           And to your point, then, if a school  
19 starts off way behind, our measurement is designed to  
20 assure that they're catching up. So it's not  
21 designed to punish the school, it's designed to help  
22 the school begin to make progress, significant

23

1 progress to catch up.

2 MR. FLAKE: But catching up to the  
3 standard of that particular school? What are we  
4 catching up to?

5 MR. BARTLETT: Well, first is to improve  
6 from the prior year. So if they're behind, we need  
7 to see progress from the prior year.

8 And then second is, is that at least at  
9 the end of the three years, is to be certain that  
10 they have reached some kind of minimum standards. We  
11 chose three years because that's a No Child Left  
12 Behind -- there is plenty of debate in Washington  
13 that that should have been 12 years and some debate  
14 that should have been six minutes and some debate it  
15 should have been 100 years. We chose three years  
16 because that's what passed in No Child Left Behind  
17 statute, and we thought it should be consistent.

18 MR. FLAKE: Thank you, sir.

19 MS. BUTTERFIELD: When we talk about  
20 public ranking of schools, you know, I'd like us to  
21 consider. One of the things I think we do often is  
22 rank them perhaps incorrectly. We start with the

23

1 schools that were already on top, and they're always  
2 on top.

3 I would like us to look at ranking them by  
4 improvement.

5 MR. BARTLETT: Right.

6 MS. BUTTERFIELD: You know, that way you  
7 might see some schools that really have a long way to  
8 go, and they're showing the improvement versus the  
9 schools that didn't have as far to go. Because I  
10 think there needs to be some incentive and some  
11 recognition. I've seen schools improve, you know,  
12 25, 30 points over a relatively short period of time  
13 because of incredible intervention, and yet they're  
14 still low because they started low. So that's  
15 something I think is important.

16 MR. BARTLETT: I think that's embedded in  
17 our concept of adequate yearly progress. So I suppose  
18 like many things in Washington, we try to do both.  
19 There are absolute standards. I mean, you're either  
20 above or below minimum standards, and no sugar  
21 coating that.

22 But then second is, is we also measure and  
23



1 report the ranking of progress from the prior year.

2 So we do both.

3 CHAIRMAN BRANSTAD: Jay Chambers.

4 MR. CHAMBERS: Oh, well, I'll just talk  
5 loud.

6 (Laughter.)

7 MR. CHAMBERS: Steve, I've got a couple of  
8 questions, or actually one comment. I guess I  
9 applaud the task force for including the measure of  
10 inclusion as an outcome. I think it's both a process  
11 an and outcome issue in my view. But I guess I would  
12 broaden it. And I think in the materials that I've  
13 seen, you did broaden it. You didn't mention it  
14 today.

15 But I would almost talk about  
16 participation rates of students with disabilities in  
17 all components of the school experience, not just in  
18 the regular classroom but in other kinds of extra  
19 curricular activities, whether that be student  
20 government or clubs or after school kinds of things,  
21 because I think those are important dimensions of the  
22 schooling experience.

23

1           A couple of questions. One on the  
2 parental choice. If I heard you correctly, you said  
3 that the parents would be provided with a voucher in  
4 the amount of the federal funds to be used I guess I  
5 heard you in any school. Is that -- given the amount  
6 of federal funds and the relative amount that they  
7 represent in terms of the total expenditure for  
8 education, is that really a meaningful voucher?

9           MR. BARTLETT: Well, first of all, Jay, on  
10 participation rates, we agree. That's included in  
11 our recommendations. It's part of the narrative in  
12 any event, the full measure of inclusion. And again,  
13 respecting that there's a lot of curriculum in  
14 teaching that happens one-on-one, so we don't call  
15 that -- we don't say that's not inclusion, that's  
16 just special teaching.

17           There is a difference of opinion, let me  
18 say. I'll tell you, the difference of opinion is,  
19 there are those that say, and we heard at our  
20 hearings, there are those that say that if federal  
21 funds are only on a per capita basis per state,  
22 \$1,100 to \$1,400 per student, then it doesn't make  
23

1 any difference, no parent can use it. Some people  
2 believe that. I don't.

3           And the other witnesses at several  
4 hearings, including Miami, said exactly the opposite.  
5 That for \$1,400 or for \$1,200 they can do a lot with  
6 providing educational services for their students,  
7 and many parents believe they could do a lot more  
8 than continuing to send their child to a failing  
9 school that continues to fail and doesn't make  
10 progress. There's a philosophical and perhaps an  
11 empirical difference of opinion on that subject. Our  
12 task force concluded that we agreed that if you give  
13 the parent the choice, then the parent can decide  
14 whether that \$1,400, as contrasted with continuing to  
15 go to a failed school, is meaningful or not. We had  
16 all kinds of evidence that it was very meaningful,  
17 but many people it wasn't. We decided to leave it up  
18 to the parent.

19           Again, it only applies to a failed school,  
20 to a school that's failed for three consecutive  
21 years. But you did hit -- there is a difference of  
22 opinion. Other people believe that it's of no

23

1 consequence. We found evidence that it was.

2 MR. CHAMBERS: I guess another question I  
3 would have regarding the graduated diplomas I think  
4 was the reference, could you elaborate on that and  
5 kind of explain the difference between that and what  
6 exists now in some states?

7 MR. BARTLETT: And again, we didn't do a  
8 full 50-state survey. But from the hearings that we  
9 had, what we found was that there's now a system of a  
10 high school diploma if you meet the state tests that  
11 are not adjusted for -- well, there's reasonable  
12 accommodation for taking the test, but the curriculum  
13 content is not adjusted for level of disability.

14 There's the state test, and if you pass  
15 that, you get a state diploma. And then there is  
16 what in most states call a certificate of attendance,  
17 which means that you went to school through the 12th  
18 grade. And we had some pretty compelling evidence  
19 that the real world, there's a lot of gradations  
20 between that. There are Down's Syndrome students  
21 that may or may not pass the state test and get a  
22 full diploma, but they did a lot more. I mean, they

23

1 may not -- they may have been a cheerleader or in the  
2 student council or making good grades in their  
3 courses all the way through. They did a lot more  
4 than simply attend. And so we strongly believe that  
5 the states need to come up with some kind of other  
6 measurements of success for those students that for  
7 whatever reason cannot get a full diploma, but they  
8 did a lot more than certificate of attendance.

9           We found that the certificate of  
10 attendance became almost a disincentive and demeaning  
11 to students and sort of stopped them from moving  
12 forward with their lives until parents or counselors  
13 or teachers or someone could kind of -- we actually  
14 visited with some of the students. We had some of  
15 the students come and testify and say, you know, I  
16 thought I was doing well. I was making B's, some  
17 C's, went through 12 grades, never missed a class,  
18 was in the student government, helped to manage the  
19 football team, and I get out there and they say not  
20 only do you not get a diploma, you get something  
21 called a certificate of attendance. Nobody could  
22 tell us what that was and I couldn't even walk across

1 the stage and get it. This one testimony, this young  
2 man was just -- he was still in a funk 12 months  
3 later, and his mother later told me he was starting  
4 to get out of that funk. He didn't know it until,  
5 what, a week I think before graduation.

6 MR. CHAMBERS: I think one of the points  
7 I'd like to make on that, and maybe it just didn't  
8 come through to me, but I think what you're saying  
9 makes a lot of sense, and I guess I would like to  
10 almost see that emphasized a little bit more, a  
11 little bit more elaboration on exactly what it means.

12 MR. BARTLETT: You can tell my passion, I  
13 don't mind emphasizing it. We'll put that on an  
14 emphasis, Todd, in the actual recommendation.

15 MR. CHAMBERS: One last question if I may.

16 CHAIRMAN BRANSTAD: Go ahead, Jay.

17 MR. CHAMBERS: You indicated that up to  
18 ten states would be permitted to --

19 MR. BARTLETT: Waivers.

20 MR. CHAMBERS: Seek waivers for paperwork  
21 reduction. Why are we limiting it to ten? Why can't  
22 more do that?

23

1           MR. BARTLETT: First of all, this would be  
2 a very controversial recommendation. So one way that  
3 the governance works universally, but in this town in  
4 particular is, you can take an incremental approach  
5 and you have states that begin to develop models and  
6 so that you don't jump in all at once so states can  
7 learn from each other.

8           Secondly is we didn't believe that -- the  
9 whole paperwork reduction strategy is so -- and  
10 replacing process with performance standards is so  
11 new, and no one's doing it, that we felt like  
12 offering it to ten states we would get some  
13 competition so different states would come up with  
14 different proposals, and if 20 states made an  
15 application and only ten of them get it, those other  
16 ten are going to be looking at the applications of  
17 the ones that got the waiver and then to come back  
18 and learn from that as to what they can do even  
19 better on a waiver.

20           We think if anybody can get it, then we  
21 were concerned that the replacement for process would  
22 not be very well thought out. It would just be  
23

1     whatever they came up with to get out of the  
2     paperwork.

3                     What we're not trying to do -- we're not  
4     trying to do -- is to have waivers merely so states  
5     can get out of paperwork. That's one of the  
6     outcomes. But we're saying replace the process  
7     paperwork with performance standards, and then the  
8     Secretary can judge if a state offers a model, he can  
9     judge what are the best performance standards that a  
10    state offers as opposed to simply who can eliminate  
11    the largest number of the 814 regulations.

12                    What we profoundly will not do, do not  
13    want to do, do not believe that should happen from  
14    this, what we profoundly want to avoid is to move  
15    back to the dark ages of the segregated classrooms  
16    and the no civil rights for students with  
17    disabilities. We want to take the current civil  
18    rights and then take from that and add to educational  
19    attainment. That's the next step in the teaching of  
20    students with disabilities. We've got the civil  
21    rights down. Let's keep what we got but then move to  
22    a higher level.

23



1 MR. CHAMBERS: Thank you.

2 CHAIRMAN BRANSTAD: Ed Sontag.

3 MR. SONTAG: I want to follow up just on a  
4 suggestion that Jack made. I am a strong advocate of  
5 parental choice programs, having been personally  
6 involved in Milwaukee parental choice program.

7 I think that the concept of competition,  
8 not having sole franchise is good for children, good  
9 for all children. I think we've seen that in the  
10 results in the Milwaukee schools already.

11 One issue where I would depart from some  
12 of my colleagues in that movement is the evaluation  
13 of choice programs, and I strongly reference that.  
14 If a child is put into a program that they be held to  
15 the same standards so we can have common measurements  
16 as other education agencies and public schools.

17 Secondly, I don't think I need to say it  
18 to this chairperson, but any rankings and so on I  
19 would hope are presented with disaggregated data.

20 MR. BARTLETT: Disaggregated?

21 MR. SONTAG: Data.

22 MR. BARTLETT: Data. Meaning separate as

23

1 well as together?

2 MR. SONTAG: So that we look at the  
3 performance of all subgroups.

4 MR. BARTLETT: All subgroups. That's  
5 right.

6 MR. SONTAG: Not just means and averages.

7 MR. BARTLETT: Right. Performance of all.  
8 Exactly. And that is essential. We actually had  
9 several drafts that didn't include that, and the task  
10 force corrected those drafts. Because what you can't  
11 do -- and I will tell you, Commissioner, that there  
12 was some impassioned debate right through the  
13 telephone lines with corpuscles popping, mentioning  
14 no names, of how difficult that is. And we said it  
15 may be difficult, but we're not going to come out  
16 with a system in which a school that's educating 90  
17 percent of their students very well and 10 percent of  
18 their students not at all where that school looks  
19 average. We want to focus on both the 90 percent,  
20 and we'll say 90 percent very well, but then if the  
21 10 percent is not at all, then that school just  
22 failed, and we will call that a failing school, if

23

1 it's the 10 percent that is in a category of special  
2 ed. You would get a failed school for that. And  
3 that's what you mean by disaggregation, and that's  
4 what we mean.

