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U.S. DEPARTMENT OF EDUCATION  
  
PRESIDENT'S COMMISSION ON  
EXCELLENCE IN SPECIAL EDUCATION

Tuesday,

February 26, 2002

Versaille Warwick Hotel

5701 Main Street

Houston, Texas

PANEL MEMBERS

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- 6 ROBERT PASTERNAK
- 7 MICHAEL RIVAS
- 8 ED SONTAG
- 9 CHERIE TAKEMOTO
- 10 KATIE WRIGHT
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## 1 P R O C E E D I N G S

2 MR BRANSTAD: I'm pleased to convene the  
3 Commission.

4 At this time we've got 45 minutes on the  
5 schedule to have reports from the school visits this  
6 morning. I thought we would do the grade school first,  
7 and then the middle school, and then the high school.  
8 Each group would have 15 minutes to report on that.

9 That takes us to about five minutes after 2:00  
10 or two o'clock. Then we'll have a break. Then we'll have  
11 a panel discussion after that -- excuse me. I stand  
12 corrected. We have the panel at 2:00, and then we take a  
13 break at 2:50.

14 And the schedule has been shortened so that  
15 we're to adjourn at 4:10 this afternoon.

16 So from the first group that went to the grade  
17 school, do we have somebody appointed to report on that?  
18 Cherie, are you --

19 MS. TAKEMOTO: I'm trying to be careful to  
20 speak into the mic.

21 MR BRANSTAD: Okay. Please do. You have to  
22 get even closer, or pull it closer to you.

1 MS. TAKEMOTO: Okay. Now it works.

2 MR BRANSTAD: Now it's working.

3 MS. TAKEMOTO: Adela and Bryan and I went to  
4 Thompson Elementary School. Thompson has 750 kids. Of  
5 those, 16 percent, or 130, are in special education.

6 According to the principal, families who have  
7 children with disabilities are choosing to go there, and  
8 in Houston there is school choice.

9 There are about 180 teachers, and of that group  
10 40 are special education teachers.

11 Ninety percent are African-American, 8 percent  
12 are Latino, 1 percent is white, and 93 percent are on free  
13 and reduced lunches.

14 The motto at Thompson is, Where the best  
15 begins. And one thing that you cannot legislate is  
16 attitude. This school has the attitude, you can see that  
17 every child's success at that school is a source of great  
18 pride for everyone there. The staff own all the students.

19 There was a young man who I thought was quite  
20 interesting because he was not a student in special  
21 education. The staff believe that he would be in special  
22 education had they not done the types of support and

1 encouragement that they did around his behavioral issues.

2 This man told us about the part of African-  
3 American men that was not a part of our overrepresentation  
4 presentation yesterday, basically saying that what he has  
5 to look forward to without a role model is death, killing,  
6 prison, lots of poor outcomes.

7 But having been inspired by Martin Luther King,  
8 he sees that there are other ways out of this. And he  
9 just did a terrific presentation around that.

10 There is great pride, caring, teamwork, and  
11 they all agreed that the principal leadership was a great  
12 factor in their success.

13 It's great to see that 82 percent of the  
14 students passed the TAAS, the assessment for all students.  
15 But I think what's even more impressive is that 50 percent  
16 of previous failures are passing that test.

17 I was also interested in the per-pupil  
18 expenditure is only \$4,000 a student as compared to an  
19 average of about \$5,000 a student in Houston Unified  
20 School District. So it's not just money that makes a  
21 difference for students.

22 There was a parent volunteer who spoke to us

1 who her child is very interesting in that he does not  
2 respond in school. They have a lesson, he does not  
3 respond. The next day he is practicing what he learned  
4 the previous day at home, and the mother shares that with  
5 the teacher.

6 So there is some feedback to the teacher that,  
7 yes, he's getting it, he's just getting it a day later.

8 And she is translating everything that's going  
9 on in the school to her husband and other extended family  
10 members so that they can support and celebrate her son.

11 Some things that were also interesting is that  
12 we asked them what would make special education better.

13 In the area of assessment, they felt that the  
14 assessments that -- the requirements that a Fifth Grade  
15 student take the Fifth Grade level assessment does not  
16 work for the teachers, and it's terrible for the self-  
17 esteem of the student.

18 That we're asking students who have been  
19 getting their curriculum at a First or Second Grade level  
20 to take this test, and all they're experiencing is  
21 failure.

22 It also is not great feedback for the teachers,

1 because they want to see what kind of progress this child  
2 has made, and those tests do not do that. So that's one  
3 of the areas.

4 The other thing, we heard about the high  
5 teacher turnover. That turnover is not happening there.  
6 Of the teachers that were there, eleven years, ten years,  
7 and 30 years. And they thought that the ability for  
8 teachers to be creative supports that.

9 They felt that at that school special education  
10 teachers are included. We talk about inclusion for  
11 students with disabilities, but there are sometimes the  
12 sense that special education teachers are also a different  
13 group that cannot be included, and that's not what they  
14 see happening there.

15 They are using the open court curriculum, which  
16 is one of the curriculum based on research science. And  
17 I've had some questions about that curriculum, having  
18 spoken to some teachers who say it's script based, they  
19 tell you what to say, what to do, how much time to take on  
20 that.

21 And so my question was, so when this turnover  
22 happened, how did it happen, and did the teachers like it,



1 was it hard for them? And for some teachers it was hard  
2 to begin to teach in a different way.

3 What the teachers said, though, is that they  
4 appreciate having something that's based on research,  
5 something likely to work. And the way that they have  
6 their periods, it's a longer period, so that if they have  
7 things that they want to do to supplement that, terrific,  
8 this is good. But at least they know what they're doing  
9 is based on science. So that was a nice thing.

10 I asked about paperwork, and ideas that they  
11 had. What about paperwork is difficult?

12 It was interesting to hear that they don't have  
13 an automated, they call it ARD. I think it might be sort  
14 of like the IEP meetings or the eligibility meetings. And  
15 so the teachers are hand-writing 45 pages of paperwork.  
16 One teacher has had three ARD meetings in a single school  
17 year.

18 And something just as simple as automated  
19 IEPs -- Adela says that they put theirs just in the  
20 Microsoft Excel -- would really cut down on time.

21 And from a parent's perspective, if I'm asking  
22 the teacher to change something on that IEP, and it has to

1 be written in ink, do you think she's going to want to do  
2 it, and do you think we're going to have a good  
3 conversation about this collaborative process? It just is  
4 not conducive to that.

5           They said, Yes. If we could automate this, it  
6 would save us hours and hours and hours of time.

7           We asked them an open-ended question about  
8 monitoring, and they said that the monitoring is not  
9 working for them. What they would suggest would be lots  
10 of mini-monitoring opportunities.

11           And the principal said something about how  
12 before the resources were reduced they used to have a  
13 supervisor that would come on an ongoing basis and help  
14 folks from a more technical assistance perspective, and  
15 they really liked those opportunities to get that  
16 feedback. They want to know how they're doing. They want  
17 to know that they're doing well.

18           So, you know, it was a wonderful opportunity.  
19 I don't see how they can be doing all they're doing with  
20 such a low per-pupil expenditure, and I want to know more  
21 about that.

22           And then, Adela, you had some perspective as a

1 principal of an elementary school.

2 MS. ACOSTA: Thank you. And I know we only  
3 have 15 minutes, so I'll take two.

4 They certainly have a lot more resources than  
5 I'm used to in a school. She has a large staff. Many of  
6 those positions were grant funded that help to address  
7 some of the needs of children.

8 They were very much on point when it came to  
9 accountability. They said, Yes. We want to be  
10 accountable. We want to know where we are, whether  
11 instruction is being successful is being successful for  
12 our students.

13 But again, we need more mini-monitoring visits,  
14 and not so much just to see what we're doing, to oversee  
15 it, but also to give us some help in how to make it  
16 better, so that the whole monitoring accountability piece  
17 takes on a different view.

18 And we asked them about behavior. Sharon spoke  
19 about behavior, and some of our witnesses yesterday, about  
20 behavior and how it impacts the ability to learn to read.

21 And they said that they do have a discipline  
22 committee and an intervention assistive team that looks at

1 children who are acting out for whatever reason, and then  
2 they find interventions to help that student before they  
3 get to the special needs part of the school or while they  
4 are in the special needs part of the program.

5           The last thing that I wrote down was, they said  
6 that they would like this Commission to consider making  
7 the recommendation about assisted technology. They had  
8 several students that we visited today were speaking to us  
9 through -- and maybe Jack knows more about this, what it's  
10 called; it's a board.

11           DR. FLETCHER: Augmentative communication.

12           MS. ACOSTA: Thank you. And they're very  
13 expensive.

14           And one of the things to the credit of the  
15 Houston District, they said that they were very, very  
16 fortunate that when they needed that, parents did not have  
17 to feel that -- in our state, for example, they have to go  
18 through Medicare to get that kind of assistance for their  
19 children.

20           And she said that here that is not the case,  
21 that when a child has that need that Houston comes forward  
22 very rapidly.

1           But she did want us to consider as part of our  
2       recommendations that we are certainly short-staffed, which  
3       they spoke about, too. Special education teachers are in  
4       great need, and there are not many people coming to the  
5       table. And of course, that goes along consistent with  
6       what our presenters said yesterday.

7           And looking at having some kind of training on  
8       a national level for speech therapists, who are also in  
9       great demand and who are not being trained. There are not  
10      enough training facilities.

11          And so when we look at the professional  
12      development part of our agenda, to look at addressing the  
13      issue of this national crisis of teacher shortage.

14          Thank you.

15          MS. TAKEMOTO: One more thing on the subject of  
16      national crises. There has been a lack of sugar at this,  
17      and we were given chocolate, so I'm passing my chocolate  
18      around.

19          (General laughter.)

20          MR BRANSTAD: Okay. Who is going to make the  
21      report for the group that went to the middle school,  
22      Hamilton Middle School?

1 DR. GILL: I'd like to nominate the Honorable  
2 Steve Bartlett.

3 MR BRANSTAD: Group 2, the middle school group?

4 DR. WRIGHT: I nominate myself.

5 (General laughter.)

6 MR BRANSTAD: Okay. We're not going to take a  
7 vote, Katie. We're just going to turn it over to you.

8 VOICE: Give that lady the microphone as if she  
9 needs it.

10 DR. WRIGHT: But I have budgeted my time. So I  
11 won't go over time, and I will go from my notes. And then  
12 I will yield to one of my colleagues. Is that okay?

13 MR BRANSTAD: Great.

14 DR. WRIGHT: Okay. We were at the Hamilton  
15 Middle School. And this is a school that has an average  
16 daily attendance of like 94.5, a drop-out rate of just .5.  
17 The student body is 75 percent Hispanic, 15 percent  
18 African-American, 10 percent caucasian, and 1 percent  
19 Asian. Approximately 82 percent of all the students  
20 receive free or reduced lunches.

21 I want to go from my notes. We were warmly  
22 welcomed. There were introductions. We were welcomed by

1 the principal -- his name is Kenneth Goeddeke -- and he  
2 introduced some of the staff. We had a lovely breakfast.  
3 The school board president was there, the school  
4 chancellor, special ed staff, and officials.

5 We met in the library. We were briefed, and of  
6 course we were given all kinds of materials and packets  
7 and all of that. And I have not had a chance to go  
8 through all of this yet, but this is valuable material.

9 I want to digress and say this. It's my  
10 understanding that at least one of our tasks that the  
11 President wants us to accomplish is to find out if the  
12 right kids are in special ed and if they are getting the  
13 right program and getting the right training.

14 And being a school person, and just being there  
15 for just an hour or so, I believe that the children that  
16 come through Hamilton on that campus are perhaps the right  
17 kids, and that goes from the assessment.

18 And Steve Bartlett might want to talk about  
19 assessment and the outcomes, because he asked some really  
20 telling questions about that.

21 But I noticed everything. I noticed the  
22 bathrooms. And I mentioned this to the principal.

1 Because kids need, just like they need to learn how to  
2 read, they need to have clean bathrooms with the tissue  
3 and stuff. And a lot of the inner city schools don't have  
4 that. But this school had it going on even to their  
5 bathroom, even to the Girls Room.

6 We asked questions about, were they strong in  
7 inclusion? And my note says yes. They said the severe BD  
8 children were self-contained, and we saw such a classroom.  
9 The teacher was working with these children.

10 We asked about parental involvement in terms of  
11 IEP.

12 I know they thought I sounded like a school  
13 inspector, but these are the things that you need to know  
14 and ask about to see if the right kids are in these  
15 programs and if they're getting what they're supposed to  
16 get.

17 And so they said that the parents are involved  
18 in the IEP process, and if the parents don't come forth  
19 right away, they call the parents. They even make home  
20 visits.

21 The reading initiative is strong at that  
22 school. It's implemented throughout the district.



1           I asked about training. And they have a task  
2 force here that's on staff development, I think, of  
3 teachers. And they said that they had staff development.

4           And I asked if they had trouble recruiting  
5 teachers, and everybody does. And here in Texas evidently  
6 they have a provisional program where you can get a  
7 provisional certificate. But they said that the teacher  
8 has to finish up his or her training within a year.

9           We visited a content mastery center where --  
10 and I'm saying that a lot of this in that center is basic  
11 skills, and there were LD children in that caseload. And  
12 in this center they teach the social studies and the  
13 science. The teacher explained his methodology and showed  
14 us some of his materials and some of his equipment.

15           We went into another classroom, it was an LD  
16 classroom. It wasn't self-contained, I don't think. They  
17 had computers and all of this.

18           And this is the only little thing, little,  
19 little negative thing that I noticed. I asked him about  
20 his computers, and he was teaching math. And I noticed  
21 the computers.

22           But a couple of those computers were old

1 computers, you know, and he needed some updated computers.  
2 He had a couple of Compaqs, but some of those were the old  
3 Apples and like that. It's the only little thing that I  
4 noticed.

5 The teachers are included -- and I made a note  
6 of this because as a special educator I remember that  
7 special teachers a lot of times in buildings were not even  
8 notified they were having teachers meetings.

9 But here they said the teachers are included,  
10 they are on the team, they do team teaching, they have  
11 team meetings.

12 And we asked about, do they have cross-  
13 categorical caseloads? The answer is yes.

14 We asked about their itinerant services for the  
15 low-incidence kids. The answer here was yes.

16 We asked about exit programs and ancillary  
17 services. Yes.

18 But one thing -- and I know that Steve Bartlett  
19 wants to mention this because this is his baby, this  
20 particular thing. But this karate program -- what is it,  
21 Steve, karate program?

22 MR. BARTLETT: It's called, Kick Drugs Out of

1 America.

2 DR. WRIGHT: And it talks about in sports,  
3 character development. And this was just so impressive.

4 And I noticed, too, at this school -- and they  
5 weren't just doing this for us this day. They couldn't  
6 have gotten this school together like they had it today  
7 just in a few days. This school is together.

8 It was quiet. I noticed there were BD kids  
9 there, but the BD kids weren't running up and down the  
10 halls fighting and all like they do in some schools, like  
11 they used to do in some of my schools, too, and probably  
12 are still doing it.

