

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES OF AMERICA
DEPARTMENT OF EDUCATION

- - - - -x

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

- - - - -x

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

Tuesday, April 9, 2002
8:00 a.m.

APPEARANCES:

- TERRY BRANSTAD, CHAIRMAN
- CATHY WOOLEY-BROWN
- STEPHEN BIRD
- ADELA ACOSTA
- WILLIAM BERINE
- BETH ANN BRYAN
- C. TODD JONES

1 APPEARANCES: (CONT'D)

2 PAULA BUTTERFIELD

3 JAY CHAMBERS

4 ALAN COULTER

5 THOMAS FLEMING

6 JACK FLETCHER

7 DOUGLAS GILL

8 DAVID GILL

9 DAVID GORDON

10 NANCY GRASMICK

11 BRYAN HASSEL

12 DOUGLAS HUNT

13 G. REID LYON

14 BOB PASTERNAK

15 MICHAEL RIVAS

16 ED SONTAG

17 CHERIE TAKEMOTO

18 KATIE WRIGHT

19 DIANE EMERY

20 CAROL LANG

21 DR. CAROLINE M. HOXBY

22 JOHN WINN

23

1 APPEARANCES: (CONT'D)

2 DIANE McCAIN

3 SHAN GOFF

4 ELIZABETH COULSON

5 SANTIAGO GARCIA, JR.

6 ALICE HARRIS

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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

2 CHAIRMAN BRANSTAD: May we have your
3 attention, may we have your attention? Thank you
4 very much.

5 MR. JONES: If anyone is need of
6 interpreted services, our two interpreters are
7 located here at the front of the room.

8 CHAIRMAN BRANSTAD; Good morning. I'm
9 Terry Branstad, Chairman of the Govern; I almost said
10 governors. I guess I've been there a long time.
11 Chairman of the President's Commission on Excellence
12 in Special Education. And I welcome all of you to
13 our meeting here in the Miami area. The focus of our
14 hearing today and tomorrow are parental involvement
15 in special education.

16 Before we get started, however, I want to
17 briefly describe to you the mission and the
18 activities of the Commission. President Bush
19 established this Commission last October to collect
20 information and to study issues relating to federal,
21 state and local special education programs. The
22 Commission's ultimate goal is to recommend policies

23

1 to improve the educational performance of students
2 with disabilities so that no child is left behind.

3 The no child left behind message has
4 become a familiar and important one. It is the
5 guiding principle of the newly reauthorized
6 Elementary and Secondary Education Act. Now it comes
7 into play with the work of this Commission. Why?
8 Because children with disabilities are at the
9 greatest risk of being left behind.

10 At the onset I must reaffirm that the
11 Commission's work is not designed to replace the
12 upcoming congressional reauthorization of the
13 Individuals with Disabilities Education Act. Whether
14 the report that we produce and issue this summer will
15 not only provide vital input into the reauthorization
16 process but also in the national debate on how to
17 best educate all children.

18 To date the Commission and its task forces
19 have held hearings in Washington, D.C.; Houston,
20 Texas; Denver, Colorado; Des Moines, Iowa; and Los
21 Angeles, California. We have looked at issues such
22 as teacher quality, accountability, research in

23

1 special education, funding and cost effectiveness.
2 Our hearings today and tomorrow we'll look at
3 parental involvement and ways in which educational
4 options might be expanded for children with
5 disabilities.

6
7 Children of parents who involve themselves
8 in the educational process have many advantages.
9 Research shows that these children tend to have
10 better grades, higher test scores and fewer
11 behavioral problems. Parental involvement is also a
12 vital component to successful special education
13 programs as well.

14 However, there is one key difference.
15 Parents of special education children have fewer
16 educational options such as charter schools,
17 parochial schools and school choice options such as
18 McKay Scholarship here in the State of Florida.

19 This is a results oriented commission that
20 is eager to hear from each of you. We need your
21 suggestions. Please tell us what works. Show us the
22 models and we will have a public comment period this

23

1 afternoon to ensure that you have a chance to provide
2 us with input.

3 I thank all of you for your interest in
4 our work. We will begin today's hearing.

5 Yes, we need to have people to speak
6 directly into the microphones so that everybody in
7 the audience can hear you. I've got a voice the
8 projects pretty well, but it's important to speak
9 directly into the microphone. I know at some of our
10 previous meetings some of the panelists and some of
11 the audience had difficulty hearing.

12 Our first panel this morning is going to
13 be discussing options for parental involvement in
14 special education. And our panelists include Miss
15 Diane Emery, Public Relations Coordinator at the
16 Cushman School located in Miami and Ms. Carol Lang,
17 parent from Cushman School; Dr. Cathy Wooley Brown,
18 State Charter School Coordinator for the Florida
19 Charter School Resource Center at the At-Risk
20 Institute, College of Education, University of South
21 Florida; and Stephen V. Bird of North Carolina,
22 parent of a child with a severe disability.

23

1 MS. EMERY: Good morning. My name is
2 Diane Emery and I have just a short presentation for
3 you this morning. James Figer, a parent and Board
4 member used the word -- to describe the manner in
5 which he and his wife made the choice to send their
6 child to the Laura Cushman Academy. The word --
7 means to stimulate a response.

8 The theme is one I found to recur in my
9 conversations with other parents who are encountering
10 a negative situation. We're stimulated to respond.
11 The Figer's were stimulated to respond and discovered
12 the excellence of Cushman.

13 Residing in Maine, the Say family had
14 their child tested by the public school system. Told
15 that their child needed physical therapy but did not
16 test poorly enough to access academic services. The
17 school refused to offer physical therapy as a stand
18 alone. Their child would be eligible for services
19 after she failed a grade. The Say family was
20 stimulated to respond and found Cushman over a
21 thousand miles south.

22 The Stewart family pressured their child's
23

1 second grade teacher to request testing after being
2 turned down the previous year. They were told their
3 child's problems presently were not serious enough to
4 qualify for academic services but by the fifth grade
5 she probably would qualify. Stimulated to respond,
6 the Stewart's came to Cushman in the search for a
7 smaller class size and retested their child who was
8 placed into the academy.

9 The Dugan and Pastel family evaluated
10 their child at 17 months, discovering language and
11 learning delays serious enough to qualify for an
12 early intervention program. He aged out at three and
13 entered in an exceptional student educational program
14 in the public school system. He was ineligible for
15 additional services because testing did not reflect
16 any profound issues. Another evaluation undertaken
17 by the family again detected processing and learning
18 issues that stimulated a response that led them to
19 Cushman.

20 These stories are about the families who
21 had the good luck to find space for their kids at
22 Cushman and who had the resources to make this

1 choice. The real story is about the thousands of
2 families across America who don't have options like
3 that.

4 MS. LANG: Good morning, ladies and
5 gentlemen. There I am. I'm here today as a parent
6 of a child with learning difficulties. A parent who
7 probably had a pretty typical response to the
8 stimulus of which Diane Emery just spoke. I happen
9 to believe that a picture is worth the proverbial
10 thousand words. And since our time is limited, this
11 is what I think would best represent my reaction to
12 learning that my then four year old son was having
13 some learning problems.

14 As the figure in Edward Munches the screen
15 shows, that is the face of fear. That face is scared
16 to death. And that was, actually, I learned from
17 using my tools on my power point presentation
18 yesterday that the correct grammar is that was I even
19 though I would like to say that was me, all right.
20 Afraid of the unknown. And while parents of the LD
21 kids soon learn that a little levity is absolutely
22 necessary to keep us sane, all kidding aside. The
23

1 challenges that face the parents of learning
2 different children are daunting and can overwhelm
3 even the most stable and well grounded.

4 In fact, it's my view that while we spend
5 important time talking about children at risk, we
6 really need to give some more thought to helping
7 parents at risk. Mixing some metaphors here, it's
8 like the flight attendants telling us to fasten the
9 oxygen mask over our own faces before we place the
10 mask on our children. To save the children we must
11 save the parents. To educate the children we must
12 education the parents.

13 I bet I'm not the first to tell you how
14 much of a strain the challenge is of learning
15 different children can be and how that strain rubs
16 relentlessly on the fabric of husband, wife
17 relationships. Guilt, recrimination, as much
18 discussion about what did we do wrong as there is
19 about what do we do now? LD is hard to face and
20 harder to understand.

21 In my case, you know, I went through the
22 litany of what did I do wrong? Maybe it was the fat

23

1 free milk I gave my son too early in his life.
2 Little laughable things. Finally while I loath to
3 admit it, embarrassment that my two career, well
4 healed, well schooled professional couple family
5 could have a child that has trouble recognizing
6 colors, let alone writing the alphabet.

7 So, it occurs to me as you work through
8 your recommendations for the President, that you need
9 to give some attention to what needs to be done
10 within our special education programs to help parents
11 recognize that one, there is no blame that needs to
12 be placed or taken; and two, that the LD challenge is
13 really a chance to discover the best in their
14 learning different children.

15 Well before we can see that glass half
16 full, however, I think we need to recognize that we
17 also have an important task in getting society in
18 general to accept that learning differences are a
19 reality from which we should and cannot hide. The
20 denial of them has a lost opportunity cost. That
21 learning differences are not a contagious virus that
22 requires us to corner off and separate those who have
23

1 them. Nor are they attributed to a particular
2 socioeconomic class.

3 Seems to me that we have to take the
4 mystery out of meaning differences as a prerequisite
5 to any successful special education program. Before
6 we can offer choices to support the educational needs
7 of learning different children, we really have to
8 accept the reality of learning differences and that
9 that acceptance must be pervasive throughout society.

10

11 So, exactly how did I go from fear of the
12 LD unknown to acceptance of the challenges of LD to
13 even zealotry for the cause of LD education? Let me
14 once again resort to visual aids. I think; oops, can
15 we go back? This is not an art history class but I
16 did get a kick out of doing it. It's the picture
17 before this one. Sorry.

18 Actually, this is the last picture, for
19 those of you who want to know. We'll take this one.
20 There you go, there you go. Now, this is, for those
21 who may remember their art history. This is
22 Heronimus Bosch's "The Garden of Earthly Delights".

1 And it portrays my journey to acceptance with just
2 the amount of irony. Much is made; this is one of a
3 three tryptic huge canvas and much is made of the
4 weird and seemingly irrational imaginary in this
5 canvas. Much of it remains unsolved.

6 And that's just how I felt in the world of
7 LD. There's just so much going on in the canvas of
8 special education. So much to know about Learning
9 Differences in general. Research being undertaken,
10 new medications, old medications being delivered in
11 new ways, a whole new vocabulary. Things, words like
12 PED Scans, vestibular, proprioceptive, central
13 auditory processing; all requiring virtual technical
14 proficiency.

15 This is no garden. This is that nightmare
16 again. And I have to say on some days, there's a
17 little picture, you can't see him, of a little weird
18 nebbish in this Basch nightmare who's bending over
19 and growing out of his lovely posterior is a bouquet
20 of flowers. And I have to tell you on some days
21 that's exactly how I felt. Boy, am I out of place in
22 this world I'm exploring.

23

1 In my case my journey was greatly aided by
2 sheer fortuity. The school where my son is enrolled,
3 the Cushman School, had for years recognized the need
4 for providing a clinical program for children with
5 specific learning differences. But it wasn't until
6 1998 that the program was open. Fortunately for me
7 that was the year my son entered senior kindergarten
8 and he became one of the first in a group of 13 to
9 inaugurate the Laura Cushman Academy.

10 What I found there was the de-
11 mystification of the Learning Different argot that I
12 so needed. The special education professionals, they
13 outlined their view of my son's needs, made
14 suggestions for independent psycho-educational
15 evaluations. Gently reassured me when I overreacted,
16 and there were times, many times when I did,
17 initiated a course of action, that's another term,
18 IEP, all of which you are already familiar with, and
19 kept me informed of his progress.

20 Early identification, immediate feedback,
21 no hassles, consistency, equanimity, a
22 rationalization of the cacophony of information which
23

1 had so overwhelmed me. I was blessed that I had
2 available the specialists who not only understood
3 what grows in this fertile LD garden but who knew how
4 to cultivate, how to get the very best from each of
5 the children. And while Linda Johnston, the head of
6 the Laura Cushman Academy, will speak with you
7 tomorrow about the learning model she developed
8 there, I can tell you that it had a positive impact
9 on my life, my family's view of LD and my son's
10 learning experience.

11 However, as important as that learning
12 model is, what really made my journey to acceptance
13 smooth was the commitment to diversity that the
14 Cushman School has. Every child there, Learning
15 Different or not, is viewed as gifted and unique.
16 And diversity is therefore welcomed and embraced.
17 Within this context the learning differences of my
18 son and his Academy classmates are less pronounced,
19 less exaggerated. If every child is different, every
20 child is unique then arguably every child processes
21 information in his or her own singular way.
22 Different becomes a characteristic of every one, not
23

1 just a few.

2 And while my LD child does indeed require
3 more focused attention and has benefitted from a
4 lower student teacher ratio, an individualized
5 guidance, within the Cushman setting there's clearly
6 less of a negative stigma. He has flourished in that
7 environment. His self confidence and esteem growing
8 with every accomplishment. I would urge you to think
9 of that commitment to diversity as a precept to any
10 special education program for Learning Differences.

11 If there were to be an illustration of the
12 elements that made my journey a positive one, it
13 would be something like the famous Brogial painting,
14 which you saw earlier and you'll see again. This is
15 the "Peasant Wedding". What's here is a strong
16 confident balanced perspective. It's sort of a
17 gravity, a heaviness that demands respect. It's the
18 collaborative marriage. A parent trust and teacher
19 experience in expertise that results in a celebration
20 of the learning diversity of every child. Our
21 challenge as a society is to provide this setting for
22 all of our children, whether the venue is private,

23

1 charter, parochial or public.

2 Thank you for listening to my comments.

3 CHAIRMAN BRANSTAD: Thank you very much.

4 We'll now go to Cathy Wooley-Brown.

5 MS. WOOLEY-BROWN: Good morning. Welcome
6 to Florida. I want to talk to you this morning about
7 two of my favorite subjects; special education and
8 charter schools. Options for parent involvement,
9 which is your panel's topic this morning, does that.
10 It puts parents in the driver's seat and lets them be
11 actively involved in their child's special education
12 program.

13 I want to go back, though, to the summer
14 of 1996. The legislative session was just over. The
15 Charter School Bill passed. At that time I was not a
16 charter school advocate. I was not even an informed
17 consumer of what charter schools were. I accompanied
18 our superintendent to the signing of the Charter
19 School Bill in our school district, Lakeland,
20 Florida. And as the bill was being signed I kept
21 thinking, what's this charter school stuff? It must
22 be like magnate schools. So I just passively watched
23

1 the folks at the table pass out pens and congratulate
2 the signing of the Charter School Bill.

3 And a little woman made her way through
4 the crowd and tapped our superintendent on the
5 shoulder and handed him a large stack of papers. And
6 he said, what's this? And she said, well, sir, it's
7 an application for Florida's first charter school.
8 And he said, oh, that's nice. What kind of school do
9 you propose? And she said, well, it's a school for
10 attention deficit hyperactive children. And I, I am
11 proposing such a school in your school district.

12 So, he smiled and shook her hand and
13 turned to me and handed me the stack of papers and
14 said, Dr. Wooley-Brown will help you with this
15 charter school. I was like, oh, I think I'm going to
16 find out what a charter school is.

17 Well, it turns out the woman was a medical
18 doctor. She was a pediatrician and she knew of the
19 growing number of children with attention deficit
20 disorders. She also, though, had a deeper passion
21 for creating this school. She was a parent. She had
22 four children. They had all been eager, bright

23

1 students. And then her last child, Matthew, was
2 diagnosed as having ADHD.

3 She told me that Matthew moved
4 consistently in his kindergarten classroom. She said
5 he hummed to himself and absolutely drove his
6 kindergarten teachers crazy. She had tried private
7 schools. She tried public schools. She even took
8 him out of school and tried home schooling. All of
9 those failed. She knew as a physician the
10 physiological problems that were faced by these
11 children. But she also knew that medical management
12 was only part of the problem or part of the solution,
13 that there had to be more. There had to be an
14 education environment.

15 So, I took her stack of papers home that
16 night and I read them. And I read them with an
17 educator's eye because I had been working in the
18 school district. It's a large school district. We
19 had 80, nearly 80,000 students, over a hundred
20 schools. I had been Director of Special Education
21 for 14 years. So, I read it with an educator's eye.
22 She proposed small classes, 1 to 12. She proposed a

23

1 pair of professionals in each classroom, lowering the
2 ratio to one to six. She proposed intense teacher
3 training so teachers would understand how children
4 with attention deficit disorders learn.

5 She proposed an environment where moving
6 and talking would not be punished as long as it was
7 not disruptive to other students. She proposed a
8 classroom without traditional desks and tables. But
9 places, other kinds of places where children could do
10 their work. She proposed an individual educational
11 plan for every child in this school, even if they
12 weren't involved in special education.
13 She also proposed parenting classes and counseling.
14 And she saw teachers as facilitators of instruction.
15 Guiders of learning. And that children would have
16 choices throughout the day.

17 Then I reviewed the budget. I had run
18 programs in the State of Florida. I knew how much
19 money there was. Like a good bureaucrat, I took her
20 plan and I marked it up with my red pen and I went
21 back to work the next day. Met with the physician
22 and the superintendent. And I looked at them and I

1 said, this will not work. I've looked at your plan.
2 It won't work.

3 And she listened to me and she said, you
4 know, it's not going to work as you design it.
5 You're looking at schools a certain way. It will
6 work as a small school of innovation. I said, but
7 there's not enough money. I know. I've created
8 schools. I've started schools. She said, I'm
9 putting all the resources within the classroom.
10 That's where I'm going to put the money. I'm not
11 going to have a lot of bells and whistles. I'm going
12 to concentrate the services on the children.

13 I said, but, you know, you want this.
14 What about other parents? You know, I think parents
15 are pretty happy here with the services we're
16 providing. She said, you know, I talked to parents
17 every day when they come in with their children. And
18 some are happy. You're right. But some are just
19 settling and some want something more, something
20 different.

21 So, I listened to her and I really
22 believed she could make it work. So, off we went to

23

1 make this school a reality. Long story short, that
2 charter school opened two months later at capacity
3 and with 200 children on a waiting list. The charter
4 school that I spoke of is called the Apple School.
5 It's in Lakeland, Florida and after nearly six years,
6 it's still open. And it's still a viable choice for
7 family.

8 I learned through that experience a number
9 of things. But I also learned the power of parent
10 choice and parent commitment. I learned about, as an
11 educator, visionizing schools through the eyes of a
12 parent. I had been an educator and I had been a
13 special ed director a long time. But I had never
14 visionized a school like a parent would.

15 That year there were five charter schools
16 in Florida. The Apple School was a special purpose
17 school serving children with disabilities. That
18 trend has continued. I want to show you a few slides
19 of just what the growth has been in Florida. You can
20 see we've had several growth. That year we had five
21 and, of course, one of those was a charter school
22 focusing on children with disabilities. We moved the

1 next year to 33, then 75, 112 schools, 149 and this
2 year we have nearly 200 charter schools in Florida.

3 About 15 percent right now of the charter
4 schools in Florida target students with disabilities.
5 But generally in Florida there are schools that we
6 have clusters of students with disabilities. So
7 about 20 percent of the charter schools, the students
8 in charter schools in Florida which is over 40,000
9 right now are students with disabilities.

10 We've also seen a similar growth of
11 schools targeting at risk kids. That first year, out
12 of those five, two schools targeted at risk students,
13 students that were at risk for dropping out of
14 school. We see a lot of early intervention charter
15 schools. And now we're at 30 percent of the charter
16 schools in Florida are targeting students who are at
17 risk for special education or at risk for dropping
18 out.

19 Let me show you a map of Florida and see
20 how wide spread the growth of charter schools have
21 been. When you count those dots there's nearly 200.
22 We're talking about another 55 charter schools

23

1 approved for next year.

2 Because of the diversity and because of
3 the educational options that are out there, I think
4 parents are, parents of children who have
5 disabilities are flocking to charter schools. What
6 does that mean for your job as you look at the
7 difficult position of reauthorization of idea? I
8 hope you will consider the value of parent choice
9 within the context of the least restrictive
10 environment.

11 Sometimes looking at schools through
12 different lenses is not only powerful but it helps us
13 look at the individual needs of children at different
14 points in time. Permit parents working with their
15 child's IUP team to exercise a choice in placing
16 their child in an appropriate educational setting
17 that may not be perceived to be the least restrictive
18 environment.

19 Just like the Apple School was designed to
20 serve a unique population, other charter schools are
21 offering various programs within the larger
22 educational environment. As educators I think we

23

1 almost become myopic. Looking at the needs of
2 children, and I was guilty of this, by their labels
3 or what's available or a continuum of services.
4 Charter schools are expanding those choices. It's
5 forcing us to look at schools with a new lens.

6 As a former Special Education Director I
7 have seen Charter schools spring up from parent
8 initiatives that I never envisioned nor would I have
9 ever created. It is important that IUP teams value
10 the parent choice as they serve children with
11 disabilities. That first year I moved from being a
12 skeptic to a charter school advocate. When schools
13 are free to think differently parents responded
14 differently and teachers respond differently.

15 I saw teachers there on Saturday and
16 Sunday with no compensation, attending training,
17 working with families, doing counseling. I saw
18 parents who I had known from my office who were
19 sometimes disgruntled. Now with the charter school
20 saying what can I do to make this school work? They
21 were volunteering, they were attending parenting
22 classes. They were involved in their child's

23

1 education.

2 When parents choose a school they become
3 invested in that whole school's success and outcome.
4 The next year our school district had four more
5 charter schools. Another school was approved in our
6 district for children with disabilities. And I left
7 the school district at that time. I felt like it was
8 time to move on and I moved to the University of
9 South Florida and helped to establish the Charter
10 School Resource Center, which provides technical
11 assistance statewide.

12 Part of the funding for the center comes
13 through IDEA State Discretionary Fund. It's
14 important that states have the flexibility within
15 IDEA Funds to meet statewide needs like technical
16 assistance for charter schools. I've worked with
17 charter schools from the ground up creating them out
18 of dust. And I understood how difficult it is to
19 create a school from nothing.

20 School systems have an infrastructure.
21 They have many departments that can help them create
22 schools. A charter school has to write an

23

1 application. That's the first thing. Then they have
2 to articulate their vision to the public, if it gets
3 approved. They have to hire an administrator,
4 recruit and train teachers, develop a curriculum,
5 find a facility, order furniture, get supplies,
6 recruit a student body, arrange for transportation,
7 determine what food services they're going to
8 provide. In addition they have to deal with their
9 governing board and policy. It's a complex
10 organization. To have the knowledge of the
11 intricacies of special education law on top of doing
12 all those things is often lacking.

13 Traditional public schools, when they have
14 a problem in special education, they can lean back on
15 the central office or on the school district.

16 Charter schools need similar support both when
17 they're getting started and ongoing as children come
18 in with IEP's who have individual needs. They need
19 ways to meet their needs within their school.

20 It is my recommendation that technical
21 assistance models that have been successful, such as
22 those in the State of Florida, be continued by

23

1 providing flexibility to state as they address
2 statewide needs with their IDEA Funds. Just like you
3 can't be too rich or too skinny, there can't be too
4 much technical assistance in the area of special
5 education. Otherwise special education will be the
6 giant gotcha for charter schools. They want to serve
7 children with disabilities but they need assistance
8 to do that. They need help through the special
9 education maze.

10 The Charter Friends National Network is a
11 group of individuals who work together to forward
12 charter initiatives. And the National Association of
13 Special Ed Directors, both of these groups have
14 worked to clarify issues and obstacles and have begun
15 sharing best practices across and between the states.
16 A natural next step would be to have states help each
17 other with charter schools special education
18 technical assistance.

19 In Florida, charter schools are part of a
20 school district. They are a public school just like
21 any other public school in the school district. The
22 school district is the LEA. They are responsible for

1 providing FAPE, the Free Appropriate Public
2 Education. But within their application, charter
3 schools must describe how special education will be
4 implemented. Having that linkage in Florida between
5 the school district and the charter school has been
6 very important.

7 But more important have been clarifying
8 the roles; who does what when. Can charter schools
9 count on the school district to evaluate their
10 students if they suspect the child has a disability?
11 What if the charter school needs a surrogate parent?
12 Do they go to the school district or do they do that
13 on their own? What if they need a vision specialist?
14 Who is responsible?

15 Under the leadership of the Florida
16 Department of Education and through various technical
17 assistant documents and ongoing training the roles
18 are becoming clearer. We still have a lot of work to
19 do in Florida. It doesn't mean we're done but we are
20 beginning to clarify those roles. In Florida charter
21 schools have also started leaning on each other.
22 They're forming a relationship. They're sharing

23

1 services. Sometimes the therapist from one school
2 will also work with another charter school.

3 Charter schools are even in some places
4 sharing a special education teacher. It's through
5 such cooperative relationships between charter
6 schools and school districts and charter schools
7 working with each other that has begun to provide an
8 organizational frame work needed for strong special
9 education programs.

10 Therefore, it's imperative that Congress
11 continue to permit and encourage such relationships,
12 whatever works in that particular state rather than
13 mandate any one particular relationship, that a
14 charter be an LEA or a charter school be part of an
15 LEA.

16 The last thing I want to talk about is
17 accountability. Today accountability is everywhere
18 for everything and we never can have enough of it.
19 In Florida we have a high stake test called the
20 Florida Comprehensive Assessment Test. And we have
21 the Governor's A+ Plan, where charter schools, like
22 all public schools, are held to academic progress.