5 CHAIRMAN BRANSTAD: All right. Any other  
6 questions on this? Wade?

7 MR. HORN: And I'm sure this will be  
8 elaborated more in the actual report itself and I  
9 look forward to reading it. But on the school choice  
10 issue, let me see if I understand this. In response  
11 to Jay's question, the voucher would be worth just  
12 the portion, the federal portion of the cost of the  
13 special? Is that correct? And the parent can then  
14 use that voucher to send their child to another  
15 school?

16 MR. BARTLETT: Or to seek other  
17 educational services.

18 MR. HORN: Or other educational services.  
19 But they could send their child to another school.  
20 Could that other school be a private school?

21 MR. BARTLETT: Sure.

22 MR. HORN: Why would you, in that case,

23

1 essentially you may be rewarding this failing school  
2 in that they get to keep -- I mean, why not make the  
3 voucher the total cost of educating that child? If  
4 they're going to take that voucher and go to another  
5 school, including a private school, why wouldn't you  
6 make the value of that voucher equal to the total  
7 cost of educating that child in the failing school  
8 and not just limit it to the federal share of the  
9 special ed?

10 MR. BARTLETT: Well, it's a fair point.  
11 Our conclusion was it's not our money. That's the  
12 taxes that are raised and collected and disbursed by  
13 the governing officials of that state or school  
14 district, and for the federal government to come in  
15 and demand that the state -- then it goes back to the  
16 old days of command and control from the federal  
17 government, demand that the states spend their money  
18 in ways that they don't choose to. We just wouldn't  
19 go that far.

20 So we want accountability, but we also  
21 want flexibility.

22 MR. HORN: Again, some of this may be  
23

1 explained in your full report. But for the state  
2 option, that's a state option under that, a state  
3 could elect to make the voucher the total cost of  
4 educating that child?

5 MR. BARTLETT: Right. The state option,  
6 the state can make -- I mean right now in the McKay  
7 scholarship, this is the testimony we got in Florida,  
8 the McKay scholarships, it's the reverse. Florida  
9 does offer and feels empowered to offer all the state  
10 money to go with the voucher, okay, but they don't  
11 feel empowered to offer the federal money. It's sort  
12 of reversed. So we said if you're going to offer  
13 state money -- whether you offer state money or not,  
14 if you want to offer a voucher with federal money, go  
15 ahead. And it's only if you're in a failed school  
16 that you have to offer it.

17 MR. HORN: Will that be clear? I hope  
18 that will be made clear in your report that under the  
19 state option, you're not just talking about the  
20 federal share.

21 MR. BARTLETT: In the state option, we're  
22 talking about authorizing the federal share because  
23

1 we can't authorize the state share.

2 MR. HORN: Right. But you'll make clear  
3 that the state could choose the option to use --

4 MR. BARTLETT: Yeah, we'll probably say  
5 some nice things about the McKay scholarships just to  
6 get us further into trouble.

7 MR. HORN: And one last point. And,  
8 Congressman, I know I don't have to emphasize it to  
9 you, that here in Washington we always have to be  
10 aware of the law of unintended consequences of  
11 recommendations that we make or legislation that we  
12 pass, including a measure, outcome measure of  
13 graduation rates.

14 While I completely agree with that, and  
15 who can be against having kids graduate, it seems to  
16 me --

17 MR. BARTLETT: Forty-nine states so far.

18 MR. HORN: What we have to be clear about  
19 is it's not just graduation. It's that whether the  
20 kid actually has learned something.

21 MR. BARTLETT: Right.

22 MR. HORN: I mean there are certainly

23

1 people who get diplomas that haven't learned very  
2 much. And one of the worst aspects of failing  
3 schools is they graduate kids that don't know  
4 anything. What we don't want is to put into place a  
5 system that says we will reward you for graduating  
6 more kids that aren't learning anything.

7           And so I hope that your report will  
8 emphasize also that while graduation rates are an  
9 important piece of what we will be monitoring, it is  
10 in combination, and perhaps even more importantly,  
11 with other measures that determine whether the child  
12 has actually learned something through their  
13 experience and not just that we pass them on from  
14 grade to grade to grade and then give them a diploma.

15           MR. BARTLETT: That's an excellent  
16 suggestion. We'll incorporate that specifically if  
17 it's not already. We just found it so appalling that  
18 49 states -- and I say 49. That's my memory. We  
19 only found one state that was -- that 49 states do  
20 not measure graduation rates of special ed students  
21 and they measure graduation rates of other students.  
22 It was just so appalling that we decided to single it  
23

1 out to be appalled at.

2 (Laughter.)

3 CHAIRMAN BRANSTAD: Any other questions?

4 Are we ready to move? Beth Ann Bryan.

5 MS. BRYAN: Steve, I think because of the  
6 way the discussion's gone on, it might be good to  
7 kind of go back to the very beginning of the report  
8 and emphasize the fact that the accountability is  
9 really focused on the majority of the special ed kids  
10 who are in the regular public school system and  
11 making sure that the people who instruct those  
12 children identify how far they can push them to their  
13 best limits and that they're making progress towards  
14 those best limits within the regular public school  
15 system, because that's where most of these kids are  
16 going to be.

17 And the primary recommendations we're  
18 making sure that those kids were effectively  
19 educated. And these are supplementary  
20 recommendations along side it. But we're focused on  
21 the kids that are in the regular system.

22 MR. BARTLETT: What you mean is that our

23



1 school choice option is only one of six  
2 recommendations.

3 MS. BRYAN: Yes. There's been a lot of  
4 discussion on it and I think it's helpful to go back  
5 to the very beginning.

6 MR. BARTLETT: One of six. It may be the  
7 headline, but it's one of six.

8 MS. BRYAN: I don't want it to be the  
9 headline, because our headline is that we are very  
10 concerned about the accountability for children who  
11 are in the regular system and making sure that  
12 something occurs.

13 MR. BARTLETT: And in fact -- and Cherie  
14 was particularly helpful on this point -- to remind  
15 us that we actually in the parental choice  
16 empowerment subsection we actually have three kinds  
17 of choice. The third kind probably relates to most  
18 of the students, 99 percent of the students, and that  
19 is the parental choice within the local public school  
20 to be treated the respect of being a part of choosing  
21 educational services within that school. So maybe we  
22 ought to just flop that and put that number one,

23

1 because that was a significant add.

2 CHAIRMAN BRANSTAD: Ed Sontag.

3 MR. SONTAG: Just a question,  
4 Commissioner. I'm assuming that your recommendations  
5 will be embedded into the IEP process and that's  
6 still going to be the vehicle by which these  
7 decisions will be made?

8 MR. BARTLETT: Yes. I don't think we  
9 addressed IEP at all, other than IEP as the paperwork  
10 part of it. I don't think we -- we just didn't come  
11 up with any brainstorms on how to -- we want to keep  
12 the IEP. We didn't come up with any brainstorms on  
13 how to improve it. What we came up with was to --  
14 using the adequate yearly progress against the IEP and  
15 other things -- what we came up with is the idea of  
16 holding the schools accountable for performance. So  
17 we didn't actually say anything more about IEP other  
18 than that. So it's included in the process. The IEP  
19 is sort of the core part of the process.

20 Again, hold to the civil rights gains that  
21 we've made since 1975. Don't allow us to back to the  
22 Middle Ages and then take those civil rights gains,  
23

1 hold them steady and build on it academic gains which  
2 is what is lacking.

3 CHAIRMAN BRANSTAD: Okay. The next task  
4 force is on finance. The chairman is Doug Gill and  
5 we will now go to the presentation of the Task Force  
6 on Finance presentation.

7 MR. GILL: Thanks, Mr. Chairman. Actually  
8 I guess I'd like to say thank you because there are  
9 many days when I don't feel much like saying thank  
10 you for anything regarding the work of this  
11 particular task force and the work of the Commission,  
12 because as is evidenced in our discussions today,  
13 there certainly and clearly is a need for continuing  
14 dialogue and debate among Commission members about  
15 the interrelational nature of the various  
16 recommendations that are starting to surface, and  
17 certainly finance is one of those areas that probably  
18 has an impact on all of the recommendations and  
19 issues that come forward.

20 I'd also like to thank my fellow task  
21 force members, Jay Chambers, Bryan Hassel, David  
22 Gordon and Paul Butterfield, for all of their

23

1 multiple conference calls, multiple e-mails, multiple  
2 drafts back and forth, back and forth. And we're  
3 still of course in that process.

4 As the other groups have certainly  
5 mentioned and if not have mentioned will soon  
6 mention, we have had no shortage of input nor have we  
7 had any shortage of debate regarding general  
8 recommendations regarding special education finance.

9 We've had conference calls prior to our  
10 official task force public meeting on March the 20th  
11 in Los Angeles. We've taken lots of testimony, both  
12 formal and informal, throughout that process. We had  
13 wide-ranging comment and discussion in Los Angeles,  
14 and we followed the practice of many of the other  
15 task force groups by staying until all public comment  
16 was heard at the end of that meeting.

17 We've had multiple conference calls  
18 reacting to some drafts. I guess our first position  
19 was to sort of take some drafts of recommendations,  
20 tentative recommendations in kind of a bulleted  
21 format and put those out there for task force members  
22 to considers. Those bullets have then been converted

23

1 into a draft set of recommendations, a paper if you  
2 will. That paper has been reacted to at least three  
3 times up to today and we'll react to it more, because  
4 we have another draft as a result of our conference  
5 call last Friday. And I think we'll continue some of  
6 the dialogue and debate.

7 I guess probably the very serious business  
8 of special ed finance and the ongoing dialogue we've  
9 had probably revolves around five key themes I think  
10 are the key themes that we have right now. And  
11 because of the interrelational nature of special ed  
12 finance, we kind of would like to reserve the  
13 opportunity to at least have heard all of the other  
14 task force reports before we finalize any particular  
15 recommendations. Because as this morning so far has  
16 demonstrated, there are lots of things that are  
17 coming up that likely have implications for finance  
18 as part of the recommendations that come forward.

19 But at any rate, the five key themes I  
20 think that have emerged pretty consistently in our  
21 discussions, in our dialogue and in our public input  
22 process is that we probably need to clarify the

23

1 implementation of the 30-year-old notion of excess  
2 cost funding for special education consistent with  
3 current research in that regard. I think some of the  
4 filters that we've run our recommendations through  
5 are certainly consistent with No Child Left Behind in  
6 terms of research-based accountability, flexibility  
7 is kind of the filters that we've tried to run our  
8 recommendations through.

9           For the first one, at least the concept is  
10 to clarify the implementation of excess cost based on  
11 current research and not looking at just an excess  
12 expenditure model but in fact looking at an excess  
13 cost model to try to determine what the real  
14 supplemental cost of special education is, because I  
15 think one of the issues that we've clearly  
16 articulated, at least for ourselves, is that special  
17 education children, all children are general  
18 education children first and special education  
19 children second, and their eligibility for special  
20 education should in no way diminish their funding or  
21 their rights as a general education student first.  
22 So we think that we need to clarify the concept of

1 excess cost using current research.

2           The second probably major theme of our  
3 recommendations is in tying the increases in federal  
4 funding above a particular threshold, if you will, to  
5 increases in outcomes and results. I think if we  
6 simply fund the way we've always funded, we'll likely  
7 always get what we always got, if that makes any  
8 sense. It made a lot of sense to us as we were  
9 having the discussion.

10           But I think what we don't want to do is  
11 create funding streams that in fact institutionalize  
12 some of the examples of bad practice that we've  
13 already heard about, that we want to tie funding  
14 increases to increases in achievement. And I think  
15 in our mind that includes both academic and post-  
16 school outcomes. Because I think some of the data  
17 that we have seen, at least in our state, and I'll  
18 speak for the state of Washington, is that as  
19 students seem to increase in terms of their academic  
20 achievement, sometimes it's at the expense of their  
21 post-school outcomes. And I don't think we want to  
22 trade one for the other.