13 But he's got a diverse student body, as I said.  
14 The school has counseling and social work services. They  
15 have a full-time nurse at that school. They have an  
16 intervention assistant team.

17 And about assessment, I asked about assessment  
18 of the kids, and I asked if they had, well, in Illinois we  
19 call it an annual review, where you look at the kids and  
20 have a staffing, we call it, at least once a year. Of  
21 course, in Illinois you've got to have it every three  
22 years. But often we had an annual review, we had it once

1 a year.

2 If the teacher needs a review in less time than  
3 a year, the teacher can get it.

4 And I just tell you, one of the parents who is  
5 an employee of the district just volunteered his  
6 information, nobody called on him. But he said that he  
7 was very pleased after Steve Bartlett asked about -- I  
8 think it was Steve, or maybe it was Reverend Flake --  
9 asked about assessment.

10 And he said he was very pleased with his kid  
11 being in special and that he was pleased with the  
12 assessment process.

13 And I wanted to know if it was fair to say that  
14 these people are using a multi-disciplinary assessment  
15 team approach. And they told me and they told us that  
16 they were.

17 So I just made a lot of notes. And I'm very  
18 impressed. And I said this: It's a joy to serve on a  
19 Commission where we can get out into the schools and I can  
20 learn something and we can see something. And I just  
21 thoroughly enjoyed this, and I just felt at home.

22 And that's as much as I want to say right now.

1 And I yield to Steve or to Doug or whoever.

2 MR BRANSTAD: Thank you, Katie.

3 MR. BARTLETT: It was good that Katie started  
4 that up, because what Katie was saying is very true, and  
5 that is, we went to a good school. This is what we would  
6 all call a good school.

7 Because HISD wouldn't have picked out a bad  
8 school for us to go to. They have good leadership, they  
9 do seem to have good collaboration.

10 But now I'm going to kind of walk through some  
11 of the lessons for Federal law as it kind of relates to  
12 this good school and kind of imagine what it looks like in  
13 a bad school.

14 This school has good leadership, both in the  
15 classroom, with the special ed personnel, and with the  
16 regular education.

17 But in addition to these good results, let me  
18 give you a couple of other things.

19 Only the general education students take the  
20 TAAS test. So when the principal was asked how his  
21 special education students were doing academically, he  
22 said, Fine. When we asked him how the general education

1 students were doing academically, he said, 84.1 percent.

2 Okay? Big difference, big difference. Okay?

3 Texas apparently has some testing that you can  
4 do that are called special testing that is a different  
5 test than for regular ed, because -- and I quizzed the  
6 principal about it -- because the special ed students  
7 couldn't be expected to take the TAAS test, his words.

8 And then, when I asked him what these special  
9 education tests looked like and what they measured, he got  
10 really -- and this is a good principal, remember -- but he  
11 got really fuzzy, because it wasn't important to him. He  
12 was not being measured on that.

13 So he didn't really know. But he knew that  
14 some of his students were taking it and some were taking a  
15 different version, and that's kind of all he knew.

16 Outcome measurements, this was both from the  
17 special ed, the regular ed, the classroom, and the  
18 principal.

19 This school -- and this is in the good school  
20 category -- so far as I could tell, had no overall outcome  
21 measurements for the special ed student body.

22 They have outcome measurements for each

1 individual student, and that's a good thing, and that's  
2 why it's working. That's what's working about it, is  
3 every special ed teacher, the regular ed teacher, they  
4 care about every student and they work through with every  
5 student for an outcome. But the special ed don't take  
6 standardized tests.

7           The inclusion, when we asked, How is the  
8 inclusion, they said, Fine. And then we were trotted  
9 around to a half a dozen different segregated classrooms.

10           The inclusion apparently is kind of period by  
11 period. So most of the special ed kids get -- I'm  
12 sorry -- some number, but we didn't -- the principal  
13 didn't know the number, but he said most of the special ed  
14 gets an inclusion classroom in social sciences, and then  
15 they get pulled out for other things.

16           So again, the lesson for the Commission is,  
17 there is no testing of a measurement of inclusion, and so,  
18 then, therefore it's easy to say, Well, we're doing fine  
19 in inclusion.

20           Grade level: No data on grade level. Exit  
21 from the program, just kind of -- I might as well have  
22 been asking about Outer Mongolia as to ask about exit from

1 special education.

2 We found one classroom, the behavior  
3 modification classroom, in which there were students in  
4 that classroom that had been there for -- everybody  
5 ready? -- five years. Now, Commission members, this is a  
6 good school. And they had been there for five years. And  
7 the reason I know that is, someone had just found them.

8 DR. WRIGHT: But some need to be there for ten  
9 years.

10 MS. TAKEMOTO: Someone had spent five years in  
11 middle school or someone had spent five years --

12 MR. BARTLETT: In the behavior modification  
13 separate pull-out classroom.

14 DR. WRIGHT: Yes. But having taught BD kids,  
15 some of them need to stay for ten years.

16 MR. BARTLETT: Perhaps.

17 DR. WRIGHT: Some need to stay forever.

18 MR. BARTLETT: Perhaps. But I would say --

19 DR. WRIGHT: You're right.

20 MR. BARTLETT: -- that that means that we want  
21 to do something different and measure it.

22 Now, in fact, the reason that they knew this is



1 because the person who had just discovered this was new on  
2 the job this year.

3 She was horrified. She had found these five-  
4 year students. And she was changing the curriculum so  
5 that they would be exiting this year and returning to the  
6 regular classroom with some extra support. So it's not  
7 all bad. I mean, you get in one new leader, and they find  
8 something bad.

9 I guess the point for the Commission is,  
10 there's no measurement of exits. There's no measurement  
11 of, what is your exit percentage or what is your exit  
12 length of time?

13 Good collaboration. We also discovered, as I'm  
14 sure you do in any conversation, there is, of course, a  
15 fear of change.

16 This parent who is also an employee told us how  
17 happy he was with his assessment of his child, because we  
18 were talking about whether to convert from IQ to something  
19 else.

20 And basically what he said was, I don't know  
21 whether there's something else, and I don't know about IQ,  
22 but it works for my child, so please don't change it,

1 because it works for me. And that's, of course, the fear  
2 of change. So we did encounter that.

3 We also found this whole concept from the  
4 special ed professionals, sort of a willingness to change,  
5 a new assessment model, a new approach, but also a fear of  
6 the change. But we probably did see more willingness than  
7 one would have expected, because they're the ones that  
8 have to make the change happen.

9 The other big fact that we picked up is that  
10 every special education professional there has to deal  
11 with at least two sets of regulations and be responsible  
12 for both, Federal and state.

13 And it's not that they're dramatically  
14 different, it's that they can be different in subtle ways,  
15 and you have to end up trying to comply with both, and  
16 that's obviously not an outcome that one would design.

17 So good school, good leadership, good  
18 collaboration. But I couldn't tell much outcome  
19 measurement, because they're not being asked to measure  
20 the outcomes. They're being asked to measure the inputs.

21 Now, Doug, did I get it about right?

22 DR. GILL: That was outstanding. I was glad

1 that I nominated you after that.

2 I just learned two things that I would want the  
3 Commission to consider.

4 One is that, when we went to the SBH class or  
5 BD class, there were four students and one little young  
6 lady who was the teacher. And at any point any one of  
7 those kids could have completely decimated her with one  
8 punch. And as the staff told me, that can happen  
9 frequently.

10 And apparently over the past couple of years  
11 this class has had substitute after substitute. They  
12 hadn't been able to find a teacher. She came onboard.  
13 And he said, She is great. She concentrates on education,  
14 teaching, teaching, teaching.

15 And I said, Well, how do you reward her, then?  
16 What's the incentive? And he said, All I can do is give  
17 her \$2,000 a year more, which is about \$50 a week, to  
18 basically put herself on the line like that.

19 And in my mind, this Commission ought to  
20 consider the fact that, if we're going to ask for more  
21 accountability, it should equate to better incentives for  
22 teachers, especially in this environment.

1 MR BRANSTAD: You mean salary?

2 DR. GILL: Salary; salary incentives. It's  
3 just incredible to me that she has such a high level of  
4 commitment and she is willing to put herself on the line  
5 there with very little incentive, financial incentive, to  
6 do it. And I'm sure that that's not the only reason she  
7 is there.

8 But, my goodness, when they have to go through  
9 almost two years without a teacher, we've got to be able  
10 to empower these people to hire quality people like her.

11 Now, the second thing is, I agree that the  
12 computers were really outdated. And in my mind, computers  
13 in special ed not only helps the student to learn now, but  
14 it also enables them to get a job later if they can  
15 develop those kind of computer skills. And the computers  
16 that we saw were really far outdated.

17 So I don't know, Bob, if there's a provision  
18 that we can recommend for those two things. But I think  
19 teacher pay for special ed and computer assisted  
20 technology are two very important components that we  
21 learned today.

22 DR. WRIGHT: I wanted to mention that they did

1 have, years ago we used to call them paraprofessionals,  
2 but now the professional name is para-educators. They had  
3 a few, but they need some more. They need a few more.

4 MR BRANSTAD: Okay. Thank you very much.

5 MS. BRYAN: Can I make just one quick comment  
6 on this?

7 MR BRANSTAD: Sure.

8 MS. BRYAN: Because I don't want it to pass  
9 with you guys not knowing this.

10 Texas is implementing accountability systems  
11 within special education that are much stronger than  
12 they've been. And some of you in the audience may know  
13 the answer to this. But it kicks in either this year or  
14 next year.

15 When does it kick in, Gene? Because I just  
16 don't want to let it pass saying that no one is looking at  
17 the results, because we're getting there.

18 MR. LENZ: In 2003-2004, when kids that don't  
19 take the TAAS take what is called the SDAA, the state  
20 alternate assessment, those scores will count in the  
21 rating of the district.

22 And kids with disabilities since '99 have

1 counted in our state's accountability system at the campus  
2 and district level, and they've always counted in the  
3 indicator dealing with drop-out and attendance before  
4 attendance was dropped.

5 So kids with disabilities have been in our  
6 state accountability system since its beginning, but not  
7 in the TAAS scores until '99. And then, in 2003-2004, the  
8 alternate tests will count.

9 MR. BARTLETT: Could I ask a question, Mr.  
10 Chairman?

11 MR BRANSTAD: Go ahead.

12 MR. BARTLETT: Conceptually what would keep a  
13 state from having LD students from taking the TAAS  
14 scores -- TAAS test -- or mildly retarded students or  
15 blind students or other kind of special education?

16 MR. LENZ: That's a great question. Let's play  
17 it out a couple of ways here.

18 What we're talking about is, first, we want as  
19 many kids with disabilities in the general curriculum. If  
20 they're being taught in the general curriculum, then they  
21 should take the test that measures the teaching and  
22 learning in the general curriculum, which is our TAAS.

1           There are instances, though, when a child's  
2 accommodations or modifications are such in the classroom  
3 that if you used those modifications or accommodations on  
4 the test it would render the test invalid. So they then  
5 need to take a test that you can use some of those  
6 modifications or that is designed to allow them.

7           Now, our SDAA, or the State-Developed  
8 Alternative Assessment, is still built on the essential  
9 knowledge and skills. It gives more range.

10           It goes from K through 8 in the essential  
11 knowledge and skills, which is our state curriculum  
12 framework, and it allows for kids to be tested on the  
13 material based on where they're being taught so that we  
14 can get a good match.

15           That is, they're both criterion-referenced  
16 tests, the TAAS and the SDAA, and so they measure teaching  
17 and learning.

18           But we do want more kids in the TAAS test. In  
19 fact, we want the majority of kids with disabilities  
20 taking the TAAS and the future TEKS test, Test of  
21 Essential Knowledge and Skills, and then, the next group  
22 in our SDAA, and the smallest percentage of kids with

1 disabilities in what is called the LDAA, Locally-  
2 Determined Alternate Assessment.

3 MR. BARTLETT: So if we want that, should we  
4 measure it?

5 MR. LENZ: Yes, sir. And we're going to be  
6 doing that. In May -- I had mentioned this in my  
7 testimony or in part of my testimony -- or I guess it was  
8 in response to one of your questions. We are going to in  
9 May roll out what is called a balance scorecard for  
10 special ed, and we're going to have those indicators built  
11 into it.

12 DR. PASTERNAK: I haven't said anything  
13 yesterday, as you know. But the temptation is such that I  
14 have to just respond quickly to Steve's important  
15 question, if I may.

16 The law, the way it's written now, Steve and  
17 the rest of the Commissioners, talks about that students  
18 with disabilities have to participate in state and  
19 district mandated tests. It does not talk about students  
20 with disabilities participating in the accountability  
21 system. And the question that you asked I think goes to  
22 the heart of the difference between those two issues.



1           And I think that one of the things -- I don't  
2 know how we're going to proceed as a commission when we  
3 actually talk with each other about the kinds of things  
4 that we'd like to see happen as a result of the testimony  
5 and the evidence that you're all reviewing.

6           But it seems to me if the intent is really to  
7 get students with disabilities to participate in the  
8 accountability systems, then one of the changes that we  
9 need to make is to send the message that students with  
10 disabilities have to participate in the accountability  
11 system.

12           And one of the disturbing things that we'll  
13 hear I think as we talk more with personnel preparation  
14 programs is that teachers don't really seem to understand  
15 that when they ask about the kinds of accommodations that  
16 students are supposed to have access to in order to  
17 participate in assessment that those are the same  
18 accommodations that the students should have been  
19 receiving as instructional accommodations.

20           And so there just seem to me to be a lot of  
21 issues that came up yesterday that, you know, I really see  
22 this more as an opportunity for the Commissioners to get

1       emerged in these issues. But the issue you raised I think  
2       is so critically important.

3                 And then, you have the norm-referenced test  
4       issues that Gene was just talking about where, if you  
5       change the administration of the test, then considering  
6       the student's score becomes more difficult vis a vis the  
7       norms that were developed.

8                 And those issues don't seem to arise when you  
9       have the criterion-referenced tests, which are the  
10      standards-based tests that a lot of states are going to,  
11      like the TAAS as an example.

12                So I don't know if we're going to talk -- I  
13      think we're having our accountability meeting in Des  
14      Moines.

15                But I think that, you know, clearly maybe one  
16      of the changes that the Commission might want us to  
17      consider is looking at changing the statutory language so  
18      that we in fact insist on students with disabilities  
19      having to participate in accountability systems.

20                So I'm sorry, Mr. Chairman. I just --

21                MR BRANSTAD: All right. Ed Sontag, did you  
22      also have a question or comment?

1           MR. SONTAG:  Maybe an observation.  Trying to  
2   find incentives for individuals and students with  
3   disabilities to participate in testing and their parents  
4   if real tough.

5           One of the concepts that several people have  
6   been looking at most recently is to try to find a cap, in  
7   other words, that 96 percent of all the students in the  
8   school district would have to take the test, 3 percent  
9   could be waived.

10          But there would be an incentive in the cap,  
11   then, for the district to even try to test the remaining 3  
12   percent if possible.