1 As IDEA is reauthorized I know accountability is
2 going to be on your minds.

3 I would hope that you would look at models
4 that are used in Florida and those described in the
5 No Child Left Behind because looking at charter
6 schools I've learned that they inject a heightened
7 level of accountability into public education. In
8 addition to accountability for academic outcomes,
9 charter schools are held accountable by their
10 authorizers, their governing boards but most
11 importantly, their parent for teaching the school-
12 specific objective that can be crucial to the
13 development of individual children.

14 Parents are actively involved in charter
15 schools. And if the school is not meeting their
16 child's needs they leave. I have seen Florida, in
17 Florida, charter schools closed because they weren't
18 living up to the promises made to parents or they
19 weren't meeting parental needs. These decisions are
20 very personal. They are very child centered.

21 Charter schools live and die by
22 accountability. That's a good thing. But the

23

1 measures are not only academic. They are more
2 subtle. They are student outcome measures that are
3 described in the mission and vision of the charter
4 school or in a child's IUP. Perhaps charter schools
5 can provide a valuable lesson as we look at
6 accountability for all schools on how parents can be
7 an integral part of the school's accountability plan
8 and a vital part of their child's special education
9 program. The power of parental choice can be
10 underestimated.

11 Thank you.

12 CHAIRMAN BRANSTAD: Stephen Bird.

13 MR. BIRD: Thank you. Members of the
14 Commission, I appreciate the opportunity to come
15 before you and speak today. I am honor to appear
16 before you so that I can explain my experience as a
17 father of a six year old girl with severe and
18 multiple disabilities who has experienced significant
19 problems working with in the present educational
20 system and early childhood system established under
21 the Individuals with Disabilities Act, the IDEA.

22 I offer my comments to you not merely to

23

1 tell you my own story but to translate my experiences
2 into ways to improve how federal policy actually
3 makes its way down to individuals, those families and
4 their children with disabilities the IDEA is
5 ultimately intended to serve.

6 My experience is not just with my present
7 home state of North Carolina but also with Oklahoma,
8 two states very far apart geographically and in terms
9 of their resources to serve children with
10 disabilities. In any event, I want to spend my my
11 time before you today to talk about how the IDEA is
12 implemented at the local level and what my experience
13 may provide for each of you as you consider ways to
14 improve this system because this system needs
15 improvement.

16 Before my daughter was born, my wife and I
17 planned for a life that an academic life provides. I
18 am a professor of journalism at a small liberal arts
19 college in North Carolina and before that I was a
20 professor at a similar college in Oklahoma. We
21 wanted a life where my work affords me the
22 opportunity to spend quality time with my family
23

1 where I am home for holidays and during the summer.
2 What we didn't expect was the need to become policy
3 and legal experts just to make sure our daughter
4 received the early childhood services she needed and
5 now the educational services she needs in order to
6 benefit from education to her maximum abilities.

7 My daughter received services under Part C
8 of IDEA, services for infants and toddlers with
9 disabilities and now receives services under Part B,
10 services for school aged children. At every step of
11 the way my experience has been one of frustration. I
12 learned early in my daughter's life that an
13 Individualized Family Service Plan, IFSP, was more
14 individualized to the needs of the service providers
15 than my daughter's needs.

16 I cannot tell you how many times my
17 daughter's IFSP and IEP were written before we
18 attended the meetings, meetings where the group or
19 team is supposed to discuss how to coordinate the
20 best services for my daughter. In my experience and
21 that of other parents I've come to know, the
22 professionals see parents as secondary participants

23

1 in determining the services to provide.

2 I am sure educationally agencies have
3 great pressures to control expenses and to dispense
4 services to as many children as they can. But the
5 intent of IDEA is to ensure that the parents are
6 active in the IFSP and IEP processes that are related
7 to their children's educational services.

8 In considering what to say before you
9 today that would provide meaning in the effort to
10 reform the present IDEA that it may better serve
11 children with disabilities, I wish to present my
12 thoughts for your consideration. I come before you
13 not as a parent-advocate of some group, not as an
14 expert in special education policy, not as an
15 administrator. I come before you as a parent who
16 tells you the present system does not work as well as
17 it could and should work.

18 I am a parent who has given this
19 considerable thought and, although my recommendations
20 may seem beyond the scope of change, the one most
21 important point I want to emphasize is that you
22 recommend to the President that IDEA can be improved.

1 We all need to be able to discuss how to improve this
2 policy. If we do not talk about what needs
3 improvement, then we will never better educate our
4 children with disabilities and we will never see them
5 reach their potential.

6 The concept is simply this: How can what
7 was ground breaking in 1975 be the best for today?
8 Even the last reauthorization in 1997 cannot be the
9 best we can do today. How many of us would settle
10 for the best computer available in 1997 five years
11 later in 2002? In 1997, none of your Blackberries
12 were available. Where would you be today if those
13 Blackberries were not in your hands?

14 Increasing the power to make decisions in
15 the educational services arena will improve how well
16 we service children with disabilities. If parents
17 have more choice and the dollars then follow the
18 child, at least they can choose the services their
19 child receives. How can the right of school choice
20 be measurable worse than our present system? A
21 system where I, personally, can say I have
22 experienced more than one IEP meeting where the
23

1 school should have provided more services only to
2 find out this fact after the fact, a point at which
3 is far more difficult to regain those services.

4 As a parent living an average life who
5 just happens to have a child with a severe
6 disability, I offer each of you my perspective and
7 suggestions for reform. Let me first say that I
8 believe without the IDEA and its predecessor we would
9 not be as far in realizing the rights of people with
10 disabilities and more inclusive opportunities, not
11 just in education but in all other aspects of life.

12 We have come far, but now is the time to
13 move a giant step forward and offer parental choice
14 that will drive improvements in the system.
15 Therefore, I offer the following suggestions to
16 improve the system from a parent's perspective.

17 Increase parent choice. Let parents chose
18 where to send their child to school and allow funds
19 to provide special education and related services to
20 follow their child. Let parents choose charter,
21 private, and religious schools as part of the options
22 to regular public schools to educate their children

23

1 with disabilities. Provide federal policy that
2 allows special education funding to follow the
3 individual child and let parents choose the type of
4 school where they will send their children.

5 This will drive accountability if parents
6 can choose where to send their children and if they
7 are subsequently allowed to take the funds to
8 education the child with the child. Education
9 should, and in other eras did, lead change in this
10 country. No portion of the country's education
11 population is in greater need of this reform than
12 those receiving special education.

13 Secondly, simplify the federal regulations
14 implementing the IDEA. The federal regulations
15 implementing the IDEA are too complex and too
16 confusing to be understood by most parents who happen
17 not to be attorneys or are unfamiliar with education
18 policy. In my experience, most school districts and
19 teachers do not understand the regulations either.
20 If these regulations are so complicated that
21 educators and parents cannot understand them, then
22 who can say that the children are being educated as
23

1 intended under the IDEA. I found that parent
2 advocacy organizations don't always know the answers
3 to my questions because they don't know every
4 regulation either.

5 Third, make monitoring of each state more
6 effective and public. I cannot find out how well my
7 home state implements the IDEA on a more consistent
8 basis. Some more effective method to compel state
9 agencies and public schools to comply with the future
10 of IDEA must be considered.

11 Fourth, change the IEP process. I can't
12 tell you how complicated IEP forms are today. I am
13 sure I ma not the first parent or teacher to tell you
14 this. The IEP is just an extension of federal
15 regulations, too complex to be a tool to be used by
16 teachers to educate children with disabilities. My
17 daughter has been in three school districts and it
18 seems to me that schools are more concerned about
19 administrative and legal issues than educating
20 children.

21 Some of the daughter's teachers have never
22 seen her IEP. In my case, the school is more

23

1 concerned that I sign the IEP than anything else.

2 Some become defensive whenever I want to talk about
3 my daughter's pre-written IEP, rather than discussing
4 with me how my child will be educated.

5 Fifth, require on-going professional
6 development. As a college professor I am appalled
7 that public school teachers are not better trained to
8 provide effective teaching methods. My impression is
9 that many teachers are not, especially in the general
10 classroom, qualified to work with children who have
11 disabilities or who learn differently than the
12 average student. Teachers should be required to
13 maintain their certification through true
14 professional development.

15 No teacher association maintains peer
16 professional review; no state board monitors
17 competence. Attorneys, doctors, CPA's, and other
18 professionals maintain peer review and monitor
19 professional competence and professional ethics.
20 Teachers do not.

21 Teaching special education is often an
22 afterthought, not a first choice among educators. I

23

1 know this is not a recommendation to you for federal
2 policy but I ask this Commission to encourage
3 educators to seek greater degrees of professionalism
4 by increasing their own professional development
5 activities for special educators. By doing so you
6 will greatly increase choice and opportunity for
7 people with disabilities.

8 Thank you.

9 CHAIRMAN BRANSTAD: Okay, we'll now go to
10 the questions of the panel. I'd like to start by
11 asking Dr. Cathy Wooley-Brown, what is required in
12 the State of Florida to become a charter school and
13 what advice would you give to other states in terms
14 of authorizing charter schools? Especially charter
15 schools that could meet the needs of children with
16 disabilities.

17 MS. WOOLEY-BROWN: In the State of Florida
18 you have to be organized as a not for profit. So you
19 have to have an entity, a legal entity that's not for
20 profit. And you also then have to write a charter
21 school application. In the State of Florida the only
22 sponsoring entity is the local school district. So

23

1 you take your application, just like the doctor I
2 described, and you turn it into the school district.
3 Then it goes through a review process and that
4 application is either voted up or voted down. And if
5 it's voted up, you begin your process.

6 CHAIRMAN BRANSTAD: Is there any limit on
7 the number of charter schools you can have in the
8 state?

9 MS. WOOLEY-BROWN: There are limits by
10 school districts. A school district that, like Miami
11 Day that has over 100,000 students, you can have 28
12 charter schools. However, conversion charter
13 schools, which is a public school that might convert
14 to a charter school does not count in that 28. And
15 the local school district can ask that that number be
16 increased or the person that comes in, the 29th one
17 who comes in could also ask the State Board to have
18 that number increased.

19 CHAIRMAN BRANSTAD: So there's quite a bit
20 of flexibility --

21 MS. WOOLEY-BROWN: Lots of flexibility
22 here in Florida.

23

1 CHAIRMAN BRANSTAD: And what advice would
2 you give to other states that might be looking at
3 this?

4 MS. WOOLEY-BROWN: Well, charter schools
5 are across the country. Many states have limited the
6 number of charter schools. In Florida it has been an
7 important part of the whole choice movement. You're
8 going to look at other choice alternatives in
9 Florida. But charter schools have been out there.
10 They are public schools. They're held to the
11 accountability standards. And I would hope other
12 states that are looking at it would build in those
13 kinds of systems, too.

14 CHAIRMAN BRANSTAD: Steve Bartlett?

15 MR. BARTLETT: Dr. Brown, when you set up
16 in the charter schools, were you able to use IDEA
17 money for technical assistants? I see in your
18 testimony your recommendation is to allow technical
19 assistance using IDEA. Were you able to use IDEA
20 money for technical assistance for charter schools?

21 MS. WOOLEY-BROWN: Yes, sir. That is
22 really how the bulk of our funding for the center is

23

1 provided. It's through the state's discretionary
2 IDEA funds. And because of my background in special
3 education and because if you looked at the slides,
4 nearly half of the schools in Florida, the charter
5 schools, are either targeting students with
6 disabilities, serving a large number of students with
7 disabilities, or serving at risk students. So, that
8 --

9 MR. BARTLETT: So, what change in federal
10 law in IDEA should we make to, to make that, to
11 facilitate that?

12 MS. WOOLEY-BROWN: Just continue; well,
13 there's really kind of a --

14 MR. BARTLETT: Change, change.

15 MS. WOOLEY-BROWN: -- couple of changes.
16 Continue to allow the states the flexibility. But
17 also you might want to look at some incentive funds
18 under IDEA to help states that don't have a technical
19 assistance model. Maybe if Florida had some
20 incentive funds we could help another state put in
21 place those kinds of programs like we've had in
22 Florida to provide technical assistance.

23

1 MR. BARTLETT: Are you asking for more
2 flexibility? You've just asked for more money. I
3 got that part.

4 MS. WOOLEY-BROWN: More money; you got
5 that.

6 MR. BARTLETT: Yeah, this comes back to
7 the flexibility part.

8 MS. WOOLEY-BROWN: No, I think there is
9 flexibility but I know in some states they do have
10 declining enrollment students and special education
11 students. So, as the state has discretionary money,
12 that money might be declining and they couldn't meet
13 a state-wide need even if they wanted to provided
14 assistance to charter schools.

15 MR. BARTLETT: And the funds that then
16 would ordinary flow to a school district for IDEA,
17 are you then able to use that money to go to the
18 charter schools on a per capita basis or a student
19 basis?

20 MS. WOOLEY-BROWN: No, the charter school
21 has used those money just like any public school
22 would use those money. It's as an idea that they

23

1 would be treated the same as other public schools.
2 And in Florida many districts flow the funds directly
3 to the charter school because that's how they treat
4 their other public schools. And some school
5 districts they provide supports and services and
6 training. They provide staffing, personnel or
7 training for the charter schools too out of the IDEA
8 funds.

9 MR. BARTLETT: So there are no barriers in
10 federal law to that flow of funds today.

11 MS. WOOLEY-BROWN: Yes.

12 MR. BARTLETT: Thank you.

13 CHAIRMAN BRANSTAD: Bill Berine.

14 MR. BERINE: Dr. Brown, good morning.

15

16 MS. WOOLEY-BROWN: Good morning.

17 MR. BERINE: I have a couple of questions
18 for you that deal with FAPE and also tax burden and
19 to a certain extent, performance data. I come from a
20 state very different from Florida. I come from
21 Kentucky, a relatively small population state. It's
22 got about 7.4 million people all together.

23

1 Around 1989 we decided, as a state in a
2 state-wide process, to reform education and we went
3 to the Kentucky Education Reform Act. Schools were
4 be declared unconstitutional. All the school boards
5 were just virtually done away with and told to start
6 over by the courts.

7 As a result of that, after ten years,
8 charter schools are not even mentioned in Kentucky.
9 Virtually unknown. I wonder why Florida didn't look
10 at school reform as an alternative rather than
11 creating an alternative system? Do you have any idea
12 why?

13 MS. WOOLEY-BROWN: Well, again, I'm a
14 charter school advocate and I'm a special ed
15 advocate. But charter schools are not a separate
16 system. They are, they expand the choice of the
17 public schools within existing systems. So, they are
18 providing other alternatives within an existing array
19 of choices in public education. They're not
20 something out there that's a separate system.

21 MR. BERINE: Sounds very different to me.
22 And again, coming from a state where it's virtually
23

1 unknown.

2 With regard to the tax burden, what data
3 do you have that charter schools, which are serving a
4 minority number of students in Florida, of being
5 supported by the public tax structure? What
6 percentage of those charter schools are being
7 supported by non-charter school tax dollars?

8 MS. WOOLEY-BROWN: Well, charter schools,
9 the funds in Florida follow the child. So, the funds
10 that the child would have in any public school follow
11 that child. Those are public tax dollar funds into
12 the charter school. Charter schools do a huge array
13 of fund raising with other, getting other sources to
14 fund so that they can meet their needs. But the
15 funds, basically, for their operational program, come
16 from --

17 MR. BERINE: Do you know if that's fairly
18 typical of other charter school movements in other
19 states?

20 MS. WOOLEY-BROWN: I think it is.

21 MR. BERINE: The tax dollars follow the
22 child?

23

1

2 MS. WOOLEY-BROWN: Yeah, follow the child,
3 especially for operational services.

4 MR. BERINE: I'm still curious. You've
5 been in Florida for quite some time. If the schools
6 were felt to be or perceived to be generally as
7 being not adequate, what school reform is going on to
8 rectify that situation?

9 MS. WOOLEY-BROWN: Well, let me give you
10 an example. I think charter schools have nudged,
11 because of the competition aspect, public schools to
12 change. We have, there's one school in a school
13 district that the school is typically referred to as
14 stinking blinking by the parents. It's not a school
15 parents want their children. A charter school moved
16 in in that neighborhood. It was instantly full. Had
17 a long waiting list.

18 I had a number of conversations with
19 school board members from that district and the
20 superintendent about what they could do. And I said,
21 look at the charter school. What do they have that
22 you don't have in your school? And they made changes

23

1 in that public school to have students come back to
2 that public school. They added technology. They
3 made building changes. They made administrative
4 changes. They lowered the class size to get children
5 back into that public school.

6 MR. BARTLETT: One final question. What
7 data are you aware of in the charter school movement
8 that makes a difference with regard to the
9 performance of the children?

10 MS. WOOLEY-BROWN: The jury's still out on
11 that in terms of long term data. I have seen
12 individual, in Florida we have individual student
13 data that must be reported each year. So, when a
14 charter school starts they pre-test their students.
15 Where their kids are starting and then where are they
16 at the end of the year. And that data is then sent
17 to their sponsor so that they can make a decision
18 about whether that program is working. If that
19 program is not working for the children, then the
20 school will be closed.

21 MR. BARTLETT: Thank you.

22 CHAIRMAN BRANSTAD: Doug Hunt, and we

23

1 have a lot of people on the list so I'm going to try
2 to ask you to keep it limited to just a few minutes,
3 if we can. Doug, go ahead.

4 MR. HUNTT: You're not just referring to
5 me, Mr. Chairman?

6 CHAIRMAN BRANSTAD: No, everybody else.
7 Not at all but I'm looking at this list. And seeing
8 that we're going to get behind if we don't really
9 keep our questions limited. But go ahead. It's your
10 turn.

11 MR. HUNTT: Thank you, sir. I want to
12 tell each of you I appreciate your salient
13 presentations. They were excellent and I appreciate
14 you being here. I was wondering the big movement in
15 the disability community is for individual choice.
16 Has that run contrary to parent choice in your own
17 experience? And at what point should children have
18 the say on whether they want to go to a charter or
19 private school or stay in public education?

20 MS. EMERY: The choice that I made was --

21 CHAIRMAN BRANSTAD: Please speak into the
22 microphone. Thank you.

23

1 MS. EMERY: You know, my son was a young
2 child when I made my choice. And I think that
3 obviously there's going to be a relevancy as,
4 according to the age of the child. But in my case,
5 did I think that my child had, he had real no
6 understanding of what was going on for him. I had to
7 make those choices for him. It was obvious to me as
8 a parent that he was having difficulty in a myriad of
9 ways. And, you know, he had really no involvement or
10 planning of like how we attacked those issues only
11 that we found providers that he was able to respond
12 positively with.

13 And so I guess in that regard, that's what
14 I was looking for was to find environments for him as
15 far as the school and other outside school therapy,
16 that he would respond positively. He didn't want to
17 change schools when we moved to Cushman, you know.
18 Like he made a big issue about that but, you know, we
19 found a place that was right for him that it had an
20 integrated environment for him to receive academic
21 help as well as OT, speech and, you know, like a
22 myriad of services offered in an integrated

23

1 environment which has been really beneficial.

2 MR. BIRD: In my situation, my daughter
3 being six years old, has not required to enter in the
4 school system until she's seven. And because of that
5 my wife and I are still debating as to what is going
6 to be the best option. The problem is there aren't
7 too many options there. We live in one of the better
8 school districts in the state but it's one of the
9 better school districts for kids who learn under
10 normal conditions.

11 So, we generally make our decisions based
12 upon what's going to be best for our daughter. But
13 right now we're not sure what that is because, you
14 know, again, she's not of school age. Required in
15 North Carolina you have until seven years old. So,
16 we just don't know. Right now we're really debating
17 the issue. And I would say that it's so much up in
18 the air that we've been talking to the special
19 education teachers here in the last couple of months
20 about putting her in the school district next year.
21 And they say if we really want to follow through on
22 that we need to make a decision pretty quick. It's
23

1 just a tough decision. It really is. We're really
2 having a hard time making it.

3 MR. HUNTT: So, I want to be clear, Dr.
4 Bird, on your recommendation. It seems to me what
5 you're saying is that public money should follow the
6 student wherever he or she may go so that if your
7 choice is parochial school or a private school in
8 another manner, then the public money should follow
9 that. Is that your --

10 MR. BIRD: That is exactly right. You
11 know, the problem right now is because it isn't
12 following the child, there just aren't that many
13 opportunities.

14 MR. HUNTT: So, finally, Mr. Chairman, I
15 would just ask why wouldn't the provision that allows
16 charter schools, and the same argument used for that,
17 be applied to private school then? Dr. Brown, would
18 you answer that?

19 MS. WOOLEY-BROWN: Be applied to creating
20 a system where parents can chose a private school?

21 MR. HUNTT: That's right. In other words,
22 if the money will follow the child into a charter

23

1 school, which is a non profit, why then couldn't IDEA
2 be allowed to provide funding for a student that may
3 want to go to a parochial school, for instance?

4 MS. WOOLEY-BROWN: Well, I think the venue
5 is changing every day. In Florida you're going to
6 hear about the McKay Scholarship Program that does
7 just that. The money does follow the child into a
8 private school if that's the parents choice.

9 CHAIRMAN BRANSTAD: Alan Coulter.

10 MR. COULTER: Dr. Brown, just a few quick
11 questions. You mentioned that the accountability
12 system for charter schools is comparable to the
13 accountability system for public schools. So kids in
14 charter schools take the FCAP?

15 MS. WOOLEY-BROWN: Yes, they do.

16 MR. COULTER: How long have they been
17 doing that?

18 MS. WOOLEY-BROWN: Since the inception.

19 MR. COULTER: Okay. So, do you have data
20 on FCAP performance of kids without and with
21 disabilities?

22 MS. WOOLEY-BROWN: Yes, we do.

23

1 MR. COULTER: Where's that data available
2 for commissioners to take a look at it?

3 MS. WOOLEY-BROWN: I'd be happy to provide
4 it. We've been doing an analysis of charter school
5 FCAP data because one of the focus of the Resource
6 Center is to provide assistance for schools in
7 special education but also in curriculum and looking
8 at where the schools are in terms of their student
9 performance is very important.

10 MR. COULTER: In the rating of schools
11 that the Florida Department of Education uses, are
12 there any charter schools that are currently rated as
13 beneath acceptable level?

14 MS. WOOLEY-BROWN: No, we don't have any F
15 schools that are charter schools. We do have A
16 schools.

17 MR. COULTER: That's great, that's great.
18 Tell me also about suspensions and expulsions. Do
19 you have data on suspensions and expulsions of kids
20 with and without disabilities for charter schools
21 compared to regular schools?

22 MS. WOOLEY-BROWN: I don't. The
23

1 Department of Education may have that data. The
2 charter schools do report suspension and expulsion
3 data as a public school. And that would be part of
4 the system that would then be collected at the
5 Department.

6 MR. COULTER: And I guess I take it from
7 your remarks that you would be supportive that
8 whatever accountability system the state imposes on a
9 public school system, that that same accountability
10 system should be imposed on charter schools?

11 MS. WOOLEY-BROWN: Yes, sir.

12 MR. COULTER: Okay, thank you very much.

13 MS. WOOLEY-BROWN: Absolutely.

14 MR. COULTER: Thank you, Mr. Chairman.

15 CHAIRMAN BRANSTAD: Doug Gill.

16 MR. GILL: Thanks, Mr. Chairman. I just
17 kind of have a couple of questions for no one in
18 particular but I seem to be kind of confused at
19 times. And I'm sure you can straighten me out. When
20 I hear charter schools expressed sometimes, as you
21 did, Dr. Brown, as a, basically another step in a
22 continuum of options available to public school aged
23

1 students. Is that right?

2 MS. WOOLEY-BROWN: Right.

3 MR. GILL: Then help me understand the
4 notion of competition among those particular options
5 as a part of the least restrictive environment
6 because as I understand it LRE is, in fact, a full
7 continuum of options individually determined. And
8 charter school, in your mind, would be one of those
9 options. So, how do we get into this competition
10 between options? I don't quite understand what that
11 is. And the other thing that I don't quite
12 understand is the charter school movement an
13 expression of dissatisfaction with public schools or
14 an endorsement of an alternative structure?

15 MS. WOOLEY-BROWN: Okay, I'll answer your
16 second one first. I think it is an expression of
17 alternative structure. I don't think, I mean, in the
18 situation with many schools, they are started because
19 there's not such a program available. As Dr. Bird
20 mentioned in his state there's not a program
21 available for his daughter and so he's looking at
22 other options. That's what I hear from many parents.

23

1 MR. GILL: And those options are in the
2 context of a continuum of options available to any
3 public school child, special education, public school
4 child. Is that right?

5 MS. WOOLEY-BROWN: Yes, but maybe not as
6 targeted. Maybe in this particular situation, we
7 didn't have a program in our school district that
8 focused on Attention Deficit Disorder. We had large
9 schools. Our smallest elementary was probably 800
10 students. This particular option was very small. It
11 was very personal. It was very focused on the needs
12 of those children in that school. The training for
13 the teachers was different.

14 MR. GILL: Okay, so it isn't an option for
15 special education students. It's an option for
16 students who have Attention Deficit Disorder. Is
17 that right?

18 MS. WOOLEY-BROWN: That was their target.
19 That was the group that they were targeting. But we
20 have other schools that are targeting children with
21 autism or children that are medically fragile and
22 complex. Charter schools who are targeting children

23

1 who have disability have that as their focus. But
2 there are charter schools that are serving typical
3 students within that whole array that are providing
4 that kind of competition for traditional public
5 schools.