23

1           I think we would like to tie funding  
2    increases to increases in both academic and post-  
3    school performance so that we are in fact creating an  
4    opportunity for kids to not only learn but also  
5    display the skills that they have learned in a real  
6    world environment.

7           The third major theme, at least in the  
8    Finance Task Force, is certainly to increase local  
9    district flexibility and target funds closest to  
10   where the students are actually served. That may in  
11   fact include options and abilities for districts to  
12   do some risk management with the monies that they  
13   currently have to legitimize year-end annual  
14   carryover and other kinds of things in that regard of  
15   creating some flexibility where funds can be used to  
16   in fact improve achievement as opposed to simply  
17   maintain a current system that sometimes doesn't work  
18   very well.

19           The fourth major issue I think is again  
20   targeting resources closest to where the services are  
21   actually provided, and that may include at least a  
22   recommendation to increase the amount of flowthrough  
23



1 money available to local districts out of Part B from  
2 its current state and perhaps then target the  
3 administrative or discretionary portions of that  
4 money, using the total grant, a percentage of the  
5 total grant, as opposed to going back to the '97-  
6 based plus inflation indexes over time which I think  
7 actually results in some ways less flexibility for  
8 states and local districts to meet the needs that are  
9 unique to their own situations.

10           And the fifth major theme is to develop  
11 mechanisms to deal with high need students who  
12 sometimes wind up enrolled in school districts in an  
13 unanticipated way. And in fact if there is no  
14 mechanism to deal with the extraordinary excess cost  
15 of a particular student, it has the impact of  
16 sometimes reducing the availability of services for  
17 not only all special education students in the  
18 district but all other students as well. So we think  
19 there ought to be some mechanisms by which we can  
20 deal with high cost or complex needs children in the  
21 context of the federal funding that is available too.

22           So, again, those are kind of the five  
23

1 themes that we've talked about. The debate  
2 continues. And I think the debate continues in the  
3 context of some of the other recommendations that we  
4 are now and during the two-day period that we're here  
5 getting the opportunity to explore and then balance  
6 against some of the recommendations that we will make  
7 as a Finance Committee.

8 So thanks to everyone for all of their  
9 input and support so far. We look forward to a  
10 continuing engagement of discussion. How about that?

11 CHAIRMAN BRANSTAD: Questions of this task  
12 force? Katie? Katie Wright?

13 MS. WRIGHT: Good morning. I know you  
14 debated this. I know you did, because the hue and  
15 cry has been for full funding of special ed. What  
16 was your take on that?

17 MR. GILL: Well, I think we need to have a  
18 better idea of what full funding for special  
19 education actually means in the context of 2002  
20 versus the context of 1975. So I think that's kind  
21 of the heart of our first recommendation, Katie, is  
22 to try and understand based on current research what  
23

1 really is the total cost of providing special  
2 education in a given district and then determining  
3 what the excess amount of that cost is beyond --  
4 beyond the cost of educating any child in regular  
5 education.

6           Because as I said before, kind of our  
7 theme here is that all kids are general education  
8 kids first and special education kids second. So we  
9 don't want to create a mechanism or reinforce a  
10 mechanism by which somehow as a result of an excess  
11 expenditure calculation the students are in fact less  
12 basic education than they were when they entered the  
13 system.

14           CHAIRMAN BRANSTAD: Other questions? Yes?  
15 Cherie Takemoto.

16           MS. TAKEMOTO: When you were talking about  
17 the extraordinary cost kids, and I know that you had  
18 a lot of testimony in, was it the San Francisco  
19 hearing?

20           MR. GILL: Los Angeles.

21           MS. TAKEMOTO: Los Angeles hearing. Is  
22 there a category of kids or is it a cost threshold  
23

1 that you're looking at?

2 MR. GILL: I think actually it really  
3 isn't a category of kids. It's more of a  
4 consolidation of services around a particular student  
5 regardless of what their category may be. I mean,  
6 theoretically, any child can be a high cost kid.  
7 That's not categorically specific I don't think. I  
8 think that's more service driven as opposed to label  
9 or category driven.

10 And I think certainly the debate that  
11 we've had that ties back to defining excess cost is  
12 understanding what the total amount of available  
13 revenue is for a student versus the legitimate  
14 expenditures against that revenue and then  
15 determining the difference. That difference is what  
16 we would consider as extraordinary cost beyond what  
17 students would normally generate. And I think this  
18 ties a little bit back to the question that Wade Horn  
19 asked earlier. I mean, you have to look at all  
20 available revenues for a student, be they state, be  
21 they local, be they federal, be they local  
22 enhancements whatever, and then weigh that against

23

1 the legitimate expenditures to determine what the  
2 threshold for additional cost reimbursement would be.  
3 And so those are -- that is kind of the threshold  
4 area we've talked about.

5 MS. TAKEMOTO: My other question has to do  
6 with professional development as well as Part D  
7 funding. You talked about the state grants and  
8 things like that. There have been proposals to, for  
9 instance, tie a percentage of the investment in  
10 special education to the Part D research,  
11 professional development and other types of  
12 activities. Did you think about that, talk about  
13 that?

14 MR. GILL: Well, we have certainly thought  
15 about that. We have had some discussions in that  
16 regard, and if there is a proportional increase in  
17 federal funding across the board, which we think  
18 there should be at least at some level, we think that  
19 proportional increase certainly should be extended to  
20 Part D programs as well. Now we can have a  
21 particular percentage associated with that, but I  
22 think proportional increases in the entirety of the  
23

1 program including Part D is certainly in at least  
2 some of the drafts of our paper so far.

3 MS. TAKEMOTO: Then can we expect sort of  
4 an interchange between -- I suppose it would be  
5 research and professional development with finance to  
6 think about what this Commission may have in mind  
7 related to the Part D part?

8 MR. GILL: I kind of think that's my  
9 understanding of not only what's going to happen the  
10 remainder of the time that we're here, but also on  
11 the 13th and 14th too before any recommendations are  
12 actually finalized, because as you pointed out, the  
13 task forces have spent a great of time sort of  
14 developing things from their own perspective at this  
15 point in time, and what we haven't had the  
16 opportunity to do yet is begin to merge those  
17 perspectives into a single set of recommendations in  
18 a single paper or report.

19 MR. HASSEL: But it is very consistent  
20 with the recommendations from, for example, the  
21 Research Task Force.

22 CHAIRMAN BRANSTAD: Bill Berdine.

23

1                   MR. BERDINE: Doug, just a point of  
2 clarification. Did your task force specifically  
3 state in a recommendation form or in the body of its  
4 report, a proportional indexing of Part D with Parts  
5 B and C?

6                   MR. GILL: Yes we did state a proportional  
7 increase in Part D as part of our most current draft,  
8 Bill.

9                   MR. BERDINE: Okay. Thank you.

10                  MR. FLAKE: Mr. Chairman, just one  
11 question, and that is, in terms of the determination  
12 of excess cost, did you find as indicates, for  
13 instance, of Chancellor Levy's testimony in New York,  
14 where he's spending over \$100,000 on six students,  
15 \$100,000 each, would that be a category of excess  
16 cost or would that -- how would we classify that kind  
17 of thing in relationship to other costs in a  
18 district? And is that happening all over the  
19 country?

20                  MR. GILL: I think the way that we have  
21 perceived that particular issue is that is exactly  
22 what you would look at in terms of a process for high  
23

1 need or complex need, high cost children. So that  
2 you're looking at the difference between what their  
3 revenue and expenditures would be versus the  
4 difference between that and the cost of providing a  
5 free appropriate public education then which may in  
6 fact be \$100,000. The difference between that  
7 revenue is in my estimation what would be the subject  
8 of reimbursement in a high cost pool.

9 MR. FLAKE: And we would be arguing for  
10 the continuation of that, as opposed to the testimony  
11 we received which argued for trying to find a method  
12 by which you would not have to pay that kind of --

13 MR. GILL: I think what we're suggesting  
14 is that there should in fact be a mechanism to  
15 compensate for the cost differences so that the  
16 difference between whatever the student generates and  
17 the \$100,000 cost of their program does not get cost  
18 distributed in reductions to students otherwise in  
19 the district or in the special education program. I  
20 think we think that's a proper use of at least a  
21 portion of the federal funds is to help establish  
22 those high cost mechanisms.

23



1           MR. FLAKE:   So those costs may no longer  
2   come directly from the district?  We would find some  
3   mechanism to pay or support or subsidize those costs?

4           MR. GILL:   That's correct.  That's what we  
5   would envision.

6           MR. FLAKE:   Okay.

7           CHAIRMAN BRANSTAD:  Bryan Hassel.

8           MR. HASSEL:   Just one point of  
9   clarification, though, on this federal role in high  
10  cost situations.  We heard some testimony and we had  
11  some discussion of the idea of a sort of centralized  
12  federal pool of funds that would be used to pay for  
13  those kind of costs.  So if a certain situation  
14  arose, a district could send the bill up to  
15  Washington and then have a check come back to pay for  
16  that.

17           And I think that we're -- we're not  
18  suggesting that in these recommendations.  What we're  
19  suggesting is increases in federal funds that go to  
20  states, and then a variety of encouragements and  
21  flexibility arrangements that would allow states to  
22  set up programs that would do that.  So it's not a

23

1 unified federal check-writing system that we're  
2 recommending, but a state level system that uses  
3 federal funds for that purpose.

4 MR. GILL: And also state available funds  
5 as well.

6 MR. HASSEL: State funds.

7 MR. GILL: Because some states have  
8 different obligations in terms of their general  
9 education, state constitutional differences, et  
10 cetera, and we don't want to ignore those.

11 CHAIRMAN BRANSTAD: Any other questions of  
12 this task force at this time?

13 (No response.)

14 CHAIRMAN BRANSTAD: Thank you very much.  
15 We'll go on to the presentation of the OSEP Role and  
16 Function Ad Hoc Task Force. The chairman of that is  
17 Alan Coulter. Alan, I'll turn it over to you. Thank  
18 you.

19 MR. COULTER: Thank you, Governor. I was  
20 chair, I had the privilege of being chair of the OSEP  
21 Role and Function Task Force. First of all, OSEP  
22 stands for the Office of Special Education Programs.

23

1 That office is one of three offices under the  
2 direction of the Assistant Secretary for Special  
3 Education and Rehabilitative Services.

4           The Office of Special Education Programs  
5 is critical to the implementation of federal law  
6 related to special education. And our task force was  
7 an ad hoc task force. It was added to the structure  
8 of our task forces based upon input from  
9 Commissioners and specifically I think at the  
10 direction of Ad Hoc Commissioner Sontag, who felt as  
11 though if this Commission did not examine the key  
12 federal agency related to the implementation of  
13 special education that we would in fact be neglecting  
14 an important component of our charge.

15           What we did was, we viewed the Office of  
16 Special Education Programs as critical in both  
17 creating and maintaining national leadership in terms  
18 of what is required in special education and also  
19 what are effective practices in special education.

20           We also believe that OSEP articulates for  
21 the public and for schools what is required and  
22 what's really going to work. It also assures  
23

1 families and individuals with disabilities that what  
2 they receive in terms of services are going to ensure  
3 effective outcomes and results, so that people with  
4 disabilities are fully integrated into society.

5           That office is currently led by Ms.  
6 Stephanie Lee, who was recently appointed as  
7 director. And so we conducted a hearing in  
8 Washington, D.C., and I'm going to share with you ten  
9 findings and ten recommendations. I'm going to share  
10 those with you in the context of the fact that our  
11 findings are integrated in part, at least in the most  
12 recent drafts, with Mr. Bartlett's Task Force on  
13 Administration and with Ms. Acosta's Task Force on  
14 Administrative Systems.