13          Under existing systems now you have districts,  
14   states across the country where 30 percent of the students  
15   don't take the test, 5 percent don't take the test.

16          So what do you have right now when you compare?  
17   Even on the NAPE you've got apples and oranges on those  
18   kinds of issues.

19          So I think there needs to be some kind clever  
20   solution in the area of a cap to try to look at this.

21          MR BRANSTAD:  Okay.  We'll go --

22          DR. WRIGHT:  I would like to give some

1 information from this booklet. We just received these, so  
2 we have not had a chance to read everything that's in the  
3 booklet. But I do want us to give credit where credit  
4 appears to be. And I don't know. And I'm just seeing  
5 this in the booklet, because we just got this.

6 They're telling us in the booklet that special  
7 education students taking the TAAS have made gains in  
8 several areas.

9 The scores of special education students who  
10 were administered the TAAS test reflect an increase of 4  
11 percent from Sixth Grade to Seventh Grade, with 54 percent  
12 passing in 2000 to 58 percent of the same population  
13 passing in 2001.

14 A significant increase of 20 percent occurred  
15 from Seventh Grade to Eighth Grade, with 50 percent  
16 passing in 2000 to 70 percent passing in 2001.

17 And then they went on to say that Seventh  
18 Graders made 4 percent gains in reading and Eighth Graders  
19 made some gains.

20 They have given us some stats here. Naturally,  
21 I don't know the validity of these stats. But they made  
22 an effort to give us the stats. And we have not had a

1 chance to go through all of this. But some good stats are  
2 here, and I wanted you to know that.

3 MR BRANSTAD: Thank you very much.

4 We'll now go on to the group that went to the  
5 high school, to Furr High School. And Bill Berdine is  
6 going to report for the group that went to the high  
7 school.

8 DR. BERDINE: Thank you, Terry.

9 On behalf of the Gold Team, comprised of Jay  
10 Chambers, Tom Fleming, Dave Gordon, Mike Rivas, Todd  
11 Jones, and Governor Branstad and myself, we had the  
12 pleasure of going to Furr High School, which is on the  
13 east side of Houston.

14 And I can't say what the other two teams can  
15 say in terms of starting out, that we saw a good school.  
16 I can't say that we saw a bad school. All I can say is we  
17 saw a pretty typical low-income high school for about two  
18 hours. But at best we have a snapshot, and at that it's  
19 probably a Polaroid. And those of you who do photography  
20 know how clear a Polaroid picture can be.

21 We spent two-thirds of our time, inadvertently,  
22 I think -- I don't think it was necessarily planned -- but

1 we spent about two-thirds of our time almost in a panel  
2 kind of presentation where their special ed staff made a  
3 presentation.

4           And as they got into that, our panel members  
5 started to respond and ask questions, and we ended up  
6 spending about an hour-and-a-half in discussion with their  
7 people.

8           We did learn some interesting things about the  
9 school. It corroborated some of the things we've heard in  
10 the past day about situations in the schools.

11           We have a situation here where a principal was  
12 brought back out of retirement after almost seven years of  
13 retirement, the district superintendent retiree brought  
14 back to take over a school.

15           The reasons for her coming back were not made  
16 particularly clear, but it was my impression it was  
17 because there were some problems and she was seen as a  
18 leader in the community.

19           It's a school of a little over 1,100 students,  
20 1,120, I think, something like that. And under the  
21 leadership of this new principal, Dr. Simmons, Bertie  
22 Simmons, the school's population has been divided into six

1 houses.

2           They break the kids down into a smaller size,  
3 roughly 300 or so to a house. Each house is staffed by  
4 teachers.

5           Five of the tracts -- or actually, they  
6 referred to them as tracks at times. They were previously  
7 referred to as tracks, now they're houses.

8           There are 195 students who are identified for  
9 special education programs in this school out of 1,120.  
10 Of those 195 students 150 are in a full inclusion program;  
11 that's 77 percent of the students. And they're  
12 distributed across five of the houses within that high  
13 school.

14           They have 20 students who receive resource or  
15 pull-out services. They have a behavior service center  
16 with ten students. This is essentially a modified pull-  
17 out kind of endeavor there.

18           They're in their houses until they need to be  
19 taken out of their houses, and then they're taken to this  
20 portable off to the side of the school where they could  
21 spend as much time as is deemed necessary.

22           They have a Life Skills population of 19

1 students. This is the low-incidence population in the  
2 school, 19 students, two units, two teachers and three  
3 aids.

4 They have a multiple-impaired unit, six  
5 students -- it's self-contained -- one teacher, two aids;  
6 one vocational adjustment program; and one employment  
7 specialist.

8 The interesting thing that happened in our --  
9 they had a program prepared for us, and I think we took  
10 them off their stride in terms of, where did they see IDEA  
11 having an impact on their school?

12 And immediately got into a protracted  
13 discussion about the role of the IEP and the ARD, as it's  
14 called in Texas, I believe, what some of the problems were  
15 within that due process aspect of getting kids receiving  
16 full services.

17 And I think it was Chairman Branstad who asked,  
18 Is there a best scenario or worst case scenario? And the  
19 Director of Special Education for Houston Independent  
20 Schools brought up the fact that they had recently had an  
21 eleven-day ARD, which probably ought to go on record, Bob,  
22 with your 13-page IEP, or your 23-page IEP. An eleven-day



1     ARD.

2                   And that launched us into a variety of  
3     discussions around, why did that occur, what happened?  
4     And essentially what happened -- and I've been working in  
5     high schools for the last three years pretty extensively  
6     in a major city -- well, in Kentucky it's the only city,  
7     Louisville; the rest of it is just large towns.

8                   (General laughter.)

9                   DR. BERDINE:   And I'm from one of the large  
10    towns.   But Louisville is truly a big city.   And I've  
11    worked in five of their high schools.   And I'm fairly  
12    familiar with what happens when you start to pick and  
13    scrape with teachers or special ed administrators at that  
14    level of Director of Special Ed and Supervisor or  
15    Coordinator.

16                   And the frustration just started to bubble  
17    right out.   It was really clear that what you have here is  
18    a group of mid-level educators who are just frustrated  
19    with the whole system.

20                   The due process system from their point of view  
21    is just bogged down to the point where they cannot perform  
22    their functions in an adequate way; it was taking their

1 teachers off of instruction; you know, just a whole array  
2 of problems.

3 We discussed some of the issues with regard to  
4 mediation and also the use of mediators in ARDs.

5 That was an interesting juxtaposition to our  
6 panel presentation yesterday, because the position that  
7 was presented in this high school was that was working  
8 against children in schools, not for children in schools.

9 That they felt the mediators, the advocates,  
10 were not productive for children, which I think some of  
11 us, because of the recency of our panel presentation,  
12 found that a little bit interesting.

13 As a teacher trainer, we did spend about 30  
14 minutes in two classrooms, the behavior management  
15 classroom and the low-incidence life skills.

16 And then, again, you have to be very careful  
17 when you walk into a school like this and situations like  
18 this.

19 You're not seeing -- this is not news to  
20 anybody. You're not seeing a typical school day, it's  
21 not. You don't bring nine people into a building or eight  
22 people into a building and have children behave the way

1 they ordinarily behave, or teachers.

2 But I saw no evidence in the low-incidence  
3 rooms of that were in of instruction. I saw no evidence  
4 in our discussions of the accountability that Steve was  
5 raising.

6 They know where their graduates of their  
7 regular general education curriculum -- they know how many  
8 go to college. They do not know, could not give us any  
9 idea of where the graduates of their special education  
10 program went after leaving the school.

11 It was clear that there was not a transition  
12 model or program in place for children with low-incidence  
13 disabilities into the community. Not that they don't have  
14 some services, some vocational preparation, but there was  
15 not evidence presented or described to us that would  
16 indicate that there was any kind of a model that was in  
17 place and that was working.

18 I open it up to others in the group. I mean, I  
19 don't want to seem to be overly harsh. I've just spent a  
20 lot of time in high schools, and this is not a high school  
21 that I would put on my visitation list to a panel like  
22 this.

1 MR BRANSTAD: Jay Chambers.

2 DR. CHAMBERS: I would agree with everything  
3 that Bill has just said.

4 On a positive note, however, I also would say  
5 that I met and talked with a group of caring, very  
6 positive individuals. We stood in a classroom with a  
7 teacher who was just, whose heart was very close to the  
8 children that she was serving and talked about much beyond  
9 just their strict educational needs.

10 We met a couple of students. Frankly, I was  
11 almost kind of drawn to tears with one of them whom I just  
12 felt -- the child was in the ROTC program -- to me what a  
13 fine young man. I felt privileged to have met him and  
14 talked to him for a few minutes.

15 I'm not exactly sure what -- he had reading  
16 problems, I guess, is about the way he described it. So  
17 it was a delight to meet that young man.

18 But I do feel the same way that Bill did. And  
19 I kind of asked him. I said, I know they're not exactly  
20 doing typical things when we walk into a school like that.  
21 I would have loved to have been able to kind of roam  
22 around and see more of what really would have gone on in a

1 school day, which we didn't get to see.

2           The other thing that was notably absent, and  
3 I'd be curious from other folks in the other programs, is  
4 we really -- even though they talked about general  
5 education, I didn't see much evidence of connection with  
6 general education.

7           Now, maybe it wasn't just because of the way  
8 the trip was designed. There may not have been any  
9 inclination to do that. But basically we had a room full  
10 of special educators talking to us with no representation  
11 that I could see, other than the principal, of general  
12 education.

13           I guess the other general impression I have --  
14 and this is less about special ed, more kind of an  
15 observation looking at this high school and a number of  
16 other high schools I have visited over the past ten years,  
17 including the high school my own children went to --  
18 they're pretty dismal, dull places.

19           I mean, I don't see -- I remember going into my  
20 own wife's classrooms many years ago, and I saw a room  
21 that was exciting, pictures, I mean, things that would  
22 draw children to them and make them interesting things,

1       make your classroom an interesting place to be.

2                   And I just don't see that in many of the high  
3       schools.  And maybe it's just not possible.  I don't know.  
4       I mean, I kind of don't live in the real world in the work  
5       that I do on a daily basis.  I need to get out more, I  
6       think, and see these kinds of things.  But I do find it  
7       frustrating that the schools can't be a place that makes  
8       you feel good about going to.

9                   And this high school was perfectly clean; I  
10      felt very welcomed into it by all the people who came to  
11      see us; I felt good about what they were there for.  But  
12      at the same time, the school itself just didn't excite me  
13      as a place to be.  Anyway, I'll leave it at that.

14                   MR BRANSTAD:  Thomas Fleming.

15                   DR. FLEMING:  Yes.  The other thing that caught  
16      my attention in the one classroom that we went into was  
17      the number of children for this ratio of teacher to  
18      children.

19                   And I roughly counted somewhere between 40 and  
20      45 kids in this one classroom, with the teacher giving  
21      instructions from the board.

22                   And I was trying to pick up, what was the

1 lesson from the day and could not really do that, because  
2 I was looking back between the children to see if they  
3 were listening to her.

4           And you could see there were children with  
5 their back to her, and they were kind of doing a number of  
6 other things that didn't seem how the teacher and the  
7 children were connecting for that short period that we  
8 observed. So I don't know exactly what was happening  
9 there.

10           Again, we had these wonderful representatives  
11 taking us around, not only ROTC young men, but young  
12 women.

13           And I asked them as they were taking us about  
14 some of their future plans, and kind of shared with them a  
15 little bit what the military had accomplished in my own  
16 life, even allowing me to get enough money together  
17 through the GI Bill to start on my college work to  
18 encourage them.

19           I was struck by walking down the hall and  
20 seeing police presence on the first floor, because that  
21 always kind of begs the question of, why are the police in  
22 this building at this time?

1           And so I tried to ask one of them, and at that  
2 point I didn't get a response of an answer, but just  
3 pointed to where there's actually a police station,  
4 there's an actual office.

5           So the police presence is at the school  
6 probably all the time. And that just kind of sends red  
7 flags up to me of, why would you actually have to have the  
8 police right on the school grounds?

9           To me, in my own experience, that's always made  
10 for an uneasy kind of relationship between adults and kids  
11 unless there is really that necessary item there, there's  
12 maybe some danger you have to have them there.

13           So I never did get an answer on why you would  
14 have to have police presence in a high school of 1,100  
15 kids.

16           DR. BERDINE: You don't bring an armed person  
17 into a school building unless there is some prior history  
18 of need, you just don't. The man was carrying a semi-  
19 automatic weapon.

20           DR. FLEMING: Right.

21           DR. BERDINE: And that doesn't belong in a  
22 school unless there's a need.



1 DR. FLEMING: Did any of you get any -- because  
2 I tried to ask just a student. I meant to ask an adult  
3 there, and I just didn't get a chance to do that.

4 DR. BERDINE: We have to be careful, though,  
5 about being a little bit overdramatic about -- we're  
6 coming across a little bit too negative, I think, on this  
7 school, because I think it's a targeted school.

8 I don't want -- I've spent a lot of time in  
9 high schools, and after spending most of my career in  
10 elementary and middle. So high school for me about four  
11 years ago became a major revelation. They are a different  
12 environment than anything else in the schools.

13 And I think, you know, what the Independent  
14 School District is trying to do here is change something  
15 that maybe has a long history we're not even familiar  
16 with.

17 But there's definitely -- I'd say I'd have to  
18 characterize this as a school in transition.

19 MR. BARTLETT: At best.

20 DR. BERDINE: Well, I mean, I could take you to  
21 some high schools in Kentucky that would make this school  
22 look like a charm school.

1 MR BRANSTAD: David --

2 DR. CHAMBERS: I could take you to some in San  
3 Francisco, as well.

4 MR BRANSTAD: David Gordon. And then, I think  
5 Todd has got a couple of comments, too.

6 MR. GORDON: I think for me this school  
7 underscored the overall set of difficulties in reforming a  
8 high school, because you had to sort of back into the  
9 story of their history, where this principal is brought in  
10 seemingly in times of strife.

11 And they were told to launch an inclusion  
12 program. So they passed among the districts in the area,  
13 and they found a program which they basically pinned their  
14 hopes on, which was a support program for the kids  
15 included in the regular academic program. And it was a  
16 room with three teachers to which the kids could go for  
17 assistance almost at any time.

18 And those teachers we saw -- there were two of  
19 them there -- they seemed very, very caring and  
20 supportive.

21 Now, what you also had to back into was, when  
22 you unpacked their system, it was a tracking system of six

1 tracks, and it was sort of accommodating the difficulties  
2 of high school reform.

3 One track was a humanities program with 150  
4 kids, they said all of whom went to a four-year college.

5 Then, there was a regular track, not a academy  
6 or a magnet program, because there were teachers there who  
7 were not comfortable working with any kind of change, so  
8 they were kind of left to keep doing what they had been  
9 doing.

10 And then, there were the several tracks of  
11 special ed students who were not included.

12 And the difficulty I had is, you didn't get a  
13 sense of what was the ethos of the place relative to  
14 special ed, the regular program, and all of the  
15 connections. It felt very piecemeal, and, again, not  
16 because everybody wasn't working as hard as they could.  
17 And they were very caring people. It just seemed somewhat  
18 directionless.