6 So, within the least restrictive
7 environment, sometimes when you're looking at a
8 school that's targeting only or targeting students
9 with learning disability, at that point in time that
10 might be the best option for those children. As a
11 special educator, did I ever have a school that just
12 targeted those students? No. I had programs within
13 the school district.

14 MR. GILL: But you actually had the
15 schools but they were private schools and they were
16 for profit --

17 MS. WOOLEY-BROWN: We did.

18 MR. GILL: -- private schools in other
19 parts of the country.

20 MS. WOOLEY-BROWN: We did.

21 MR. BIRD: I'd like to make a quick
22 clarification. What I said was that there aren't any

23

1 charter schools in our district. There are charter
2 schools in North Carolina. But what I'm finding is
3 in North Carolina it's really tough to find charter
4 schools outside of metropolitan areas. And I happen
5 to live in the western part of the state. From what
6 I understand some of the toughest conditions for
7 parents of children with special needs not only occur
8 in the western part of the state but a lot in the
9 eastern part of the state, particularly the least
10 populated areas.

11 So, while they do exist, there just isn't
12 an option there for us in our district. So, I do
13 want to clarify that.

14 MR. GILL: As charter schools exist in the
15 State of North Carolina --

16 MR. BIRD: But they do exist.

17 MR. GILL: -- that is, in fact, a local
18 district option, is it not?

19 MR. BIRD: I believe it is.

20 MS. EMERY: And I have a comment about
21 that also. It has to do with like antidotal stories
22 of families who are with kids at Cushman. And the

23

1 problems that they've encountered and many of the
2 reasons the families are in a private school is
3 because the kinds of evaluations that were given in
4 the public school system failed to determine problems
5 that were considered severe enough to allow those
6 families to access services.

7 So, part of the problem in looking for
8 alternatives or choices for families that we need to
9 deal with, I think, is the evaluations that occur
10 with those children up front. And we have to
11 understand that it's not an acceptable thing to tell
12 family that your child has to fail before, that
13 things have to get worse before we can start to help
14 your child.

15 So, families are looking for alternatives,
16 looking for charter schools going to private schools
17 because they're encountering such difficulties in
18 trying to access mandated services through the public
19 school system.

20 MR. GILL: So you're saying the evaluation
21 system is not sophisticated enough to pick up the
22 subtleties of the learning difficulties that you

23

1 experienced.

2 MS. EMERY: What I believe, again, you
3 know, it's antidotal, is that the evaluations that
4 are given by the public school system, if there's
5 almost, that they're advocating like a different
6 perspective. They're evaluating the child from the
7 perspective of trying to determine how to offer
8 services through a huge bureaucracy. And the
9 measurements they use are very different than what
10 really need to be used to look at the kids, to figure
11 out what's wrong with that child and to educate him
12 in the best way possible.

13 So, there's a lot of children who need
14 help up front that are being told, you know, the
15 parents are being told, well, we can't help you now
16 but come back in a couple of years. And that's
17 unacceptable.

18 MR. GILL: Yeah, thanks for your attempts
19 to clear up my confusion.

20 CHAIRMAN BRANSTAD: Bryan Hassel.

21 MR. HASSEL: Dr. Brown, you mentioned the
22 Florida charter schools are part of the local school

23

1 district, that there are other states where charter
2 schools are independent of their local school
3 district. And I think that independence is treasured
4 in those states by charter schools and yet presents
5 problems when it comes to, in some cases, delivery of
6 special education services because of the detachment
7 from the district structures and service providing
8 processes. And I wonder if you have any thoughts
9 about what, if anything, federal policy could do to
10 make it easier for charter schools in those states to
11 provide special education. You mentioned the need
12 for technical assistance. Are there any other
13 federal policy ideas that, I know it doesn't, isn't
14 needed in Florida but in other states might be
15 helpful?

16 MS. WOOLEY-BROWN: Well, thank you for
17 asking that. -- I've handed you a position paper
18 from the Charter Friends National Network. And it's
19 on, this is a number of folks like me who have
20 backgrounds in special education who are now working
21 in the charter arena. And yes, that's true. In
22 those states they like being the LEA. But because

1 they are so small, creating a continuum of services
2 and delivering services for every child who might
3 walk into your door, if you're a small charter school
4 that serves about 140 students, which is the national
5 average, size of a charter school, that's just mind
6 boggling that you could do that.

7 So, one of the recommendations of this
8 group is that you might want to think about a new
9 definition of an LEA so it's not just regionally
10 base, where it is not just based at a school district
11 site. But maybe groups of charter schools forming
12 cooperatives could function like an LEA. And that
13 would be helpful for those states because in some
14 states charter schools are very fearful about the
15 child who might walk in their door who has extensive
16 needs, that they're not able to meet their needs and
17 what that would for them in terms of their finances.

18 That's not an issue in Florida but my
19 colleagues across the country would greatly
20 appreciate your consideration of that.

21 CHAIRMAN BRANSTAD: Jay Chambers.

22 MR. CHAMBERS: What the panel has proposed

23

1 or suggesting is some exciting alternatives for us to
2 consider and I appreciate those recommendations or
3 suggestions. One of the thoughts or questions I have
4 for you is if public money were to follow the child
5 into whatever school, whether that be a public school
6 or a private school, don't the private schools
7 essentially become public schools under those
8 circumstances? And how do they differentiate?

9 MR. BIRD: I'd like to answer that one.
10 Being a professor at a private college I can say that
11 we get federal funds but we are not a public
12 institution. We retain our private institution
13 status. There are some restrictions that come with
14 those funds. At the same time that is allowed a
15 college such as Lenore Ryne College where I work to
16 stay in business. So, I think if we follow that
17 model that certainly we can see that private schools
18 remain an option.

19 I think if it wasn't for that model a
20 number of private schools would have gone under. I'm
21 talking about colleges at this point, would have gone
22 under. And a number have. But I don't know if

23

1 Lenore Ryne would still be around if public funds
2 were not coming to Lenore Ryne College. And that's
3 not only in the forms of government loans but that's
4 also in the forms of grants and of course we know the
5 GI Bill and the other things that funnel public money
6 into Lenore Ryne College.

7 MR. CHAMBERS: How would that work in a K
8 12 public school system because I really see that as
9 a very different system than a higher education
10 system?

11 MS. WOOLEY-BROWN: Do they become a public
12 school?

13 MR. CHAMBERS: I'm just picturing control
14 following my legislators thinking to themselves,
15 we're providing money. If we're going to do this for
16 IDEA children, we're going to have to do it for other
17 children as well. And ultimately where my money goes
18 as a state, I'm going to want some control over it.

19 MS. WOOLEY-BROWN: Some accountability.

20 MR. CHAMBERS: Some accountability.

21 MS. WOOLEY-BROWN: Well, that's kind of
22 how I have fallen into the charter school arena

23

1 because there is that accountability. But at the
2 same time it's free and flexible. That first year,
3 as I became a charter school advocate, I kept
4 thinking about the freedom and flexibility. But the
5 physician who started that school kept testing that
6 with me. Her first thing was do we have to use your
7 report card. And I said, well, yeah. You have to
8 use the district's report card because we want the
9 accountability. And she said, well, remember we're
10 free from everything except health, safety and civil
11 rights issues and you're saying the district's report
12 is a health, safety and civil rights issue? And I
13 said, no, it's really not but you must report
14 progress to parents. And she said, oh, we have no
15 problem doing that. We just want to do it
16 differently.

17 And I think that freedom and flexibility
18 of the private school or a charter school to continue
19 to think outside the box is what this is all about.
20 It's not to make them; because I said to charter
21 schools, if you're going to be like everybody else,
22 this is way too much work. Don't do it. You have to
23

1 stay different and independent so that you can
2 continue that innovation which is the purpose of
3 charter schools.

4 MR. CHAMBERS: Where do we draw the lines
5 though? I guess that's kind of concern that I have.

6 MS. WOOLEY-BROWN: Now, in the State of
7 Florida, and you'll hear more about the McKay
8 Scholarship tomorrow when Linda Johnson, who's the
9 Director of the Laura Cushman Academy, makes her
10 presentation. But in the State of Florida if a child
11 has tried to access services through the public
12 school system and the system has failed to meet the
13 needs of that child, they can apply for the McKay
14 Scholarship and use that money to go to a private
15 school.

16 The private school doesn't change their
17 admissions policy. And they can still request,
18 require the parent to pay the full tuition. So, it's
19 just a piece of the financing that comes in. So, it
20 does provide that flexibility that we're looking for
21 and it doesn't really impact the way that the school
22 administers itself.

23

1 CHAIRMAN BRANSTAD: Katie Wright.

2 MR. CHAMBERS: But can --

3 CHAIRMAN BRANSTAD: You're not done yet?

4 MR. CHAMBERS: I'm asking more questions
5 than --

6 MS. WRIGHT: I don't wish to go over time.

7 CHAIRMAN BRANSTAD: Well, I'm concerned --

8

9 MS. WRIGHT: I don't wish to go over time,
10 Mr. Chairman, because it's 9:25.

11 CHAIRMAN BRANSTAD: I know.

12 MS. WRIGHT: But I do have two comments
13 and one brief question that takes a brief answer. My
14 comment is first of all, I want to commend the
15 presenters. I really do. Then the next comment that
16 I want to make is that I'm from two states that have
17 been against a lot of the people in these two states,
18 Missouri and Illinois. We've had fights about
19 charter schools. I have been opposed to charter
20 schools and I'm a special educator.

21 The reason I have been opposed is that in
22 St. Louis, Missouri and East St. Louis and Chicago,

23

1 we could not see how charter schools would really
2 help special kids. We felt that they would take the
3 best and the brightest. Now, I'm glad to see that in
4 Florida, you know, this is different.

5 My question is this, are your children
6 segregated? What about inclusion? I'm very
7 interested in inclusion. Do you see where I'm coming
8 from?

9 MS. WOOLEY-BROWN: Sure.

10 MS. WRIGHT: That's just one question and
11 a brief answer.

12 MS. WOOLEY-BROWN: Sure.

13 MS. WRIGHT: I don't want to go over time
14 with my cause for people to go over time.

15 MS. WOOLEY-BROWN: Many charter schools
16 were started by parents who wanted inclusion. In
17 fact, one charter school that was serving autistic
18 children co-located with another charter school so
19 they shared one campus so that they could have that
20 inclusion model. Many of our charter schools that
21 are serving zero to two children. And then as they
22 moved up, they wanted an inclusion model. So they'll

23

1 have a regular child care program that's a fee based
2 program on the same campus where they have children
3 with disabilities having their special charter
4 school.

5 MS. WRIGHT: Thank you.

6 CHAIRMAN BRANSTAD: Nancy Grasmick.

7 MS. GRASMICK: I'd like to begin by
8 thanking the presenters for your excellent testimony
9 this morning. I'd like to ask Dr. Brown, when you
10 indicated that the local district received the
11 application --

12 CHAIRMAN BRANSTAD: Dr. Grasmick, if you
13 could speak a little closer --

14 MS. GRASMICK: When you indicated that the
15 local district receives the application of the
16 charter school, if that application denied, is there
17 an appeal process?

18 MS. WOOLEY-BROWN: Yes. It's appealed to
19 the State Board of Education. And right now that's
20 the Governor and the Cabinet. And they can review
21 that application and make a recommendation to the
22 School Board. And then the School Board can then

23

1 take action again. It ultimately comes back to the
2 School Board.

3 MS. GRASMICK: Second question; is the per
4 pupil expenditure exactly the same as it is for a
5 special needs child in the public, regular public
6 school system?

7 MS. WOOLEY-BROWN: Yes, ma'am, it's
8 exactly the same.

9 MS. GRASMICK: Thank you. And finally for
10 Dr. Bird, I know you can't answer this completely
11 because we don't have time but do you see the IEP
12 process as being more of an input process than a
13 results oriented process from the parental point of
14 view in terms of what are the achievements that are
15 measured for your child that are anticipated with
16 benchmarks towards those results?

17 MR. BIRD: I would say it's, in my case,
18 perhaps, or in my daughter's case, perhaps it's
19 neither. I think it's more of a situation where, of
20 what can we provide for the child under the financial
21 constraints we have to work with.

22 MS. GRASMICK: And there isn't a lot of
23

1 discussion about anticipated results.

2 MR. BIRD: No.

3 CHAIRMAN BRANSTAD: Bob Pasternack.

4 MR. PASTERNAK: Thank you, Mr. Chairman.

5 I know we're running short on time, but I'm going to
6 try to ask a couple of quick questions because I just
7 need some help here in terms of understanding a
8 little bit about the President's demand for
9 accountability for results and just in terms of what
10 we know about kids with disabilities in charter
11 schools in Florida.

12 What percentage of charter schools serve
13 kids with disabilities in the State of Florida?

14 MS. WOOLEY-BROWN: 14 percent target
15 students with disabilities. 20 percent of the
16 children in charter schools, over 8,000 students, are
17 children with disabilities.

18 MR. PASTERNAK: 14 percent are, by
19 targeted, does that to mean that at hundred percent
20 of the students in those schools are kids with
21 disabilities?

22 MS. WOOLEY-BROWN: That's who they've

23

1 targeted. In most cases it's not totally a hundred
2 percent but it's very close.

3 MR. PASTERNAK: And 20 percent of the
4 kids in charter schools are kids with disabilities.

5 MS. WOOLEY-BROWN: Yes.

6 MR. PASTERNAK: And that compares to what
7 percentage of the kids in the public schools who have
8 disabilities?

9 MS. WOOLEY-BROWN: It's higher. And part
10 of that is because charter schools have an array of
11 special education options and these targeted programs
12 that are making that percentage higher. In my school
13 district we were at 15 percent of the children in the
14 district had disabilities.

15 MR. PASTERNAK: And in response to Dr.
16 Coulter's question, I'm not sure that I, that I
17 understand. Are the results for kids with
18 disabilities who attend charter schools documented to
19 be different than the results of kids with
20 disabilities who don't attend charter schools?

21 MS. WOOLEY-BROWN: In terms of the
22 comparability?

23

1 MR. PASTERNAK: In terms of their
2 performance on the state mandated tests.

3 MS. WOOLEY-BROWN: Well, you're looking at
4 student progress, year to year student gains.

5 MR. PASTERNAK: Okay.

6 MS. WOOLEY-BROWN: And that's an
7 individual kind of thing. What is in the Florida
8 charter school law is looking at the comparability of
9 that school and their targeted group with another
10 comparable group in the school district. And we did
11 an analysis for the Department of Education on seven
12 schools. And the charter schools' students did as
13 well in their second or third year as a similar
14 population of students in school districts. In many
15 cases they did better.

16 MR. PASTERNAK: And would those data be
17 available to share with the Commission as well?

18 MS. WOOLEY-BROWN: Yes, sir.

19 MR. PASTERNAK: Thank you, ma'am. And a
20 couple of other quick questions. What's the
21 principle difference between the free and appropriate
22 public education which is provided in the charter

23

1 school and the free and appropriate public education
2 which is provided to kids with disabilities in the
3 public schools?

4

5 MS. WOOLEY-BROWN: The choice that parents
6 are making going into the charter school and --

7 MR. PASTERNAK: How about from an
8 instructional point of view, just to help the
9 Commission understand it from a policy perspective.
10 What's different about the charter school than the
11 environment in which kids with disabilities who don't
12 go to charter schools experience?

13 MS. WOOLEY-BROWN: The school size is
14 different. The average size of a charter school in
15 Florida used to be around 100, 150. Now we've had
16 some larger schools open up that have skewed that
17 number. But the school is smaller. It's more
18 individualized. It's easier to see the child's needs
19 being met within a small school than it is a school
20 that has 2,000 students. The child is part of a
21 smaller group. The group is together so children
22 move from grade to grade with each other. So a child
23

1 with a significant disability, even if they're in a
2 charter school that doesn't target children with
3 disability have a support group year to year.

4 MR. PASTERNAK: So the mobility would be
5 less for kids with disabilities in charter schools
6 compared to kids with disabilities in public schools?

7 MS. WOOLEY-BROWN: We haven't looked at
8 the mobility rate of students coming in and out with
9 disabilities. We've looked at mobility in charter
10 schools and there's, within the first three months
11 there's a higher mobility rate than in the school
12 district. But once you get past the first three
13 months of the school opening and the enrollment
14 settles out, the mobility rate of the charter school
15 is less.

16 MR. PASTERNAK: What percentage of
17 parents take their kids out of the charter schools
18 and put their kids back into public schools?

19 MS. WOOLEY-BROWN: Again, looking at that
20 first window, people who choose sometimes keep
21 choosing other options but it's a very small
22 percentage. I don't have that with me.

23

1 MR. PASTERNAK: And the quality of
2 personnel that are in charter schools compared to the
3 quality of personnel that are in the public school
4 serving kids with disabilities, what differences do
5 we see?

6 MS. WOOLEY-BROWN: They are certified
7 and/or qualified. And the charter schools selects
8 the best quality personnel. In many cases they're
9 equally certified. In other cases they have special
10 expertise. We have, in one situation, we have a
11 medical doctor who gives up his lunch hour to teach
12 health science in our charter school. You find
13 charter schools using part time instructors than I've
14 seen in public schools. I've seen more job sharing
15 in charter schools than I've seen in public schools.
16 So, I think they're looking at the personnel issues
17 because they are so small, looking at ways of
18 staffing differently. And sometimes that's been to
19 the child's benefit.

20 MR. PASTERNAK: And finally, Mr.
21 Chairman, the K 12 schools, you've mentioned the Part
22 C Program, that some of these charter schools

23

1 actually provide services to infants and toddlers?

2 MS. WOOLEY-BROWN: Yes, they do.

3 MR. PASTERNAK: And what about through
4 the secondary level? Are there K 12 models for
5 charter --

6 MS. WOOLEY-BROWN: Yes, yes. In fact, we
7 also have a school that's serving adults with
8 disabilities and their charter school program ends at
9 age 21. But their, their other program continues
10 beyond that serving other adults.

11 MR. PASTERNAK: And the graduation rate
12 for kids with disabilities from charter schools
13 compared to the graduation rate from public schools
14 would be what?

15 MS. WOOLEY-BROWN: We have very few
16 secondary schools. I don't know what the graduation
17 rate is because we have very few and they have been
18 opened probably less than two years.

19 MR. PASTERNAK: Thank you very much.

20 CHAIRMAN BRANSTAD: Thomas Fleming and I
21 think this will be the last one because we're running
22 behind. Go ahead.

23

1 MR. FLEMING: Well, Bob actually asked one
2 of the questions that I had in mind which was dealing
3 with the reality of certification and this is where I
4 really welcome the parents, just hearing them today
5 because of the years that I taught. I think that
6 that was an area we never really was able to convey
7 to parents. What the difference between a special ed
8 teacher and a regular ed teacher. So, that was one
9 of the questions that I was interested in also. And
10 you're saying that all of the teachers that are
11 working with children with special needs, whether
12 they're learning able or emotionally impaired or --
13 delinquent have certified teachers in those areas to
14 work in the charter schools with the kids?

15 MS. WOOLEY-BROWN: Or they are qualified.
16 And in the State of Florida, qualified means an
17 invaluable community resource and expert in their
18 field. So, some charter schools have people who have
19 background in mental health working as part of the
20 team. They also have people who maybe have worked at
21 a university and they have moved down to work in a
22 charter school. So they're either certified and/or
23

1 qualified.

2 MR. FLEMING: And that kind of information
3 is always available to the parents?

4 MS. WOOLEY-BROWN: Yes. In fact, that's
5 one of the requirements of the charter school law in
6 Florida is that you have to report the qualifications
7 of the teachers to the parents. And you have to do
8 that annually before the parents sign up for the
9 school and then at the end of each year. And most
10 charter schools keep vetoes in their, on their front
11 desk so that parents can review that. And that's
12 something they really do, they're very proud of is
13 the qualifications of their teachers.

14 MR. FLEMING: And just one question to Dr.
15 Bird. In your initial descriptions my ears caught
16 one thing that you said. In parent's choice,
17 parental choice, that public schools, private
18 schools, charter schools and religious schools,
19 parents should have the choice of them. And the
20 religious component just kind of made my eyes go up a
21 little bit. Is there a difference in Florida or in
22 North Carolina that you do have a public money going
23

1 into religious schools?

2 MR. BIRD: I'm not really aware of any.
3 That's really more my focus than the charter schools
4 because there are religious schools in our district.
5 But I'm not aware of any public funds headed in that
6 direction in North Carolina.

7 MR. FLEMING: Dr. Brown, is that anywhere
8 in Florida?

9 MS. WOOLEY-BROWN: I think you will hear
10 about the McKay Scholarship Program and I am aware of
11 some McKay Scholarships that do go to religious
12 schools.

13 MR. FLEMING: Okay, thank you.

14 CHAIRMAN BRANSTAD: I want to thank our
15 panel; Diane Emery, Carol Lang, Dr. Cathy Wooley-
16 Brown and also Dr. Stephen Bird. Thank you all. And
17 Alan Coulter has a question of the Chair.

18 MR. COULTER: Governor, I learned from
19 Commissioner Bartlett at a previous meeting we
20 obviously have, I think, questions of Dr. Brown that
21 weren't answered given the data that was available to
22 us. So, we're going to keep the record open until we

23

1 get the data on the results piece. So, is that --

2 CHAIRMAN BRANSTAD: Yes.

3 MR. COULTER: Thank you very much.

4 CHAIRMAN BRANSTAD: And thank you. I;
5 yes, Cherie?

6 MS. TAKEMOTO: Does that also include
7 those of us commissioners who did not have a chance
8 to ask questions? Can we submit questions to get
9 answers?

10 CHAIRMAN BRANSTAD: Yes. And I, you know,
11 I feel bad about that. We did have about three
12 commissioners that didn't get to ask questions that
13 were on the list. But in order to try to stay on
14 schedule, we cut it off. But, yes, if you wish to
15 submit written questions to the panelists.

16 And again I want to thank our panel. As
17 you can see, a tremendous interest among the
18 commissioners. Thank you very much.

19 We're just going to proceed without a
20 break right to the next panel, which is, this segment
21 is entitled, Options for Parental Involvement in
22 Special Education, Part 2, the Economics of School

23

1 Choice Options for Students with Disabilities. And
2 our presenter is Dr. Caroline M. Hoxby, Department of
3 Economics at Harvard University and the National
4 Bureau for Economic Research.

5 Dr. Hoxby, I'm pleased to turn the floor
6 over to you. Thank you for being here.

7 DR. HOXBY: Well, thank you very much. I
8 would like to thank the commissioners and the
9 Commission for inviting me. And I'm looking forward
10 to your questions very much. I always think the
11 question and answer period is the most important
12 part.

13 Let me start off by trying to give you a
14 bit of a summary of what I think my key ideas and
15 recommendations are with regard to school choice and
16 disabled students. I'd say that there are four basic
17 problems that policy makers or people, experts like
18 me worry about when it comes to appropriate education
19 for disabled children.

20 The first is whether they are getting
21 appropriate funding. The second is whether the
22 appropriate funding, even if granted, is actually

23

1 going to educate the child and ensuring that his
2 Individual Education Program, or IEP, is implemented.
3 The third is recognizing that appropriate funding is
4 really not enough because disabled children are such,
5 are so individual that, you know, the appropriate
6 funding that might work in one district might not
7 work the same way in another district for a different
8 child. So, we're really concerned to make sure that
9 the appropriate funding makes its way to an
10 individual education program that works for the
11 child. And finally, the public has an interest in
12 ensuring that the funding is used efficiently and
13 none of it is wasted.

14 Now, I think that school choice actually,
15 although it was initially, I think, feared when
16 people were thinking about school choice and disabled
17 children. For someone like me, I think we realized
18 after our first glance that actually school choice
19 provided an amazing number of options or instruments
20 for dealing with these basic problems that have
21 proved to be very difficult to deal with under
22 conventional school funding and school control

23

1 systems.

2 And I think the ideas are basically
3 intuitives. Let me go down the four problems and
4 then I'll talk more about details. The first problem
5 I said was appropriate funding. And it turns out
6 that school choice provides us with some means of
7 learning about whether a child has sufficient funding
8 attached to him or not. And I will talk about that
9 in detail in a minute.

10 The question of whether the appropriate
11 funding is actually going to implement the child's
12 individual education program; well, here's an area
13 where school choice has an obvious advantage over
14 conventional financing because in conventional
15 financing, yes, the federal government and the state
16 government send money to a local district and they
17 say that's supposed to be spent on the child's
18 individual education program.

19 But it's difficult to ensure that that
20 always happens. And parents worry about whether
21 their child is getting all the funding that is, has
22 been appropriated for him. With school choice it's

23

1 fairly obvious that that would happen because the
2 funding is individual and the funding follows the
3 students. And the ability to make the funding
4 individual means that we have many more instruments
5 or opportunities to make sure that the funding system
6 works well.

7 I said that recognizing that the child has
8 appropriate funding is not enough to make sure that
9 the child has an appropriate program because children
10 are so individual. Well, in this case school choice
11 gets to take advantage essentially of the fact that
12 parents have rather unalloyed motives and want their
13 children to do well.

14 Right now parents are rather under
15 utilized resource in special education. But school
16 choice makes better use of them. It makes use of the
17 fact that parents are seeking the best way or will
18 seek the best way to make use of the funding that's
19 available for their child.