15           So that what you have now, what you're  
16 going to hear from me is, while you heard  
17 Commissioner Bartlett's report which really relates  
18 to how states administer this law and how that  
19 leadership from state levels can help local  
20 districts, I'm going focus on the national level and  
21 how nationally that same level of administrative  
22 accountability needs to be administered by OSEP in  
23

1 terms of looking at states.

2           So to do that, what we basically, our  
3 first finding was that we saw in terms of the  
4 testimony that we had in our hearing in Washington,  
5 D.C. and also the public testimony that we received  
6 and the comments that we got afterwards that we  
7 observed that the Office of Special Education  
8 Programs has a number of very knowledgeable and  
9 committed people who are striving to in fact  
10 implement that federal role. However, we also found  
11 that largely the effect of that office over the 25-  
12 plus years of this law is currently inadequate to  
13 assure families that what in fact is intended and  
14 required in the law is actually delivered. And so to  
15 do that, we had nine subsequent findings and  
16 recommendations.

17           I'm going to go through those very quickly  
18 because I'm sure that some of you have some questions  
19 for me and for my members, and I should interrupt  
20 this particular presentation and say that on my task  
21 force, the one that I had responsibility for, I had  
22 Commissioner Berdine, Commissioner Fletcher and

23

1 Commissioner Takemoto as Commission members, also ad  
2 hoc members Dr. Pasternack and Dr. Sontag. Katie,  
3 were you on that? Yes. I'm sorry, Katie. My  
4 goodness. Forget about my neighbor here. And Katie  
5 was also I think on that task force, it's just that  
6 Katie couldn't attend the hearing on that particular  
7 day. So we've had a number of conversations since  
8 then.

9           So first of all, we wanted to commend the  
10 Office of Special Education Programs on its role in  
11 terms of trying to consistently improve the  
12 implementation of special education, but we felt as  
13 though it needed to make significant improvements in  
14 the administration and general supervision of special  
15 education programs. While we recognize that OSEP was  
16 recently reorganized and folded a number of functions  
17 into two offices, we felt as though there were three  
18 key functions, and those three key functions we  
19 identified as program supervision and monitoring, a  
20 second function in terms of personnel development,  
21 especially as it relates to the chronic shortages. I  
22 mean, we got a lot of testimony that the shortages in  
23

1 personnel across the United States have been known  
2 and have existed since 1988, and that there's been  
3 relatively little impact in terms of addressing those  
4 shortages and closing the gap between people needed  
5 and people actually working in programs.

6           And third, on knowledge development and  
7 dissemination, and that those three functions needed  
8 particular attention. And we think that in some  
9 respects the two-office organization needs to be  
10 looked at to make certain that the three functions  
11 are in some way adequately dealt with.

12           We also looked at the issue of how the  
13 monitoring and general supervision function is  
14 implemented by the office. We received data  
15 stimulated in part by a request from Commissioner  
16 Sontag, that while the office has a requirement that  
17 when they conduct on-site monitoring that their  
18 reports get issued within 60 days, the actual average  
19 length of time to issuing a report is 540 days. And  
20 so if you view the federal office as the model for  
21 timely dissemination, then you need to in fact extend  
22 the accountability theme of our Commission not just

23

1 down to school districts but also at the federal  
2 level.

3           We also talked about the fact that the  
4 existing personnel, while they are knowledgeable and  
5 committed people, that the number of personnel to  
6 actually implement this law is probably not adequate,  
7 and that while we needed to look at resources that  
8 are directed to different types of activities, for  
9 instance, you've heard Commissioner Bartlett's theme  
10 about an emphasis on a culture of compliance for  
11 performance as opposed to a culture of compliance for  
12 process, that in fact the implementation done by that  
13 office would require personnel that are trained in  
14 that area. In other words, it is a shift, and an  
15 important shift of emphasis that will require people  
16 that are knowledgeable in that area as opposed to a  
17 knowledge that emphasizes process.

18           Next we also -- and some of the  
19 recommendations that follow now really bleed into or  
20 overlap in other areas. We're also concerned that in  
21 terms of the stimulus for conducting research that in  
22 the past the emphasis has been on innovation and on

23



1 funding a large number of small projects, that that  
2 has inadvertently led to a trivialization of some of  
3 the really important things that need to happen. And  
4 so that what we were asking the office to consider,  
5 at least in our findings, is more of an emphasis on  
6 those types of strategies that produce actual results  
7 in student achievement, that they need to fund fewer  
8 things more deeply, and to also focus on how that  
9 knowledge gets used across the more than 16,000  
10 school districts in the country.

11 So once again, not necessarily going away  
12 completely from innovation, but making a shift to say  
13 we need to identify good programs and make certain  
14 that those good programs are supported and  
15 maintained.

16 We also looked at the issue of monitoring.  
17 And as you probably have heard from my remarks up to  
18 this point, you can imagine that we are suggesting  
19 that the Office of Special Education Programs  
20 implement its current discussion about a shift from a  
21 culture of compliance for process to a culture that  
22 emphasizes results. So that in their continuous  
23

1 improvement process that they have been developing  
2 over the last three years, that they make a very  
3 important shift to looking at results as opposed to  
4 process. And they have in fact been considering  
5 what's been called a focused monitoring approach.  
6 We're simply recommending that they immediately  
7 implement that so that that sends a message to all  
8 the states that in fact the federal government has  
9 changed its role. We received a great deal of  
10 testimony that states wait for the federal government  
11 to sort of set the tone for what would be required.

12 And lastly, that we ask that the Office of  
13 Special Education Programs also look at a third-party  
14 evaluation of its effectiveness, especially as it  
15 relates to administrative supervision. I would say  
16 to you that these recommendations are currently, as  
17 you know, and you heard from Commissioner Bartlett  
18 and you'll hear from the representative for  
19 Commissioner Acosta, being integrated into a more  
20 smooth set of recommendations as it relates to  
21 administration from the federal level all the way  
22 down to the local building level. And I would invite

23

1 your questions.

2 CHAIRMAN BRANSTAD: Bryan Hassel?

3 MR. HASSEL: Did the task force examine  
4 the state of information management systems in OSEP  
5 and the quality of data they have about outcomes and  
6 changes that might be required to move towards --

7 MR. COULTER: Yes. And there will be some  
8 recommendations as it relates to changing the nature  
9 of some of the data that are collected. In other  
10 words, as we've noted from the annual reports, some  
11 of what is collected is in effect what sets the tone  
12 for what people think is important. So that if you  
13 collect different information, especially information  
14 about results, and as Jay said, participation even in  
15 the assessment process, that in fact you send a  
16 different message to schools about what's important.

17 CHAIRMAN BRANSTAD: Steve Bartlett?

18 MR. BARTLETT: The three functions or  
19 tasks of OSEP. Let me see if I understand them as  
20 you identified, the program supervision and  
21 monitoring. That's the monitoring function or the  
22 assessment, right? Assessment.

23

1 MR. COULTER: Yes, sir.

2 MR. BARTLETT: The second is in personnel  
3 development and third is knowledge dissemination. Is  
4 knowledge dissemination also known as technical  
5 assistance? Is this where the technical assistance  
6 would come from?

7 MR. COULTER: Actually what we talked  
8 about is that that knowledge production function is  
9 more the research piece, and that where the technical  
10 assistance would come in is really in the monitoring  
11 part. For instance, there has been, we've noticed a  
12 disconnect in some respects between the monitoring  
13 findings that states receive versus the kind of  
14 technical assistance that's provided. We want that  
15 technical assistance keyed to the monitoring  
16 findings. The monitoring findings need to change to  
17 an emphasis on results.

18 MR. BARTLETT: So program supervision,  
19 monitoring and technical assistance then is all in  
20 what?

21 MR. COULTER: All of those would be in  
22 that first function.

23

1                   MR. BARTLETT:  Then where does the  
2  enforcement function come in?

3                   MR. COULTER:  And actually that's also in  
4  that first function.

5                   MR. BARTLETT:  So you would keep  
6  enforcement then also as part of monitoring and  
7  supervision?

8                   MR. COULTER:  right.

9                   MR. BARTLETT:  And your essential  
10 recommendation is, is that the department or that  
11 division be reorganized along the lines of those  
12 three functions?

13                   MR. COULTER:  Well, I think what we've  
14 said is that they need to carefully consider their  
15 organization.  And actually I think in the least set  
16 of discussions we have -- the recommendation that's  
17 being drafted would encourage the Assistant Secretary  
18 to more greatly emphasize the timeliness and the  
19 efficiency of the monitoring function and that that  
20 that might in fact include moving the office for  
21 monitoring out of OSEP but stay within the Office of  
22 Special Education Programs.

23

1           A Commissioner at the end of the hearing,  
2           actually one of our members said, the problem that we  
3           see now is that the accountability within OSEP is the  
4           wrong kind of accountability and we need a different  
5           kind of accountability. I think what we're  
6           struggling with is how to carefully articulate that  
7           so that it is constructive.

8           MR. BARTLETT: So it's not your  
9           recommendation today to move the enforcement out of  
10          OSEP?

11          MR. COULTER: No. No. I think our  
12          recommendation, as I appreciate it, is that we  
13          carefully emphasize to the Assistant Secretary the  
14          importance of that role which would include careful  
15          investigations, accurate reports issued in a timely  
16          manner, and that when things don't improve that  
17          sanctions, and a graduated set of sanctions much  
18          broader than what is currently available within the  
19          law, that that graduated set of sanctions be applied  
20          in a judicious manner, all with an emphasis on  
21          constructive and continuous improvement of results  
22          for students with disabilities.

23

1                   CHAIRMAN BRANSTAD:  Are there other  
2  questions?  Ed Sontag.

3                   MR. SONTAG:  At one point you talked about  
4  the size of grants, the fiscal award.  I would hope  
5  that as we craft that recommendation we look at  
6  different grants for different purposes, in that  
7  there was a Rand study several decades ago, let me  
8  put it that way, that made a good point.  That the  
9  Early Childhood Demonstration Program was one of the  
10 most successful in terms of being implemented at the  
11 local level.  And they cited the small dollars as  
12 being a success factor in kind of a reverse  
13 relationship.

14                   But what they found is that as you gave a  
15 small grant to a local education agency, for example,  
16 without a lot of travel money, without a lot of  
17 equipment, et cetera, there was a buy-in early on, as  
18 opposed to a large grant where people went first to  
19 the airline guide to disseminate, et cetera, et  
20 cetera, there was a correlation between local schools  
21 picking up smaller grants than larger grants.  And I  
22 think we just need to make sure that that's part of

23

1 the recommendation.

2 MR. COULTER: Well, Commissioner Sontag,  
3 as you well know, we have long benefitted from your  
4 history and your seniorness that you bring to this  
5 topic.

6 MR. SONTAG: You're walking carefully here  
7 now.

8 (Laughter.)

9 MR. COULTER: I would say to you that in  
10 that discussion there were two key themes for us.  
11 One was, yes, you can get a bigger bang for your buck  
12 in some instances by how the money is administered.

13 I think the second thing that we were  
14 particularly concerned about is that we have  
15 investments that have paid off in terms of learning  
16 things that work. What has been particularly  
17 disappointing is that the implementation of things  
18 that work has not gone out to all the 16,000 or more  
19 school systems in the states. So that what we would  
20 see as an important shift in the way the Office of  
21 Special Education Programs deals with its funds is to  
22 invest in effective programs so that we don't stop

23



1 short of simply finding out things that work, but we  
2 follow all the way through to ensure that every child  
3 or individual with a disability and their family, has  
4 access to those effective practices. That's a very  
5 difficult thing to do. And it's for those increases  
6 in funds that we know that Commissioner Gill is going  
7 to get us, we want to make certain that it is well  
8 spent in terms of widespread dissemination.