19 MR BRANSTAD: Todd.

20 MR. JONES: I just want to mention a couple of  
21 reactions from the school. One is to reaffirm the comment  
22 that Steve had made earlier about, what are they targeting

1 on?

2 I asked a couple of specific questions even as  
3 we got to later periods, and it was remarkable how much  
4 focus there was on students who did not have disabilities  
5 and quantitative evaluations of that.

6 For example, I now know that their drop-out  
7 rate so far this year has been .6 percent; last year it  
8 was 1.1 percent. Those are pretty precise numbers.

9 We know the percentage of children who go to  
10 college is on average about 15 percent, a percentage they  
11 track. We know what the performance on the TAAS was for  
12 those that are taking it.

13 Questions we asked, however, that were a little  
14 more difficult, such as, What's your average number of ARD  
15 meetings a year? How many staff are in your ARD meetings?  
16 And my favorite was just, Where do your students go for  
17 employment who are in your Life Skills program? How many  
18 of them are employed?

19 And the answer was really discouraging. They  
20 said, Well, not many. And then I said, Do you have a  
21 system that tracks that? And the answer was, No. We  
22 don't know. We cannot tell you.

1           And yet the number of children going to college  
2 they knew. The number of children getting jobs they don't  
3 track for children with severe disabilities.

4           DR. HASSEL: How many kids were in the class?

5           MR. JONES: Nineteen.

6           DR. HASSEL: So they couldn't even give you a  
7 number based on 19 kids?

8           MR. JONES: That's right. And you have to  
9 assume matriculation is somewhere in the three, four, five  
10 range per year. And when we asked -- and the principal,  
11 who I'll mention with the second item, she said, Really,  
12 hey, that is something actually we need to be tracking and  
13 turning to our staff and saying, That's important.

14           The second thing I'll mention, which is to  
15 buttress -- I don't remember whose observation it was.

16           I asked Secretary Paige at lunch about the  
17 school, and he did mention that this is a school that had  
18 been having a lot of problems.

19           They brought in what was viewed as an  
20 exceptional woman -- she seemed very exceptional on  
21 meeting her -- took a woman who had retired from being a  
22 regional superintendent here in Houston to make change

1     happen there.  And clearly what we had seen was  
2     dramatically different than what had been there before.

3                 MS. ACOSTA:  Mr. Chairman, may I?  I just  
4     wanted to make one comment.

5                 MR BRANSTAD:  Yes.

6                 MS. ACOSTA:  From someone who has been on all  
7     three levels of this process, I've been in elementary,  
8     middle school, and high school.

9                 And just the point of view that -- and someone  
10    mentioned on our visit today that special education  
11    services are much better served at the elementary school,  
12    and as they go on through the middle school, they become  
13    challenged, regardless of the environment.

14                I have been to many high schools.  I was in one  
15    for a while.  And it seems to me that that's where the  
16    challenge is.

17                And I guess for this Commission our challenge  
18    is to look at disparity in services to special education  
19    students at the high school level.  I would suggest that  
20    from, you know, the report of the last group.

21                MR. BARTLETT:  Mr. Chairman.

22                MR BRANSTAD:  Yes.  Steve, go ahead.

1           MR. BARTLETT: There's one additional piece of  
2 information that's very useful based on what Todd said.

3           Texas only started this outcome measurement for  
4 general education a little over ten years ago. So think  
5 of what Todd was saying and the descriptions you heard of  
6 the principal's being able to tell you precisely what  
7 their TAAS scores, precisely what their drop-out, all the  
8 precise outcome measurements.

9           Ten years ago very few principals in Texas  
10 could have told you any more about their general education  
11 students than what they were able to tell us today about  
12 the special ed, and that's because ten years ago Texas  
13 didn't measure that. Now they're measured.

14           And the names of the schools and their results  
15 are published in the newspaper annually ranked by test  
16 scores. Okay?

17           So the principals and the educators have this  
18 amazing incentive to increase the outcome performance.

19           So it seems to me that our lesson is, now if we  
20 can convert that human motivation from general ed, where  
21 it's worked phenomenally well, over to special ed, that's  
22 our task.

1           But ten years ago none of this existed in Texas  
2           on the general ed, either. It just wasn't there. And now  
3           you see the outcome.

4           MR BRANSTAD: Okay. I want to thank everyone  
5           that has reported. I think the meetings to the schools  
6           were very much an eye-opening experience and gave us I  
7           guess a better understanding of what's really happening in  
8           the schools themselves.

9           The next thing on the agenda is for the  
10          Commissioners to discuss the views on the reports of the  
11          first two panels from Monday. And we're running a little  
12          behind, so we're going to try to limit that to maybe about  
13          15 minutes, maybe 20 minutes per --

14          So we'd back and open it for discussion on the  
15          first two panels that we heard yesterday morning.

16          I guess I would just start by saying that I  
17          thought the researchers that we heard from yesterday did  
18          an outstanding job. I really felt maybe the highlight of  
19          yesterday was those panel discussions we had in the  
20          morning. And we would open it to your comments.

21          But I thought there were some pretty  
22          significant ideas that came out of those panel



1 discussions.

2           And I guess one of them that may be one of the  
3 most controversial is the one I guess that kind of  
4 originated in my state the idea of not using the IQ tests.  
5 And I don't know if that's where we should start or  
6 whatever.

7           But I understand that some of you asked  
8 questions of some of the practitioners about that today  
9 and got some mixed reviews.

10           Anybody like to pick up on that or anything  
11 else from the panel discussion? Maybe we should focus on  
12 the first one from yesterday.

13           Yes. Steve.

14           MR. BARTLETT: Well, first of all, I think in  
15 terms of being able to convert from the current IQ  
16 disparity test to other kinds of testing is a good thing.

17           It seems to me that if our report says it quite  
18 that directly, we will be kind of missing our mission.  
19 But I think that's one of the outcomes.

20           It seems to me that what we ought to end up  
21 learning from that is that the model to convert to is  
22 the --

1           To contrast, set up the straw man of the wait-  
2 to-fail model, and say, That's what we're against. And  
3 then convert that to a model that is the test and assess  
4 everyone and then provide services -- and I don't know  
5 what the word is -- provide services to those that are  
6 somehow below expectations or grade levels.

7           And it's only after you provide that  
8 supplemental instruction, then you begin to measure those  
9 students for special ed.

10           Right now you start with an assessment as to  
11 whether they're special ed or not, and then provide the  
12 services.

13           So I think if we can reverse that model, that's  
14 going to get us to the IQ disparity test, or at least many  
15 states will.

16           I don't know that the Federal Government should  
17 mandate either model for how to discover who is special ed  
18 other than to do an assessment and services first.

19           MR BRANSTAD: So you're suggesting the test and  
20 assess --

21           MR. BARTLETT: Is the way to back into --

22           MR BRANSTAD: -- is the way to get --

1           MR. BARTLETT: Yes. If we just sort of go out  
2 and attack IQ, we'd have a big argument over IQ. But if  
3 we attack wait-to-fail, everybody is against that. And  
4 you get to the same place.

5           MR BRANSTAD: Okay. Jack Fletcher.

6           DR. FLETCHER: Steve, I think you misjudged the  
7 sentiment about the use of IQ tests. What we heard was  
8 actually a great deal of convergence around the lack of  
9 value of that particular approach.

10           And I'm also aware that many of the advocacy  
11 groups are also very concerned about this particular model  
12 and the emphasis on IQ tests.

13           One dimension that we did not hear yesterday,  
14 but is one that I'm very familiar with, are those kids who  
15 were assessed under the learning disability rubric who did  
16 not qualify for special education. Those kids are  
17 commonly sources of due process hearings.

18           I've got one on my computer that somebody  
19 emailed me where the dad wrote that he had spent \$30,000  
20 to get his kid qualified for special education, had a  
21 hearing officer decide in his favor and say that the  
22 school needed to place the child in special education.

1           But he didn't really think it was worth the  
2     \$30,000 because the school couldn't tell him what program  
3     they were going to do.

4           So I mean, that's a perfect example of where  
5     the focus is on eligibility, who is eligible, where there  
6     is not even a requirement for the school to specify  
7     methodology.

8           At a statutory level they do not have to  
9     specify the methods that they are going to use to teach  
10    this particular child to read.

11          And it just reflects this focus and this  
12    obsession that we have with who is eligible as opposed to,  
13    how can we help this kid?

14          MR BRANSTAD:   Okay.   Alan.

15          DR. COULTER:   I appreciate, I think,  
16    Commissioner Bartlett's concern about, you know,  
17    controversy.

18          I think that one of the things -- and you heard  
19    me say it yesterday -- one of the things that was  
20    comforting from yesterday morning's discussion was that  
21    there are some things for which we now do have very clear  
22    answers.

1           And I think the Commission needs to take an  
2           extraordinarily assertive stand as it relates to when  
3           science has spoken.

4           And when there is a convergence that things are  
5           working, we need to support that. When there is  
6           convergence that there are things that are wasting  
7           resources, misleading people, taking us off track, we need  
8           to take a stand against that and to say that that  
9           shouldn't happen.

10           What is ironic is that we have a situation  
11           where the Federal regulations have in fact required people  
12           to use IQ tests except in extraordinary circumstances,  
13           Iowa being one, Louisiana being another, where they have  
14           not used IQ tests since 1979 and have been able to get  
15           along quite well without it.

16           However, the regulations are something that I  
17           think professionals in some instances have used to hide  
18           behind.

19           And so in the instance, especially yesterday  
20           morning, I mean, I was absolutely amazed that you could  
21           get a group of experts, who typically would love to talk  
22           about a topic forever and ever and never give you a yes or

1 no answer, and we got an answer yesterday. I think we  
2 need to support these people.

3 The other thing is that -- I think Jack is the  
4 one that always talks to me the most about this -- we need  
5 to be very careful about the difference between anecdote  
6 and facts. And yesterday we got a lot of facts.

7 You will have people that will come here and  
8 tell you how wonderful an IQ test is on the basis of one  
9 story. They will have absolutely no scientific evidence  
10 to support it.

11 I think, once again, this is a place where we  
12 have to speak extremely strongly, and that is, where  
13 evidence suggests that something works, do it. Where  
14 evidence suggests that something is wasting time, taking  
15 away resources, stop doing it. I think that's something  
16 we've got to do.

17 MR BRANSTAD: Thank you. Douglas Gill.

18 DR. GILL: Thanks. I'm just going to give you  
19 some of my reactions to what we heard yesterday and sort  
20 of my ruminations in the evening about some of those same  
21 kinds of issues, I suppose. And maybe my perspective is  
22 somewhat different.

1           I certainly am in conceptual agreement with the  
2           notion of an instructionally intervention based model as  
3           opposed to an eligibility determination type model.

4           And I guess what I'm not clear on at this point  
5           in time is what would be the procedural bridge to sort of  
6           get us there. I think I can buy the concept, but it's not  
7           clear to me exactly how we might proceed.

8           And I think that clearly we can beef up and do  
9           a lot more in the prereferral process of special education  
10          as opposed to the, you're in basic ed one day and you're  
11          in special ed the next, never to return from that  
12          hinterland or whatever.

13          So I think maybe we ought to focus some of our  
14          efforts on prereferral, and maybe we ought to talk about  
15          research based prereferrals as a step in the special ed  
16          eligibility process as opposed to no other way to get  
17          there.

18          The other thing that I think is maybe we've  
19          inadvertently, moving from a system of eligibility driven  
20          as opposed to instructionally driven, created some  
21          incentives to in fact put kids in special education by  
22          only allowing districts and states to claim assessment

1 dollars for special education upon eligibility  
2 determination.

3           And maybe we ought to think about using some of  
4 the assessment money in special education not as a  
5 condition of eligibility, but as a condition of  
6 intervention and providing services to lots of different  
7 kids.

8           The other thing that I've thought about is this  
9 paperwork morass that we seem to find ourselves in. And I  
10 sure wouldn't want to create yet another system of  
11 paperwork morass by trading one system that we know  
12 doesn't work very well for a system that we're not sure is  
13 going to work any better.

14           So I guess one of the suggestions that I might  
15 have for reauthorization in this regard is at least  
16 somebody consider the notion of the development of Federal  
17 forms as opposed to each of the states and locales,  
18 buildings, districts, et cetera developing their own set  
19 of forms, because I think what happens is we get a  
20 cumulative effect of the paperwork over time.

21           Because, you know, I've talked to a lot of  
22 different teachers in my state. I've probably done input



1 sessions.

2           And they say, You know, one thing that would be  
3 nice is for somebody to clarify exactly what the  
4 requirements in an IEP procedure, et cetera are so that we  
5 know so that when kids transfer from one district to the  
6 other we've got consistent information and so when kids  
7 transfer from one state to another we've got consistent  
8 information.

9           And there's some commonality of stuff so that  
10 the IEP is in fact an instruction document as opposed to  
11 being a management tool or a way to try and avoid  
12 litigation.

13           And I think the other notion that's come to my  
14 mind as a basis of our discussion yesterday is individual  
15 family service plans, which is kind of the way we deliver  
16 services through Part C, might be a better way to try and  
17 deliver services as opposed to an IEP, or an  
18 individualized education program.

19           So we can begin to sort out this payor of last  
20 resort language, which I think is different in Part C than  
21 it is in Part B.

22           And maybe what we've done as part of the IDEA

1 business over the last 35 years is started to trip over  
2 ourselves a little bit.

3 And I think if we're going to do something that  
4 is in fact going to change the way in which people view  
5 the system, which is going to change the way in which  
6 people react to the system, we need to give them I think  
7 some good examples of how to do that and sort of change  
8 the paradigm of special ed as opposed to just some sort of  
9 cosmetic change that might reduce from four to three the  
10 number of times in which you hand out procedural  
11 safeguards.

12 That doesn't appear to me to be a substantive  
13 change. And I think this Commission ought to be about  
14 substantive, meaningful change that is going to impact in  
15 a positive way the instruction of all kids, including kids  
16 with disabilities.

17 MR BRANSTAD: Doug Hunt.

18 DR. HUNTT: Thank you, Mr. Chairman.

19 I agree with Alan that science spoke loud and  
20 clear yesterday. We did get a no response to the IQ test,  
21 but we didn't get a yes response to a viable alternative  
22 to it.

1           And I think timing is everything in this case.  
2           And although science did speak, I didn't hear a lot from  
3           parents of kids with disabilities.

4           And my concern is, you do away with the IQ  
5           test, how do parents wrap their arms around what's  
6           required for their kids to be admitted into special ed?

7           You know, where is the viable alternative? I  
8           asked it over and over again yesterday, and nobody could  
9           give me a response, a specific model that we know through  
10          science and any other means that works.

11          My concern is, you do away with that before you  
12          get to a viable model, and we cause a great deal of  
13          disruption.

14          And I would hope that we remember that we're  
15          talking about real-life people here out there. And  
16          hopefully before we make a final decision on that we can  
17          hear from some parent groups related to that topic as  
18          well.