20 And finally, ensuring that the funding is
21 used efficiently, well, school choice plans, because
22 the money follows the child, have a tendency to drive
23

1 out or to reduce the enrollment of children in
2 schools that are not providing schooling efficiently.
3 So, if you're a parent of a disabled child and you
4 realize, look, my child's funding would go a lot
5 further in the Thomas Jones School than the Bob Smith
6 school, then you prefer to send your child to the
7 first school. And that ensures that schools that
8 aren't providing schooling efficiently are not
9 actually educating children.

10 So, now let me get into some of my more
11 detailed presentation. A common opinion is that
12 school choice programs pose problems for students
13 with disabilities. In particular, people fear that
14 disabled students will be unable to effectively
15 exercise school choice and will therefore be left
16 behind in schools that provide poor education.

17 I think this common opinion ignores
18 evidence that suggests that schools, including public
19 schools, have responded by improving their
20 instruction when they face serious competition from
21 school choice. But more importantly it ignores the
22 fact that school choice is especially valuable to

1 disabled children because they benefit
2 disproportionately from having a good match between
3 themselves and the school.

4 We have evidence that the achievement of
5 disabled children is particular sensitive to their
6 having a good match with the school. Indeed, parents
7 of disabled children disproportionately value the
8 existing opportunities for choice in the public
9 system. Although choice programs are not prevalent,
10 as we all know, parents of disabled students are more
11 likely to take advantage of the choice programs that
12 do exist than are the parents of non-disabled
13 children.

14 I'm going to show you a quick slide from,
15 this is from the; well, I thought it was going to be
16 --

17 CHAIRMAN BRANSTAD: I believe it's the one
18 next to it. There are two switches.

19 DR. HOXBY: Thank you. Oh, good; okay.
20 This is from the National Household Education Survey,
21 which is a very large representative survey of the
22 United States. And the yellow bars are for disabled

23

1 students and the blue bars are for non-disabled
2 students. And what we have across the bottom is
3 different income ranges all the way from very low
4 income families, less than \$10,000 of income up to
5 more than \$75,000 of income. And you can see that in
6 virtually every category parents of disabled children
7 are more likely to be exercising choice than parents
8 of non-disabled children.

9 And I think this just shows that parents
10 of disabled children are attempting already to try
11 and find the best match for their children. Thank
12 you.

13 Moreover, parents of disabled students are
14 more likely to search conscientiously for a school.
15 And they already gather more information about their
16 schools than an average parent of a non-disabled
17 child. They also interact more with their children's
18 schools more often and through more different
19 channels.

20 Here I have another chart just from the
21 National Household Education Survey. And the parents
22 are asked whether they interact with their child's

23

1 school in zero ways, one way, two ways, three ways or
2 four ways. And they ask about various types of
3 interaction including meeting with teachers, visiting
4 your child's classroom during school hours, attending
5 parent meetings and things like that.

6 And you can that if you look at the
7 category of parents who don't interact with their
8 school at all, parents of non-disabled children are
9 over represented. The blue bar is higher. Where
10 when you get to parent interaction with their child's
11 school quite a lot, you can see that parents with
12 disabled children are over-represented. And that's
13 because they really are more keen on interacting with
14 their child's school and understanding whether the
15 program is working well for their child.

16 Parents of disabled children are aware of
17 the fact that the federal and state government
18 provide additional funds for the education of their
19 child. Without choice, however, parents are often
20 frustrated because they have difficulty determining
21 whether the extra funds are actually being spent on
22 their child's education. Parents of disabled

23

1 children should have the leverage that is
2 commensurate with the funding associated with their
3 child. In a well-designed school choice program,
4 they would. Parents of disabled children should be
5 able to take their child's funding to the school best
6 suited to his or her needs. This is important
7 because even within a narrow category of disability,
8 different students perform best under different
9 conditions.

10 Properly designed funding is really the
11 key to making school choice an opportunity for
12 disabled children instead of a risk for disabled
13 children. So, my goal is going to be to describe a
14 couple of schemes to you in which disabled children
15 are able to exercise maximum choice and would not
16 ever be segregated in schools involuntarily and
17 schools have incentives to educate disabled children
18 efficiently.

19 Everything that I am going to say about
20 properly designed funding for school choice applies
21 to either voucher schemes or charter schools schemes.
22 And what you want to think of is that charter schools
23

1 are reimbursed with a fee that resembles a voucher.
2 Now, I know that for many people the word voucher and
3 charter school trigger very different reactions. And
4 I wish to avoid those reactions. So, I'm simply
5 going to use the word fee hereafter to refer to
6 either one, the voucher or the charter school fee
7 that a student would carry with him when he moved to
8 a school of choice.

9 Well, it's possible to design a choice
10 scheme that applies only to disabled students. And
11 indeed, the Florida McKay Scholarships is one. The
12 schemes that I have in mind are generally those in
13 which choices universally offered to students,
14 disabled and non-disabled alike. And the only reason
15 for that is that the more universal a choice scheme
16 is, the greater are the opportunities for good
17 schools to flourish and greater are the incentives
18 for schools to be efficient.

19 As a first pass, we should consider a
20 choice scheme in which a disabled student carries a
21 fee equal to the full per-pupil funds associated with
22 him. Does such a scheme make sense? On the one
23

1 hand, the idea is sensible because the fee is equal
2 to the amount his local district was getting to
3 educate him. It would be hard to justify making him
4 leave behind the aid that his district was receiving
5 because he was a student there.

6 After all, his parents pay the property
7 taxes that make up local revenues and it was his
8 presence that attracted state and federal funds.
9 Sometimes we hear the argument that it is reasonable
10 for a local district to keep some of the money
11 associated with a student when he leaves to go to a
12 choice school because the district's cost do not fall
13 by the full amount of per-pupil spending when the
14 student leaves.

15 This is essentially an argument about
16 economies of scale. The idea is that losing a margin
17 student does not reduce cost by the average cost.
18 Whether this argument makes sense for regular
19 education students or not is controversial. But it
20 certainly does not make very much sense for disabled
21 students.

22 Disabled students have individualized
23

1 education programs which are inherently not very
2 susceptible to economies of scale. There is no
3 economic justification for a local district keeping
4 any of the funds associated with a disabled student
5 so that the fee could reasonably be set equal to the
6 total funds associated with a student under a first-
7 pass choice scheme.

8 Now, this first-pass scheme would allow
9 disabled students to exercise choice effectively and
10 would give the schools good incentives as long as the
11 state and federal aid for each disabled child is
12 exactly what is needed to implement his individual
13 education program. So long as the fee is equal to
14 this average cost of implementing the IEP, the
15 student should have a wide range of schooling options
16 available to him. And schools that do particularly
17 good jobs of educating disabled students will be able
18 to attract parents who will notice that their fee
19 goes further there.

20 Now, unfortunately most school choice
21 plans that we have in the United States right now do
22 not have fees that resemble this first-pass scheme.

1 Most of them have fees that are not designed right
2 now to allow disabled students to exercise maximum
3 choice. Indeed, in the typical school choice scheme
4 none of the additional public funds associated with a
5 disabled child follow him when he moves to a school
6 of choice.

7 Now, Florida's McKay Scholarships are
8 something of an exception because all of the federal
9 and state funds associated with a disabled child do
10 follow him the Florida McKay Scholarship. Let me
11 just put up another couple of charts to show you some
12 of the variety that we see now in the United States
13 in school choice programs.

14 So, here what I show on this little table
15 is three of the major voucher programs in the United
16 States and then two of the largest open enrollment
17 programs in the United States. Open enrollment means
18 that a child can choose which school district, which
19 public school district to attend. The three voucher
20 programs, these are all publicly funded vouchers are
21 the Florida's McKay Scholarships, the Milwaukee
22 Voucher Program, of which many of you will have

23

1 heard, and Cleveland's Voucher Program, which I'm
2 sure you have all heard because it's in the Supreme
3 Court right now. And then we have an open enrollment
4 program in Minnesota and Massachusetts.

5 And you can see that in most cases
6 basically state funds do follow students when they
7 make a school choice. But in most cases, categorical
8 aid for disabled children does not follow students.
9 It does in the case of Florida and it does in the
10 case of Minnesota but not in any of the other cases.
11 For instance, in Milwaukee or Cleveland, every child
12 gets exactly the same voucher and disabled children
13 do not get any more.

14 Pupil weighted aid is the aid that comes
15 from the State School Finance Formula because
16 disabled children have bigger weights in those school
17 finance formulas than non-disabled children. And
18 most cases that aid does not follow the children.
19 And local funds often do not follow children too.
20 For instance, in Florida McKay Scholarships, the
21 local funds do not follow a child.

22 If we look at charter school programs,

23

1 there's a bigger base because it really depends on
2 the state. And let me say before we even look at
3 these other states that Florida is an example of a
4 state where the charter schools are directly under
5 their district or they're part of the LEA and that is
6 why they get all of the funds associated with the
7 child. So, in Florida's case, charter school case,
8 this would be yes, yes, yes all the way across
9 because they are part of their local district.

10 Typically charter schools give up autonomy when they
11 are part of a local district in return for getting
12 more of the funding.

13 You can see that they always get the
14 state's basic funds. But in many cases charter
15 schools do not get categorical aid associated with
16 disabled children, they don't get pupil weighted aid
17 and they don't always get the local funds. So, one
18 of the first things that I would like to recommend is
19 that disabled children who are more expensive to
20 educate and are certainly not any cheaper to educate
21 at a choice school than they are necessarily at a
22 public school, should get all of the funds associated

23

1 with them so that at least we are doing what I would
2 describe as a first pass, reasonable school choice
3 scheme.

4 Finally, I'd like to speak about a more
5 sophisticated scheme that economists of education are
6 very interested in when it comes to school choice. I
7 call this scheme a first pass scheme in which the
8 child just takes all of the funds currently
9 associated with him because it can be greatly
10 improved upon. This is because it is naive to think
11 that the state and federal government get it exactly
12 right when they allocate aid to a disabled child.

13 What we worry about is that some disabled
14 children would carry fees with them that would
15 probably be too stingy and other disabled children
16 would carry fees that would be more generous than
17 would actually be necessary to implement their IEP.
18 This would encourage schools to move funds across
19 students, which is probably not appropriate.

20 A choice scheme would be much better if
21 the fees were set by a mechanism that adjusted a
22 disabled student's fee upwards if most of the schools

23

1 conclude that his fee is too stingy to implement the
2 IEP or adjust a student's fee downwards if the fee is
3 too generous in most schools' opinion.

4 Well, we might think of appointing a panel
5 of experts to make such adjustments ex post. It is
6 really preferable to have a mechanism that
7 automatically adjusts the fees before we observe that
8 some disabled students are not able to exercise
9 choice. In a paper entitled "Ideal Vouchers," which
10 should really be entitled "Ideal Fees," I describe an
11 automatic mechanism that imitates the actions of a
12 market or an auction. Of course there's no real
13 auction that takes place but it just imitates that
14 action of an auction. And it picks the fees for each
15 category of disabled students that is market-
16 clearing. And by market-clearing, what I mean is
17 that it picks the fee that is just equal to what the
18 average school thinks is necessary to implement the
19 child's individual education program appropriately.

20 Basically, the mechanism that I described
21 would require a computer program that would be run at
22 a State's Department of Education and would require

23

1 the gathering of some information from public schools
2 and any private that was participating in a choice
3 plan. However, the parents would not need to see any
4 of this. They would only need to choose their
5 child's school based on their understanding of what
6 is best for their child.

7 These mechanisms are not onerous to run
8 and they have already been used in a variety of
9 circumstances in higher education for assigning
10 students to dormitories, assigning medical residents
11 to medical residencies in hospitals and so on. So
12 they are tried and tested.

13 To summarize, my recommendation or my key
14 message is that school choice gives you, the
15 Commission, great new opportunities and instruments
16 for solving some of the problems that have plagued
17 the policy for disabled children for years. And it
18 gives you many more instruments than you would have
19 if you only decided to use conventional methods of
20 regulating and funding special education. And that
21 is because each student or at least each category of
22 disabled students can have a fee associated with him

23

1 individually and because we can take full advantage
2 of parents' willingness to exercise the effort
3 necessary to achieve good matches for their children.

4 As a result, you, the Commission, will
5 have much greater flexibility to solve the unique
6 problems of disabled students and to make parents a
7 much effective resource.

8 CHAIRMAN BRANSTAD: Okay, we'll start with
9 the questions. I think Cherie was up, I think, so
10 Cherie Takemoto.

11 MS. TAKEMOTO: Thank you. I'm so glad
12 that I wasn't able to ask the question of the
13 previous panel because I'm hopeful that you can help
14 me understand this. I'm one of the parent members of
15 the task force and I want to say, show me the
16 implementation. And this might also require some
17 answers from my fellow commissioners who know more
18 about this than I do. But a child with autism who we
19 heard children are benefitting from something called
20 ABA. It's not a forever program but it is very, very
21 expensive and with that intervention there can be
22 some pay out. So that can be, say, \$40,000 a year as
23

1 opposed to another child with autism that goes to my
2 son's school who is on the honor roll and doing very,
3 very well.

4 So, are you saying, is it the eligibility
5 category that you're running this on or is it the
6 level of need?

7 DR. HOXBY: No, it's really that you
8 really wanted; well, what you really would like to do
9 is to be able to say, let's say we have two children.
10 They both have autism but they have needs that are
11 going to, one has needs that can be fulfilled by
12 \$40,000 only. And another one has needs that could
13 be fulfilled by almost just maybe ten percent more
14 than regular education spending.

15 What you would like to have is those two
16 fees differ at an individual level. And each child
17 has the fee that is appropriate for him or her. But
18 also have the parents have the ability to make
19 choices about which school is going to most
20 effectively implement a program that can be funded
21 with those fees.

22 MS. TAKEMOTO: Okay, because I was doing a
23

1 little polling and I hope, I'm not going to guarantee
2 these numbers are right but this is just sort of ball
3 park. I send my child to Dr. Gorden's school and get
4 the 24 hour ABA care. That can maybe up to 20 to
5 \$40,000. But, in other words, lots of money. I send
6 my same child, I keep my child in school system. The
7 schools are not providing that ABA and let's just say
8 the cost of my child is \$11,000.

9 I send my same child to Adella Acosta
10 School in Prince George, Maryland and I have an
11 automatic allocation of \$3,500. I send that same
12 child to my school system who gets a federal
13 allocation of \$650 but is probably paying \$4,000
14 more. And so I'm just wondering; and I don't know
15 how I'm going to get this ABA program that is
16 reasonably calculated for my child to benefit and
17 address the causes, address the autism needs or
18 whether it's my child or another child who has, say a
19 seizure disorder and needs the monitoring to make
20 sure that there's no brain damage caused because no
21 one knew how to respond to seizures.

22 I'm just wondering, how is that going to

23

1 affect Adella's \$3,500 a year allocation per pupil if
2 I take my \$40,000 kid and say, now Prince George
3 County, Maryland, you're going to pay this \$40,000
4 because it does have educational benefit?

5 DR. HOXBY: Well, I think what you're
6 getting at is the fact that under the current system,
7 the funding for a disabled child is incredibly
8 complicated.

9 MS. TAKEMOTO: Yeah.

10 DR. HOXBY: Right? It's incredibly
11 complicated and it actually depends on which school
12 you put your child into. So, it is not the case that
13 as a parent you can say the individual education
14 program that my child had was judged to cost, was
15 judged to cost approximately this much by a typical
16 school or including choice schools and private
17 schools in my state and therefore I can now decide
18 how to make the best use of those funds. I might
19 want to take it to a private school. I might want to
20 take it to a charter school. I might think that a
21 public school district is really the one that's
22 providing the best education for that level of

23

1 funding.

2 But what you don't have is this system in
3 which you have the right as a parent to say,
4 effectively it's not the case that any amount of
5 money can, there are, you know, there are budgets,
6 right? So, it's not the case that any amount of
7 money necessarily is going to be allocated to my
8 child. But at least I should have control of the
9 amounts of money that is allocated to my child's
10 education.

11 And furthermore, therefore, if I'm going
12 to fight for more funding for my child, it should be
13 extra funding that I get to fight for that then I
14 could take to any school that would be able to
15 provide an appropriate program. So you would not be
16 trying to both, you would not be worried about if I
17 take my child to a different school where there might
18 be more appropriate education I would lose funding.

19 MS. TAKEMOTO: Or that the school system
20 itself would be negatively effective.

21 Mr. Chair, am I entitled to ask my fellow
22 Commissioners questions related to implementation of

23

1 such an idea?

2 CHAIRMAN BRANSTAD: Yeah. I think what
3 I'd like to do is try to get the questions asked of
4 the panelist first and then, because isn't there time
5 for us to have discussions? So, if you could save
6 the questioning --

7 MS. TAKEMOTO: Okay.

8 CHAIRMAN BRANSTAD: -- of other panel
9 members until that time, I think that may be the best
10 way to handle it.

11 MS. TAKEMOTO: Great, thanks.

12 CHAIRMAN BRANSTAD: Okay, David Gordon.

13 MR. GORDON: One of the; thanks, Chairman.
14 One of the issues that we talked about previously is
15 the issue of the very high cost children. And my
16 question to you is let's say a private school can
17 basically run a program for any amount, any amount of
18 money. So, how do you get a handle on some kind of
19 capping to keep the costs from escalating out of
20 control for the low incident high cost children?

21 DR. HOXBY: Right. Well, let me back up a
22 second and say I think, let me say I think we should

23

1 not be rejecting the better in search of the perfect.
2 We are never going to be able to solve the problem
3 that there are some, a very small number of children
4 who have extremely high costs associated with them
5 and that those costs will probably always be
6 controversial.

7 They are individual children who cannot be
8 put into a category in any meaningful way. And there
9 will be wrangling between different experts,
10 different schools and parents about exactly how much
11 funding should go with those children.

12 I don't really think that school choice is
13 going to help you a great with those children, to be
14 quite honest. It just doesn't solve that problem.
15 What it could be very helpful with is students who
16 are disabled in categories of disabilities that are
17 sufficiently common that schools and experts could
18 have a reasonable degree of agreement on what is the
19 level of funding that we now have for these students
20 and what is a normal level of funding for that
21 category of students.

22 Therefore, if you have a student who's

23

1 totally exceptional, there is no such thing as what
2 is the state's normal level of funding for student
3 like this type. That just doesn't exist as a number.
4 I think when I said we don't want to reject the
5 better in search of the perfect, the real question is
6 can a parent with a disabled child whose disability
7 is not rare, exceptional, unusual, be able to take
8 the funding that is currently allocated to his
9 child's education, which as a rule is at a minimum
10 110 percent of regular per-pupil spending and ranges,
11 I'm talking about common categories of disability
12 ranges up to two and-a-half times of regular per-
13 pupil spending.

14 Can you make much better use of those
15 funds? And the vast majority; although it is the
16 case that these children are not the most expensive
17 children to educate, the vast majority of funding for
18 special education in the United States does go to
19 children who are in this range. So, I think we don't
20 want to, we don't want to ignore this range of
21 students.

22 CHAIRMAN BRANSTAD: Adela Acosta. Jay

23

1 Chambers.

2 MR. CHAMBERS: Dr. Hoxby, it's a pleasure
3 to welcome a fellow economist to the table. I've got
4 a couple of questions. First, I guess I'm struggling
5 with the data that you presented that suggested that
6 the parents of disabled children are more involved
7 than the parents of non-disabled children. In the
8 sense that, just by virtue of the nature of the
9 relationship that parents of disabled children have
10 with the school, they're drawn into involvement. I
11 mean, when you count the number of times they spend
12 or the activities with which they get involved in the
13 school. So, I guess I'm wondering to what extent
14 that really doesn't present an accurate picture of
15 their involvement because they're kind of drawn into
16 that system as opposed to the parents of disabled
17 children.

18 DR. HOXBY: Well, I think they are.
19 Perhaps I didn't speak well. The point that I was
20 trying to make was that one of the things that people
21 worry about with school choice is that you'll have
22 choice available to parents. But the parents won't

23

1 interact with the schools. They won't care. They
2 won't find out what choices are open to them. They
3 won't be bothered to talk to a teacher or someone at
4 the school about what might be good for their child.

5 Those types of concerns just do not apply
6 to most parents of disabled children. They are
7 already in there interacting. So, I guess the point
8 I was trying to make was that a set of concerns that
9 people often raise with school choice programs just
10 doesn't apply very much to this group of parents
11 because they are so concerned already.

12 MR. CHAMBERS: I guess I'd also like to
13 follow up with questioning that Cherie began a little
14 while ago. Having just spent about a couple of
15 million dollars worth of government funds collecting
16 data about students with disabilities and trying to
17 figure out the costs, I know how difficult that is.
18 I also know how difficult it is to figure out the
19 relationships between the characteristics or the
20 needs of children and how much, how many dollars are
21 going to be required to provide appropriate services.

22 I'm still struggling. I'm picturing a

23

1 bureaucracy at the state level. I'm picturing
2 possibly complex models that I've had an awful lot of
3 trouble trying to figure out having spent the last
4 ten years of my life doing research in this area,
5 figuring out exactly how one arrives in some
6 objective way to a fee that is associated with the
7 necessary dollars to provide a child even in the
8 range you talk about of 110 to, you know, two and-a-
9 half times, 1.1 to two and-a-half times the
10 expenditure of a regular child.

11 How do you arrive at a number? Can you
12 elaborate a little bit more on that, please?

13 DR. HOXBY: Okay. So, I think there are
14 two ways; I agree with you. It is very difficult to,
15 if you or I were to try to come up with a definitive
16 set of estimates of exactly what is the cost of each
17 child IEP, I think it would be a very hard thing to
18 do. So, that's why I said at a first-pass, what we
19 could do is we could say, all right. We don't know
20 whether the current funding schemes are right or
21 wrong. But what I'm going to do is I'm going to take
22 the State of Ohio's School Finance Scheme and I'm

23

1 going to look at an individual child's, this is an
2 easy thing to do, an individual child and say, well,
3 I know how much is coming to him from local spending.
4 I know how much is coming to him because of the state
5 categorical aid. So, he might fit into one or more
6 of the state's categorical aid programs. And I also
7 know what his pupil weight is in this state school
8 finance scheme.

9 So, I can figure out how much extra the
10 school district is getting from the state through its
11 school finance scheme because he is present in the
12 district. And then I'm going to look at any federal
13 categorical programs that he fits into and I'll take
14 the funds from those two. I'll just add up all of
15 those pots of money. That may not be the most ideal
16 way to calculate it but that is the money that is
17 appropriated to him right now.

18 And I think at a minimum we can say that
19 whether or not that's the ideal amount, I don't think
20 it probably is the ideal amount in many cases. At a
21 minimum the parent should be able to have the sort of
22 leverage that is associated with those funds.

1 There's no doubt about whether those funds exist in
2 the system because of that child. They do exist.
3 So, at a minimum, say, as a parent you should at
4 least have the leverage associated with the funds
5 that already exist in the system because of your
6 child.

7 Now, a more ideal system, as I talked
8 about, really goes to trying to figure out how much
9 it does cost to implement an individual education
10 program. And there, I think, what you have to do is
11 try and get, you essentially have to try and elicit
12 that information from the market. Just like it's
13 very difficult if you and I were to; I'm going to
14 talk economics before my minute, but if you and I
15 were to try to figure out what every item should cost
16 in the grocery store, that would be very tough.
17 Basically those prices are set by the market.

18 And I think we need to, again, try and
19 make use of the information that we would find out if
20 parents were to try and exercise choice and we would
21 find that certain categories of disabled students
22 have lots of access and have lots of success finding
23

1 choices open to them. And other categories of
2 students did not. We would know who needed to have
3 their fees raised.

4 So, that's essentially, as you move
5 towards that, you're going to get a better system.

6 MR. CHAMBERS: In response to the
7 encouragement under IDEA of moving away from systems
8 that encourage identification, that encourage
9 placement. And when we start thinking about the
10 difficulty with even identifying the students in the
11 groups that you're talking about, the high incident
12 students, I'm trying to picture how the states that
13 have moved towards census based funding systems, and
14 many have where the funding is based on population.
15 It has nothing to do with the number of special ed
16 children in a school. They've moved away from
17 counting kids because of the difficulties of
18 identifying kids.

19 The money that's available for those kids
20 right now is going to be whatever is available for
21 virtually every other kid in the system.

22 DR. HOXBY: There are a few states, you're

23

1 right, that have moved towards census based funding.
2 But still probably 46 states out of the 50 states
3 have systems in which there's either categorical aid
4 or there are pupil weights that are based on pupil
5 categories. So, I can't say that this is going to
6 work for every state. But 46 out of 50 is not, is
7 not peanuts in terms of trying to understand how we
8 could move towards a better system.

9 As I say, I don't think this is a perfect
10 system. I'm simply trying to say we have a system
11 now. The question is can we improve upon the system
12 we have now. Not necessarily can we get to an ideal
13 system.

14 MR. CHAMBERS: I'll stop questioning at
15 that point but I have to admit my frustration in
16 figuring out exactly, other than the fact that you
17 stated full funding. In other words, whatever
18 dollars this child would have gotten in one system,
19 that child should have access to that same set of
20 dollars in another system or in another context. I'm
21 still trying to figure out how one determines that
22 amount. So, I'll stop there.

23

1 CHAIRMAN BRANSTAD: Bryan Hassel.

2 MR. HASSEL: Let me just pick up where Jay
3 left off. I think it might be helpful if you could
4 say a little bit more, a little more elaboration on
5 how this market like or auction like mechanism would
6 actually work. I know you were brief in your
7 comments. They probably told you to be brief. But I
8 think some elaboration on that would be helpful to us
9 in understanding what it would look like in a state
10 or in a district.