9 CHAIRMAN BRANSTAD: Jack Fletcher.

10 MR. FLETCHER: I just want to remind the  
11 task force chair and make sure our fellow  
12 Commissioners understand that one of the things the  
13 task force also talked about and found very quickly  
14 in the process was that while it's tempting to look  
15 at all the things OSEP hasn't done, it's also in the  
16 context of not having had the resources to do them,  
17 and those are resources not only in terms of dollars  
18 but also in terms of personnel.

19 The most compelling piece of data that I  
20 heard was that in 1980, OSEP was staffed by 180 FTEs,  
21 and now that number is down to 107 FTEs despite an  
22 enormous growth in responsibilities. And I know that

23

1 one of the things that we talked about, just so the  
2 other Commissioners understand this, is the need to  
3 upgrade personnel at OSEP so that it can carry out  
4 its designated functions.

5 MR. COULTER: Thank you. And once again,  
6 we got that piece of data from our senior  
7 Commissioner. So, thank you, Dr. Sontag.

8 MR. GILL: I'm a lot kinder about those  
9 sorts of things than you are.

10 (Laughter.)

11 CHAIRMAN BRANSTAD: Any other questions of  
12 this task force?

13 (No response.)

14 CHAIRMAN BRANSTAD: Todd Jones has an  
15 announcement and update on our agenda here for the  
16 task forces.

17 MR. JONES: Merissa and Linda are going to  
18 distribute to you a revised copy of the agenda which  
19 includes a list of the task forces, what rooms you're  
20 meeting in, what time periods there are. But when  
21 the Chairman brings us into recess here in a few  
22 minutes, the official business of the Commission will

23

1 be in recess until 3:00 p.m. today. The task forces  
2 that will have an opportunity to meet over the next  
3 few hours are listed in the handout. But for your  
4 information, the first of those to meet will be Dr.  
5 Fletcher's task force on Assessment and  
6 Identification, which will be meeting at 11:00  
7 o'clock in the Ohio room. There will also be lunch  
8 available for members of the Commission thanks to the  
9 generous support of the Hahn Foundation, which will  
10 be next door in the California room.

11 And again, the remainder of the task force  
12 meetings and the time periods involved will be  
13 distributed to you here in a few minutes as they are  
14 coming off the printer.

15 CHAIRMAN BRANSTAD: Adela Acosta is ill  
16 today, so her task force report will not be made  
17 today. And you will soon be getting the revised and  
18 improved agenda for the rest of the day.

19 The task forces will meet. They will not  
20 be simultaneous. So if somebody wanted to sit in on  
21 each of the task forces, I'm going to as Chairman try  
22 to attend each of the task force meetings. Right.

23

1 These are not public meetings, but I mean, other  
2 members of the Commission, if they wanted to sit in  
3 on a task force that they're not on, because I think  
4 there is some interest in that. Steve?

5 MR. BARTLETT: Without trying to figure  
6 out how to solve it here, I would hope you could  
7 figure out some way for us to get a report from  
8 Adela's task force either from staff or another task  
9 force member.

10 MR. JONES: We found out the information  
11 about Adela at about a quarter to nine this morning,  
12 and that's why I'm hoping to get ahold of her after  
13 I'm done having to sit right here.

14 MR. BARTLETT: I don't mean from Adela, I  
15 mean from someone --

16 MR. JONES: No, no. That's what I mean.  
17 I don't know if she's going to be here tomorrow or  
18 not, and if not, what are the alternatives, and I'll  
19 at least want to discuss what alternatives she would  
20 prefer with her.

21 CHAIRMAN BRANSTAD: Good suggestion. I  
22 think we're now going to take a break til three, but  
23

1 the task forces, we're going to distribute the  
2 revised and improved agenda that has the task force  
3 times and locations.

4 MS. TAKEMOTO: We're not having a  
5 transition --

6 CHAIRMAN BRANSTAD: Just a second.  
7 Cherie, you had a question? Before we adjourn here.

8 MS. TAKEMOTO: Just to clarify. On my  
9 draft agenda, I have the transition ad hoc report.  
10 After break? Oh, okay. I'm sorry. I was just  
11 confused there. Thank you.

12 CHAIRMAN BRANSTAD: Okay. And Ed Sontag  
13 had asked a question with regard to publishing the  
14 final report and comment in the Federal Register.  
15 That information will be available. In other words,  
16 the Commission will not revise -- there will be an  
17 opportunity for public comments, but the Commission  
18 itself obviously will not meet again after that time,  
19 and consequently, those recommendations will go to  
20 the Department of Education and to the President.

21 And of course this is really the beginning  
22 of the process as far as the reauthorization of the

23

1 Individuals with Disabilities Act. I'm sure there  
2 will also be a lot of comment and discussion as it  
3 goes through the Congressional committees and  
4 whatever. Okay? Cherie?

5 MS. TAKEMOTO: I just want to also thank  
6 the staff for sending me reams and reams of the  
7 public comment and I understand that our Web site has  
8 an e-mail address for anyone who has heard some of  
9 this stuff today and wants to correspond with the  
10 Commission. Is that correct?

11 MR. JONES: That is correct. And  
12 unfortunately, I can't tell you off the top of my  
13 head what that address is. I'll bet you can.

14 MS. TAKEMOTO: It's our acronym for the  
15 Commission, PCESE@ed.gov.

16 MR. JONES: That sounds correct, yes.

17 CHAIRMAN BRANSTAD: Again, thank you all.  
18 The Commission itself will reconvene in this room at  
19 3:00 o'clock this afternoon. We are in recess.

20 (Whereupon, at 11:10 a.m. on Thursday, May  
21 30, 2002, the Presidential Commission On Excellence  
22 in Special Education was recessed until 3:00 p.m. the  
23

1	same day.)	
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## 1 AFTERNOON SESSION

2 (3:00 p.m.)

3 CHAIRMAN BRANSTAD: Please take your  
4 seats. We're going to reconvene.

5 (Pause.)

6 Thank you very much. I'm very pleased to  
7 reconvene the Presidential Commission on Excellence  
8 in Special Education. We're going to have a special  
9 presentation this afternoon on the No Child Left  
10 Behind Act by the U.S. Under Secretary of Education,  
11 Gene Hickok.

12 He is, in addition to being presently the  
13 U.S. Under Secretary of Education, he is the former  
14 Secretary of Education for the State of Pennsylvania  
15 for six years where he was responsible for K through  
16 higher education. In a lot of our states, you don't  
17 have all of that responsibility in one office, but he  
18 had that responsibility for six years. And prior to  
19 that, he was a political science professor at  
20 Dickenson College where he not only taught political  
21 science but he told me he also taught in the law  
22 school even though he's not a lawyer.

23



1           So a man of many talents, and we're  
2     delighted to have Gene Hickok here to make a  
3     presentation on the No Child Left Behind Act. Gene  
4     Hickok.

5           MR. HICKOK: Thank you very much, Mr.  
6     Chairman. Let me first of all say two things. My  
7     purpose is primarily to talk about the new law which  
8     Secretary Paige has asked me to sort of oversee the  
9     implementation of. It's a very, very comprehensive,  
10    complex piece of legislation, and obviously the  
11    nuances are still being understood by staff and the  
12    Department. But in addition to that is to talk to  
13    you and get your reactions and ideas on how that new  
14    law folds into what you're talking about, which is  
15    the future of special education in IDEA.

16           Secondly, I wanted to say how much we all  
17    appreciate the work you've been doing as members of  
18    the Commission. Let me put my old hat on just for a  
19    second as a former state chief. Special education in  
20    Pennsylvania, as I'm sure in every state, is a very,  
21    very tough, emotional, litigious, expensive issue.  
22    You all know that now more than anybody else I'm sure

23

1 in this country. I'm not telling you anything you  
2 haven't heard. But you also knew that coming into  
3 this position. And one thing I think you probably  
4 don't hear enough is thank you, because it's not easy  
5 to take on this responsibility. There are no easy  
6 answers. Sometimes there are no answers. But, you  
7 know, the beginning of wisdom is to ask the right  
8 questions, and at least you're doing that, and I  
9 appreciate very much what you're doing and look  
10 forward to working with the report that you submit  
11 and doing what we can to move forward on  
12 reauthorization.

13 Let me begin if I can by talking about the  
14 No Child Left Behind Act in its broadest sense, and  
15 then I want to go back and talk about some more  
16 specific aspects of it with regard to accountability  
17 and standards and adequate yearly progress and things  
18 like that.

19 As most of know, I assume, but I don't  
20 think you can say these things enough, this new law  
21 which I think objectively could be viewed as the most  
22 fundamental change in federal education policy since  
23

1 federal education policy started, really, in the mid-  
2 1960s, is premised upon four principles. And I want  
3 to reiterate those principles because it is  
4 relatively unusual -- I'll put my political science  
5 hat on for a second -- it's relatively unusual for  
6 public policy to be written in a way that it flows  
7 from sort of fundamental philosophical underpinnings,  
8 especially in modern politics. Public policy tends  
9 to be a combination of sound bite and public opinion  
10 polls and what sounds good.

11 President Bush during his campaign in a  
12 number of major speeches articulated broad principles  
13 that he felt should underwrite all of American  
14 federal education policy, but most particularly  
15 elementary and secondary education. And then if you  
16 listen to those four fundamental philosophical  
17 principles, the policy that is now part of law flows  
18 directly from those principles. I mention that again  
19 because I think as we look at reauthorization of  
20 IDEA, we want to bring to our deliberations within  
21 the Administration a recognition of the importance of  
22 these principles. They will play out differently in

1 IDEA as opposed to higher education and vocational  
2 education, et cetera, but we think they're so  
3 fundamental, and I know they've been a part of your  
4 deliberation, that they need to be articulated  
5 clearly and as often as possible.

6           The first one is the obvious one, which  
7 I'll return to, and that's accountability and  
8 results. And some people argue that the term  
9 "accountability" sounds a bit harsh. Some would even  
10 argue it sounds punitive. We're going to hold  
11 teachers accountable. We're going to hold students  
12 accountable. We're going to hold schools  
13 accountable. And maybe it does sound harsh. But I  
14 think the principal purpose here is to make it more  
15 difficult -- make it more difficult for it to be --  
16 make it easier for finding results.

17           One of the challenges we have in American  
18 education is that, sadly, is that in far too many  
19 places, it is very difficult for a parent -- a parent  
20 -- to understand how well a child is doing. It's  
21 very difficult for a parent to find out how well a  
22 school is doing. I can take you to accountability

23

1 systems all across the country where they have all  
2 kinds of data that never gets used, where students'  
3 test scores get reported to parents in ways that  
4 parents can understand, where there seems to be a  
5 disconnect between test scores, grades, curriculum,  
6 all the components that go into good instruction seem  
7 to be disparate elements.

8           The hallmark of a good accountability  
9 system is clarity, precision, the ability to find out  
10 what's working and what's not. No Child Left Behind  
11 says every state must have a state accountability  
12 system that is uniform across the state. Every state  
13 must have state academic standards, and every state  
14 must test every child in grades 3 through 8 based on  
15 those standards.

16           Now that's an important point. There's a  
17 lot of misperception out there. This is not a  
18 national accountability system. These are not  
19 national tests or national standards. These are  
20 state systems. And they will differ among the  
21 states, and one of our challenges at the department  
22 will be how the different states come up to this  
23

1 challenge. But almost every state has been engaged  
2 in standards-based reform now for more than ten  
3 years. Virtually every state has been moving down  
4 this road one way or another, some more advanced than  
5 others. Having said that, almost every state will  
6 have to make some adjustments based upon this new  
7 federal law.

8           Some other aspects of accountability which  
9 I know you're familiar with but I think have real  
10 implications for special education students. States  
11 are required to disaggregate the data on test  
12 results. By that I mean the law specifically  
13 requires states to disaggregate based upon  
14 socioeconomic, ethnic, special education, language  
15 proficiency and others. There's a reason for this,  
16 and by way of illustration I think is the best way to  
17 explain it.