19          MR BRANSTAD: Bill Berdine.

20          DR. BERDINE: I want to speak in support of Dr.  
21          Coulter's position. I think that the panel owes it to our  
22          speakers when they speak as clearly and as succinctly to

1 the point of whether or not IQ added anything the  
2 instructional environment, and the answer was no, I think  
3 that --

4 And you know, I don't think it was that  
5 difficult for them to make that response. That's  
6 something that most of us have known for a long time, in  
7 Louisiana for a number years, Iowa for a number of years.

8 I think the critical question is whether or not  
9 we were presented with an alternative, Doug.

10 And while it was not specifically addressed as  
11 an alternative, I think that Dr. Vaughn did present us  
12 with a model that could be readily translated into an  
13 alternative process for individuals with learning  
14 differences to enter into a public school environment that  
15 supported them in a positive way.

16 Whether or not that was fleshed out or not as  
17 an operational model, I don't think it was. I don't think  
18 that was her purpose.

19 But it's time to move on from IQ, folks. We've  
20 got to get past that. That is not the critical issue here  
21 in front of this panel. I mean, let's get rid of that  
22 thing. I mean, that's painful. We can't do it in one

1 fell swoop. I don't know if legally we could even do it  
2 in that manner.

3 But we could do it in a transition, a phasing  
4 manner in which we could educate not only the  
5 professionals, but laypersons with regard to why we're  
6 doing that.

7 But we need to speak with a clear voice. And I  
8 think that when our experts that we invite in here give us  
9 that advice -- and they didn't equivocate -- unless we can  
10 bring somebody else in here to counter that, I think we  
11 should move on.

12 And you know, if we could take a voice vote  
13 now, would we have a majority voting against the use of IQ  
14 in instruction?

15 I'm not suggesting we would do that at this  
16 point in time, but I would guess we would have a fairly  
17 clear statement.

18 MR BRANSTAD: Cherie Takemoto.

19 MS. TAKEMOTO: I think that the IQ test has  
20 kept many kids who could be successful with additional  
21 assistance out of success. And I support anything that is  
22 going to get those -- those kids are just as important as

1 kids with disabilities. But that's also part of my  
2 troubling here.

3 To be diagnosed with a disability -- this is  
4 the Individuals with Disabilities Education Act. To be  
5 diagnosed with a disability, especially when there is no  
6 congenital or debilitating condition, is a big deal. It's  
7 a big deal.

8 And I could support the level of interventions  
9 that we would have to do before we would say, Yes. You  
10 have a disability, but I would not -- and using IDEA money  
11 to provide those services.

12 But it is a big deal to be diagnosed with a  
13 disability. And what we would be doing is opening up  
14 those gates.

15 So you know, I agree with what Dr. Vaughn said,  
16 that you need to provide the supports that every child  
17 needs to be successful.

18 I believe that we know a lot about special  
19 education, we know a lot about kids with disabilities, we  
20 know a lot about keeping kids from coming into the system.

21 And that it would be a role for this Commission  
22 to do something about IQ, but being very careful about

1 saying, Okay, if you're a poor performer, now you have a  
2 disability.

3 So I think that that's just something that we  
4 have to keep in mind.

5 MR BRANSTAD: Ed Sontag.

6 MR. SONTAG: I apologize for not being here  
7 yesterday, but I would like to comment on some of the  
8 things that I've heard here this afternoon.

9 In my experience -- no empirical data here --  
10 what we have in terms of the assessment process is an  
11 incredible waste of money most of the time. It reinforces  
12 a failure model for students with disabilities.

13 MR. JONES: Sorry, Ed. We were having  
14 microphone problems.

15 MR. SONTAG: Essentially what I was saying that  
16 the large amount of money that goes into assessment  
17 produces a failure model. It makes us bypass prevention.  
18 It does not get us into prevention.

19 There are parts of IDEA right now that have  
20 kind of been sleepers in there. IDEA 97 provides some  
21 wonderful vehicles for team planning at the building level  
22 in which IDEA dollars could possibly be used more for

1 prevention than failure.

2 And I think that's a vehicle that we need to  
3 look at, maybe make it stronger. Right now I think there  
4 is some discussion that states can opt out of that; local  
5 districts might need the permission of a state to opt in.

6 But the IQ test is such a small issue here.  
7 What's real important is that this field fundamentally  
8 must move to a prevention model and get out of the failure  
9 model.

10 I've been in so many IEP meetings. Very few of  
11 those meetings and all of the diagnostics lead to a  
12 classroom teacher getting any help on how to teach Johnny.

13 If we don't move away from that, we're going to  
14 be back here in ten years and in 20 years talking about  
15 how to tinker with special education.

16 MR BRANSTAD: Jack Fletcher.

17 DR. FLETCHER: Well, I just want to respond to  
18 Commissioner Hunt's comments about viable models and just  
19 point out that we did hear a viable model from Sharon  
20 Vaughn. That model has been implemented in entire states  
21 and districts across the country with really quite a bit  
22 of success.



1           But there's also a very simple approach to an  
2 alternative model, as well, and that is that if we simply  
3 drop IQ. Nobody is proposing to drop achievement testing,  
4 for example.

5           And it's very easy to talk about somebody  
6 having a learning disability, which is what we're talking  
7 about, when they underachieve. We apply the exclusionary  
8 criteria and so on. That is a viable model.

9           The problem with that model -- and this is what  
10 I tried to get Dr. Francis to talk about -- is that we do  
11 something with assessments of these kinds in special  
12 education that we wouldn't do anyplace else -- we don't do  
13 it, for example, in high-stakes testing -- and that is  
14 that we give the child a single test using procedures that  
15 have known errors of measurement where the underlying  
16 attributes are dimensional.

17           Those are inherently unreliable. The first  
18 time I test a kid, those scores are in the 20th  
19 percentile; the next time I test him it's going to be the  
20 28th percentile; the next time I test him it's going to be  
21 the 17th percentile. I do not even know how many times I  
22 have to test the child to identify their true score.

1           And to give you an example, in Texas on the  
2 state exit exam, you're allowed to take it nine times.  
3 Now, why are you allowed to take it nine times? Because  
4 you have to fail it nine times to know that even on a  
5 highly reliable instrument your true score is below the  
6 cut point.

7           That's what we're doing. We're using a model  
8 that is not viable, that is invalid, that focuses on  
9 eligibility in an invalid way. And we need alternatives  
10 to simply giving kids tests and then a life sentence in  
11 special education based on one assessment.

12           One of the exclusionary criteria is opportunity  
13 to learn. And we should not be placing children in  
14 special education under the learning disabilities rubric  
15 until we've demonstrated that they have not responded to  
16 some type of evidence-based intervention, that they've had  
17 adequate opportunity.

18           And adequate opportunity varies considerably  
19 across individual children. Some children need much more  
20 intense intervention before they demonstrate that they  
21 actually have a disability.

22           MR BRANSTAD: Katie Wright.

1 DR. WRIGHT: I agree with Jack. And I think  
2 that this panel ought to attack ferociously this idea of  
3 this using the IQ as a tool.

4 And this goes back to the California cases, a  
5 case back in the 1970s when minority kids -- I think they  
6 were Hispanic kids -- were placed in special education  
7 simply on their IQ scores.

8 So I think that this panel really should go on  
9 record as negating that and attack this ferociously.

10 The other thing that I wanted to say, last year  
11 President Bush invited 100 or so black leaders to the  
12 White House to be briefed by Secretary Paige and others on  
13 the domestic programs.

14 And Secretary Paige -- and I asked Secretary  
15 Paige, you know, what we could do to keep so many children  
16 from being in special ed. I don't know how I put it like  
17 that. And he said, You know, this Administration is going  
18 to really work on reading.

19 And I think that this panel ought to go on  
20 record as really supporting the reading part of this.

21 Dr. Vaughn gave some really good ideas  
22 yesterday. I don't have them all.

1           But I think that we really need to support the  
2 reading program, because if more kids could read, maybe --  
3 and Dr. Paige said this, too -- maybe we would have fewer  
4 kids who would have to go into special.

5           So my two points are, attack ferociously the  
6 idea of putting kids in special just on IQ; and then,  
7 encourage, happily and very much so, the reading portion.

8           MR BRANSTAD: David Gordon.

9           MR. GORDON: Yes. I, too, was persuaded by the  
10 level of agreement on the fate of IQ tests. I think  
11 that's pretty extraordinary to get that many people  
12 together.

13           But from my experience I feel that we have to  
14 attack the notion of, what is it that the regular program  
15 should be doing before we start assessing children and  
16 steering them toward special ed?

17           I think in our system we have a Director of  
18 Special Ed in Washington, we have directors in the states,  
19 I think they talk to directors in the school districts.

20           And I'm not sure that we have spoken to the  
21 leadership of school districts in the way of a Susan  
22 Vaughn and say, There are protocols you must install, be

1 it in general education, be it in Title I -- Title I is a  
2 huge source of funding to do exactly what she was talking  
3 about -- and to be specific about what we would like to  
4 see done as a precursor to any referrals to special ed.

5 Heaven knows we are as prescriptive as can be  
6 with all of the procedures, and we say almost nothing  
7 about the instructional protocols that we think will make  
8 a difference.

9 Now, I'm not exactly sure how you get that into  
10 the law. But I think unless we change the behavior in  
11 regular ed, Title I, and the general program, we're not  
12 going to see the preventative approaches prevail.

13 MR BRANSTAD: Yes. Bryan.

14 DR. HASSEL: Following up on David's comments,  
15 this is a kind of crucial issue for the Commission to  
16 think through.

17 Even if we could come to agreement about an  
18 alternative model in what we've just been discussing,  
19 which involves, say universal assessment, early  
20 intervention, supplemental services, that kind of thing,  
21 what sort of Federal policy would you enact to encourage  
22 that?

1           And one approach, which I think you were  
2     outlining perhaps, is a regulatory approach which says,  
3     We're going to now require that of school districts that  
4     are taking funding from the Federal Government under these  
5     different programs.

6           And we're going to spell out in detail what  
7     kinds of assessments you must do, what kinds of  
8     interventions you must follow up with, and that sort of  
9     thing, which is, exactly as you said, exactly what we do  
10    currently under programs.

11          But I think we need to try to think of other  
12    approaches that are less regulatory but which may obtain  
13    the same result, which involve providing incentives,  
14    strong incentives for performance that are tied to funding  
15    that effectively encourage districts to take on those kind  
16    of practices in a much more powerful way than they're  
17    encouraged to do so now.

18          The information is out there now, and yet few  
19    districts seem to be following those procedures. So the  
20    incentives aren't powerful enough. How can they be  
21    designed so that more districts in fact adopt these  
22    practices? That seems like the challenge. And I don't

1 know the answer. But that's a design issue we need to  
2 tackle.

3 MR BRANSTAD: Incentive versus regulation is  
4 what you're posing, or some combination thereof?

5 DR. HASSEL: Yes.

6 VOICE: Or regulations with incentives.

7 MR BRANSTAD: Cherie, and then Steve.

8 MS. TAKEMOTO: I think one of them was a  
9 question that I asked yesterday.

10 We're about to have infused into the country a  
11 large amount of money through ESEA. And could there be  
12 possibilities through regulatory -- I don't know if the  
13 regulations have gone out to how schools are going to  
14 access that money, nor has the appropriation necessarily  
15 have been made.

16 But could we use this new -- I hate to ask  
17 schools to do anything else and not pay for it. But  
18 here's some money that's coming down.

19 And Todd, we have some capacity through anti-  
20 discrimination to make sure that children have access to  
21 the benefit of that program?

22 MR. JONES: Right.

1 MR BRANSTAD: Steve.

2 MR. BARTLETT: Here is something that it seemed  
3 to me all the speakers were sort of leading us to  
4 yesterday, but nobody actually closed it. So let me  
5 suggest it in response to, what would the model look like?

6 There are a lot of failed Federal law models  
7 that we're all familiar with. There's the Categorical  
8 Grant; there's the Block Grants with no controls; there's  
9 the regulatory model where we tell with some precision  
10 what tests to use and what to measure and how to do that.

11 But there is a model that has been successful  
12 in other reforms, and it's a model in which we acknowledge  
13 that we have -- there is a current model out there that  
14 there's a lot of dissatisfaction, but there's also a  
15 certain comfort level with, with IDEA today.

16 And so we say to the states, That's the model  
17 you've got unless you would offer to the Federal  
18 Government a change that would be based on outcome  
19 measurements, that we've talked a lot about; based on  
20 early intervention, early intervention as an entry into  
21 it, based on --

22 In the outcome measurements we could actually



1 even cite the kind of outcome measurements that we insist  
2 on, graduation, test scores, such as that.

3 Based on civil rights, and maybe even you keep  
4 the civil rights at the Federal level, but based on that  
5 strong commitment to civil rights; and based on what  
6 outcomes we want to achieve.

7 And then we say to the states, Texas, New York,  
8 Louisiana, come up with a model that works, that  
9 accomplishes these goals in your state, propose it to the  
10 Federal Government, and that then gives you your model in  
11 place of the Federal model.

12 VOICE: So it's like a waiver like we do  
13 with --

14 MR. BARTLETT: Like Welfare Reform. Yes.

15 VOICE: Like Welfare Reform?

16 MR. BARTLETT: Yes. It's a system that catches  
17 the innovative juices of the states, because we've heard  
18 today that it's the states that are coming up with the new  
19 ideas.

20 So far we're also hearing they're not  
21 translating them down to the schoolhouse door, because the  
22 schoolhouse door also has the 814 mandates to deal with,

1 and you get at best a duplicative system.

2 And I think that it couldn't be just a strictly  
3 free hand. It would have to say that we insist on civil  
4 rights and strengthening civil rights, we insist on  
5 outcome measurements, that it has to be based on outcome  
6 measurements. But then have the states propose, and then  
7 the Feds or negotiate or reject.

8 MR BRANSTAD: Okay. Jay is next, Jay Chambers.

9 DR. CHAMBERS: I'd just like to follow up on  
10 what Bryan was saying, that I think we need to design the  
11 funding systems that create the incentives to accomplish  
12 what we want to.

13 When Tom and I have gone into states and talked  
14 to them about special education funding, the first  
15 question we ask is, What do you want your program to look  
16 like? Not, What do you want your funding system formula  
17 to look like? We say, What do you want to accomplish?  
18 What are your goals and objectives for this program?

19 And then, once you have an understanding of  
20 what those goals and objectives are for the program, you  
21 can then design a funding system to create incentives to  
22 implement that program.

1           And I guess I think one of the things that we  
2           can do is to connect what our goals and objectives are as  
3           a commission to the design of the funding system.

4           That might mean increasing the amount of  
5           funding or the proportion of special education funding  
6           that comes from the Federal Government.

7           Because right now, or at least as of '99-2000,  
8           it provided a very low percentage, below 10 percent. I  
9           know it has increased substantially since then, but it  
10          provides substantially below 10 percent of the total  
11          expenditure on special education.