11

12 DR. HOXBY: Right. Okay, I can tell you,
13 I can also; one of the reasons I was brief was that
14 it's one of those things that, unfortunately, easier
15 to describe with equations and things than it is
16 with, in words. But that being said, this is the
17 basic way it works. Let's say we had a group of
18 choice schools and they all had the same group of
19 students applying to them, just to keep it easy. So,
20 they have maybe 100 students each applying to them.
21 And there were ten schools. And what you would
22 basically do was you would ask the schools either to

23

1 rank individual students or rank categories of
2 students. So they might rank a group of students who
3 have the same types of problem.

4 And when they were doing that ranking they
5 would know essentially what funding would be
6 following the student to their school. Now, if you
7 thought that the funding that was following a student
8 was really far too low to be able to implement his
9 IEP effectively, you would want to put him low in
10 your ranking just because you would think, well, if
11 he comes to my school, I will have difficulty
12 actually fulfilling his IEP and fulfilling the
13 mandates.

14 Well, that information comes back up to
15 the state government or the local government that's
16 implementing this choice scheme. They'd look at all
17 these rankings and they say, we notice that let's say
18 a learning disabled children tend to be ranked lower
19 than some other categories of children. That
20 suggests that the funding for them is not high
21 enough. So, we're going to raise the funding for
22 them. And then we're going to send, we're going to

23

1 send these lists back to the schools and we're going
2 to see whether, in fact, the student has now, are
3 ranked equally with other types of students.

4 What you're really looking for is you're
5 looking for the schools to be telling you or giving
6 you the information that says, okay, I now think that
7 the funding is high enough so that when I'm asked to
8 implement the individual education program, I do not
9 feel that I have to find some of the funding from
10 some place else. I have to take it from some other
11 students. I have to take it away from some overhead
12 costs that I was going to otherwise have.

13 And those sorts of mechanisms are used.
14 There's no real auction done and this is all done
15 before anyone ever goes to a school. But when these
16 mechanisms are run, it's a good way to try and get
17 the schools to tell us what it is that they think
18 it's going to cost to implement a child's IEP. And
19 what you come out with is a sort of typical, a
20 typical cost of implementing a child's IEP.

21 Now, I think that these schemes are
22 difficult to run in practice. They are used in

23

1 relatively closed settings where you have a certain
2 number of, a relatively small number of students.
3 And that's why I should have presented two types of
4 schemes. On the one hand, let's just take the
5 funding that's associated with the child. Let's
6 figure out what that is. That's something that we
7 can do quickly. On the other hand, let's try and
8 think about how we learn to adjust these fees
9 appropriately.

10 And maybe you want to start, maybe you
11 want to start with one and move towards the other
12 gradually as you learn that certain groups of
13 students do not seem to be able to exercise school
14 choice effectively as others. That would give you
15 the same signals that says we need to adjust funding
16 upwards for that category of students.

17 MR. HASSEL: So, the trigger that would
18 tell the state, for example, that a student was not
19 adequately funded, would be low ranking by schools
20 that the student wanted to go to, which also would
21 translate, would that translate into the student not
22 being admitted to the school under this kind of

23

1 scheme?

2 DR. HOXBY: In this scheme, this scheme
3 would actually, this mechanism would actually operate
4 before anyone was admitted to any school. But it
5 would be similar to saying that if the child had
6 applied to this school, the school would have been
7 less willing to let him gain access.

8 Now, if we're talking about charter
9 schools, they have to let the child in. What we're
10 saying is the school would have been unhappy because
11 they would have felt under funded, not that they
12 wouldn't have admitted him. We're trying to get the
13 school to tell us whether they would have been
14 unhappy, basically.

15 MR. HASSEL: One possibility, it would
16 seem, under such a system would be that the total
17 spending for special needs children would be higher
18 than it is today or lower. I really can't tell which
19 way it would go in the abstract. But it's possible
20 that through a kind of process like this, amount of
21 spending that was deemed necessary would go up or
22 down. And if it went up, I guess that creates a

23

1 fiscal challenge for a state. But you're not
2 suggesting that it would automatically rise or fall.
3 There would be some mechanism at the state that would
4 allocate whatever resources were available as well as
5 they could given what the system was telling them
6 about costs.

7 DR. HOXBY: Well, if we think about the
8 idea of, if we think about the principle at stake, I
9 think the principle at stake is that children with
10 special needs should have appropriate education. And
11 they should be able to exercise the same, they should
12 be able to have the same educational opportunities as
13 are open to other children.

14 If this system were to reveal to us that
15 more funding were needed so that they did, they were
16 able to exercise choices effectively, that, I think,
17 would be the system telling us that we had not
18 actually been fulfilling the principle before.

19 So, yes, I think, this is a system that
20 would say it's possible that you could find out that
21 really more funding is needed because you were not
22 sufficiently funding some disabled students

23

1 previously. You could also find that you might have
2 been over funding some students. I don't claim to
3 know the direction. But I do think it tells you
4 what, how well you're fulfilling the principle.

5 CHAIRMAN BRANSTAD: Bill Berine.

6 MR. BERINE: Thank you. Actually Bryan
7 and Jay asked my questions. So, I just have a
8 request, Dr. Hoxby. Your paper, Ideal Vouchers, is
9 that available?

10 DR. HOXBY: It is available. And one of
11 the easiest ways to get it is it's just on my web
12 site so it can be downloaded. And, of course, hard
13 copies can be made available as well.

14 MR. BERINE: Was that distributed, Troy,
15 in that last box of stuff?

16 TROY: --

17 MR. BERINE: All right, great. Thank you.

18 CHAIRMAN BRANSTAD: I think Doug Gill is
19 next.

20 MR. GILL: Thank you, Mr. Chairman. Dr.
21 Hoxby, I appreciated your testimony today. We would
22 liked to have had you in Los Angeles at the Finance

23

1 Committee discussions because I think you have
2 brought kind of a different dimension to this, which
3 I think is very important. And that is the notion of
4 the calculation of revenues available in special
5 education as opposed to a focus simply on
6 expenditures and costs because I do think it's very -
7 - But I also think, given our experience in the State
8 of Washington, that you are correct. It is
9 calculable in terms of what those revenue
10 availabilities are.

11 So, kind of a question that I want to ask
12 you is kind of twofold. One is I think what you're
13 saying is that the implementation of the charter
14 school mechanism approach whatever is certainly
15 linked to the establishment of vouchers or as you
16 prefer to call them, fees. Is that correct?

17 DR. HOXBY: I think how a charter school,
18 whether charter schools are actually going to work
19 for disabled children or not work for disabled
20 children depends totally on how that fee is
21 determined because in some; let me just say, in some
22 states, for instance, in Arizona, a charter school

23

1 will get what they call the State's Basic Aid. Now,
2 that amount is inadequate for anything except
3 possibly a disabled child who has just very, very
4 slight disabilities. It would be completely
5 inadequate for any major disability at all.

6 So, it simply is not the case that a
7 disabled child could make use of the charter school
8 choice system effectively. And I think we can't
9 think about a school choice, we can't think about
10 school choice plans and just forget about the
11 financing. We really have to think about what fee is
12 a child going to carry with him. It's going to make
13 this plan either work or not work very well for
14 students.

15 MR. GILL: Well, I think you are correct
16 and that is an issue that has to be applied to the
17 sum total of special education. I mean, it's very
18 difficult to determine excess cost if you don't know
19 what the baseline costs are for educating any student
20 in that particular system. Then it's difficult to
21 then establish then what is the excess of that let
22 alone what is 40 percent of that excess cost because

23

1 it is highly variable and obviously dependent upon
2 the availability of revenues.

3 DR. HOXBY: Right.

4 MR. GILL: The other question I have for
5 you, and I'll be brief, too, is, and we've heard this
6 before a couple of times. To your knowledge is there
7 any data which show, and I think your data actually
8 show in my estimation an expression of
9 dissatisfaction with the provision of special
10 education in public schools across multiple income
11 level. Is there any data to your knowledge that
12 establishes a relationship between the availability
13 of charter schools and the increased performance of
14 students with disabilities in an educational context?

15 DR. HOXBY: Well, I think we have very
16 limited information. Let me tell you what I think we
17 have. There are two ways we can try and compare the
18 performance of students in charter schools and in
19 regular public schools. Charter schools are public
20 schools so we have to say regular public school. One
21 is that we can compare how much their performance
22 improves on an annual basis before they went to the
23

1 charter school, so when they were still at the
2 regular public school and then after they go to the
3 charter schools. So we can really look before and
4 after for an individual student. That's one way that
5 we make the comparison.

6 And then another way that we make the
7 comparison is to look at students who go to the
8 charter schools who have disabilities and students
9 who remain behind in the regular public schools who
10 also have disabilities. And the best way to do that
11 is to find students whose parents wanted them to go
12 to the charter school but who could not get in
13 because they were put through a lottery and they were
14 put on a waiting list.

15 And that way what you get is equally
16 motivated parents in both groups. There's always the
17 concern that the type of parent who sends their child
18 to a charter school or the type of parent who makes
19 use of a voucher may be a more motivated parent than
20 a parent who does not. So, making these comparisons
21 is not, is not a perfect science. But those are the
22 two things we try to do.

23

1 Let me tell you about what I know about
2 the evidence on both of those. And I will say that I
3 think it's difficult for, I would think it would be
4 difficult for the Commission to get a lot of publicly
5 available evidence on this in part because I know, as
6 one of the people who's conducting one of these
7 studies, that although we can now talk about the
8 results of some of these studies, the confidentiality
9 agreements that we signed at the beginning means that
10 we cannot release a lot of the micro data for another
11 few years.

12 When you compare students to themselves
13 when they were at the regular public schools, what we
14 tend to see is that students with disabilities who
15 attend charter schools are doing slightly better in
16 the charter schools after about two years. But the
17 differences are statistically significant. Students
18 with profound disabilities tend not to be in these
19 programs at all because of the low level of funding
20 in many states for students with disabilities who
21 attend charter schools. They just don't participate.

22 So, we're not going to learn about whether
23

1 they would have done better as well. What we're
2 learning about usually is quite common categories of
3 learning disability.

4 Approximately the same thing is true when
5 we compare students who are in the regular public
6 schools who did not get to attend because they didn't
7 win the lottery. And students who did go to the
8 charter school, we see that after about two years,
9 the disabled students who are attending the charter
10 schools are doing significantly better.

11 Now, this is interesting because what
12 we've generally seen is that this isn't just disabled
13 children who have an IEP. But it is children in
14 general who were coming from the regular public
15 schools with learning deficits just based on their
16 achievement test scores who were not doing very well,
17 who tend to start doing better in the charter
18 schools. And that the charter schools are actually
19 not as good for students who were doing really,
20 really well in the regular public schools I think, in
21 part, because charter schools are too small to offer
22 lots of extra bells and whistles.

23

1 We also have seen that some children with
2 more profound disabilities go to charter schools and
3 return to the regular public schools. And that
4 appears to be because the charter schools just do not
5 have the financing or the funding to be able to
6 implement their IEP's effectively.

7 So, that's the evidence that we know. I
8 can tell you, I can give you the list of people who
9 are evaluating charter schools at this point. But
10 there is not a lot of public evidence out there.

11 MR. GILL: Thank you.

12 CHAIRMAN BRANSTAD: Nancy Grasmick.

13 MS. GRASMICK: Yes, I'd like you to help
14 me resolve this issue of jeopardy. In a state like
15 Maryland, the federal contribution is very small
16 compared to the state and local contribution for
17 students with special needs. The motivation of the
18 state policy makers, general assembly, governor, et
19 cetera, to contribute more money to public education
20 encompasses an interest in providing services for
21 students with special needs.

22 This is a state where there's absolutely

23

1 no interest in charter schools. There's no interest
2 in vouchers. And so going back to something that
3 Cherie said, we, if this were part of the design of a
4 federal requirement, would diminish the motivation on
5 the state and local level for additional
6 contributions of dollars to these students. So
7 that's a jeopardy I see in a state like Maryland.

8 DR. HOXBY: Can I rephrase your question -
9 -

10 MS. GRASMICK: Yes.

11 DR. HOXBY: -- to see whether I got it
12 right. So, what you're concerned about is that if
13 the federal government tries to say that receipt of
14 federal funds for special education would be
15 contingent on the state allowing state and local
16 funds to follow students to choice schools, that the
17 state would have less motivation to put money into
18 special education.

19 I think that's a reasonable concern. I
20 think it would be probably not advisable to write a
21 policy in such a way that one attempted to force
22 states that were not interested. We do always have

23

1 to face the fact that states are the major players in
2 education in the United States. They provide most of
3 the funds. So we can never ignore the states and
4 pretend that their interests are not going to be
5 central.

6 That being said, one can try and encourage
7 states that are already implementing charter school
8 or voucher plans to make sure that those charter
9 school and voucher plans are also usable and
10 accessible for children who have special needs. I
11 think that's something you could hope to do. Do I
12 think you could force a state to have a charter
13 school plan if it didn't want to. I don't think
14 that's very realistic.

15 But I think one could say if you're going
16 to have a charter school plan and you're going to
17 receive federal funds both for charter schools and
18 for IDEA, then you really need to allow this plan to
19 be accessible also to children with special needs.

20 MS. GRASMICK: Thank you.

21 CHAIRMAN BRANSTAD: Dr. Hoxby, in your
22 paper entitled, Ideal Vouchers, that you said that

23

1 maybe it would be more appropriate to talk about
2 ideal fees, you talked about a market sort of
3 approach towards this. Are there any models out
4 there that approximate this?

5 DR. HOXBY: You said market sort of approach to
6 do this. Yes, there are. Most of them are not in,
7 most of them are not in education. So, I hate to
8 even mention them because they sound so bazaar. If
9 we're talking about something like a pollution
10 credits or auctions for information technology
11 spectrum rights, but many of these things are closely
12 related to one another. In fact, sort of had a
13 basic, at a basic level, most of the mechanisms like
14 this that operate in education are in higher
15 education and they're particularly used for trying to
16 insure that students are well matched to programs at
17 the post doctorate level.

18 So, for instance, medical residents are
19 allocated by a system like this. Interns are,
20 medical interns are allocated by this system. I
21 think that interns in many of the other medical
22 related fields including psychiatry and a variety of
23

1 other things like that. But that tends to be where
2 they're most used in education. But these systems
3 are not unknown because they're used in a variety of
4 other circumstances as well.

5 CHAIRMAN BRANSTAD: Thank you. David
6 Gordon.

7 MR. GORDON: I'll pass, Chair.

8 CHAIRMAN BRANSTAD: Okay, Katie Wright.

9 MS. WRIGHT: First of all, I want to
10 commend you for your presentation and to commend this
11 Commission's staff for bringing forth the best and
12 brightest such as yourself. I just got goose pimples
13 about it. And I will be going to Google dot com,
14 typing in Caroline M. Hoxby to look at all of your
15 stuff because I know it's there on the web.

16 My question right now is I know that you
17 have done some work in teacher unionization, the
18 affect of it on funding. I want to know the affects
19 on special education. Has it affected special
20 education funding particularly. And I know that I
21 can go to the Internet and get some of this.

22 DR. HOXBY: Has teacher unionization
23

1 affected special education funding?

2 MS. WRIGHT: Yes, I noticed that you had
3 done some work, some investigation work in the
4 effective teaching unions on funding.

5 DR. HOXBY: Are you interested in the
6 question of whether teacher's unions have affective
7 special education funding or --

8 MS. WRIGHT: Yeah, yeah.

9 DR. HOXBY: Well, teacher's unions have,
10 are, have advocated higher funding in general for
11 schools and have long been advocates of higher
12 funding levels and, in fact, do tend to achieve
13 higher funding levels. When a school district is
14 unionized funding tends to rise by about ten percent.
15 Have the unions been advocates for special education
16 or not I think really depends a bit on the state and
17 the state's formulas.

18 I guess I would say more or less that
19 schools, teacher's unions are interested in teachers.
20 And they're interested in the well being of their
21 teachers. And if they perceive, if they think that
22 their teachers would be better off if there was

23

1 additional funding available to their teachers who
2 are certified a special education teachers, then,
3 yes. I think some unions have been sponsors.

4 But that's going to be consistent because
5 in some cases teacher's unions have been worried
6 about special education programs because they
7 allocate money away from regular classroom teachers
8 and towards other programs. So, the support of
9 teacher's unions for special education funding I
10 don't think has been consistent. I don't know of any
11 hard evidence on it. I'd like to be able to say I
12 know of it but I just don't think it exists. We
13 could get it for you but I don't think it exists
14 right now.

15 MS. WRIGHT: Thank you.

16 CHAIRMAN BRANSTAD: Doug Hunt.

17 MR. HUNTT: Thank you, Mr. Chairman.

18 Wisdom would say that I shouldn't ask question of an
19 economist. I'm just from Landgrad University. But
20 I'd like to go into this. Commissioner Chambers
21 brought up an interesting point. I didn't have goose
22 bumps when he talked but I do have this question for

23

1 you. And this may be too simplistic but in creating
2 an artificial baseline for funding so that funding
3 will follow the student, why couldn't you look at
4 what the optimal costs for disability category would
5 be and then look at the actual costs of what funding
6 is now. And then look at those who have successful
7 outcomes and what their actual costs were and create
8 a baseline based on that data?

9 DR. HOXBY: Well, I think you could. And
10 I actually think we probably want to have an approach
11 that, that's what I would call an expert based
12 approach. So you would take all the data that we
13 have out there. We would take data on students'
14 success. We would take data on what the funding is
15 available to them now and then what people have
16 recommended the optimal funding for this individual
17 education program be. And you would take all of
18 these three sorts of data and try and combine it to
19 come up with a number that you felt to be a
20 reasonable number that could assure success if the
21 child were well matched with school and the school
22 were to use the funds efficiently. It wouldn't be
23

1 enough if you wanted to waste all the money but it
2 would be enough under good circumstances.

3 I think that expert based approach has a
4 lot of merit. And I think it, especially for
5 children who are in relatively unusual categories of
6 disability, that is the only approach that is likely
7 to have very much merit. I think when you come to
8 students with relatively common IEP's, it's probably
9 best to use a combination of what we've just
10 described as the expert approach and what we describe
11 as what schools think they need to implement the IEP.

12 Schools, if you take a range of schools
13 and you ask them to all look at the same IEP and say
14 what would it cost you, that information is important
15 information for us to get back and try and use as
16 well. And that's essentially what an auction like
17 mechanism attempts to use. It's attempting to use
18 the information that the schools have.

19 But I think we want to use information
20 from all the sources about what fees should follow
21 students. I think one of the interesting things now
22 is that we're so far away from actually doing that

23

1 that almost any direction, as long as we're moving in
2 that direction, we are probably moving in a positive
3 direction because we are just not even close.

4 And the school choice programs that we
5 have right now in general don't have any additional
6 funding following the student. So, that tells us how
7 far away we really are from something that would be
8 ideal.

9 MR. HUNTT: So has anyone incorporated the
10 expert approach yet in creating a baseline? Is there
11 any data out there?

12 DR. HOXBY: There's lot of data. In fact,
13 the data situation has gotten incredibly better for
14 people like me recently because of the states being
15 very keen on accountability right now. Many states
16 are testing all of their students. And although
17 often students with IEP's don't count in their
18 accountability programs, they are testing them often
19 in one way or another. So, we do have much better
20 data.

21 I will say this though, the data that we
22 don't have that's very available to people who would

23

1 like to help with this exercise is we have very
2 little information often about the details of a
3 student's IEP. We only know something very vague
4 about what a student's special education category is.
5 And that just does not help sufficiently with trying
6 to understand the relationship between cost and
7 success and disability.

8 MR. HUNTT: Thank you.

9 CHAIRMAN BRANSTAD: Dr. Hoxby, thank you
10 for your enlightening presentation and your distinct
11 answer to our many questions.

12 We're going to take a break right now, I
13 think, till 11:10. So, it's about 10:40 right now.
14 So, we're right on time. I want to thank everybody.

15 (A break was taken at 10:40 a.m.)

16 CHAIRMAN BRANSTAD: We had a long session
17 this without a break this morning. I want to thank
18 all of you for your attention through that. I think
19 we had some excellent presentations. We have a
20 couple of ad hoc task forces that have met via
21 conference calls in the last few days. And I want to
22 ask the chairs of those task forces to report to the

23

1 panel or to the Commission members. So, Alan
2 Coulter, I'll turn it over to you. And then the
3 other one will be Doug Hunt's group, okay? So Alan
4 first.

5 MR. COULTER: Thank you, Governor. We had
6 a conference call last week actually to discuss the
7 ad hoc task force that was approved by the Commission
8 in Houston. And we provided a title which we're
9 going to share with you as well as we have a bit of a
10 mission description. The title of this task force is
11 the OSEP Task Force. It's the Commission task force
12 on OSEP Role and Function. And the members of that
13 task force currently are Bill Berine, Jack Fletcher,
14 Katie Wright and myself.

15 And we have scheduled or we have asked
16 Commission staff to schedule a hearing in Washington,
17 D.C. on April the 26th, which is a Friday. And we
18 hope to have some time over the next two days to
19 discuss the witness list for that hearing. Todd will
20 tell you that we're a little limited in our
21 resources, actually probably seriously restricted in
22 the resources. So we're going to be asking for

23

1 witnesses; and that's part of the reason, I should
2 say, also for scheduling it in Washington D.C. We're
3 going to be asking witnesses either from the Beltway
4 area or witnesses to pay their own expenses because
5 of those restricted resources.

6 We're very much interested in; we studied
7 carefully the transcript from the Houston meeting and
8 the comments that were made by Bill Berine and the
9 comments that were made by Mr. Sontag, Dr. Sontag and
10 also Brian Hassel and Jack Fletcher. So, we think we
11 have a very good sense of what we're going to look
12 at. We're going to be looking at those areas of OSEP
13 functions that are not covered in any of the content
14 of the other hearings.

15 So, and it's, to a certain extent,
16 scheduling it for April the 26th is advantageous
17 because almost all of the hearings will have been
18 conducted, task force hearings will have been
19 conducted by then. And we anticipate and would
20 invite any commissioners that are interested to join
21 us or to give us any questions or recommendations for
22 witnesses.

23

1 Thank you, Governor.

2

3 CHAIRMAN BRANSTAD: Okay. Any other
4 members of that ad hoc task force on Special
5 Education Policy, Role and Function would like to
6 comment?

7 MS. WRIGHT: I'd just like to comment how
8 helpful --

9 CHAIRMAN BRANSTAD: Katie, go ahead.
10 Please speak into the microphone so we can hear you.

11 MS. WRIGHT: I would just like to comment
12 how helpful that teleconference was to me and how
13 much I know that we need this particular ad hoc
14 committee to meet. I will not be able to meet on the
15 26th, but I'll get information for my chair. And
16 this is very, very helpful and much needed.

17 Thank you, Mr. Chairman.

18 CHAIRMAN BRANSTAD: Thank you, Katie. Any
19 other comments or questions of Alan or his task
20 force? We'll recognize Doug Hunt to report on the
21 other ad hoc task force.

22 MR. HUNTT: Thank you, Mr. Chairman. We

23

1 don't have such a fancy title. We are the task force
2 on the transition from school to adult life. Maybe
3 we can work with Alan and try to be a little more
4 creative.

5 We also had a task force meeting. It was
6 a very productive meeting. We had set April 30th to
7 have a hearing in Washington, D.C. And like the OSEP
8 Committee, we are limited in our funds available to
9 outside speakers. But we do have a list of about
10 eight folks now to come out and present to the
11 committee. I would encourage the rest of the
12 Commission, if they have any suggestions for us, to
13 get those to us right away. And also to encourage
14 you to come out to the event on the 30th.

15 The committee is composed of Bob
16 Pasternack, Bill Berine and Cherie and myself. And
17 again, it was a very productive meeting and if you
18 have any additional questions, we'd be happy to
19 answer those.

20 MS. GRASMICK: -- other than Washington --

21

22 MR. HUNTT: Do we --

23

1 CHAIRMAN BRANSTAD: I'm sorry, Nancy, you
2 need to speak in the microphone.

3 MS. GRASMICK: Oh, I was asking about a
4 specific location for that meeting.

5 MR. JONES: Actually, literally it was
6 finalized on Friday that we're going to do it in
7 Washington officially. And we started looking about
8 a week before that for a location but we haven't set
9 a hotel. It will likely be a hotel in the Washington
10 area.

11 MR. HUNTT: We additionally agreed, Mr.
12 Chairman, to ask for public comments specifically
13 toward transition from school to adult life. So, as
14 we print this material up or put it on the web site
15 we're going to encourage folks to come out and give
16 their input as well.

17 MR. BERINE: If I may, we specifically
18 asked for, make sure we had consumer input and from
19 parents, family groups to be representative.

20 MR. HUNTT: That's correct, thank you,
21 Bill.

22 MR. JONES: Mr. Hunt, if I could also
23

1 point out, just to re-emphasize that. The public
2 comment, with both of these meetings in Washington
3 within a few days of each other, the public comment
4 period for the transition group is being specifically
5 limited to individuals who are speaking on the issue
6 of transitions. That's a distinction from all the
7 other public comment periods. But it's consistent
8 with the policy that was adopted to have public
9 comment back in January, which is the task forces
10 have the authority to limit the topic of public
11 comment to the topic of the task force. And this
12 task force has chosen to do that.

13 MR. HUNTT: That's correct, thank you.

14 CHAIRMAN BRANSTAD: Any other comments or
15 suggestions about that task force? Yes, on another
16 topic, Michael?

17 MR. RIVAS: Well, it's on the task force
18 but it's in general. And I'm talking about like the
19 San Diego task force or the New York task force. I
20 would like to recommend the day after we have the
21 hearings if we can have the Commissioners who are
22 able to stay and maybe 8:00 to 10:00 o'clock in the

23

1 morning kind of discuss, you know, a little bit more
2 of what transpired the day before, ideas and how we
3 interpreted what we heard, if that can be done.