18           I can take you to a suburban Philadelphia  
19 school district where the average per pupil  
20 expenditure some of the highest in the state. The  
21 taxpayers love their schools, love their kids, have  
22 the resources and spend it. If you went to the high  
23

1 school, the elementary, the middle school, you would  
2 be impressed with the quality of the facilities. If  
3 you looked at the course offering to the high school,  
4 it rivals that of many small colleges. This is one  
5 of those great places where they don't just have  
6 department heads they have deans and assistant deans  
7 in high school.

8           And if you look at their test scores,  
9 their average test scores, they are right up there at  
10 the very top of the state on state assessments. So  
11 by most immediate measures, this is a good place to  
12 have your kid in school. But when you disaggregate  
13 the test scores over a period of three to four to  
14 five years, you find that persistently, consistently  
15 and chronically, African American students as they go  
16 through this school district experience an  
17 achievement of 30 to 40 to 50 points. Now if you  
18 didn't disaggregate that data, you wouldn't know  
19 that. You would have the average, but you wouldn't  
20 have the story behind the average. And if we are  
21 serious about making sure that we deal with the  
22 achievement gap, we have to make it more difficult to  
23

1 hide the achievement gap. That is a critical  
2 component of No Child Left Behind.

3           And right now there are states who are for  
4 the first time looking at test scores through  
5 disaggregated data lens, and they're seeing things  
6 they haven't seen before. And in that school  
7 district, they have to ask the question they didn't  
8 think they'd have to ask: Are we really as good as  
9 we thought we were? Because they're not. And now  
10 they know it, and they can't close their eyes to it.  
11 And that's all this is about: Providing accurate  
12 information so you have to make important decisions.

13           Along with accountability and testing and  
14 standards and disaggregated data, report cards.  
15 Almost every state has a version of report cards.  
16 Some grade schools, some profile schools. The  
17 importance of this again is creating usable  
18 information for parents, for taxpayers, for school  
19 board members, for teachers. Usable information.  
20 Testing does no one any good if you don't use the  
21 information the tests provide.

22           I can take you to places. I've been

23



1 surprised by this in my time in Washington. I can  
2 take you to places where a lot of testing goes on and  
3 they do absolutely nothing with the information. It  
4 staggers the mind. The whole purpose of testing is  
5 to inform instruction, is to shape pedagogy, is to  
6 find the strengths and the weaknesses in a  
7 curriculum, the strengths and the weaknesses in a  
8 student's performance, and then to act accordingly.

9 I can take you to some other places,  
10 proudly I can say in Pennsylvania, for example, where  
11 when you get the test scores on math, not only do you  
12 get a test score, you get an analysis, a diagnostic  
13 of where your student's successes and weaknesses were  
14 in the questions asked in math. So you know as a  
15 parent where you might want to focus your homework,  
16 as an instructor, where that student needs help. A  
17 report card is sort of a macro approach to doing the  
18 same thing: Making sure you have usable knowledge  
19 for decisionmaking as a parent, et cetera.

20 And of course, there are consequences  
21 under No Child Left Behind. And that is an important  
22 difference between previous law and now. Schools

1 that consistently fail to make progress as defined  
2 through law at the state and federal level, there are  
3 consequences. And I'll talk about those in a minute.  
4 But the fact is, in the past, there were no  
5 consequences. I'm a student of public policy. One  
6 of the first lessons of public policy is the  
7 importance of incentives. People respond to  
8 incentives, positive and negative. If they know  
9 performance makes a difference, they tend to care  
10 about performance. Well now there are incentives  
11 built into No Child Left Behind.

12 Last point about accountability is every  
13 state participating in this federal law, and that  
14 means every state, will be required to take the  
15 National Assessment of Educational Progress. The  
16 goal here is to create sort of a national benchmark  
17 on performance so that it is more difficult for  
18 districts or for states, quite simply, to game the  
19 system. I think it's a matter of human nature. It's  
20 not really meant as a criticism. But when you know  
21 that everyone's going to be watching how well you do  
22 on test scores, on standards and on assessments, you

1 will have a tendency to want to make sure you do  
2 pretty well.

3           Now the best of us and the best in us will  
4 try to make sure that's a combination of good  
5 teaching, good instruction, and all the things No  
6 Child Left Behind is all about. But it also for some  
7 of us means how can we play this game to come out  
8 looking good. And so the purpose of the NAPE is to  
9 create this benchmark so that Pennsylvanians can look  
10 at their test scores on Pennsylvania standards and  
11 assessments and how their students do on the NAPE and  
12 see if there's any rational relationship. I as a  
13 parent can look at my student's grades, and if my  
14 student is an A student in math in fifth grade but my  
15 student does poorly on the state assessment, that  
16 tells me something. And then I look at how my  
17 student does or the state does on NAPE, and that  
18 tells me something, and of course it tells me  
19 something not just about Pennsylvania and my student  
20 and other students in the same grade in other places.  
21 So the goal here again is usable information.

22           The second principle that really I don't

23

1 think has received enough attention and I think has  
2 real relevance, I would hope, for IDEA is  
3 flexibility. Having been a state chief, I'm  
4 particularly interested in ways of carving out of  
5 this new federal law greater opportunities to custom  
6 design state and local education policy around  
7 flexibility.

8           For the first time ever, federal  
9 legislation allows for the possibility of what we  
10 would call, for lack of a better term, flex  
11 districts. School districts can apply for  
12 flexibility options under this law. That's never  
13 been allowed before. The enter into, for lack of a  
14 better term, a contract with the Department of  
15 Education. They would like to be able to use federal  
16 dollars and federal programs, with the exception of  
17 Title I, in different ways to accomplish these  
18 purposes. You hold us accountable as a district and  
19 let us do it. Also states can do this.

20           There are complex provisions, but I'm  
21 convinced people need to spend some time teasing out  
22 the opportunities here. I was talking to a chief of  
23

1 a major urban district, a troubled major urban  
2 district, who has been looking at the flexibility  
3 provisions and said in so many words, if you can give  
4 me the flexibility over here under the new law, I  
5 think I can bring you proficiency targets in nine  
6 years, not 12. Well, that sounds like a deal I might  
7 want to cut. I'd love to have more districts talk  
8 like that. I'd love to be able to go to Congress  
9 with Secretary Paige in a couple of years and say,  
10 you know, flexibility freed up ingenuity at the local  
11 level and led to accountability that we didn't think  
12 was possible so soon.

13 Think about the possibilities for  
14 flexibility under No Child Left Behind and we need to  
15 think about it as we look at IDEA.

16 The next principle is very important. It  
17 doesn't get a whole lot of attention. I know it's  
18 received a lot of your attention, is scientifically-  
19 based, evidence-based decisionmaking. As the  
20 Governor said, I came to my job from the world of the  
21 academy. I was a political scientist. I was not  
22 from the school of education or an education

1 professional in that sense. People used to say I  
2 wasn't an educator. I beg to differ. I think I was  
3 an educator, but I'll let my students be the judge of  
4 that.

5 But I have to tell you, after six years at  
6 the state level and then a little over a year here, I  
7 do think we need -- and this new law calls for it --  
8 a serious, serious, highly principled, high calling  
9 for better educational research. We need to follow  
10 the model of NSF and NIH and create the kind of  
11 scientific-based research with strict methodology,  
12 good peer review, control groups, the kind of  
13 scientifically based research that goes into medicine  
14 and health needs to go into education. It has not  
15 happened. And because of that, we are behind the  
16 curve.

17 Now interestingly, and Beth Ann can speak  
18 to this better than anybody else I know, in one area  
19 of education -- and I'm not an expert on this -- but  
20 in one area of education, we know what the science  
21 tells us. We know early childhood cognitive  
22 development. We know how kids need to learn how to

23

1 read. Having said that, in far too many places, we  
2 don't do it. So here we have some good science that  
3 we ignore in too many places, and in most places we  
4 don't have very good science to depend upon. So this  
5 new law says we need to base decisions upon sound  
6 scientific evidence, and we need to accumulate that  
7 evidence as rapidly but as correctly as possible.

8 Right now before Congress there's the  
9 reauthorization of the Office of Elementary  
10 Educational Research and Improvement. It's our  
11 research function. The whole goal of reauthorization  
12 is to transform that office so that it can fulfill  
13 the goals of No Child Left Behind with regard to  
14 research. It is the kind of issue that has  
15 potential, unlimited potential to improve education  
16 in the years to come. It takes time. Good research  
17 takes time, but we need to go about it as quickly as  
18 possible.

19 The last principle, more options for  
20 parents and kids. This is again path-breaking at the  
21 federal level. This new law says for a child who is  
22 enrolled in a school that has been found to be in  
23

1 need of improvement, in essence failing for two years  
2 -- again, that definition is a state definition --  
3 that child should have the option to attend another  
4 school, another public school in that district that  
5 is working. Public school choice. And the federal  
6 law says, and the district should use federal dollars  
7 to help pay for that transportation.

8           If a child is in a school that's failing  
9 for three or more consecutive years, in addition to  
10 public school choice, that child should be able to  
11 access what we call supplemental educational  
12 services: After school programs, before school  
13 programs, evenings, weekends, summers, from vendors,  
14 from individuals, from higher education, from for-  
15 profits, from nonprofits. The law does not give a  
16 whole lot of guidance in terms of how you choose  
17 those vendors except to say there should be evidence  
18 of success, there should be scientifically based  
19 support for what they do.

20           But in essence you have at the federal  
21 level an emphasis on making sure kids get the  
22 services they need if they're not getting the  
23



1 services in schools where they're enrolled. I tell  
2 people all the time it's called the No Child Left  
3 Behind Act, not the No School Left Behind Act. We  
4 are busy crafting guidance on this provision. We  
5 anticipate having something to the field in the next  
6 couple of days as a matter of fact.

7 But this is a tremendously interesting  
8 challenge at the state and local level because it's  
9 all about managing transportation and budgets and  
10 finding out what schools follow what categories, and  
11 that information is just now beginning to be  
12 developed at the local level. So there are going to  
13 be some very difficult and long hours of summer  
14 meetings up ahead, and part of our job is to help  
15 those meetings be as productive as possible.

16 Now those are the basic principles. I  
17 should emphasize a couple of other things before I  
18 talk a little bit more about special education under  
19 primarily the accountability provisions. Two areas  
20 where I think there is not a lack of controversy but  
21 neither a lack of resolve on our part, one is  
22 reading. And I mentioned earlier we know what works

1 in reading. I would say next to accountability,  
2 standards and accountability, our highest priority is  
3 to emphasize the quality of reading instruction in  
4 this country, and with Reading First and Early  
5 Reading First, we have what we consider to be a  
6 comprehensive, scientifically based approach to  
7 making sure children get the kind of instruction they  
8 need as early as they can so that they can read at  
9 grade level by grade 3.

10 Now I think we've all been saying this for  
11 years, read at grade level by grade 3. And it's easy  
12 to talk about it, but we have the ability to do it.  
13 And one of our challenges will be making sure that we  
14 can accomplish our purpose. And right now we are  
15 receiving applications from the states on Reading  
16 First. Soon there will be a competition for Early  
17 Reading First. I invite you to pay attention to it,  
18 because it has implications for the long-term  
19 consequences of students with disabilities as well as  
20 every other student. Because I'm sure as your work  
21 has shown you, often students who are having learning  
22 problems early on become special education students.

1 And sometimes it's because we didn't teach them how  
2 to read the right way. If we can do that, and that's  
3 what this law wants us to do, if we can do that, that  
4 has real potential implications for the  
5 identification of students with special needs.

6           The second one that I think bears  
7 additional importance for this group is adequate  
8 yearly progress. Now this is one of those acronyms,  
9 AYP, which has acquired a life of its own. Earlier  
10 versions of this law require states to identify and  
11 define adequate yearly progress. The new law holds a  
12 much higher standard. In essence, states are going  
13 to have to demonstrate adequate progress for each of  
14 those subcategories of students in each Title I  
15 school each year so that at the end of 15 years,  
16 every student is up to proficiency. It is a huge  
17 data challenge. I mentioned a few moments ago how  
18 many states test and don't use the data. Well now  
19 you've got to be able to use the data, because you  
20 have to be able to see where your schools are.