12          So one thing might be thinking about how we tie  
13          funding increases together.

14          The other is how those funds are distributed  
15          and utilized by the states and what impact we might have,  
16          not just -- because the Federal money, no matter how big  
17          it is, is not going to cover the majority of the costs --  
18          but in what ways we can tie the distribution of the  
19          Federal money to the way states themselves design their  
20          own funding systems.

21          There are a huge variety of funding formulas  
22          and programs out there in the 50 states, everything from

1 full cost reimbursement to percentage equalizing to  
2 weighted pupils to Census-based programs.

3 And if we have a feeling that one or the other  
4 of those kinds of programs is going to create the kind of  
5 special ed and general ed program that we think ought to  
6 be going on out in the schools, then we as a Commission  
7 need to recommend something that is going to impact the  
8 way states distribute funding.

9 MR BRANSTAD: Jack Fletcher.

10 DR. FLETCHER: The recently passed Elementary  
11 and Secondary Education Act has a Part B, which is called  
12 the Reading First Plan.

13 And as part of the Reading First Plan, states  
14 have to essentially propose and file a reading improvement  
15 plan.

16 This plan has to include provisions for the  
17 universal screening and assessment of reading skills in  
18 all children in Kindergarten through Grade 3. It has to  
19 have a plan for improving the reading skills of children  
20 who are identified as being at risk on the basis of these  
21 reading skill assessments.

22 It's \$1 billion. One of the more interesting

1 provisions is that states can keep 20 percent. It's  
2 unusual in that SEAs are actually allowed to keep a  
3 substantial amount of money to implement a statewide  
4 professional development program.

5 And so states could have a substantial amount  
6 of money to do professional development of both general  
7 education and special education teachers in the area of  
8 reading.

9 So I think that part of it, the part of it that  
10 involves prevention and early intervention and things of  
11 that sort, is on the table now. And we have several  
12 states that have good models for this, Texas, Florida's  
13 model is coming along. I mean, it's happening.

14 I think we need to make sure we look at what we  
15 recommend for special education so it ties upon these  
16 provisions.

17 MR BRANSTAD: That's a great suggestion. It  
18 needs to dovetail in with what was already passed.

19 Doug Hunt, I think, is next.

20 DR. HUNTT: I just wanted to respond to Steve's  
21 comment.

22 I want you to know that I'm not wed to the idea

1 of IQ testing. My concern mostly was, what are we going  
2 to tell them to do if we get rid of it?

3 And I think the model that Steve just mentioned  
4 is something that I'm sure we can all agree on.

5 And I realize that I'm the minority, Bill.  
6 You've already taken a consensus. And I'm a little late  
7 in coming along.

8 But Steve, you just put a line between the two  
9 dots for me, and that's something I would be very  
10 comfortable with.

11 And I'm also assuming that once it goes back to  
12 the states they'll get input from disability advocates and  
13 everyone else. So I think that's a good model.

14 MR BRANSTAD: Alan Coulter.

15 DR. COULTER: You know, I am -- this is our  
16 second meeting, and second day of the second meeting, so I  
17 think I'm starting to kind of learn a little bit more  
18 about how well we're going to work.

19 And as I understand it, we have approximately  
20 seven meetings left, I guess two of which are going to be  
21 full Commission meetings.

22 And one of the things that strikes me is that I

1 think as we have listened to people talk to us, it has  
2 provoked questions, some of which we have asked at the  
3 time that people were in fact testifying. In other  
4 instances, people I think have come up with questions  
5 afterwards.

6 And part of the discussion that we're having  
7 today is to raise questions that we don't think we've had  
8 fully answered for ourself.

9 I think it would be helpful as we have these  
10 discussions if we could capture some of these questions so  
11 that we can ensure that as we meet together, either in  
12 between meetings or during the time we meet, we can get  
13 those questions addressed.

14 And where we can get I think good answers, then  
15 we'll all feel much more comfortable about the kind of  
16 consensus that we will reach.

17 So I'm not advocating today -- and I don't  
18 think the agenda was set up for that -- that we would  
19 actually start to make decisions today about things that  
20 we would recommend.

21 I do want to point out I think an ironic  
22 situation that we may find ourselves in. With regard to

1     this matter of the IQ test, the current regulations  
2     prohibit the use of any test for which it has not been  
3     properly validated.

4             And I think what we found ourselves in -- and  
5     this I think ought to make Ms. Lee very uncomfortable,  
6     because she is new on the job at OCEP, and she sat  
7     yesterday and listened to testimony with a real I think  
8     unbelievable weight of evidence that says that OCEP's  
9     definition of learning disabilities in the regs is now not  
10    valid for the purposes for which it has been proposed.

11            And so it may be not so much an issue that we  
12    need to deal with, although I would love for us to deal  
13    with some things that do have relatively clear-cut  
14    answers.

15            But I think what we heard yesterday was, even  
16    within the existing regs what we have been doing is not  
17    scientifically valid.

18            So we may need to address it, but it may be  
19    that it needs to be addressed even before we make any  
20    kinds of decisions.

21            I just would like to suggest that we do start  
22    to capture some of these questions that people feel



1 haven't been adequately answered to date so that we can  
2 begin to bring more people in if we to in order to make  
3 certain that all of us are comfortable, Doug included, you  
4 know, in the kinds of recommendations that we make.

5 MR BRANSTAD: Todd has asked to respond to  
6 Alan's comments.

7 MR. JONES: Well, no. Actually, I wasn't going  
8 to respond to Alan.

9 I just wanted to represent to you a procedural  
10 planning piece as Executive Director of the Commission.

11 When originally proposed at the first meeting  
12 about structuring the task forces, the concept was -- and  
13 this is to provide more flexibility to you -- that you  
14 wouldn't have to take positions at your second meeting or  
15 even necessarily your third about what you want to accept  
16 or decline, because then we have to get into wordsmithing  
17 across this table, which is frankly a waste of your time.

18 The concept being that the task forces as they  
19 work start developing a base of the report that they can  
20 internally then put together, then that is shared with the  
21 broader Commission, then that is shared with the outside  
22 public. Then you can debate it in a public forum with the

1 knowledge of what the public has also said about the  
2 proposal.

3 That avoids putting you in the position of  
4 having to hash through things here that other implications  
5 need to be considered.

6 To use as an example, if you're getting to how  
7 you're dealing with performance-based systems for children  
8 with learning disabilities and other high-incidence  
9 disabilities, it opens the question of what is done with  
10 low-incidence disabilities.

11 And the message that sends out is that -- I  
12 would just offer the message that would go out to some  
13 communities is that the Commission is only concerned about  
14 high-incidence disabilities, which of course is nonsense.  
15 But that's how things can start to be portrayed in the  
16 media.

17 So I want to offer that to you. I know some  
18 folks were thinking about, This is where the Commission  
19 should go. I would just offer my suggestion that you not  
20 contemplate necessarily taking -- everything you have said  
21 is in the record, and it will go back into how you design  
22 the report as it's designed.

1           But to help you, I would suggest not taking any  
2 formal votes today if that's the case.

3           MR BRANSTAD:  Katie.

4           DR. WRIGHT:  Yes.  And I agree, because my  
5 understanding today -- and I came prepared to do this --  
6 to discuss my views and what I thought about the  
7 presentations that were made.

8           MR BRANSTAD:  Right.

9           DR. WRIGHT:  And so we had a presentation  
10 talking about the IQ situation; we had a presentation on  
11 the reading.  So those are the things -- but I did not  
12 come prepared today to make any recommendation as to what  
13 model and all of that.  I did not come prepared to do  
14 that.  So I'm glad that you have come up with the order of  
15 the day.

16           MR BRANSTAD:  Right.  Well, first of all let me  
17 just say I think the discussions and I think significant  
18 progress has been made in getting a better understanding.  
19 And I think the discussions here have been very helpful.

20           But it is not our intention to take any votes  
21 or to take positions on any of these issues today.

22           I think the process that Todd has laid out is

1 the right process. It's a very deliberative, open process  
2 that's going to give an opportunity not only for these  
3 discussions and for input from experts, but also for  
4 hearing from parents and educators and others in the field  
5 as we go through this process.

6 So hopefully that will avoid some of the  
7 misunderstandings that otherwise could arise.

8 Unless there are other comments, we will take a  
9 break at this time. We'll start up again at 20 after.

10 Thank you very much.

11 (Whereupon, a short recess was taken.)

12 MR BRANSTAD: Yes. Cherie Takemoto.

13 MS. TAKEMOTO: Thank you, Governor.

14 I have a little bit of a question about how big  
15 this elephant is going to be. And I think that as we  
16 decide how big this report is going to be, we may have to  
17 let go of some things that are not the big things.

18 I think it's a great idea, Dr. Pasternack and  
19 Ms. Lee, that we have an opportunity to get computerized  
20 IEPs available to folks who are hand-writing the stuff,  
21 but those are some of the little ideas.

22 And I'm wondering, in order for us to attack

1 the big things that I think we need to do, I'm wondering  
2 if we can set up a process for figuring out what it is  
3 that we're going to focus on and what it is that are just  
4 good ideas.

5 Other examples are, people are sending me  
6 information about administrators who are lying on forms or  
7 individual cases.

8 And I'm wondering, how do we narrow the scope  
9 so that we can actually get accomplished what it is that  
10 we need to accomplish here?

11 MR BRANSTAD: Todd, why don't I defer to you on  
12 responding to this?

13 (General laughter.)

14 VOICE: Good side-stepping.

15 MR BRANSTAD: I didn't serve that long for  
16 nothing. So --

17 (General laughter.)

18 MR. JONES: Let me expand a little on the  
19 concept that went with the task force concept that was  
20 agreed to at the first meeting.

21 The principle behind the task force concept was  
22 that there would be an evolution of big ideas under a

1 half-dozen significant tents that the Commission members  
2 could develop.

3           So we have, to use an example, the finance  
4 tent. And the Finance Task Force will have a hearing in  
5 Los Angeles, it will bring in testimony. And that will be  
6 followed by a series of task force meetings over the phone  
7 where the concepts that they want to see in the report are  
8 discussed.

9           And each of the task forces can limit  
10 themselves to whatever big or small ideas they want to  
11 address.

12           Then that will be offered up to the whole of  
13 the Commission. Again, it's still a private internal  
14 draft at this point. And the Commission members can then  
15 offer their suggestions or changes in the draft.

16           And when there is a general consensus about  
17 offering up this particular draft, it will be released for  
18 public consumption and broad public dissemination. There  
19 is no agreement at that point. It's just a draft that  
20 goes out for offer.

21           Then, that is what is debated and considered at  
22 the Washington, D.C. hearing in May, and after receipt of

1 public comment and views of it.

2           It's at that point where the Commission can  
3 then go back and say, We want the following changes, or it  
4 can agree to drafts or ask for revisions. That's why we  
5 have a fifth meeting on the calendar if you desire it in  
6 June. That will allow you to get to the form of the  
7 report you want. How specific or general it gets is up to  
8 you.

9           I will offer -- and Cherie and I briefly  
10 discussed this a moment ago. But one thing I hadn't  
11 talked about was some general direction we had received  
12 from the White House about the form of the report.

13           The one generalism that the White House has  
14 asked for the report is that it be consumable. And that  
15 would be of a size and in a form that parents and teachers  
16 and superintendents and policy makers everywhere can read  
17 and understand what's being recommended.

18           And then, you can have an appendix of whatever  
19 depth and complexity that's available.

20           And to make it something that is informative  
21 and, again, responds to the President's nine charges.  
22 That's the shape of the report as requested from the White

1 House, that it can be understood and that it's certainly  
2 not a lengthy volume as a report, but more along the lines  
3 of, say what A Nation at Risk was, which, for those of you  
4 that haven't seen it, it's only about this big.

5 MR BRANSTAD: How big?

6 MR. JONES: Well, for those on tape, about I  
7 think six by eight or nine. It's kind of a strange shaped  
8 report. And it could be readily distributed and read.

9 As an idea we have been kicking around to  
10 staff, we thought it might be appropriate to have a CD Rom  
11 in the back of it which has copies of all the statements  
12 and the transcripts and so on. But those are format  
13 ideas.

14 But the source of it is that the main document  
15 is something that generates big ideas and it is something  
16 that can be readily consumed by anyone who wants to read  
17 it. And then, they want it distributed as widely as  
18 possible.

19 MR BRANSTAD: Does anybody else have any  
20 comments on that?

21 (No response.)

22 MR BRANSTAD: Okay. We've got about a little



1 over a half-hour, I think, here to complete our work and  
2 still have time for people to change clothes and be able  
3 to get to the rodeo this evening.

4 So we're going to now open it for discussion on  
5 the panels that we heard from yesterday afternoon. So at  
6 this point we would I guess open it for anybody that would  
7 like to make comments on the panels that we heard from  
8 yesterday afternoon.

9 Yes.

10 MS. TAKEMOTO: I notice that in one of the  
11 papers, Jim's paper was based on some work that Dr.  
12 Coulter was a part of, and the other expert I think on  
13 accountability I think is Dr. Hassel. And so I'm  
14 wondering if we can get some expert opinion from those  
15 members of our Commission.

16 MR BRANSTAD: Okay. Bryan Hassel, I'll give  
17 you the opportunity. That's a nice lead-in and build-up.

18 DR. HASSEL: Actually, what I wanted to say is  
19 actually not a matter of expert opinion.

20 What I wanted to say is how striking it was to  
21 me over these past two days the level of agreement that we  
22 heard from all kinds of different people with different

1 perspectives about the type of monitoring and  
2 accountability system that they think makes sense, this  
3 sort of focused monitoring approach where outcomes are at  
4 the forefront and problems are focused on rather than this  
5 generic cyclical approach.

6           We heard that from academic types, we heard it  
7 from state level people, we heard it from an advocate, a  
8 rights advocate. And we heard it today. At least in my  
9 visit, we heard it from teachers and we heard it from the  
10 principal, we heard it from the district level people in  
11 Houston.

12           A pretty strong convergence of ideas out there.  
13 And I think that makes our job easier in some ways, but  
14 not completely easy.

15           MR BRANSTAD: Yes. Alan Coulter.

16           DR. COULTER: Well, taking from what  
17 Commissioner Bartlett was explaining earlier today, you  
18 know, what gets measured gets done.

19           And when you ask a principal, you know, to  
20 comment on the performance of their school, and they  
21 cannot comment quantitatively and specifically on children  
22 with disabilities, we know that children with disabilities

1 are not on the agenda for that school.

2           And I think Commissioner Bartlett has given us  
3 an excellent practical test to let us know when we are  
4 getting what we think kids with disabilities and their  
5 families deserve in schools, and that is, when you can  
6 walk into a school and the principal can be as articulate  
7 about the performance and the outcomes of kids with  
8 disabilities as they are about kids without disabilities.

9           So really I learned something this afternoon.  
10 I thought that was very clever.

11           Also, like Bryan, I was struck yesterday with  
12 the level of consensus. I think there is a great deal of  
13 misinformation out there that advocates don't want this or  
14 families want that, et cetera. I thought that we heard a  
15 considerable amount of consensus yesterday afternoon.

16           It wasn't always quite as cut and dried,  
17 although my good friend, Commissioner Doug Huntt did ask  
18 them a yes/no question, and, by gosh, they stepped up to  
19 the plate. So I also was heartened by that.