4 MR. JONES: I do know as a practical
5 matter with the New York hearing, it's going to be
6 difficult for some our commissioners who, I know,
7 some are leaving that night but also we have, I
8 believe, one commissioner, I believe it's Jack
9 Fletcher, who's leaving New York and going to
10 Nashville, as are all of the staff because of those
11 hearings being just two days apart.

12 MR. RIVAS: Okay.

13 MR. JONES: The San Diego option might be
14 viable. In San Diego we have, I believe, both of our
15 Californians. Are you in San Diego? I believe we
16 have our Californians. So, that may play an issue.
17 For the rest of us, as a practical matter, difficult
18 to leave San Diego and return to our homes that
19 night. So, I know most folks are staying and that
20 might be viable after the meeting that day. But
21 we'll have to check on the travel schedules of folks
22 who are coming in and out of those two meetings.

23

1 MR. RIVAS: Yeah, I didn't realize the New
2 York and the Nashville task force were so closed.

3 CHAIRMAN BRANSTAD: Jack.

4 MR. FLETCHER: But I do think it's
5 possible to meet in New York in the morning
6 afterwards because I suspect some of us will not be
7 able to get out that night.

8 CHAIRMAN BRANSTAD: I think the best thing
9 would be to have people report to Todd what your
10 schedules look like and see if there's enough folks
11 that it makes sense. I think the suggestion is a
12 very good one if there's enough people that can stay.
13 I would say also I think there's some questions, I
14 think we have quite an interest in the presentation
15 from the public this afternoon. And I have
16 indicated, as we did with the public hearing in Des
17 Moines that if we're not able to cover everybody in
18 the hour that's been allotted that I'm willing to
19 stay longer so that others that otherwise wouldn't
20 have been able to make a presentation will have that
21 opportunity.

22 And I guess we can leave it optional to
23

1 the other commissioners. Some people may have to go
2 on to the reception or whatever. But I thought we
3 would just, at least I'm going to be, make myself
4 available.

5 PARTICIPANT: I'll stay.

6 CHAIRMAN BRANSTAD: Yeah. So, and I guess
7 I would leave it up to each of you and as many as
8 that can stay, I would encourage that because I think
9 it's real important we try to keep this process open.
10 And we want to make sure that people feel that they
11 have an opportunity to be heard. And I know that the
12 time is limited. But I think the turnout here today
13 is an indication of the interest and I think parental
14 participation and the involvement of parents in this
15 process is one of the most important issues. And
16 that's become obvious to me as we've gone through the
17 process.

18 So, I just wanted to make that
19 announcement at this time so that those of you that
20 weren't able to get in that first hour, there will be
21 an opportunity to present and several of us will be
22 able to stay.

23

1 Now, we have reports from the other two
2 task forces? Well, actually, Steve Bartlett, do you
3 want to give a report on task, I think it was
4 Accountability Task Force that met in Des Moines.

5 MR. BARTLETT: Yes, sir, I'd be happy to.
6 And the other task force members should shine in.
7 First of all, let me say, Mr. Chair, we have not met.
8 We have met a couple of times as a task force and
9 just sort of discuss some of the observations of the
10 task force members and questions and ideas that we
11 have. But my report is not designed to make a report
12 today as to what our conclusions are because we
13 haven't met and reached those conclusions.

14 But I will offer some preliminary ideas
15 that I've heard from other task force members and
16 from, and based on our witnesses. So I quickly say
17 to other task force members that these are ideas and
18 the task force will still come back with our
19 conclusions that we reach as a group.

20 One is that we, there's a good deal of
21 thought in a positive way towards some type of a high
22 cost reimbursement system. A lot of the ways this

23

1 funding system just simply doesn't work is because of
2 the large degree of cost differences between LD
3 students or there are a very low incidents of
4 students. So, we're thinking that through some.

5 The second is is that we have a general
6 belief that there has to be replacement for the
7 current sudden death of sanctions which is to take
8 away the school district's money in the event of non-
9 performance because that's, we've all discussed at
10 some time. That's kind of a non-started. It's that
11 kind of a punishment that simply doesn't work. So,
12 we're thinking in some ways in which the federal
13 government can provide a high level of technical
14 assistance and perhaps in the point of directing the
15 funds in the school district if it just simply falls,
16 continues to fail on the accountability measure.

17 We are thinking through accountability
18 measures in which, as has happened in many states
19 with the overall of, the general education system, in
20 which the school is ranked right to the school house
21 based on their performance, academic performance.

22 And those rankings, and most states use quantiles but

23

1 there are various kind of rankings that you can have.
2 Those rankings are published annually and are
3 required to be sort of generally available at the
4 same general time every year and in a highly visible
5 form so that this community and the parents can begin
6 to understand how their school ranks against standard
7 accountability.

8 We have talked a good deal about the need
9 for a unified accountability system between special
10 and regular ed. Quite frankly, none of us like what
11 we saw in Houston, and that was one accountability
12 system for regular ed and then nothing at all for
13 special ed. So we really do see the need for a, at
14 least preliminary for a unified system in which
15 special ed students are in the same assessment model.

16 We got some good testimony in Des Moines
17 about the need to have a loop or an annual
18 satisfaction survey so that every year or on some
19 periodic basis a school district is required to ask
20 their parents and others involved in the system for
21 some kind of feedback on how well they're doing and
22 then compare that to the previous year.

23

1 We heard a good deal, as I'm sure all the
2 task forces have about the urgent need to reduce
3 paperwork in the classroom with the IEP's, with the
4 whole, the whole thing. We haven't heard anyone tell
5 us yet on how we would do that as a commission. So,
6 one of the ideas that's floating around is some kind
7 of a requirement that the secretary bring back to
8 Congress within some period of time, a paperwork
9 reduction plan.

10 On accountability, we really do think that
11 the model we heard in Houston, particularly for;
12 well, principally for learning disability side of the
13 equation of services first and assessment later.
14 Really makes a lot of sense because in terms of
15 accountability, the accountability system is directly
16 into the services and assessment model because you
17 offer services to see if you can bring reading scores
18 up. And if you bring them up, well, then that's also
19 the clear accountability.

20 And then from my perspective and again, I
21 don't know that this is, we haven't talked about it
22 as a task force or reached any kind of conclusion,
23

1 but I'll just share as one Chair. My conclusion from
2 this morning so far, from all that we've heard at the
3 three different hearings I've been in attendance is
4 that parental choice is the ultimate accountability
5 system. And I'm increasingly convinced that at the
6 end of the day we need to have some kind of a system
7 where the money can follow the child and use that as
8 the basis for our accountability model. If we
9 proposal that likely will be somewhat of a
10 controversial recommendation. So, I'm not speaking
11 for the task force at this point but from my
12 observation over the last three hearings.

13 CHAIRMAN BRANSTAD: Anybody else who would
14 like to comment on the accountability task force?
15 Cherie?

16 MS. TAKEMOTO: With regards to the reduced
17 paperwork, it seemed to me that Iowa had some good
18 models for reducing the paperwork in the IEP that had
19 to do a little bit with standardization and outcome.
20 At the same time I've heard not only in Houston from
21 teachers but also from parents and others that a lot
22 of that paperwork has to do with lack of automated

23

1 format. That if there was an automated format it
2 would be much easier to put through. So, that's a
3 piece of what I've heard so far on that.

4 The other thing that I was surprised about
5 is that the assessment instruments used for student
6 accountability, particularly the NAP, is that what
7 it's called?

8 CHAIRMAN BRANSTAD: NAEP.

9 MS. TAKEMOTO: NAEP? Are not necessarily
10 --

11 CHAIRMAN BRANSTAD: National Assessment of
12 Education Progress, NAEP.

13 MS. TAKEMOTO: -- are not accessible for
14 all students. And it bothers me that we are testing
15 our students nationally with a tool that doesn't
16 allow for many of the standard accommodations that
17 students with disabilities commonly use, nor is it
18 norm for all students. So, I guess that's a surprise
19 and a concern and also a frustration that I also
20 heard that. And there's no, they are not held by the
21 same standard because of, something about ADA and
22 federal accountability. Can someone explain that to
23

1 me again so I, so we have that information?

2 MR. JONES: Well, again, the NAEP is not,
3 because it is a federally operated program, and again
4 I'm going back to my understanding of it, the
5 obligations for providing accommodations in its
6 operation do not have to comply with another
7 mechanism that is operated from within the federal
8 government. In other words, Congress has constructed
9 an ADA in a way and NAEP in such a way that the
10 structure of NAEP is not driven by how ADA is
11 enforced by any enforcement agency.

12 CHAIRMAN BRANSTAD: The Congress basically
13 exempted the federal government from ADA.

14 MR. JONES: Well, with some exceptions but
15 I think that's one of the, you know, one of the
16 concerns.

17 MS. TAKEMOTO: But it seems to me that if
18 IDEA money is going out that that one piece that we
19 could consider is that no IDEA money will be spent on
20 any kind of testing that is not acceptable. Now,
21 that's, it's just wild to me and surprising and
22 disappointing and frustrating that a national

23

1 accountability system is not accessible to all
2 students. And I don't, I don't think that's what
3 Congress intended. You were part of that, Mr.
4 Bartlett.

5 MR. BARTLETT: But I'm daily surprised by
6 the implementation of ADA. So, the federal
7 government is not exempt from ADA but --

8 CHAIRMAN BRANSTAD: I guess the Congress
9 itself is exempt --

10 MR. BARTLETT: No, no. The Congress tried
11 mightily to exempt itself from ADA but the Congress
12 is specifically included in ADA.

13

14 CHAIRMAN BRANSTAD: Okay, well, thank you
15 for correcting me.

16 MR. BARTLETT: Page 719 in the bill.

17 MS. TAKEMOTO: So, I would like to see --

18 MR. BARTLETT: They didn't like it, Mr.
19 Chairman, but --

20 CHAIRMAN BRANSTAD: It's nice to know
21 somebody that really does know.

22 MS. TAKEMOTO: So, I would like to see

23

1 recommendations also dealing with accessibility for
2 the assessments, accessibility for assessments should
3 be ground zero in there.

4 CHAIRMAN BRANSTAD: Okay, other comments?
5 We have two more task forces. Doug Gill, do you want
6 to report on your task force?

7 MR. GILL: Well, I'll certainly say the
8 same thing that Commissioner Bartlett said and that's
9 anyone who's a member of the task force that was
10 there and feels like they would like to chime in,
11 please feel free to do so. As everyone knows finance
12 certainly is a thread that runs through all of the
13 hearings and all of the information that we've heard
14 so far.

15 We did specifically dedicate the 21st of
16 March in Los Angeles on this particular topic. And
17 we had certainly, as we've had in all of our
18 meetings, I think some very informative panels. One
19 of the things that I do think is that Dr. Hoxby this
20 morning certainly would have enhanced the
21 conversation in Los Angeles to some extent.

22 There seems to me to be probably about
23

1 three issues associated with finance and cost that
2 keep coming up. And we have not had the opportunity
3 to debrief after our task force either. But I think
4 this notion of high cost reimbursement is certainly
5 an issue that we heard in Los Angeles. The notion of
6 being able to clarify what, in fact, is excess cost
7 and establish a baseline for cost determination in
8 special ed is clearly an issue.

9 Another issue is around the use of federal
10 funds, how states, districts might choose to use
11 those monies. I think those are probably three areas
12 which some of the recommendations might center on.
13 We have tried to establish at least through some
14 testimony in Los Angeles at least some filters for
15 recommendations that come through regarding finance.

16

17 And I would say first of all that finance
18 is a very complex issue and is variable as there are
19 states and districts in this nation. But I think
20 what we decided to use or at least thought about and
21 introduced into testimony is kind of a three part
22 test for the recommendations is that first of all,

23

1 any recommendation be definable. Secondly that the
2 recommendations be defensible and third of all that
3 those recommendations be equitable so that those who
4 are spending more, not penalize those who are
5 spending less or not some how rewarded by some sort
6 of change to the allocation system or whatever we're
7 able to come up with.

8 So, I think the recommendations that might
9 flow out finance are sort of influx at this point in
10 time. They're starting to emerge. They haven't yet
11 crystallized, I guess would be the best way for me to
12 describe that. But I think the themes of use of
13 funds, high cost reimbursement systems, models, et
14 cetera, and clarification of what is excess cost and
15 subsequently what would that 40 percent of that
16 number be seemed to be thematic, at least in what we
17 heard in Los Angeles.

18 If any of the other task force members
19 would like to comment --

20 CHAIRMAN BRANSTAD: Any of the other task
21 force members like to comment? Jay?

22 MR. CHAMBERS: The only question I have is
23

1 whether we are going to have time besides just those
2 fleeting phone calls to sit down and really kind of -
3 -

4 CHAIRMAN BRANSTAD: Try to pull this
5 together?

6 MR. CHAMBERS: -- hash through these
7 things out. A one hour phone call is nice but it's,
8 I don't think it's going to be satisfactory to really
9 come to some conclusions.

10 MR. JONES: Maybe it would be worth going
11 over a little bit about the process from here as we
12 go forward. Over the course of late April and early
13 May, the task forces are going to have a series of
14 phone calls that's staff, over the next couple of
15 weeks, are going to start scheduling with regularity.
16 And you'll be talking on the phone, frankly, more
17 than you can imagine. Just please understand that
18 staff have to be on all of those calls and our
19 torture is just an expedient level beyond that for
20 at least our ears where the head piece goes on. Not
21 the content is torture. It's the physical implements
22 of communication.

23

1 And the purpose of that will be to work
2 around, to work around the content of what the task
3 force recommendations to the broader committee are.
4 Once those are brought to the floor, committee, the
5 whole committee will have a chance to look at the
6 recommendation of the task force. And those are the
7 pieces that are going to be made public for further
8 public debate. Those will be the recommendations
9 that are put forth to the Commission because the
10 process of task forces under the Sunshine Laws is
11 that you must report to the Commission. Those
12 reports are public.

13 The form of our reports as a Commission
14 will be, or as task forces will be the content, the
15 meat in those reports. And then that will be the
16 course of our conversations in May and if necessary,
17 in June.

18 CHAIRMAN BRANSTAD: So that everybody
19 understands, what you're saying is there will be a
20 series of teleconferences for the different task
21 forces in late April and early May. Is that right?
22 Is that the time schedule on that?

23

1 MR. JONES: Yes, it is. And then through
2 May. And then the meeting in May is where things are
3 brought together for further discussions. And if
4 discussions need to be beyond that, that's what
5 occurs in June.

6 CHAIRMAN BRANSTAD: SO, at that meeting in
7 May, we will have written recommendations from the
8 task forces that will be presented to the full
9 Commission?

10 MR. JONES: You'll actually have them
11 before that meeting, before that meeting for your
12 discussion.

13 CHAIRMAN BRANSTAD: Anybody else have any
14 questions because I think this is kind of really
15 critical. We're at the point of now trying to pull
16 this together. And I think, at least I have a little
17 bit of concern, you know, it's a lot of material to
18 try to bring together and to try to have
19 recommendations from the task forces that are a true
20 consensus of the members of those task forces. So,
21 is there any further discussions? Cherie Takemoto?
22 Or Jay, you still had the floor?

23

1 MR. CHAMBERS: I hope so. I lost it once
2 earlier this morning.

3 CHAIRMAN BRANSTAD: I'll try not to let
4 that happen again.

5 MR. CHAMBERS: Thank you. I think the
6 thing I'm concerned about, I know the phone calls,
7 we've got to do something to try to use money
8 effectively. And phone calls can be very helpful but
9 it's tough to brainstorm, in my view, on the phone.
10 It's a lot easier if you can see people, we can react
11 to the body language and all the other nuisances.
12 And the silence that sometimes can occur on a phone
13 call.

14 And I really do feel like before some of
15 this, these recommendations become written, I almost
16 feel like I would like to have those brainstorming
17 sessions where we could spend, you know, two to four
18 hours with our fellow task force members and kind of
19 hash out some things and think about some issues and
20 help you formulate what will be your written
21 recommendations.

22 And then following that have us be able to
23

1 review it and come back and say, did this really
2 reflect our sessions. I know you're trying to do
3 that with the phone calls but I'm not convinced that
4 the phone calls will permit us to accomplish that.

5 MR. JONES: Well, I will make a comment.
6 These won't be staff recommendations. These will be
7 driven by the written and oral recommendations of the
8 members of the task forces as the first drafts are
9 created. But as a practical matter, we have the time
10 frame and budget the President's given us. And we
11 are stretching it. We have trimmed in one area
12 that's allowing us to have the task force meetings in
13 Washington that we're having. But frankly, we're
14 running at, close to or if not a little above budget.
15 And travel is our single largest expense.

16 And aside from the expense side has also
17 been the logistic side. Getting people to commit
18 time to come to the meeting has been very difficult.
19 And while we have some folks who have been able to
20 commit, we, you know, we right now have three
21 commissioners who weren't able to attend this
22 meeting. And we've had a number had to miss their

23

1 task force meetings. Not many but a couple. And
2 it's been related to the other commitments involved.
3 And it's frankly been difficult to get those
4 commitments. So both budget and time commitment
5 issues have strain this.

6 CHAIRMAN BRANSTAD: Other questions or
7 comments about this? Yes, Steve.

8 MR. BARTLETT: Perhaps Todd could give us
9 some time today or this evening or in the morning,
10 maybe a preliminary draft of when you'd expect the
11 task forces to meet.

12 MR. JONES: Actually --

13 MR. BARTLETT: There are only 45 days left
14 between now and May 31st so you don't have many dates
15 to choose from.

16 MR. JONES: No, actually I can't do that
17 and it was partly because we had to wait until
18 literally the ad hoc task force conference calls were
19 at 4:00 o'clock and 5:00 o'clock or 3:30 and 5:00
20 last Friday. And until we had those in the bag and
21 when those meetings would occur, we couldn't from
22 there schedule. So when I say to my staff about

23

1 scheduling, we're going to talk on Thursday and
2 Friday about that schedule and hopeful have a draft
3 schedule out this week.

4 But as a logistical matter, it's simply
5 not been possible prior to yesterday. We spent
6 yesterday the same place you did or all of you did,
7 which was up in the air.

8 CHAIRMAN BRANSTAD: Doug Hunt.

9 MR. HUNTT: Mr. Chairman, what is the May
10 agenda then taking into account Commissioner
11 Chamber's concern? Isn't that something where we
12 could brainstorm in person based on the
13 recommendations and tweak those according to issues?

14 CHAIRMAN BRANSTAD: Yes, I think his
15 concern is they will be in writing by that time and
16 they will be public. And I think, I don't know.
17 Jay, is your concern is that you would like this
18 brainstorming occur before these recommendations
19 become public from the task force coming to the
20 Commission. I think that's what your concern is.
21 You'd like to see the Commission members to be able
22 to have more face to face refinements maybe, working

23

1 on their recommendations.

2 I suspect that our meeting in May, the
3 full Commission, by that time we're going to have
4 prior to that meeting the written recommendations
5 from the task forces which we'll have a chance to
6 review and then come in with our ideas to try to see
7 if we can build a consensus along the lines of the
8 recommendations from the task forces, what changes or
9 adjustments we feel need to be made. And that will
10 determine whether there needs to be another, which I
11 suspect there probably will be.

12 MR. HUNTT: Mr. Chairman, why couldn't the
13 task forces meet in the morning of the May meeting,
14 tweak their recommendations before bringing it to the
15 floor with the whole Commission?

16 MR. JONES: I would recommend against that
17 logistically for two reasons. One is any content
18 revisions that need to occur have to be put forth.
19 And second is to have, and we've had, I won't point
20 to the members here but they all know who they are,
21 people who have told me I want to make sure the
22 public can comment on these recommendations. And

23

1 part of the reason that we're going to press to have
2 task force recommendations existent by mid May is to
3 allow them to be out for public consumption and
4 review and allow public written comments to then be
5 fed back to the Commission.

6 It will be a very compressed time frame.
7 There's no doubt about it. But this Commission has
8 been given by the President five and-a-half months to
9 do its work. And this Commission is interested in
10 hearing from the public and being out in the field
11 and having these meetings. When you make those
12 certain assumptions about the nature of the process,
13 that leads to certain other assumptions about the
14 time involved.

15 The month of June exists. We have a
16 meeting scheduled on your calendars for the second
17 Thursday and Friday in June, which is two weeks after
18 we meet at the end of May. I will also tell you, and
19 this will go out for broader public assumption later
20 this week, again we can get on the Internet, but I
21 would ask you and I'll ask you now to block the last
22 Thursday and Friday of June for your schedules as

23

1 well.

2 If that occurs, if you believe you need to
3 meet, logistically this is what you need. I say that
4 because the logistics of that happening as a
5 practical matter are driven by what you want to do in
6 terms of time. And if you all decide you need more
7 time, that's where it has to come.

8 So, I appreciate your thought, Doug, but
9 that was part of what was driving it was (a) public
10 comment and (b) just the physical logistics of re-
11 writing things. Merely a task force saying, I don't
12 think we should say x, we should say y. And it's
13 much easier to scrap things and we'll be able to do
14 that quickly. But if you want newly created
15 concepts, the physical writing of that will take some
16 time.

17 MS. TAKEMOTO: What did you say about
18 June? I didn't get those dates.

19 MR. JONES: And again, I would simply ask
20 that you block them in case you --

21 MS. TAKEMOTO: What are those dates
22 though?

23

1 MR. JONES: -- decide it's necessary.

2 MS. TAKEMOTO: What are those dates?

3 MR. JONES: Let me back it out. It is the
4 27th and 28th of June.

5 MS. TAKEMOTO: Thank you.

6 MR. JONES: Thursday and Friday.

7 MR. BARTLETT: Did you say something about
8 the second --

9 MR. JONES: I'm sorry --

10 CHAIRMAN BRANSTAD: Yes, you said
11 something about earlier in June.

12 MR. JONES: That's correct. One of the
13 original block days we sent you are the two, Thursday
14 and Friday two weeks before that. So, to back that
15 out, that would be the 13th and 14th. When we did
16 our original schedule back in January we asked you to
17 block those days as the potential fifth meeting of
18 the Commission. And that should be on your schedule
19 now.

20 MS. TAKEMOTO: Are you saying the second,
21 I have the second Thursday and Friday in June and
22 also the last Thursday and Friday in June?

23

1 MR. JONES: I would like to ask you to add
2 that, yes.

3 MS. TAKEMOTO: Okay.

4 MR. JONES: Again, this is to provide you
5 with more flexibility if you choose to have the
6 meeting then. If you don't, and I will tell you, I
7 will greatly encourage you to wrap up by that
8 meeting, to give us two weeks to actually put this
9 into print and do all those things. But --

10 MR. CHAMBERS: To wrap up by which
11 meeting?

12 MR. JONES: The second meeting. The --

13 MR. CHAMBERS: 13, 14th?

14 MR. JONES: -- 13th, 14th because
15 otherwise we will have about 72 hours to meet our
16 statutory deadline from when you adjourn on Friday
17 the 27th. But that's a matter for your wisdom to
18 decide.

19 MR. CHAMBERS: Another option would be to
20 move your few days up in June to the first part of
21 that week which would give you a little bit more time

22

1 to --

2 MR. JONES: If you all would like to do
3 that, that's an option as well.

4 MR. CHAMBERS: Well --

5 MR. JONES: I'm sorry, we can't meet
6 actually the previous week in May because that's,
7 Memorial Day is earlier in the week of the 30th. And
8 as a logistical matter your schedules, I know,
9 prohibited meeting the Thursday and Friday before
10 Memorial Day.

11 MS. TAKEMOTO: What I'm trying to tell Jay
12 is that we would be meeting the last week in May, the
13 first week in June. Is that --

14 MR. CHAMBERS: The second week.

15 MR. JONES: The second week in June. It's
16 the 13th and 14th of June.

17 MS. TAKEMOTO: Okay.

18 MS. WRIGHT: Will we still be meeting in
19 May, May the --

20 MR. JONES: Yes, 30th and 31st.

21 MS. WRIGHT: Okay.

22 MS. TAKEMOTO: I'm sorry, Jay, can you

23

1 clarify what it is that you're scheduling?

2 MR. CHAMBERS: Well, I guess I'm just
3 concerned personally because I know for a fact right
4 now I cannot make the last two, the last two days in
5 June. And I've participated this far in this process
6 and miss kind of the concluding meeting.

7 MR. JONES: One thing we can do is, and we
8 can do this by staff scheduling, to look, compare our
9 calendars. But I know, for example, if we move to
10 the beginning of that week, Commissioner Grasmick has
11 her State Board meeting at the beginning of that
12 week. And again, that's, I know there will be
13 conflicts if you do that. But I will tell you the
14 statutory deadline or the executive order deadline is
15 firm. It's July 1. I know we're not going to get an
16 extension on that. Well, maybe this give greater
17 incentive for the Commission to come to a consensus
18 on the 13th and 14th.

19 MR. CHAMBERS: Sounds like a fun weekend
20 for the last week in June for you.

21 MR. JONES: I'm looking forward to it.

22 CHAIRMAN BRANSTAD: So, what you're saying
23

1 it is potential to have two meetings in June.

2 MR. JONES: That is correct. There's the
3 one that's currently on your calendar and the one
4 which Commissioner Chambers just mentioned that he
5 would not be available for. But I ask you for that
6 schedule if, again, in your wisdom you decide it's
7 necessary to have that further meeting in June.