21           But what we're finding out right now is  
22 that as states begin to do the calculations of where  
23

1 AYP is for them today compared to where they might be  
2 a year and a half from now under the new law, there  
3 are all kinds of tough questions. And now let's talk  
4 about some of those tough questions for special  
5 education.

6 First of all, under this new law, when we  
7 say every child is tested, we include special  
8 education students, but they're also one of the  
9 categories under the classifications for AYP. So it  
10 is possible under this new law that you could have  
11 all the other students under this disaggregated data  
12 doing fine, and the special education students are  
13 not making progress, that school is not making AYP.  
14 That has huge implications for instruction, for  
15 administrators, for teachers, for families.

16 But I can tell you as the deliberations  
17 went on in Congress, that was a firm intent of  
18 Congress. The recognition was that in far too many  
19 places -- and I would have to agree with this --  
20 special education students were seen as students  
21 that, while we have to test them, we have to make  
22 sure they cannot slow us down from making whatever  
23

1 target we have, et cetera. They are a fundamental  
2 part of No Child Left Behind.

3           Having said that, the quality of assessing  
4 some of these students obviously is up for debate.  
5 In many states you have alternative assessments. How  
6 do we know, and how do states know how these  
7 alternative assessments relate to state standards?  
8 And remember, the standards and the assessments have  
9 to be related to each other. It's difficult enough  
10 with a regular state assessment. When you're using  
11 alternative assessments for special needs students,  
12 and you've seen some of these assessments, making  
13 that connection could be very tough. And yet if that  
14 connection is not being there, then you have a false  
15 measure of accountability, which is not fair to the  
16 student and really not a fair reflection of the  
17 system.

18           In addition, you have to have at least a  
19 certain percentage of students in a school to be  
20 statistically significant in terms of reporting. And  
21 so there's a concern where you have small numbers of  
22 special education students being tested, the  
23

1 statistical significance is not there. Hence,  
2 they're not a part of the accountability system, and  
3 yet we don't want to leave them behind. So you deal  
4 with that problem. I throw these out because we  
5 don't have answers for these, but we have to find  
6 answers working with the states.

7 Another issue to consider, frankly, is  
8 that there will be folks out there who will try to  
9 find many ways -- many ways -- to use the assessment  
10 requirement to soften, if I might, the blow the  
11 district or the school might take because of the  
12 performance of special needs students. They'll try  
13 to have too many alternative assessments  
14 administered, or they'll try to use the alternative  
15 assessment to match whatever goals they have.

16 So it's a huge challenge, frankly. But I  
17 think the good news is that, in the past while  
18 students with special needs were required to be  
19 tested, now they're part of a uniform statewide  
20 accountability system, and the results are part of  
21 the results for the state, for the district and for  
22 the school. And that's the way it should be. No one

1 said it would be easy, but our obligation is to leave  
2 No Child Left Behind, and that makes it more  
3 difficult, but it also makes it more important.

4 My last point, which is a little bit off  
5 message, I'll be glad to entertain any kind of  
6 conversation. I have to give an observation that  
7 comes from my time in Pennsylvania and why I think  
8 this new law is so important for special needs kids.  
9 And maybe you've seen this or maybe I'm way off base.  
10 But it always struck me as a school board member for  
11 a short time with two kids in public school and then  
12 as Secretary of Education, it always struck me that  
13 the prevailing mentality at least in many  
14 Pennsylvania school districts was that special  
15 education, because it's a federal law, was viewed as  
16 those kids are a federal responsibility that we have  
17 to deal with. And it's nothing short of insulting.  
18 But that's the kind of mentality I saw local leaders  
19 bring to the discussion.

20 We have a budget for the kids in our  
21 district and we want to take care of the kids in our  
22 district, and then we have to worry about the special  
23

1 education challenge. And I think that's in large  
2 part because of this notion that these are federal  
3 rules, federal dollars, and therefore federal kids.  
4 I don't know if you run into that or not. But No  
5 Child Left Behind I think stands in relatively rigid  
6 opposition to that notion. These are all of our  
7 kids. These might be our most important ones. But  
8 if we are serious as a country about the proposition  
9 of leaving no child behind -- and we are serious. We  
10 have to be serious -- then while these are tough  
11 issues and expensive issues, they are perhaps the  
12 most important issues we can confront. No Child Left  
13 Behind makes it impossible to ignore them,  
14 reauthorization of IDEA might provide new  
15 opportunities on how to do it. I hope so.

16           And as you look at reauthorization, as you  
17 look at No Child Left Behind, the sync between the  
18 two, the way they align could make a huge difference.  
19 The bottom line for this new law is performance, not  
20 process. It's results, measurable results, not  
21 process. My time with special education showed me a  
22 lot of it was process, not to say process isn't



1 important, but I would love to see an emphasis on the  
2 E in IDEA. That's what No Child Left Behind is all  
3 about, and I think that's where the relationship of  
4 special education and elementary and secondary  
5 education can really begin to make a huge difference.

6 I'll be glad to engage in any kind of  
7 conversation or give-and-take. Thank you.

8 (Applause.)

9 CHAIRMAN BRANSTAD: Gene, thank you for  
10 your presentation. Do we have questions from members  
11 of the Commission? Cherie Takemoto.

12 MS. WRIGHT: I have a comment.

13 CHAIRMAN BRANSTAD: Okay. I'll let Katie  
14 go first if that's okay.

15 MS. WRIGHT: Yes. I just have a comment.

16 CHAIRMAN BRANSTAD: Katie Wright.

17 MS. WRIGHT: I have a comment, not a  
18 question. I enjoyed your presentation, and I note  
19 that you're from the state of Pennsylvania where  
20 PARK.

21 MR. HICKOK: Yes.

22 MS. WRIGHT: And of course, what was it,  
23

1 94-142 was built on PARK. And then IDEA was built on  
2 that. And so I'm glad that you're from Pennsylvania  
3 and that PARK prevailed.

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

6 MS. TAKEMOTO: I want to thank you for  
7 your presentation because it also emboldens us as a  
8 Commission to take some of the bold steps and  
9 recommendations that we are attempting to take here.  
10 I have some questions. No Child Left Behind has some  
11 great incentives. We have our own finance issues  
12 that we're dealing with. We've discussed how IDEA  
13 money could, should look at the early intervention  
14 and keeping kids out of special education, but I've  
15 been wondering about the interchange between the No  
16 Child Left Behind appropriation and the IDEA  
17 appropriation, especially given your very bold  
18 statement about how it's insulting that kids with  
19 disabilities are a federal responsibility, not local  
20 responsibility. That whole idea is absolutely wrong.

21 MR. HICKOK: Are you talking about funding  
22 primarily?

23

1 MS. TAKEMOTO: Yes. I'm looking at the  
2 interchange between how you perceive the money that's  
3 come down through No Child Left Behind interchanging  
4 with what we're doing with funding, especially  
5 related to the early intervention reading initiatives  
6 that we're talking about and behavioral initiatives  
7 that we're hoping to keep kids out of special  
8 education.

9 MR. HICKOK: Okay. My first point would  
10 be just to make sure that I clarify the record, I'm  
11 not saying special education is only a state and  
12 local responsibility. All of these kids are all of  
13 our responsibility. But it certainly isn't just a  
14 federal -- these aren't federal kids. And I just  
15 want to make sure -- I had to say that.

16 The good thing I think about No Child Left  
17 Behind is, it already creates the pathway so it's  
18 more difficult to look at IDEA and special education  
19 and special education students as something other  
20 than elementary and secondary education. Because  
21 they're part of the assessment system. They're part  
22 of the accountability system. They have to succeed

23

1 or the system isn't working.

2           So you've already got that segue that says  
3 while IDEA is separate legislation and a separate pot  
4 of dollars and a separate set of rules and  
5 regulations, by definition, they should be much more  
6 keyed to what the law of elementary and secondary  
7 education says.

8           Secondly, I have always had trouble,  
9 frankly, with -- and I'm going into some uncharted  
10 territory here because I don't know what the nature  
11 of your deliberations has been -- with the bold but  
12 somewhat I guess in my way of thinking simplistic  
13 notion of having a 40 percent goal or a 20 percent  
14 goal or an 80 percent goal, because I'm not quite  
15 sure we know in reality how much it costs to educate  
16 these kids.

17           I used to ask that question at the state  
18 level all the time. How much do we need to  
19 adequately pay for special education? And because of  
20 the accounting system, at least in Pennsylvania, a  
21 lot of the actual cost isn't recovered in the neat  
22 kind of categories. It's because it's permeated

23

1 because of the special needs these kids have. And so  
2 until you have that really good sense of cost, it's  
3 difficult to get at how much you should spend.

4           Finally, our whole purpose on Reading  
5 First and Early Reading First is up front. It makes  
6 far more sense to focus your delivery of services  
7 that work early on for all these kids, including  
8 special education kids, so that you can do a better  
9 job of finding the problems and dealing with them  
10 before they get into a system that focuses primarily  
11 on process, and perhaps finding ways so fewer kids go  
12 into special education. That's very important to us.  
13 It's critical.

14           I mean, one of the great challenges we  
15 have in reading is, a lot of our money as a nation is  
16 spent on dealing with kids who didn't get what they  
17 needed, so now we have to take care of them. And we  
18 want to do that. We're saying that's certainly  
19 important, but if we could change reading instruction  
20 to begin with, that wouldn't be necessary. So I  
21 guess that's the best response I can give you.

22           MS. TAKEMOTO: Doug, is that enough?

23

1 Because I'm not a part of the Finance Committee, but  
2 I know that there have been some peripheral  
3 discussions about what IDEA pays for, what it doesn't  
4 pay for where No Child Left Behind leaves off and  
5 where IDEA kicks in.

6 MR. GILL: I don't know exactly when  
7 enough is ever enough, Cherie. But I guess one of  
8 the points that we've tried to make in the Finance  
9 Committee -- and I'm glad to hear you reinforce it --  
10 is that all children are general education children  
11 first and special education second. And their  
12 eligibility for special ed in no way diminishes their  
13 ability to receive other financial resources or  
14 proportional shares of resources available to any  
15 child, and I think that particular concept is  
16 fundamental to defining or redefining excess cost as  
17 opposed to excess expenditures in special education.

18 So I'm just glad to hear you reinforce  
19 that. If you could say it one more time for the  
20 record, I'd really appreciate it. It would be a real  
21 help.

22 (Laughter.)

23

1           MR. HICKOK: I don't want to get it wrong.  
2 I do like the distinction you just made between  
3 excess cost and excess expenditures. That's an  
4 important distinction. It gets lost all too often in  
5 the discussion, in my opinion.

6           CHAIRMAN BRANSTAD: Jay Chambers.

7           MR. CHAMBERS: And I'm very happy to hear  
8 you say that, having just written a report that tried  
9 to make exactly that point.

10           My question is to try to get a little bit  
11 of a clarification on some of the Department of Ed  
12 priorities. It may seem like a little bit of a  
13 departure from what we're talking about, but I don't  
14 think it is. You mentioned the importance of  
15 disaggregating results, which I completely agree with  
16 and I think almost everybody here would agree with.  
17 However, rumor has it -- and it may be just that, so  
18 I'd like you to dispel it for me -- that because of  
19 privacy issues, it is becoming more and more  
20 difficult to do research at the individual student  
21 level. It's difficult to get data collection by OMB.  
22 There's less interest in doing that kind of data

23

1 collection, or at least that's the rumor in the last  
2 year or so. That seems inconsistent with the notion  
3 of trying to understand differences across children.  
4 If you're going to do that kind of work, it really  
5 requires individual student data, and I guess I'd  
6 like to hear what the policy is and where the  
7 Department is going in that regard.