20           I think it speaks to the issue of big ideas,  
21 which Cherie raised earlier. And I think the other thing  
22 that I'm thinking about is, in our discussions I think we

1 need to constantly ask ourselves, Is this going to be one  
2 of our big ideas or is this simply devolving into a  
3 trivial piece that's not going to matter that much?

4 I think yesterday afternoon's discussion is  
5 probably one of the biggest ideas we have to deal with,  
6 and that is, how do we hold schools and programs  
7 accountable in this law for what the intent of Congress  
8 was when it was passed or when it will be passed again?  
9 And so I was quite heartened.

10 I also frankly enjoyed listening to a State  
11 Director of Special Education provide us not with  
12 anecdotes and stories about, you know, individual things,  
13 but actual data, and to say, I know where many of my  
14 problems are because I have the data, and to be able to  
15 show us.

16 And I know that you heard him say several  
17 times, Alan wanted me to show my maps. Well, the reason I  
18 wanted him to show you those maps is, when he says, I know  
19 where my problems are, he could show you exactly where in  
20 his state those problems are. So it wasn't just a matter  
21 of quantifying. He could actually locate those places.  
22 So I was heartened by what was said yesterday.

1           I think that we will learn a great deal more at  
2 the task force meeting in Des Moines. And one of the  
3 things that I think I'm privileged about is that the task  
4 force I think raised good questions under Commissioner  
5 Bartlett's leadership that need to be answered in Des  
6 Moines.

7           And I feel confident we will leave Des Moines  
8 with a set of ideas and recommendations that we can, using  
9 the process that Todd described, bring those back to the  
10 Commission at large, et cetera, and put that out there.

11           I think as far as the accountability piece,  
12 we're off to a great start.

13           MR BRANSTAD: Adela Acosta.

14           MS. ACOSTA: Thank you, Mr. Chairman.

15           I, too, was very heartened yesterday by the  
16 wealth of information and its clarity. And I think that  
17 speaks to Todd's point about the directive from the White  
18 House. We don't want to make this another white elephant  
19 that sits in someone's shelf and collects dust and no one  
20 pays attention.

21           And that's probably the very energizing piece  
22 of our work, that it's viable, that it's flexible, that it

1 has life, and that we can make it happen that way by our  
2 collective efforts.

3 I was also impressed by the presentations  
4 because they all supported each other in a very scientific  
5 and very articulate way.

6 I did want to say, however, that as our work  
7 continues -- and this is just our first meeting. But as  
8 our work continues, I hope that when I look at statistics  
9 from New York -- I am a product of New York public  
10 schools -- and I dare say, 25 years later the statistics  
11 haven't changed, that Hispanics and African-Americans are  
12 still failing. They are falling out of the system.

13 When I asked Larry, he said that he thought it  
14 had something to do with language, with English as a  
15 second language. He wasn't that clear and that articulate  
16 when I asked him that question.

17 And for me, if I'm going to be any use to this  
18 Commission, I would hope it would be to be that voice from  
19 the schoolhouse and the stakeholders who are African-  
20 American, who are Hispanic, who are Native American who  
21 are failing.

22 And somehow our recommendations have to be able

1 to look at that and articulate a message or a plan of  
2 action that can be taken at the schoolhouse level so that  
3 these particular children are not laid to waste because of  
4 ethnicity, race, or language.

5 MR BRANSTAD: Doug Gill next, and then David  
6 Gordon, then Doug Hunt, then you, Katie.

7 DR. GILL: Thank you, Chairman.

8 And I think everyone recognizes that we have a  
9 pretty unique opportunity here to change the face as well  
10 as change the value associated with the provision of  
11 special education.

12 And I think two of the issues that we dealt  
13 with yesterday is the notion of instructional intervention  
14 versus eligibility determination, and, second of all,  
15 compliance versus trust.

16 And I think what I heard loud and clear  
17 yesterday and what I've heard from many of the other folks  
18 that I've talked to, that this core of conflict in special  
19 education is really an expression of trust, the extent to  
20 which people trust the obligation.

21 And maybe the traditional way in which we have  
22 done compliance monitoring is not the best way to

1 establish that trust.

2 Perhaps by focusing on outcomes and delivering  
3 on the promise of special ed as opposed to delivering on  
4 the process of special ed is a much more positive way for  
5 us to go.

6 So I think a restoration of that trust is kind  
7 of one of the filters by which we should consider any  
8 recommendation that comes before this committee.

9 MR BRANSTAD: David Gordon.

10 MR. GORDON: Yes. Just two or three  
11 suggestions.

12 I concur that I thought the accountability  
13 discussion produced an awful lot of consensus.

14 And it seems to me if our report is going to be  
15 kind of thinned down, that subsequent, through the  
16 legislation or whatever, several things need to happen.

17 Number one, I think somebody needs to go to  
18 work on aligning the state accountability systems with one  
19 another and also with Title I, which now has a requirement  
20 that we disaggregate test scores for students with  
21 disabilities. It hasn't heretofore done that.

22 Then, assuming you can use some of the



1 accountability data as a trigger for focused monitoring,  
2 or not a trigger as the case may be, I think somebody  
3 needs to go to work and comb through all of the state to  
4 local, Federal to state, state to local accountability  
5 procedures and see what pruning can be done, see if  
6 reasonable people can come to agree that this is  
7 duplicative, this or that doesn't add value.

8           And then, thirdly, with the parent to  
9 school/parent to school district due process, to really  
10 take a look at the model, which is now adversarial, and  
11 see if there are ways to make it more interest based,  
12 where the goal is to come to a solution, not fight to a  
13 draw so that you can then get to a procedural due process  
14 hearing.

15           And I think each of those three things will  
16 take a lot of work. It's not something this group can do,  
17 but it's certainly something this group could put on the  
18 agenda to be done relatively quickly.

19           MR BRANSTAD: Douglas Hunt.

20           DR. HUNTT: Mr. Chairman, I didn't know that  
21 the staff was considering putting our comments on CD Rom,  
22 so feel free to attribute my comments to Bob Pasternack.

1 (General laughter.)

2 DR. HUNTT: You wouldn't mind, would you, Bob?

3 DR. PASTERNAK: No, no, no.

4 DR. HUNTT: Okay. I wanted to say I really  
5 enjoyed the Director of the State of New York yesterday  
6 and really applaud them on their vision of special ed,  
7 that people with disabilities should live independently,  
8 have full inclusion, have self-determination. And I hope  
9 that's a vision that's guiding us, as well.

10 But specifically I wanted to remark about their  
11 14th indicator, which is that kids with disabilities  
12 should achieve the same type of graduation rate,  
13 employment, or access to post-secondary education as kids  
14 without disabilities.

15 And I can't think of any other reason why IDEA  
16 should be there or why special ed should be there if  
17 that's not our goal. And I hope we'll consider that in  
18 our statement.

19 I know we're not allowed to make  
20 recommendations today. But just for a forewarn, Todd, I'd  
21 really like to see that as our overall goal for special  
22 ed.

1 MR BRANSTAD: Katie Wright.

2 DR. WRIGHT: I, too, enjoyed the presentations,  
3 and I agree with so much that was said. And I think I  
4 agree because what was said, this goes to the heart of my  
5 own value system, to the heart of my training, to the  
6 heart of my experience. And so I can agree with most of  
7 it.

8 I wanted to mention one thing. And this may  
9 seem like a little thing, but it's very important to me,  
10 one of the recommendations. Do you say his name  
11 Gloeckler?

12 MR BRANSTAD: Gloeckler. The O is silent, I  
13 think.

14 DR. WRIGHT: The O is silent? He issued a  
15 caveat to us, and I think we need to pay attention to  
16 that. Because sometimes we as professionals and  
17 professors and parents and what-not get so wordy, and we  
18 want to make up big, long models and big, long things.

19 He said to us, and I agree, new requirements  
20 and approaches cannot be piled on top of existing ones;  
21 they must be in place of some of the existing requirements  
22 and approaches. And that's a caveat. And I think we need

1 to be really careful of that. Don't just pile on  
2 something, but to put in this in place of some of the  
3 existing requirements and approaches.

4 And that's all I have to say right now.

5 MR BRANSTAD: That's a very good point.

6 Bob Pasternack.

7 DR. PASTERNAK: I think that there's a lot to  
8 talk about between the connection between the work of the  
9 Commission and the work that we're trying to do on  
10 reauthorizing the IDEA.

11 I just want to remind the Commissioners that  
12 the National Council on Disability issued a report a  
13 couple of years ago where they found that no state was in  
14 compliance with the IDEA.

15 And one of the things I would like to submit to  
16 you all is that it may be impossible to comply with the  
17 IDEA in its current form. And even if a state was in full  
18 compliance with the IDEA, it might not still guarantee  
19 improved results and outcomes for students with  
20 disabilities.

21 I think when Larry was up here yesterday and he  
22 was chiding me on the 75 pages of a report that he

1 received from the Office of Special Education Programs,  
2 you know, as a former State Director I can tell you that,  
3 as a recipient of that sort of document, it sort of  
4 epitomizes the fact that the process has been OCEP's  
5 greatest product.

6 And I think that we really have kind of been  
7 mired in a mind-set where compliance and regulation and  
8 paperwork are somehow related to improving results and  
9 outcomes for kids with disabilities.

10 So I just would encourage us all to think  
11 differently about some of these issues than we have in the  
12 past.

13 As an example, I think Ed made a really  
14 powerful point earlier when he was talking about the  
15 possibility that we have to focus on preventing kids from  
16 developing the kinds of conditions which get them  
17 identified as having a disability which lead to their  
18 placement in special education, which in many instances  
19 might not produce the kinds of results that I think  
20 parents are desiring for their kids.

21 They want the best for their kids; we want the  
22 best for their kids.

1           And I would just challenge us to kind of  
2       examine some of the things that we have been doing that  
3       really haven't worked as well as maybe we hoped that they  
4       were going to work.

5           A little bit more, but just on the preventative  
6       issue. You know, maybe it's time for us to allow states  
7       to be able to use some of the IDEA meeting to prevent kids  
8       from getting placed in special education.

9           Because the reality is, if we know, for  
10      example, state data from Mississippi, where only 12  
11      percent of the kids with disabilities who get into special  
12      education actually graduate with a diploma in that state,  
13      we should really be questioning, are we trying to change  
14      the life and improve the quality of life for kids with  
15      disabilities if they're mired in a system where only 12  
16      percent of them graduate from that system?

17          And Jack will tell you more eloquently than I  
18      could possibly do, or if Reid were here, that we've  
19      learned a lot more about how to prevent kids from  
20      developing reading disabilities than we have learned how  
21      to successfully intervene once kids have developed a  
22      reading disability.

1           So I think if we have an opportunity to kind of  
2 link some of the fine work that's been done in the area of  
3 prevention with the use of some of the IDEA funds, if we  
4 find ourselves with an opportunity to reduce the  
5 regulatory complexity that currently exists, if we are  
6 bold enough to propose that perhaps we shouldn't require  
7 people to send boxes of documentation which are ostensibly  
8 submitted to establish their eligibility for IDEA funds  
9 when we would never find that a state was ineligible to  
10 receive those IDEA funds --

11           I just think that some of the things that we  
12 are doing are basically a waste of people's time.

13           And it gets back to the issue of assessment.  
14 Why should we have a system which focuses more on  
15 diagnosis for classification than diagnosis for  
16 instructional purposes?

17           Because the teachers in your states and in your  
18 communities where you live and the families that you're  
19 going to talk to are going to tell you that they want to  
20 have teachers who are going to teach their kids and worry  
21 less about the label that's put on that kid.

22           And to show you how crazy the system is that we

1 currently have, in one section we tell people that they  
2 can report data on kids noncategorically, and then we  
3 require every state to send us a report on the categories  
4 that those kids are placed in every year.

5           So what I would just hope is that, as we talk  
6 honestly about how we can move forward and how we can  
7 develop a report that everybody will pay attention to and  
8 that will be small enough, the challenge for us is to  
9 focus on some of these key issues and on having the  
10 courage to propose some suggestions and some strategies to  
11 address some of the issues that we've heard around the  
12 table.

13           So I couldn't let the opportunity go by with  
14 Larry giving me a hard time yesterday, because I think  
15 that the opportunity that we have to redesign our  
16 monitoring system is something that we have to take  
17 advantage of.

18           Ed will share with you some data that he has  
19 requested from us that we shouldn't be proud of how OCEP  
20 has not done the kind of timely reporting back to states  
21 on the monitoring data, because the reality is some of the  
22 monitoring has focused on the wrong issues.



1           It's focused, again, on process and on  
2 compliance and on regulation and not on outcome and  
3 results, which is the direction that I'm hearing everybody  
4 would like us to move in.

5           So I just wanted to mention a couple of those  
6 things, Mr. Chairman, and thanks for letting me do that.

7           MR BRANSTAD: Thank you very much.

8           Paula Butterfield.

9           DR. BUTTERFIELD: I think after that I should  
10 say Amen.

11           (General laughter.)

12           DR. BUTTERFIELD: I don't want to be redundant,  
13 but I agree with much of what you said there.

14           And I think one of the things that Dr. Vaughn  
15 said yesterday that was really powerful was that people  
16 don't do the wrong thing on purpose.

17           And I think that we have a great task ahead of  
18 us based on what the research is showing us, what we now  
19 know about brain research, all of the things that we know  
20 now that we didn't know when many of the people who are in  
21 the field were going through school.

22           And I know, you know, part of my task is

1 working with professional development. But I do think  
2 that that's a critical piece.

3           There is a great deal that we're going to need  
4 to do in looking at teacher preparation preservice at the  
5 university level as well as the people that we already  
6 have in the field and giving them the skills.

7           I think that one of the things that, again, Dr.  
8 Vaughn was saying was that many of the teachers are  
9 saying, We don't know how to do this.

10           And I'm finding out myself in the work I'm  
11 doing right now that it's not that teachers don't want to,  
12 it's that they don't know how.

13           Many of them do not know how to teach reading.  
14 And so what happens is, for the right reason they want to  
15 get a child special help, so they refer them to special  
16 education when in fact that may not be what the need is.

17           And so I'm very concerned about prevention and  
18 how we can better instruct regular ed teachers as well as  
19 special ed teachers in the kind of strategies that will  
20 help children be successful.

21           I think the other concept that I felt was  
22 important is having exit criteria.

1           If they're never thought about as you're  
2 entering into this, then there is no goal, you know, we're  
3 not moving toward something. And I think that that's an  
4 important piece that we haven't really had before.

5           You know, it's sad when we hear that someone  
6 spent \$30,000 to get their child into special ed, and then  
7 there wasn't a particular program in place.

8           One of the things I thought was good today in  
9 our little goody bag we got at Hamilton Middle School was  
10 something from the district that was recommended  
11 strategies for teachers.

12           And I haven't had a chance to really look at  
13 that. I think it was called, "Two Thumbs Up." And I feel  
14 that kind of thing -- we're going to need to have this  
15 kind of information available to teachers in school  
16 districts.