8 CHAIRMAN BRANSTAD: Any other questions
9 or; yes, Cherie Takemoto.

10 MS. TAKEMOTO: I guess this is a general
11 concern of mine that, and this is eluding back to my
12 previous comment earlier this morning, is that I know
13 that members of the Commission were selected because
14 of their knowledge expertise in different areas. And
15 I just don't feel we've had a sufficient opportunity
16 for those members who have that expertise to share
17 with us their expertise. We've
18 listened to expert witnesses but we haven't really
19 had a chance to talk about, to more than listen to
20 testimony. At this point, maybe you know more than I
21 do about how this is all going to work. But it seems
22 to me that all we've had an opportunity to do is to
23

1 ask experts to provide input to our report. But we
2 haven't really operated as a commission of people who
3 were selected based on their separate expertise who
4 together may have knowledge and ideas that fill some
5 of the gaps that remain for me.

6 I was kind of jotting down some of the
7 questions that I have and I think Doug added some
8 other things to that. If we are going to be making
9 meaningful recommendations, I mean, anyone can say
10 more parental input, less paperwork. But that's not,
11 that hasn't gotten us any further than the executive
12 border. That hasn't gotten us any further when we
13 talk about general recommendations.

14 So, when we talk about specific
15 recommendations, in order to hear, I've heard some
16 excellent ideas about student choice, meaningful
17 financial portability. At the same time I want to
18 make sure that what ever we're doing is not going to
19 be negatively affecting public schools for children,
20 you know, I don't know. Are children going to be
21 left behind if we take that money? I don't have the
22 answer to that.

23

1 We talked about IQ tests and alternatives.
2 But I'm not sure what the repercussions are from the
3 practitioners that are on our task force about what
4 that means.

5 CHAIRMAN BRANSTAD: I think we had some
6 really good discussion about that in Houston. And
7 several of the Commissioners, I think, did speak up
8 on that IQ question. My sense is there is a
9 developing consensus in that area with some of the
10 expertise that we have on the Commission that it
11 probably doesn't make sense because there isn't,
12 there's significant amount of resources being spent
13 on the IQ test and it isn't really having the kind of
14 effect that it was intended to.

15 MS. TAKEMOTO: But when we went to go take
16 a vote, do we have consensus here? Do we have a
17 vote? I heard or I saw people start to back away
18 from the table. And again, it's an issue that I
19 don't know necessarily what the answer is but I also
20 don't know why there were commissioners that seemed
21 to be backing away from the table at that point and
22 say, wait, wait, wait. That's not what we're doing

23

1 right now. So, I guess --

2 CHAIRMAN BRANSTAD: I think it was
3 premature to try to come to a conclusion at that time
4 very early in the process. But my sense is there is
5 at least a developing consensus about some change.
6 And that may be one of the more controversial areas.
7 But, so I guess I will disagree a little bit with
8 your; I think the Commission members, especially in
9 Houston, there was a significant interaction on that
10 subject and on some others. And I think there will
11 be more opportunity for that, obviously, in May and
12 June when we get together and over the next, the rest
13 of today and tomorrow.

14 MS. TAKEMOTO: So, I guess what I'm asking
15 for is that opportunity to discuss with me fellow
16 commissioners what that backing away from the table
17 was because, again, it sounds good to me but I don't,
18 I don't have enough information there. That's one
19 issue, just how do we operate as a commission of a
20 bunch of folks who are committed to excellence in
21 education for kids with disabilities.

22 My other question is the public input part

23

1 of it that I will go on record as being someone that
2 I am very much concerned about making sure that
3 there's public input. What I mean by public input
4 though is not, here, we're going to flash these
5 recommendations up to you but not give you time to,
6 again, consider these carefully and respond. But
7 meaningful public input that the public has had a
8 chance to look at this, digest it and give us
9 comments as, well, that was a great idea but you
10 forgot to think about this.

11 MR. JONES: Well, if I could answer those
12 two comments in reverse order. On the later one, the
13 practical matter is the President designed this
14 process. This is to be a process that ends by July 1
15 and starts on, and when the July 1 date was selected
16 it was with the knowledge that we would have our
17 first meeting on January 15th, although it was
18 announced shortly thereafter. That was because the
19 process had to go forward.

20 By selecting that date, there are a whole
21 host of implications of doing so. Among those is
22 that this is a process that will involve the ability
23

1 to put this out before the interested public. And
2 the interested public will have time to respond. But
3 that time for response, quite frankly, the time that
4 it takes you all to develop it, will be limited. And
5 it's limited, by limiting it in that nature it's
6 going to limit it to those who are most interested.
7 And those who have their resources marshalled to
8 quickly review, consider, analyze and then respond to
9 the process.

10 The President decided to be a five and-a-
11 half month process. And one of the things we have to
12 defer to is his charge to us on that side. And how
13 that affects the process is, again, the President's
14 discretion.

15 On the issue of interaction, that's partly
16 addressed by my first answer and that is it's a time
17 limited process. But the interaction among
18 Commission members; I've actually looked back at
19 other commissions that have met and frankly the
20 amount of time you're having together on a formal and
21 informal basis rivals what many other commissions
22 have when they have a much longer time together.

1 Every member of this Commission is going
2 to be together. When you combine a day in Los
3 Angeles, three in Houston, two days for hearings and
4 another two days in Washington plus some optional
5 interaction beyond that and informal interaction,
6 eight days. It also includes the dinners, the
7 breakfasts. It's the time that we get public input
8 from folks in the field. It's actually a lot of time
9 to have that informal input.

10 And I want to make sure I'm getting at
11 your concern about the ability to have a more formal
12 system of feedback where we have a public basis can
13 have that. There is some element of that but I will
14 be honest, it's fairly limited.

15 MS. TAKEMOTO: It's two. One is the
16 public input. The other is the interaction among
17 commissioners that we have had, I believe, minimal
18 time where we, as a Commission, have had a chance to
19 interact. And that I, as a Commissioner, have had an
20 opportunity to learn from individual commissioners,
21 what is it that you know and how does this jive with
22 what it is you know can work.

23

1 MR. JONES: I don't want to minimize your
2 concern about this. But I will tell you from
3 comparing it to other commissions, we can look back
4 at things like the Nation at Risk Commission. They
5 actually had more time and they had bigger meetings.
6 But they also met for a year and-a-half. And their
7 charge was to meet for that length of time.

8 The President has given us five and-a-
9 months to produce recommendations. And there are
10 many; I won't question the President's rationale but
11 I can tick off, for example, one very right reason
12 the President wanted that is that there is going to
13 be a reauthorization potentially this year by IDEA.
14 And it is simply, this Commission becomes far less
15 relevant if it met for possibly even one more month.
16 That's one consideration.

17 So, when the issue is minimal time, I'll
18 tell you all it may seem minimal but you actually
19 have more time than, together than many other
20 commissions have and the time is fairly robust when
21 we have it.

22 CHAIRMAN BRANSTAD: Katie Wright.

23

1 MS. WRIGHT: Can I help out a little bit
2 here?

3 CHAIRMAN BRANSTAD: Yes, sure.

4 MS. WRIGHT: I can tell you what I have
5 found helpful. Can you hear me?

6 CHAIRMAN BRANSTAD: Yes.

7 MS. WRIGHT: Because I know that the
8 President has given limited time and we do have to
9 live within the frame work of the time and of the
10 budget. And I'm willing and able to do that.
11 However, what has helped me is with interacting with
12 commissioners over the Internet. Al Coulter and I,
13 he's got some good stuff on that Internet, man. It's
14 so good. It's so good. This Bill Berine, and I've
15 got some good stuff on there too. So, if
16 we can interact with each other via e-mail, through
17 the Internet, that's going to be very helpful. I
18 have found that so helpful. I have picked his brain,
19 this Al Coulter's brain off the Internet. So we have
20 done e-mail and stuff together. And that is really
21 helpful because I know we cannot extend the time of
22 this, we cannot extend the money. We have to work

23

1 within the frame work. And I think that going to the
2 web and the Internet will help us. It has helped me.
3 And that's my comment for that.

4 CHAIRMAN BRANSTAD: Okay. Alan Coulter,
5 after that build up we're going to recognize you.

6 MR. COULTER: With what little brain I
7 have left after Katie got through with me, you know,
8 I am absolutely committed to producing, you know, an
9 effective product by July the 1st. And I understand
10 about our time allocation. I think what I'm hearing
11 is that while we've allocated a lot of time it's
12 primarily to receive input and not so much as a
13 commission to talk about it.

14 And I would really like to encourage the
15 staff to take a look at the schedule so that prior to
16 some telephone calls or at least before we meet to
17 formally look at things that we have some face to
18 face time. Whether that's adding a day, you know,
19 somewhere in May or something. I think what I'm
20 hearing from folks, and I would join in that, is that
21 we have not had sufficient time among ourselves to
22 speak to each other not in a public meeting but in

23

1 work groups, et cetera.

2 And I think as task forces we can have
3 some private meetings that are not a part of the
4 public record. And I think if we could schedule some
5 of that, that would allow us to work some things out
6 so that our level of comfort, I think that's what
7 Cherie's talking about, our level of comfort will
8 increase if we can talk among ourselves at least in
9 small groups. So, that has to be face to face. It
10 can't be all Internet or all telephone.

11 MS. WRIGHT: But we do have to work within
12 the frame work. You know --

13 MR. COULTER: We can do that.

14 MS. WRIGHT: We really have to do that.
15 And I was putting forth another way that would help.
16 You know, I don't have to look at you, Al. I don't
17 have to look; you're good looking, you know, I love
18 to look at you. But I don't have to look at Dr.
19 Grasmick to pick her brain and to find, to interact
20 with her is all I'm saying.

21 MR. COULTER: I understand that.

22 MS. WRIGHT: We have to live within this.

23

1 MR. COULTER: But Katie, I guess, I
2 appreciate the fact that you can communicate that
3 way. I think what I'm hearing from Cherie and what I
4 am supporting is the fact that some of the rest of us
5 want some face to face time. And you can see the
6 head nods around the room. That to me is absolutely
7 essentially. And if we have to change the way in
8 which we're going to do some other things, I think we
9 as a Commission are going to have to direct the staff
10 to do that.

11 CHAIRMAN BRANSTAD: Jay, and I want to try
12 to get this --

13 MR. CHAMBERS: Go ahead.

14 CHAIRMAN BRANSTAD: I'm going to go to Jay
15 and then I'll come to you, Todd.

16 MR. JONES: Okay, go ahead, Jay.

17 MR. CHAMBERS: I just wanted to kind of
18 reiterate what Michael said earlier. I mean, that's
19 exactly the kind of thing, I think, that he was
20 talking about. Whether it's the next morning or that
21 evening after our discussions in San Diego, to have
22 that time to kind of not just be debriefed, but kind

23

1 of pick each other's brains and really understand
2 where we are on some of the issues that we've been
3 dealing with. So I think that would be very
4 important to make sure we have something like that on
5 the schedule, at least for one task force. I wish we
6 had more time on the Finance Task Force to debrief
7 with one another.

8 MR. JONES: I will gladly look at our
9 ability to do that and pull the members of the task
10 forces to see the actual enthusiasm for that. And we
11 will, as staff, facilitate that as best as you all
12 are willing to do it. I'll go back to how Katie
13 described it though, and this is towards Alan
14 comment, one of the limits we have to work here is
15 budget and time. And as a practical matter the only
16 solution I see on the table for face to face meetings
17 is either ad hoc ones where people just happen to be
18 coming together, and given schedules, that has a
19 level of difficulty, or the post hoc meetings that
20 we're talking about here.

21 It could mean, and if this is where you're
22 interested in going, it could mean in New York City

23

1 on the night of that meeting, we sit down from 7:00
2 to 10:00 and have that conversation.

3 MR. COULTER: Or the following morning
4 because Jack and I are leaving, I think, at --

5 CHAIRMAN BRANSTAD: And I think that's
6 good when it's still fresh in your mind after having
7 had that meeting because I think that can help in
8 developing that consensus that you want to bring out
9 from those task force hearings. If that can be
10 facilitate, Todd, I think that's, my stance is that's
11 what people would like. Michael brought that up and
12 I think it's a good suggestion.

13 MR. RIVAS: I have a late flight out of
14 New York also.

15 CHAIRMAN BRANSTAD: Cherie.

16 MS. TAKEMOTO: For the OSEP Task Force and
17 the Transition Task Force, and this is really up to
18 the chairs of those task forces, but would there be
19 an opportunity to have a meeting that was shorter in
20 duration where we had the public, the expert
21 testimony and public comment in a shorter duration of
22 time but allowed time for the task force to meet as

23

1 well as an opportunity for those folks who cannot be
2 a part of the task force and can actually operate
3 without looking at faces to be available via
4 telephone call? Would that help with this process at
5 all? And again, the chairs of those two committees,
6 I mean task forces would have to --

7 MR. JONES: Actually in both cases I can
8 offer, we're designing those hearings in that manner
9 right now. Based on the conversations we had had
10 with the two of you about the nature of those task
11 forces, they were not going to be as lengthy as the
12 other task force hearings.

13 CHAIRMAN BRANSTAD: We're about ten
14 minutes into the lunch time.

15 MR. JONES: We don't need to eat.

16 CHAIRMAN BRANSTAD: We don't need to eat.
17 Okay. I'm not sure that has a consensus. Are there
18 any more comments or what we'll do is recess for
19 lunch. And I think we're scheduled to reconvene at
20 1:30.

21 MS. WRIGHT: And during lunch there might
22 be some face to face --

23

1 CHAIRMAN BRANSTAD: That's right. Good
2 suggestion, Katie. Thank you.

3 (Whereupon, a lunch break was taken
4 at 12:10 p.m.)

5 CHAIRMAN BRANSTAD: Please take your seats
6 so we can get started with the afternoon session.
7 May I have your attention? Please to reconvene the
8 Presidential Commission on Excellence in Special
9 Education, this afternoon's session. We will be,
10 again, discussing options for Parental Involvement in
11 Special Education, Part 3; the McKay Scholarship and
12 School Choice for Students with Disabilities. The
13 panel will review the origins and the implementation
14 of the McKay Scholarship Program here in the State of
15 Florida. And among our panelists this afternoon we
16 have Diane McCain, Director, Choice Office for the
17 Florida Department of Education and John Winn,
18 Assistant Secretary for the Florida Board of
19 Education.

20 Yes, Todd made a good suggestion. We want
21 to ask people to turn off their cell phones. That
22 could be disruptive. So, please turn off your cell

23

1 phones. That will help, I think, facilitate our
2 meeting and avoid unnecessary interruptions. So,
3 with that I'll turn it over to our panelists for this
4 afternoon.

5 MR. WINN: Good afternoon.

6 AUDIENCE: Good afternoon.

7 MR. WINN: Thank you. My name is John
8 Winn. I'm the Deputy Secretary for the Florida's new
9 Board of Education. With me here today is Diane
10 McCain, who is the Director of the Department of
11 Education School Choice Office. On behalf of
12 Governor Bush, Secretary of Education, Jim Horn and
13 Education Commissioner Charlie Crist, we welcome you
14 to Florida.

15 Chairman Branstad, Commissions members,
16 Assistant Secretary Pasternack, and Director Jones,
17 we are pleased to have the opportunity today to share
18 information on Florida's A+ Plan and our school
19 choice options for families, specifically for parents
20 of children with disabilities.

21 Governor Bush has taken a special interest
22 in the plight of parents of children with
23

1 disabilities. The daily struggles to give the best
2 possible opportunities life has to offer are
3 sometimes more than many of us can imagine. Juggling
4 work, regular daily schedules is a full plate for
5 anyone. The added demands of children with special
6 needs often make parents more strong, focused on the
7 promise that a high caliber education can bring.

8 Governor Bush has reached out to help many
9 parents who have e-mailed him with requests to help.
10 He has become a personal advocate for children with
11 disabilities and for children who have been left
12 behind in our rapidly growing student population.

13 The expansion of options for parent
14 involvement is a very appropriate topic for this
15 Commission to address. Parental choice is not a
16 dirty word in the State of Florida. In fact, it is a
17 prominent centerpiece in the Governor Bush's A+ Plan,
18 which was passed by the legislature in 1999. The A+
19 Plan for education placed in motion the setting of
20 high standards for student achievement, regular
21 assessment of academic progress towards widely
22 accepted Sunshine Standards and rigorous

1 accountability for performance.

2 This system of accountability includes the
3 grading of schools which, for the first time, sent
4 clear and unmistakable messages to parents on how
5 well their schools are performing. As a result,
6 we've seen a dramatic improvement in school grades
7 over the past three years. The improvement has been
8 most pronounced in our lowest performing or lowest
9 achieving students. Schools have performed well and
10 receive financial rewards for doing so.

11 The A+ Plan is based on a fundamental
12 principle that students should not be trapped in
13 failing schools. If a school receives an F for two
14 years, then parents are allowed to choose to send
15 their children to a higher performing public school
16 or a private school of their choice. At the core of
17 this principle is the respect for parents who want
18 the best for their education, education for their
19 children, allowing them to find it elsewhere if
20 schools cannot provide it.

21 One thing that we've learned is that there
22 is not a school whose students are so poor, so behind

23

1 that dramatic improvement and high achievement are
2 not possible. Our schools have responded to this
3 principle with unprecedented focus on academic
4 achievement and improvement.

5 Another, even more daring choice option,
6 was the creation of the John McKay Scholarship
7 Program for Students with disabilities in 1999. This
8 program started very small, as a pilot in one of our
9 67 school districts, but now includes over 4,700
10 students with disabilities participating. Diane
11 McCain will be providing you with details on our
12 implementation of this program but first I would like
13 to provide some background.

14 In Florida we have this history and
15 commitment to parental involvement in education;
16 specifically for parents with students disabilities.
17 Our Department of Education maintains one of the
18 nation's largest lending libraries for parents of
19 students with disabilities. We distribute many
20 informational materials developed specifically for
21 parents of children with disabilities. We believe
22 that parents are a child's first teacher. The

23

1 parents have a right to choose where their child will
2 be educated based on their preferences and the needs
3 of their children.

4 School choice options, such as home
5 education/home school programs, magnet schools,
6 school district open enrollment programs have been in
7 existence for some time already. Programs that
8 include scholarships to private schools provide
9 parents with an additional option.

10 Just as when you are not satisfied with
11 the services of a tutor or a college or a physician
12 or an attorney, parents of students with disabilities
13 are allowed to choose another provider. Respect for
14 parent knowledge and caring for their child has been
15 the mainstay of IDEA legislation. It has given
16 parents the right to sign off on individual Education
17 Plans, changes in placement and instructional goals.

18 Parents of students with disabilities have
19 enjoyed this respect that has led, for the most part,
20 with very fruitful partnerships between parents and
21 public schools. It is this respect and consideration
22 that led Florida to give free choice of public or

1 private education for their children if they feel it
2 will provide a better education opportunity.

3 In Florida, we also have a strong history
4 of partnerships with private schools. School
5 districts have the option to contract with private
6 providers for the provision of services to its
7 students. In fact, in 2000-2001 local school
8 district contracts with private schools or community
9 facilities for programs for students with
10 disabilities, dropout prevention, juvenile justice
11 education programs exceeded 40 million dollars. For
12 young children with disabilities, many states already
13 exercise this option as an effective method for
14 providing services in community settings such as
15 preschools.

16 I'm sure that the Commission has already
17 realized that IDEA and its implementing regulations
18 for school aged students are not entirely supportive
19 of the implementation of school choice. While the
20 Act certainly encourages and strengthens parent
21 involvement, its structure seems to sometimes pit
22 school and parents against one another.

1 The Act is even constructed so that if
2 there's a disagreement between the school and the
3 parent regarding the child's placement, either party
4 can exercise various complicated legal options to
5 resolve the disagreement. This is in contrast to the
6 IDEA's provisions in Part C, Programs for Infants and
7 Toddlers with Disabilities. In that portion of the
8 Act, the law clearly recognizes that parents are the
9 child's first teacher and that they can make informed
10 decisions regarding their children's services.

11 We believe that Part B of IDEA should be
12 revised to clearly recognize that families must have
13 the power to make education decisions regarding their
14 child, including school choice settings without
15 putting in place complicated barriers that may have
16 the effect of pitting school and district personnel
17 against parents.

18 In the same vein, the Act must ensure that
19 states afford parents of students with disabilities
20 access to the same choice options as provided to
21 parents of students without disabilities while
22 keeping in mind that not every school is equipped to

1 meet the needs of every child. The Act also needs to
2 be clearly and closely aligned with no child left
3 behind where the focus is on student performance and
4 accountability. All students, including students
5 with disabilities, must be expected to make adequate
6 yearly progress. And if not, the parents must have
7 the right to exercise their choice options.

8 I want to emphasize this point. If IDEA
9 is not aligned with HR1, school districts, parents
10 and parents across the nation will be faced with the
11 proliferation of federal programs that do not support
12 one another and do not reinforce similar principles.
13 Let's begin a new era, an era in which principle
14 prevails over process, choice prevails over control
15 and partnerships prevail over power struggles.

16 In closing, I hope you see that Florida's
17 school choice programs are designed to provide
18 parents, especially parents of children with
19 disabilities, with expanded options so that they can
20 provide, so that they can decide where their child
21 will be educated. We must respect the parents'
22 special place in guiding their children toward

1 opportunity. We should joint with them i n trust to
2 provide the best possible education, wherever it may
3 be.

4 Thank you and I hope you enjoy your stay
5 in our fine State. With that I would like to
6 introduce Diane McCain, who will follow up with
7 specific information on the John McKay Scholarship
8 Program.

9 MS. MCCAIN: Good afternoon. Can you hear
10 me at my microphone?

11 CHAIRMAN BRANSTAD: Speak right into it.

12 MS. MCCAIN: Speak right into it? Okay.
13 Welcome to Florida. I echo Assistant Secretary of
14 Education, John Winn's comments that we are very
15 pleased to have this opportunity to share information
16 about parent choice in education and Florida's McKay
17 Programs for Students with Disabilities. On behalf
18 of the thousands of students being served in both
19 private and public schools through this program, I
20 thank you for your attention today.

21 I was in this very spot before this hotel
22 was built, I think, about 25 years ago with a

23

1 legislative panel. And the topic for that day was
2 education and public policy and what we were going to
3 do without our state in the future. Large numbers of
4 business people had assembled together with
5 legislators and educators to forecast how we could do
6 things better for our children knowing that we were
7 not going to be able to exist as a state just raising
8 or growing oranges and having a wonderful tourist
9 haven for people to visit.

10 Employers coming to our state, the first
11 thing they were going to ask is what is our education
12 program and how well are students able to be taught
13 in our universities and schools. So it is
14 particularly pleasing for me to be here today. And I
15 sincerely thank you for focusing on our program. We
16 are very proud of all of the choice programs that we
17 have in Florida.

18 And particularly I wanted to point out, as
19 you know, that this program is not about us versus
20 them or public versus private. But it is merely an
21 option for parents. And we have created in the
22 Department of Education a Choice Office. I'm told

1 that other states are doing similar things. We may
2 be the first state to do it the way we have done it
3 where we have brought under one umbrella, so to
4 speak, the choice programs available to parents. We
5 are still learning. This has been about a year where
6 we have assembled all of this together. We have a
7 lot to learn, a lot to improve upon. But we are
8 hearing daily from parents about their concerns and
9 their needs. And every opportunity that we have to
10 help facilitate their desires and make it possible,
11 that is our mission in the Choice Office, from the
12 Governor's Office on down, for us to put students
13 first in the truest sense of the word.

14 We have some distinct advantages, I think,
15 in Florida with regard to implementing all of our
16 choice programs. And that is with regard to our
17 local school districts. We have been, I think we've
18 had a great advantage in that the school districts
19 have supported us and very much gone out of their way
20 to serve parents knowing that this program may have
21 come about with or without input from individuals or
22 from perhaps someone in special ed. And yet many
23

1 people in special ed did have input into this
2 program.

3 That said, everyone sort of put aside
4 their personal thought pattern in many ways and just
5 decided we were going to do the best we could for
6 parents. And the majority of the students who
7 participate in this program are choosing the public
8 school option and I'll talk more about some specific
9 numbers and I'm sure you probably have some questions
10 as well.

11 As John mentioned, vouchers or choice or
12 services by contract is not new to our state. I
13 won't repeat some of those statistics but we've spent
14 millions of dollars to educate children. The
15 difference between what we had done in the past and
16 what we're doing now is that parents are the ones
17 that are also included in that decision making
18 process or primarily are the ones that make the
19 decision with regard to the McKay Program and the
20 Opportunity Scholarship Program.

21 For the McKay Program, public schools; who
22 is eligible are public school students in grades K-12
23

1 with disabilities. The parent of a public school
2 student with a disability who is dissatisfied with
3 the student's progress may participate. Disabilities
4 include mentally handicapped, speech and language
5 impaired, hard of hearing, visually impaired, dual
6 sensory impaired, physically impaired, emotionally
7 handicapped, specific learning disabled, hospitalized
8 or homebound or autistic children.

9 The program provides, as I mentioned, both
10 public and private choices. And for the first year,
11 well, for the real first year we had a pilot program
12 and just a few students participated. But with the
13 first year of this program being statewide, we had
14 nearly had a thousand students participating. And at
15 that time we had 139 private schools that agreed to
16 participate in the program and provide services for
17 these children. For year two, the number that I had
18 when I left town has grown since this morning. We
19 have almost 5,000 students that are actually
20 participating in this program.