8 MR. HICKOK: You put your hand on a tough  
9 issue, because obviously, especially if you're  
10 interested in good scientific research, then you need  
11 the data to be able to do the research, and much of  
12 that has to be student-level data.

13 On the other hand, you've got privacy  
14 laws, federal privacy laws, which obviously you can't  
15 close your eyes to. Now those of us in the  
16 Department are convinced there are ways to do both:  
17 Uphold privacy laws and still conduct good scientific  
18 research. It makes it a little bit more difficult,  
19 but it doesn't make it impossible. And we are  
20 committed to both.

21 That's the best answer I can give you. I  
22 think we're struggling with how to do that. But I  
23



1 think the argument for getting it done takes on  
2 greater weight every time we begin to get the data  
3 back on test scores. I mean, that's the real  
4 interesting phenomenon that's going to take place  
5 here. I make the point all the time: Public policy  
6 is not implemented in a vacuum. Once you go down  
7 this road, other things begin to happen. And so it  
8 becomes more difficult to make the argument against  
9 good, hard research with good, hard data when you've  
10 got good, hard data available. And people don't  
11 realize how little good, hard data is available right  
12 now.

13           So again, I can't say that we have the  
14 answer to that a balance, but we are convinced that  
15 we can do it.

16           MR. CHAMBERS: I'll be looking forward to  
17 that answer as somebody in the research community  
18 trying to do this kind of work, because I think it's  
19 absolutely critical we understand more about how --  
20 what kinds of services the children are getting,  
21 whether they're students with disabilities or other  
22 students, and it is very difficult to link those data

23

1 right now and then ultimately link that to outcomes.  
2 That doesn't happen very often at all.

3 MR. HICKOK: Just a word about money, too,  
4 and again with data, the number one argument in all  
5 of education, no matter where you are, is always more  
6 money, more money, more money. I think we all know  
7 that. Many of us make that argument. Many of us  
8 fight that argument. Certainly in special education  
9 that's the argument.

10 I would wager the proposition that if you  
11 have a good, firm accountability system under No  
12 Child Left Behind and you follow that up with the  
13 kind of accountability system, performance-based  
14 system and IDEA, after a while, you'll have the kind  
15 of information you need so when you ask for more  
16 money you can say, more money for this because we  
17 know this works. It'll give far more power to the  
18 money debate when you have the data that tells you  
19 what happens when you spend the money.

20 I don't think anyone -- the American  
21 people -- is opposed to spending money to educate  
22 kids. I think the question is, how is the money  
23

1 spent, and what's the bottom line? And that's sort  
2 of the common debate: IDEA, higher education, basic  
3 education. And that's why the accountability process  
4 and results are so important and why the research is  
5 so important.

6 CHAIRMAN BRANSTAD: Floyd Flake.

7 MR. FLAKE: Thank you very much. Thank  
8 you, Mr. Secretary. One of the points you make in  
9 terms of just the general approach to dealing with No  
10 Child Left Behind, more options for parents and  
11 children, which I think is consistent with what Steve  
12 was talking about this morning in terms of vouchers  
13 for parents who cannot get the services in the  
14 particular school for the special ed kid, but in the  
15 broader perspective, it seems that, you know, as I  
16 analyze some of these districts and look at where  
17 they are, most low performing districts don't have  
18 that many options available for parents.

19 So the question then becomes, even if you  
20 give that choice to parents to come out of a low  
21 performing school in the district that they are a  
22 part, even inter-district transfers to the better  
23

1 schools are difficult. Out-of-district transfers are  
2 almost impossible. How do you see creating some  
3 capability for this to work given the low standards,  
4 for instance, of most urban schools? Where do you  
5 actually make the choice? How do you find a place?  
6 And how do you get systems?

7           For instance, when I was a congressman, I  
8 had four school districts, four school areas, but to  
9 get a kid transferred even in the district was  
10 impossible, let alone talk about trying to get them  
11 into District 26, which was the creme de la creme of  
12 districts. And, I mean, how do we get to that place?  
13 I know we can't do it legislatively. What can the  
14 Secretary do to assure that there is the possibility  
15 of an open process so every child does get the  
16 opportunity for a good quality education?

17           MR. HICKOK: And that's the very issue  
18 that we are right now engaged in, both in terms of  
19 internal deliberations and talking to school  
20 districts, the very ones you're talking about, as a  
21 matter of fact. And I'll give you a couple of  
22 versions of what we're hearing and what we're saying.

23

1           First of all, there are going to be places  
2 where real choice, because of either there are no  
3 choices, all the schools aren't working, or there is  
4 no capacity because all the schools are full, or you  
5 live in the middle of a very rural area where the  
6 closest choice is 110 miles away. There are places  
7 like that. And so we are developing guidance that  
8 helps say, okay, if you can't have public school  
9 choice because of the realities of your condition,  
10 first we would like to have evidence of the realities  
11 of your condition. And I'm not trying to be cynical  
12 here, but I've been in this job for a while, and  
13 capacity means different things to different people.  
14 And there are lots of folks who would like to limit  
15 choices.

16           But we're going to try to find ways to  
17 create other kinds of choice in line with the intent  
18 of the law.

19           The other point I would make is that we  
20 will go to great lengths to make sure as this law is  
21 implemented that the public school choice and  
22 supplemental service provisions are widely understood  
23

1 and popularly understood. The law requires it. The  
2 law requires that parents be informed, everyone be  
3 informed about these opportunities.

4 I could take you to a place in  
5 Pennsylvania where they had supplemental services for  
6 the last year available at state expense. If you  
7 child in essence flunked the state exam, you got  
8 supplemental services at state expense regardless of  
9 income. Nobody in the district was taking advantage  
10 of it. And that's because they didn't know about it.  
11 And they didn't know about because the only way you  
12 could find out about it was that if you happened to  
13 visit the principal's office and saw the little  
14 poster on the wall. Once they found out about it,  
15 lots of people started taking advantage of it.

16 So part of our job will be to make sure  
17 this information is available. And that's important  
18 because I understand choice may be somewhat illusory  
19 in some places, but I also understand that if parents  
20 in these schools are told choices should be available  
21 and they're not available, they'll want to do  
22 something about it. And that is the most powerful

23

1 aspect of public policy, as Secretary Paige says all  
2 the time. Disappointment is a huge motivator for  
3 change. And if you're supposed to have choice and  
4 it's not available, then it will be more difficult  
5 for a school district to say, well, I'm sorry, we  
6 just can't make it available. And our job is to make  
7 it more difficult for them to say that.

8 MR. FLAKE: And a part of those options  
9 may be enhancing charter schools or other kinds of  
10 choices.

11 MR. HICKOK: Charter schools under the law  
12 right now can be public schools of choice. Oh, you  
13 bet.

14 MR. FLAKE: But I mean the enhancements  
15 that are essential to do this.

16 MR. HICKOK: Sure.

17 MR. FLAKE: As you know, the building --  
18 we've had this discussion. The building cost of  
19 trying to get the real estate for those persons in  
20 those kind of communities is just so prohibitive, and  
21 then of course the overall voucher movement and we  
22 see what's happening in Milwaukee right now. The

23

1 legislature is trying to pull back.

2 So, you know, I don't expect an answer to  
3 that. Just I think all of those barriers somehow  
4 we've got to move them to make improvement.

5 MR. HICKOK: You bet.

6 MR. FLAKE: Thank you very much.

7 CHAIRMAN BRANSTAD: Thomas Fleming.

8 MR. FLEMING: Reverend Flake actually took  
9 quite a bit of the thunder out of what I was going to  
10 ask. But when I heard earlier about your collection  
11 of data, I've been kind of talking most of the day  
12 about the area of the curriculum, and that was the  
13 question I was going to ask.

14 In the light that we have now just a tiny  
15 kind of a peek-a-boo of what's happening even in  
16 charter schools where the curriculum is more  
17 conformed to the failing student but it does include  
18 cultural development, historical relevance, do you  
19 have any data that is showing where you have a  
20 curriculum that is more open to giving a complete  
21 kind of story of the development of America? Does  
22 that at all --

23



1                   MR. HICKOK: I can try to get back and  
2 find out if we do. I cannot answer off the top of my  
3 head whether we do or not. My hunch is, frankly,  
4 that given the relative weakness of research in this  
5 area generally, I would be surprised if at the  
6 Department we have any good solid data that speaks to  
7 that question, in part because we haven't been  
8 collecting it, and in part because a lot of those  
9 curricula are relatively new, and you would want a  
10 longitudinal kind of analysis. But I can find out  
11 for you.

12                   MR. FLEMING: Okay. Thank you.

13                   MR. HICKOK: Sure.

14                   CHAIRMAN BRANSTAD: Any other questions?

15                   (No response.)

16                   CHAIRMAN BRANSTAD: Steve Bartlett has a  
17 little presentation he wants to make.

18                   MR. BARTLETT: Mr. Secretary, this is  
19 actually a gift, but it's under the ethics limit.

20                   (Laughter.)

21                   MR. BARTLETT: It's \$4.99.

22                   (Laughter.)

23

1           MR. BARTLETT: In Texas, one of the more  
2 popular T-shirts in Texas reads something like "My  
3 parents went to South Padre Island and all I got was  
4 this lousy T-shirt." It seems to me that you came to  
5 Washington for one year, you provided intense and  
6 powerful leadership on education reform. Every  
7 school child in America will get better education,  
8 and what you get is this lousy hat.

9           (Laughter.)

10          (Applause.)

11          MR. HICKOK: Thank you very much. I will  
12 wear it as I jog through my neighborhood.

13          CHAIRMAN BRANSTAD: Do we have any  
14 announcements to make, Todd?

15          MR. JONES: Just two. The first one is to  
16 remind everyone, please let me know whether or not  
17 you're coming to dinner tonight. Actually, don't  
18 tell me. Tell Merissa, who is seated just outside  
19 the door, whether you're coming and whether you're  
20 bringing a spouse, child or other significant other.

21          CHAIRMAN BRANSTAD: What time does the bus  
22 leave?

23

1                   MR. JONES:  And that's the second item.  
2    The agendas you have do not accurately reflect the  
3    departure time of the bus.  The bus will be here at  
4    6:30 and depart at 6:40 downstairs from the lobby.  
5    And I have to go a step further here.  There will be  
6    no staff to guide you.  You must be self-directed in  
7    this manner.

8                   (Laughter.)

9                   MR. JONES:  So I will just leave it up to  
10   you.

11                  CHAIRMAN BRANSTAD:  Six-thirty in the  
12   lobby?

13                  MR. JONES:  The bus will be arriving at  
14   around 6:30, and around 6:40, it will be leaving.  So  
15   make sure you are punctual to get on the bus.

16                  CHAIRMAN BRANSTAD:  Okay.  And the agenda  
17   for tomorrow, we'll have the continental breakfast at  
18   eight in the morning in the California room again.  
19   We'll reconvene here at nine.  Anybody else?  Cherie?

20                  MS. TAKEMOTO:  Yes.  On our Transition  
21   Task Force, Doug, you wanted to invite other folks  
22   like we discussed?

23

1                   CHAIRMAN BRANSTAD: Yes. I'll talk to  
2 Todd and we'll get a message to everyone.

3                   MS. TAKEMOTO: Okay.

4                   CHAIRMAN BRANSTAD: Any other  
5 announcements? Finance is going to meet next at four  
6 o'clock, which is in five minutes. What's the room,  
7 Paula?

8                   MS. BUTTERFIELD: Ohio.

9                   CHAIRMAN BRANSTAD: The Ohio room. Okay.  
10 We are recessed. Thank you very much.

11                   (Whereupon, at 3:55 p.m. on Thursday, May  
12 30, 2002, the President's Commission on Excellence in  
13 Special Education recessed, to reconvene at 8:00 a.m.  
14 the following day.)

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