17           And then, the final thing is that we operate in  
18 silos. We have ESEA, we have IDEA, we have all of these  
19 different things, and that so much of the time we don't  
20 have -- Mr. Gill is going like this -- we don't have that  
21 interface.

22           And I think, you know, yesterday we heard from

1 our one attorney that kept going like this. And that's  
2 the thing that we often lack. You know, we have one group  
3 here, one here, one here. You've got the regular ed  
4 teacher and you've got the special ed teacher.

5 And we need to make sure that -- well, we've  
6 got ESEA reauthorized -- but now as we do IDEA that we  
7 have some means of assuring that there is a better  
8 interface between special ed and regular ed.

9 MR BRANSTAD: Thank you, Paula.

10 Steve Bartlett.

11 MR. BARTLETT: Following up on what several  
12 people have talked about, both Bob and Alan, and I think  
13 Todd originally, and that is, focus on the big issues.

14 I want to -- not for purposes of discussion  
15 today, but for thinking ahead for the task force meetings  
16 and the next meeting of the Commission, there are three  
17 big issues it seems to me that we really haven't discussed  
18 and haven't had witnesses on but at some point we ought to  
19 be prepared to grapple with.

20 One is, what should the funding for IDEA be  
21 based on? We've sort of gone into this with the  
22 assumption that what the funding is now, which is a

1 certain kind of funding, but basically per capita is the  
2 way that was ordained in the Ten Commandments. And most  
3 Federal programs aren't that way and they don't work very  
4 well that way.

5 It also requires an inordinate amount of effort  
6 by the entire system to get their \$1,400. So there are  
7 other types of funding formulas that could be devised.

8 Second is -- and this is going to be the  
9 accountability systems panel in Des Moines to take the  
10 first crack at it -- and that is, what should the  
11 corrective measures for underperforming schools look like?  
12 What should the list of them be -- Jim Comstock gave us  
13 his version of the list yesterday -- and resulting in,  
14 what's kind of the final big punitive sanction?

15 And then, the second half to that is, who  
16 should enforce that?

17 And then, third, is there a way to strengthen  
18 the civil rights of parents with regard to their children?  
19 Is there a way to strengthen what is today a system that  
20 it's all the parents have? And we all know the bad old  
21 days when parents didn't even have that.

22 But is there a way, rather than to just kind of

1 accept what we have now or face a debate about what we are  
2 trying to take away, instead is there a way to strengthen  
3 it to give parents more, better, clearer, and faster  
4 rights to a free and appropriate education, which is the  
5 goal, after all?

6 So it seemed to me that as we look to the next  
7 session those are the three big issues that are still left  
8 undiscussed.

9 MR BRANSTAD: Bryan Hassel.

10 DR. WRIGHT: I wanted to ask about --

11 MR BRANSTAD: Okay. Katie, can you speak right  
12 in -- we'll let you -- will you yield on this --

13 DR. WRIGHT: I'll be quick, because I don't  
14 want to jump anybody's time.

15 But I heard Steve mention the funding. Isn't  
16 one of these task forces on finance?

17 MR BRANSTAD: I think so.

18 DR. WRIGHT: Is it?

19 MR BRANSTAD: Yes. Los Angeles is going to --

20 MR. JONES: Yes. It's in Los Angeles. And  
21 while the staff have not circulated the draft that was  
22 developed by the task force, the task force does have a

1 panel discussing a funding formula and alternative means.

2 DR. WRIGHT: Yes. Because I agree with Steve  
3 about the funding. Thank you.

4 MR BRANSTAD: Bryan.

5 DR. HASSEL: I think maybe continuing Steve's  
6 idea of listing big issues, first, to amplify on one of  
7 Steve's big issues, the civil rights question:

8 I think it's important to remember that the  
9 kind of system that Larry Gloeckler put on the wall the  
10 other day, which measures outcomes and does a great job of  
11 that and does a fine job of improving overall performance  
12 over time by focusing everyone on these key indicators, is  
13 not a system that's designed to protect individuals.  
14 That's not what it does. It's not designed to do that,  
15 and it doesn't do that.

16 And the current system, with due process and so  
17 on, is designed to protect individuals.

18 And so that needs to be kind of something that  
19 we consider and think through when thinking about changing  
20 accountability systems.

21 The kind of system that Larry put on the wall  
22 is a move from procedure-based monitoring to outcome-based

1 monitoring. But this other dimension is individual versus  
2 kind of aggregate or group. And I think we need to keep  
3 both of those dimensions in mind as we think about --

4           So any kind of consideration we can give to  
5 that individual side and alternative ways to do that, it  
6 seems like something that we haven't really delved into.

7           And a big issue I would add to Steve's list is  
8 actually a point that I think Steve made at the outset of  
9 this discussion, which is, we haven't heard a lot about  
10 how in a large aggregate sense to assess outcomes for  
11 students that are not going to succeed in the regular  
12 state assessments.

13           We've heard testimony that says, Let's have  
14 more kids take the state assessments, more kids could  
15 achieve on those, we need to push the limit on that and  
16 push more towards that kind of model. But we all know  
17 that's not going to be a good indicator of how much  
18 progress some students are making.

19           And so what are outcome measures that would  
20 make sense for other students, and how can that be put  
21 into an accountability system? Because if it's not, then  
22 those students are not going to be paid attention to in



1 any kind of outcomes-based accountability system.

2 What gets measured gets done. If that's not  
3 measured and aggregated into a performance accountability  
4 system, it won't get done well.

5 MR BRANSTAD: Okay. David Gordon, and then  
6 Jay, and then we're going to -- okay. Jay, we'll give you  
7 the final word here today.

8 MR. SONTAG: You called on me earlier.

9 MR. JONES: Oh. I'm sorry.

10 MR BRANSTAD: Okay. We'll accommodate. We'll  
11 go to Ed first and then to Jay. Okay?

12 MR. SONTAG: Part of my legacy is that for a  
13 couple of years I ran the Office of Special Education.

14 And we have two people in the room today who  
15 have a golden opportunity for taking over the leadership  
16 of that organization.

17 And I think we're going to miss a significant  
18 opportunity if we don't look at the function of that  
19 office in this process.

20 As Bob indicated, I did look at the monitoring  
21 data over the past -- I picked a five-year period. And it  
22 sounds like Larry Gloeckler beat me to the punch a little

1 bit yesterday.

2 But when you take a year-and-a-half, 22 months  
3 as it happened in Wisconsin, where were actively trying to  
4 get the report from the state monitoring system, it lost  
5 any impact to change behavior, because what out of that  
6 was mush.

7 I think we need to look at how we select field  
8 readers in OCEP. Are we picking the best people with  
9 scientific and research backgrounds or are we picking the  
10 same people over and over and over again?

11 If we don't have a strong OCEP, we're not going  
12 to have a strong law. And I think part of what we need to  
13 do here is to look at OCEP.

14 The data is not all that great. Part of that  
15 is my responsibility way back, so I'm not accusing other  
16 people.

17 But I think there's a need for us to look  
18 inside the organization that administers this law. And I  
19 think if we keep focusing just on state and local issues,  
20 which seems to be the predominant emphasis, I think we're  
21 going to miss the boat.

22 MR BRANSTAD: Okay. Thank you.

1 MR. JONES: Could I --

2 MR BRANSTAD: Go ahead.

3 MR. JONES: And you may not be aware of it,  
4 other Commission members may not, because I mainly  
5 discussed it with Doug.

6 Doug had mentioned a desire to address  
7 transition issues, which is not squarely within any of the  
8 six task forces that were developed.

9 What Ed is describing is, as well, not under  
10 squarely any of the six task forces that were developed.

11 There is nothing barring a task force from also  
12 doing ad hoc task force development on that. And if you  
13 all are so inclined, any group can be put together to  
14 address any issue you desire.

15 So Ed, that may be a way to address that, is to  
16 have a group of Commission members tasked with looking at  
17 OCEP as part of it. Would that be -- I just want to put  
18 that out there as one of the things that's on the table.

19 MR. SONTAG: I'm not sure how we address it.

20 MR BRANSTAD: Jay.

21 DR. CHAMBERS: Steve's third item, big issue,  
22 was, if I read this correctly, Is there a way to

1 strengthen the civil rights of parents?

2           And I guess I'd either like to put out as a  
3 corollary or amend or something that question something  
4 like the following: Is there a way to reduce the  
5 incidence of adversary between parents and educators and  
6 increase the collaboration between parents and educators?  
7 What can we do create that kind of feeling?

8           DR. HUNTT: Mr. Chairman, I know I haven't been  
9 recognized, but I'd hate --

10           MR BRANSTAD: Go ahead, Doug.

11           DR. HUNTT: -- I'd hate to pass up the  
12 opportunity Todd just laid on the table, which is an ad  
13 hoc committee on school-to-work transition.

14           How would we facilitate that, Todd? Because  
15 I'd really like to see it happen. I think it's an  
16 extremely important issue.

17           MR. JONES: Much like the approval of the six  
18 original task forces, it merely requires a motion, a  
19 second, and approval to approve that kind of structural  
20 change to the Commission.

21           DR. HUNTT: Then, Mr. Chairman, I'd like to  
22 make that motion that we adopt an ad hoc procedure

1 specifically --

2 MS. ACOSTA: Second.

3 MR BRANSTAD: Okay. Doug has moved that we  
4 establish an ad hoc procedure for the school-to-work --

5 DR. HUNTT: Yes, sir. Transition.

6 MR BRANSTAD: -- and Adela has seconded that  
7 motion. Is there discussion?

8 (No response.)

9 MR BRANSTAD: All in favor?

10 (A chorus of Ayes.)

11 MR BRANSTAD: Opposed?

12 (No response.)

13 MR BRANSTAD: Okay.

14 DR. HUNTT: Thank you. Sorry to interrupt.

15 MR BRANSTAD: No problem.

16 MR. JONES: To facilitate that, it might be  
17 appropriate for those who would like to participate to  
18 simply indicate to me, or more appropriately, I will  
19 delegate to Troy. Let Troy know who is going to be doing  
20 that.

21 MR BRANSTAD: Bill, and Jack has his hand up,  
22 too. These will be the last ones, because I want to try

1 to get it cut off so we can get to the rodeo.

2 Okay. Bill.

3 DR. BERDINE: In regard to Ed Sontag's comments  
4 about OCEP, in my capacity as President of the Higher  
5 Education Consortium for Special Education, about three  
6 days ago I submitted a list of statements that were  
7 directly related to the reform of OCEP.

8 So I would speak positively, Ed, towards your  
9 motion -- or your suggestion -- not a motion, but your  
10 suggestion.

11 We also don't know how to enact any change in  
12 OCEP because it is such a large labyrinth of functions and  
13 services and programs. And I'm not prepared to suggest  
14 that we have another ad hoc committee on this panel.

15 But coming from the person that that suggestion  
16 came from, it's something that I don't think this  
17 Commission should ignore. It's something that we probably  
18 ought to discuss at some other time.

19 But there is I think a pervasive interest in  
20 changing what we now know as OCEP, and I think you would  
21 find a lot of support around the country towards doing  
22 that.

1           How to do it in a systematic way, I'm not  
2 prepared at this time to make any suggestions. But I  
3 would support that we at least look at it.

4           MR BRANSTAD: Jack Fletcher.

5           DR. FLETCHER: Just real quickly. It seems to  
6 me like looking at OCEP is pretty important, and I don't  
7 know why we don't go ahead and move in that direction.

8           So I would like to move that we appoint a  
9 subcommittee to look at the operation of OCEP.

10          MR BRANSTAD: Is there a second to that motion?

11          DR. COULTER: I second it.

12          MR BRANSTAD: There is a motion by Jack  
13 seconded by Alan.

14          MR. JONES: I would suggest someone -- I am  
15 assuming Doug was planning to lead, in fact, he had said  
16 to me he would lead that task force.

17          We would also need someone to lead this task  
18 force.

19          VOICE: Led by Ed Sontag.

20          MR. SONTAG: I'm ex-officio.

21          VOICE: Oh. That's right.

22          MR BRANSTAD: Bryan.

1 DR. HASSEL: Well, I just wanted to raise one  
2 concern, which is just that one approach on this would be  
3 to try to make sure every task force addresses what  
4 implications their ideas have for the role of OCEP.

5 Only because I think it's hard to think about  
6 the role of OCEP in the abstract, divorced from thinking  
7 about, what's a accountability system look like, what's a  
8 new finance system look like?

9 So that would be an alternate approach. I  
10 don't know if you think that would meet the need, but that  
11 would be one way to approach it.

12 MR BRANSTAD: Bill has volunteered to start it.

13 DR. BERDINE: Yes. I'll go ahead, and I'll  
14 start out on doing that. Not that I have an abundance of  
15 time left, but it's such a need and it's coming from a  
16 person we all have such respect for, I think we do need to  
17 move on this. And so I'll chair that initial attempt.

18 Those of you who want to join in that, just let  
19 Todd know or me know, and we'll figure out how we're going  
20 to go from there.

21 MR BRANSTAD: We still haven't voted on it yet.  
22 All in favor of that motion signify by saying, Aye.



1 (A chorus of Ayes.)

2 MR BRANSTAD: Opposed?

3 (No response.)

4 MR BRANSTAD: It is approved.

5 Okay. We've got a few announcements. Please  
6 listen to Todd on the announcements, and then we'll  
7 adjourn.

8 MR. JONES: Four brief announcements:

9 One, if you do not have a rodeo agenda, we only  
10 have a handful, so please let me know. There are eight of  
11 them.

12 Second, tickets will be handed out in the  
13 lobby. And as it says on the agenda, you must wear your  
14 credentials.

15 Third, this isn't a joke, you must be  
16 downstairs before 5:00. The busses will leave. And if  
17 folks aren't down there to receive their tickets and hop  
18 on the bus, it will leave at 5:10 and you will not get to  
19 go to the rodeo.

20 In addition to that, I assure you it's so  
21 detailed, because this agenda looks like the President's  
22 agenda, it rounds to numbers like 5:32 p.m. we're

1 scheduled to do something.

2           So lastly, be early for tomorrow's meeting. We  
3 need to start promptly at 8:00 so that we can go exactly  
4 an hour. The General Counsel's Office has been very  
5 clear, to have public comment you must have the same  
6 opportunity for everyone at meetings, and we need to start  
7 promptly at 8:00 so the public can comment.

8           MR BRANSTAD: See you all. We're adjourned.

9           (Whereupon, at 4:30 p.m., the hearing was  
10 adjourned, to reconvene the following day, Wednesday,  
11 February 27, 2002, at 8:00 a.m.)

12

## 1 C E R T I F I C A T E

2 MEETING OF: President's Commission on Excellence

3 in Special Education

4 LOCATION: Houston, Texas

5 DATE: February 26, 2002

6 I do hereby certify that the foregoing pages,  
7 numbers 330 through 444, inclusive, are the true,  
8 accurate, and complete transcript prepared from the verbal  
9 recording made by electronic recording by Sue J. Brindley  
10 before the U.S. Department of Education.

11

12 03/11/2002

13 Pamela A. Smith

14 (Transcriber) (Date)