21 And the majority of the students have a
22 matrix level of 251 to 252. And I can explain more

1 about that. I am not a special ed expert. You all
2 are. And we've got them that have come from the
3 Department with us in the audience today. So, I do
4 want to make that clear. But I did want you to know
5 what the majority of the students are and I'm sure
6 you'll have some questions about other statistics
7 about the participating students.

8 We have a toll free parent hot line or an
9 information line. And the calls have exceeded 30,000
10 in number. The Department of Education, by statute,
11 sends notification to all of the parents of children
12 enrolled in public schools and receiving exceptional
13 ed services. And sometimes we get it wrong and
14 sometimes we get it wrong. We do not intentionally
15 offend anyone by having a wrong address or
16 misspelling by any means. But the districts have
17 been very cooperative in working with us and sharing
18 data with us so that we can do the best we can about
19 notifying parents of the possibility of this program
20 and the option they may be interested in for their
21 children.

22 Something that happened between year;

23

1 actually, the implementation Year 1 and Year 2 was
2 that the people that were involved in the program,
3 those actually implementing it, meaning the private
4 school administrators, teachers, parents, legislative
5 personnel and district representatives came together
6 in Tallahassee for us to talk about how we could do
7 things better. What was working, what was not
8 working, what was pro-parent, what was not very user
9 friendly and how we could relieve some of the
10 confusion that seemed to abound with a new program
11 like this that if not told accurately could be
12 misinterpreted.

13 And that I think was, in many ways, sort
14 of a ground breaking event, if you will. We took the
15 results of that two day meeting and compiled what we
16 refer to as an action plan. It was submitted to the
17 legislative staff and, in fact, did become most of
18 the amendments that were made to the statute. That
19 did take some steps to make the program, I think,
20 easier for everyone to participate in and to know
21 more about the program and ultimately help students.

22 We also have a non-public school advisory
23

1 council. That's another advantage, I think I would
2 be remiss if I didn't talk about and that is that
3 these are private school administrators. Many of
4 them are accredited through various bodies but they
5 serve as a very strong voice when it comes to parents
6 and students in public education and private
7 education. We've relied on them both to participate
8 in this program and to make recommendations.

9 We also have two very strong parent
10 advocacy groups. And I don't know if Dr. Heffern has
11 been introduced yet or if he's still in the audience.
12 I don't see him. There he is. Dr. Patrick Heffern,
13 who is the Head of Floridians for School Choice and
14 affiliated also with Florida Child. These are very
15 strong, as I said, parent advocacy organizations and
16 they have worked very hard with the Department and
17 with the districts to make information, correct
18 information available to parents.

19 A number of states, and you may be
20 representing some of those states today, have been in
21 touch with us since the beginning of this program
22 wanting to see how the program is progressing, if in
23

1 fact it is progressing. How we are setting about to
2 implement it, problems that we have experienced and
3 recommendations that we would make. Among them,
4 Arkansas, Texas, I believe Pennsylvania has been in
5 touch with us and I think Arizona. I hope I didn't
6 overlook anybody but usually once a week a get a call
7 from someone who's very interested in hearing about
8 the program, how it's working and what parents are
9 perceiving or if they believe it is a benefit for
10 them to have this option.

11 I have provided in my testimony that was
12 past out the technical information. And I could read
13 that to you if you'd like but I suspect that what you
14 would really like to do is to ask me some questions
15 and perhaps pose some questions to John as well. Or
16 I would be happy to walk you through the process
17 about how we register private schools.

18 I will say that in Florida, similar to
19 other states, we do not regulate or license private
20 schools. We do have a process by which they indicate
21 that they're willing to participate in the program.
22 We have, I believe, it's five requirements. The

1 primary requirement is that they be listed with the
2 Department. And that is a requirement and law
3 separate from this program that private schools that
4 operate in the state are to be, quote unquote, listed
5 with the Department and receive an actual school ID
6 number.

7 I don't see any change coming down in
8 terms of our actually licensing private schools. But
9 I know over the past year, in particular, we have
10 taken great note on how we can perhaps provide more
11 aggressive information to parents about what they may
12 be getting and what they may be possibly giving up
13 when they leave the public school system and go into
14 the private sector. Some of it is very good. Some
15 of it might not be right for that particular child.

16 So, from a policy perspective we are
17 taking steps now to be much more aggressive as are
18 the private schools as well. They do a wonderful
19 job, I think, in our state of only the best private
20 schools have opted to participate in this program.
21 Those that know that they will be able to serve these
22 students and have a strong desire to do so. That's

23

1 another reason why, I think, the program has been so
2 successful is overall parents are very pleased with
3 what they're finding.

4 In closing, I want to share the words of a
5 parent participating in this program and
6 unfortunately she couldn't be with us today. But she
7 happens to live in south Florida and she is one of
8 the most courageous women I have ever met. And every
9 day, as I'm sure you do, I talk with lots of parents
10 who believe that just to be able to make a choice, to
11 be able to have an option is perhaps their most
12 important right when it comes to their child.
13 Nothing's more important to them.

14 And these are her words. This is not a
15 fight between our family choosing a public school
16 versus a private school. It is about my child and
17 what's best for her. I'm all for inclusive classes,
18 but it wasn't right for my daughter. When a child is
19 lost in the classroom, that child is losing a year of
20 learning. Something had to be done. We are grateful
21 for the McKay Program and the ability to be able to
22 make a choice.

23

1 As her child progresses and gets older, it
2 is very likely that the child will be returning to
3 the public school system. And if the services are
4 available and she believes that that would be right
5 for her child at that time, I think that this is a
6 mother that will have both the perspective of the
7 public and the private special education services
8 that have been provided to that family. And overall,
9 we're going to do everything we can to see that she
10 is served and served well.

11 And with that, I'd be happy to answer any
12 questions that you might have or --

13 CHAIRMAN BRANSTAD: Thank you, Diane and
14 John, thank you very much. We have a number of
15 people requesting to ask questions. Doug Gill is
16 first.

17 MR. GILL: Thanks, I didn't realize I'd be
18 first. So, help me understand exactly what the McKay
19 Scholarship is. Is that like a risk management
20 school? Is that a scholarship of funds that people
21 apply for? I'm not sure I quite understand the McKay
22 Scholarship.

23

1 MS. MCCAIN: It is funding basically, not
2 to use a clique, but it is a funding that follows a
3 child from the FTE money from the public school
4 system either to another private school, I'm sorry,
5 to another public school in that district or
6 adjoining district or to a private school. And so
7 essentially money that would be allocated to educate
8 that child follows that child.

9 MR. GILL: In other words, money that a
10 child would generate anyway.

11 MS. MCCAIN: Yes, sir.

12 MR. GILL: So I don't understand what the
13 scholarship piece is.

14 MS. MCCAIN: Well, the word scholarship
15 is, I believe, something that the legislature put
16 into the program language as they were writing the
17 law itself. It's a scholarship in terms of money is
18 following the child and then money is made payable to
19 the parent. Therefore, in some respect, it's tax
20 payer dollars following the tax payer in a manner in
21 which they choose to spend those dollars for
22 education.

23

1 MR. GILL: So, would it be better
2 described as a voucher or a fee as we heard this
3 morning? I guess I'm not quite following the
4 scholarship --

5 MS. MCCAIN: Many people do refer to the
6 program --

7 MR. GILL: -- unless it's just a matter of
8 semantics.

9 MS. MCCAIN: Many people do refer to the
10 program as a voucher program. They refer to it as
11 the McKay Voucher Program. In the law it is written,
12 though, as McKay Scholarships.

13 MR. GILL: Okay. And the other question
14 that I have for you, Assistant Commissioner? Is that
15 right?

16 MR. WINN: I'm sorry, what was your
17 question?

18 MR. GILL: Well, I haven't gotten to it
19 yet.

20 MS. MCCAIN: Wants to know your title.

21 MR. GILL: I want to make sure I'm
22 understanding what you said about the relationship
23

1 between Part B and Part C of IDEA and then you made a
2 comment about no child left behind. I'm assuming
3 that you think there are inconsistency between Part B
4 and Part C in IDEA. And I'm interested in what
5 specific recommendations you might have to reconcile
6 those indiscretions, if you will, between Part B and
7 Part C in IDEA.

8 MR. WINN: Well, I think the, I don't have
9 a specific proposal before you. I have been working
10 with the National Governor's Association and Chief
11 State School Officers to develop some
12 recommendations. This is one of their top
13 recommendations in terms of ensuring as you go
14 through the reauthorization, ensuring that provisions
15 are very supportive of states like Florida who have,
16 who have moved away from process oriented
17 accountability to outcome oriented accountability and
18 have combined that form of accountability with
19 parental choice to make sure that the provisions are
20 friendly to the principles and the policies in the
21 state and to allow the states to pursue their
22 accountability system.

23

1 Florida's accountability system is very
2 closely aligned with no child left behind. The
3 accountability system we currently have assessment in
4 grades three through ten. Currently have
5 opportunities for choice based on how the schools are
6 performing against commonly accepted benchmarks for
7 performance. And we believe that this is a good
8 principle to follow.

9 And as you're going through both the IDEA
10 law and the regulations, we would look for
11 opportunities to encourage states who have policies
12 like this to ensure that the choice programs in
13 respect to the federal guidelines and the federal
14 funds are allowed to make an easy implementation of
15 those state policies.

16 MR. GILL: And I'll give you an easy yes
17 or no one. Do you see an IFSP or an Individual
18 Family Services Plan, which is characteristic of Part
19 C, being more effective than the individualized
20 education program Part B, System to Service Delivery?

21 MR. WINN: Well, insofar as I think that
22 the playing field is not as level in Part B for
23

1 parents in terms of their, what they have to do in
2 terms of exercising their part of that partnership
3 should disagreements occur on an evaluation of
4 whether or not students are making progress. We
5 receive many, many concerned letters and e-mails from
6 parents who essentially feel like they're unable to
7 pursue, to withstand a long drawn out legal battle
8 and essentially be on a level playing field with
9 school districts who have the resources to maintain
10 that sort of legal process that parents wouldn't have
11 the process to maintain. Under a school choice
12 program option, those that is supported with funds
13 for that choice, then parents would not have to be in
14 that position.

15 MR. GILL: I guess I wasn't clear. I'm
16 simply asking if IFP is a more effective way to
17 deliver services than an IEP in your perspective.

18 MS. MCCAIN: Well, I'm not a special ed
19 expert but I do think that overall, yes.

20 MR. GILL: And your answer is yes as well?

21 MR. WINN: I'm not an expert --

22 MS. MCCAIN: If he doesn't say yes, I'll
23

1 leave.

2 MR. GILL: For consistency, I'll agree
3 with what she said, right? Okay, thank you.

4 MR. WINN: You know, you have us at a
5 disadvantage because we're not experts on the
6 evaluation of those two systems in terms of, you know
7 --

8 MR. GILL: I understand, but you did, as
9 part of your testimony you mentioned Part C
10 differences from Part B. And that's the reason I was
11 following up on that.

12 CHAIRMAN BRANSTAD: Cherie Takemoto.

13 MS. TAKEMOTO: I'm going to follow up with
14 some questions that I had from earlier and also some
15 lunch conversations. Commissioner Grasmick and
16 Commissioner Acosta over lunch were trying to help me
17 through what is this money that follows. Is it, now
18 I hear possibly \$6,800 that comes, that is the per
19 pupil expense or is it the \$3,500 that comes to the
20 school system? For purposes of calculating that, are
21 you taking the, also the money that's part of the
22 administrative, buses, heating schools? That money

23

1 also?

2 MS. MCCAIN: No, it's the FTE amount,
3 which is the Full Time Equivalent, is that right?
4 For the child; and I believe, well, I know, I don't
5 believe, I know that the average payment amount for
6 these students, and again the payment amount is based
7 on the child's matrix level, If you all are familiar
8 with that, I don't know if we're the only state that
9 does or not. I'm not a special ed person.

10 But there is an amount tied to the matrix
11 number. And the average payment is \$5,572.57.

12 MS. TAKEMOTO: What is the range?

13 MS. MCCAIN: The range can be from
14 anywhere between, I believe it's \$4,800. Is that
15 right, Shan? And about \$15,000 I think is the
16 highest.

17 MS. GOFF: It's 19.

18 MS. TAKEMOTO: But does that, that's only
19 the state and I'm assuming federal IDEA money, not
20 the locality's money. Is that the way it works?

21 MS. MCCAIN: Yes.

22 MS. TAKEMOTO: Okay, that's question one.

1 Question two, and Commissioner Wright, I am not going
2 to go over two questions here. Question two is the
3 IDEA accountability issues for private schools, do
4 students who have McKay Scholarships have IEP's?

5 MS. MCCAIN: Yes, a child, in fact, that's
6 one of the requirements or the provisions for
7 eligibility is that the child has an IEP and has
8 attended the public school for the prior year. And
9 we define prior year as present for the October
10 survey count and February survey count so that IEP
11 can be used by the private school in determining what
12 services they have available and how that child's
13 needs can be met or not. And we discussed at our
14 lunch about the enormous importance of the
15 relationship that a parent has with the school
16 district being the same at a private school where
17 there is, if not daily, then very active interaction
18 and communication between the parents and the teacher
19 and the administrators with regard to that individual
20 child.

21 So, the short answer is yes, children do
22 have an IEP.

23

1 MS. TAKEMOTO: And with regard to report
2 cards, school reports, as Commissioner Bartlett was
3 talking about, is it the private school that has the
4 report card for the, I mean, this theoretical report
5 card or is it --

6 MS. MCCAIN: In terms of assessment in the
7 future do you mean?

8
9 MS. TAKEMOTO: -- is that student part of
10 the LEA count? Where does that student, were do
11 those students count? Who's looking at overall
12 accountability?

13 MS. MCCAIN: They're counted in the
14 district as a child that is participating in the
15 McKay Program.

16 MS. TAKEMOTO: Okay.

17 CHAIRMAN BRANSTAD: Adela Acosta.

18 MS. ACOSTA: Good afternoon. Mr. Winn,
19 you talked about encouraging the Commission to trust
20 parents to respect what they want for their children.
21 And I keep hearing about scholarships and money and
22 choice. I was here in the '80's during the Mario

23

1 Boat Lift. And I was intimately involved with the
2 Haitian and Latino community. And my question is
3 simply is there bilingual assessment team that is
4 part of the choice program? Historically people who
5 are disenfranchised linguistically or ethnically or
6 politically don't come to the table even though they
7 have special needs children. They're not the
8 greatest advocates because the disparity that they
9 carry with them.

10 So, that's simply my question. Is there
11 an aggressive movement? I know that there are more
12 people in Florida than just the Haitians or the
13 Latinos. Is there an aggressive --

14 MS. MCCAIN: Not within the Choice Office
15 per se. We do have people on staff that are
16 bilingual and are familiar with ESOL and a little
17 familiarity of the SE. But the Department prior to
18 the McKay Program being enacted was very aggressive
19 about providing services and communicating with these
20 parents and assisting the districts in providing
21 those services.

22 Shan Goff is here as our bureau chief for
23

1 the Bureau of Community Involvement. Is that the
2 correct title? And Shan can, if you'd like, she can
3 elaborate in more detail. We recognize in Florida
4 that as no child, each child is an individual. We
5 have, if you will, a very high populations of both
6 hispanics, haitians, there was another one, Chinese
7 even. And these parents as they relocate to Florida
8 or are in Florida and their children become of school
9 age, they do have not a different need perhaps, but
10 the services that we provide to them is also going to
11 be able to respond to their, their culture, their
12 background and what the services are available and if
13 we need to change that a little bit.

14

15 MS. ACOSTA: Now, do you direct their
16 choices based on what you know of their needs and
17 their families? For example, if I choose A school
18 and it's not the correct choice for my child, will
19 there be some guidance within the process to get me
20 to the right place?

21 MS. MCCAIN: Well, the short answer is
22 yes. It may or may not come from the Department

23

1 level. We have what we refer to as Local Control in
2 the Education of Florida. And the districts are very
3 good. And that is their role. That is their primary
4 responsibility is serving those parents and those
5 students. So they are the best one to provide that
6 kind of counseling and advice. And they can speak to
7 what's available in that school district for that
8 child and to meet those needs.

9 From a state perspective, however, in the
10 choice office, when we have a parent that has worked
11 with the county or perhaps not, and they have
12 questions, we will share what information we have.
13 We don't try to talk them into anything by any means.
14 We are, don't want to be in that position. That is
15 not our role. But we do want to see that every
16 parent gets the kind of information that they need so
17 that they can make that decision. And it really is
18 sort of a tri-partnership between the district and
19 those experts and the parents. And even perhaps the
20 teacher, the prior year teacher, and then the
21 Department. And then seeing what is best and what's
22 available for that child.

23

1 This program is not the solution to every
2 problem. We have, in some regards, it's a very
3 successful program. But we have just 5,000 students
4 participating in the program. So 5,000 families are
5 having their needs met and we do expect, I believe
6 the prediction is for the program to double next year
7 and I think that that will very much happen. But
8 that still does not mean that all children are going
9 to be served by this.

10 There are districts where there are
11 parents who are not interested at all. They are
12 quite please with the services that they're
13 receiving. Their child is doing just fine.

14 It's a long answer and I apologize. If I
15 didn't hit it on the point I'd be happy to.

16 MS. ACOSTA: Thank you, thank you. That's
17 fine.

18 CHAIRMAN BRANSTAD: Bryan Hassel.

19 MR. WINN: Could I add a comment?

20 CHAIRMAN BRANSTAD: Go ahead, you go
21 ahead.

22

1 MR. WINN: It's my experience that public
2 schools I think do an outstanding job in trying to
3 communicate. Your question sort of struck a cord
4 with me because if a parent may choose, you know, an
5 A rated school. But it may not be, that school
6 environment may not be the school environment that
7 that student responds best to. And I believe that
8 the teachers by and large are good barometers of kind
9 of a front line for us in evaluating how students are
10 responding, whether or not they're responding well to
11 an environment and an excellent source of information
12 for parents.

13 You know, in the kind of busy day to day
14 maybe we don't always reach out as much as we could.
15 But I think that teachers by and large are committed
16 to providing that guidance to parents. Not as a
17 mandate but as a recommendation and certainly willing
18 to hear more information about the child's particular
19 needs and try to help parents make those kinds of
20 placements.

21 CHAIRMAN BRANSTAD: Bryan Hassel is next.
22 Bryan?

23

1 MR. HASSEL: I've got a few numbers
2 questions. The 4,700 students, are they all
3 attending private schools?

4 MS. MCCAIN: Yes, those are monetary
5 scholarships. We do not have, I do not, at a state
6 level, have a firm number on the number of children
7 that have selected another public school. Some of
8 the districts have had staff and been able to do
9 that. I'm hoping in the future and the thought
10 processes there, the heart is willing, so to speak,
11 that we will have much better numbers with regard to
12 the selection of public schools because we know that
13 the majority of people who are participating in this
14 program are choosing just another public school.

15 Well, really the true majority are staying
16 right where they are. But they like the idea of
17 being able to have a thought process about it and
18 make that decision as opposed to being told perhaps
19 from downtown or whatever.

20 We're also, I can't elaborate too much
21 because nothing is definite, but we have wanted to do
22 for some time survey parents and have a very clear

23

1 picture about why parents are participating in this
2 program, what motivates them to make a change because
3 the change is very important and it has an impact on
4 that child. And if they are not happy with the
5 private school and return say to the public school
6 system, what motivated that. Was it what was offered
7 at the private school? Was it just that particular
8 environment and those kinds of things. Did the child
9 progress though that the parent wanted to then return
10 the child to the public school because of what was
11 available there.

12 So, we're hoping to do that in the coming
13 year. We've had some discussions about it. And
14 parents have very willingly offered to us a desire to
15 tell us how their child is progressing and what they
16 think about this program.

17 MR. HASSEL: Do you have information about
18 the characteristics of students who are among the
19 4,700? You mentioned that a majority are in matrix
20 level --

21 MS. MCCAIN: I have some. The, our matrix
22 system and both Shan and Dr. Brown can speak to this

23

1 much better than I can since they're the experts.
2 But the low end matrix is a 251. And that is the
3 majority of students that are participating in the
4 monetary scholarship.

5 MR. HASSEL: Low end meaning, you're
6 meaning low cost?

7 MS. MCCAIN: They are mildly disabled and
8 the funding is of the lesser amount. That's 46
9 percent of the children participating this year come
10 in at matrix of 251. I'm sorry, 34 percent of the
11 children are at a matrix level of 252. 11 --

12 MR. HASSEL: What does that mean?

13 MS. MCCAIN: Shan, you're going to have to
14 help me on this one. A child's level of disabilities
15 is, is greater the right word for the graph? Matrix,
16 when we assign a matrix number to a child and the
17 services that are to be provided on the IEP. This is
18 our funding formula. Trust me, people spend their
19 entire career knowing this and Shan knows it off the
20 top of her head.

21 But for 251 and 252; can you --

22 MS. GOFF: Sure.

23

1 MR. WINN: Could you introduce yourself to
2 the Commission and let them know who you are?

3 MS. GOFF: Yes, John. My name is Shan
4 Goff and I am the State Director of Special Education
5 in Florida. 251, 252 and 253 is really our funding
6 terminology, and Jay may remember that when we worked
7 back in the late '90's, which basically allows us to
8 quantify services on individual children based on
9 their IEP's irregardless of what their category of
10 eligibility is of disability.

11 251, as Diane mentioned, are children
12 typically identified with specific learning
13 disabilities, that have a mild level of service need.
14 Typically most of our children who are speech
15 impaired and language impaired, you may have a few
16 children in that category that might have been
17 diagnosed with having mild mental retardation.

18 The next level of funding is kids that
19 typically get services in multiple domains. So it
20 might be behavioral services along with curriculum
21 and instruction. But looking at the gambit is that I
22 believe it's still typically more mildly disabled

23

1 children. But we do have kids participating in the
2 McKay Scholarship who have more moderate to severe
3 disabilities. And those have, obviously their
4 funding is more commensurate with a higher intensive
5 level of service.

6 MR. BARTLETT: So, what's the level of
7 funding?

8 MS. GOFF: Pardon me? The level of that
9 funding?

10 MR. BARTLETT: Yeah, 251 equals?

11 MS. GOFF: 251 is approximately about
12 \$4,500 going to a level of severity; and these are
13 approximates because our funding formula has a few
14 other little twists based upon districts and their
15 financial status. 252 is approximately \$6,800. 253
16 is the mid range, a little bit of \$10,000. 254 is
17 around \$13,000. And 255 would be our maximum level
18 of funding, state funding, state and local funds for
19 children with disabilities, around \$19,000. And
20 those dollars change dependent upon, like I said, the
21 nuances in our funding formula in the state.

22 MS. MCCAIN: And if I could just to put a
23

1 picture on that. The children that are at a 255
2 matrix level, we have 108 children. So almost 5,108
3 are matrix level of 255. So, it's just two percent
4 of those that are participating as compared to 46
5 percent at the 251 matrix level. And that number is
6 2,299 students.

7 MS. TAKEMOTO: Is that roughly reflective
8 of the general population of special education.

9 MS. MCCAIN: Yes, yes.

10 MR. JONES: Cherie, if I can remind you,
11 for the transcript we need the mike.

12 MS. MCCAIN: And one of the things we're
13 hoping to learn more about when we survey parents and
14 we have more data from the school districts and from
15 participating parents in front of the private schools
16 is, as I said, what is the motivating thing for the
17 parent. Is it the student to teacher ratio? Is it
18 the learning environment? Is that it or is it a
19 particular service, a particular teacher?

20 We have, as I mentioned, when we talk
21 about the close relationships between counseling and
22 communication with the school district and the

23

1 teacher and the parent. In a private school, one of
2 the things parents are learning or that we're
3 learning along with them is that sometimes where they
4 are may be the very best place to be. Or it could be
5 that there's something else available in the
6 district. And through this program they're able to
7 make that switch, and as John mentioned, without, you
8 know, months and months of wrangling
9 and disagreement. But, in fact, just make the switch
10 and be placed in another public school that the
11 parent believes that the children can be better
12 served in. We'll know soon enough if that is true.

13

14 So, as we begin to have more hard data, if
15 you will, about why parents are choosing this program
16 and what's happening, how they're progressing, then
17 we'll be able to certainly to share more with you.

18 I will quick talking if somebody has
19 another question. But I think you may also be
20 interested in the numbers with regard to the state
21 grade totals. The children, the majority of the
22 students in this program, 17 percent are in Grade 6

23

1 as opposed to four percent that are in first grade.

2 MR. HASSEL: Can a private school reject a
3 student who applies --

4 MS. MCCAIN: Yes, yes. We've encouraged
5 private schools to be very honest and very frank in
6 their discussions with the parents that if they
7 believe they cannot serve that child, do not accept
8 that child no matter what that parent says.

9 MR. HASSEL: Do you know how prevalent
10 that is? Do you have any data --

11 MS. MCCAIN: We have an awful lot of
12 discussion that goes on, very frank discussion about
13 services that are provided at the school. And so
14 many parents, you know, when they learn the
15 possibilities for their child or the lack of
16 possibilities, then they will go to another school.
17 So it happens, I don't have statistics for you but I
18 know from the parents that I've talked with, and we
19 have a group, a staff that, you know, daily are
20 talking to parents. And they call back and let us
21 know how a particular visit or communication went.

22 And so there's quite a bit of evaluation

23

1 and discussion that takes place at the front of this.
2 These are not parents, and I don't mean to tell you
3 something that you know as well as I do, if not
4 better, and that is these parents are perhaps are
5 most informed, most aggressive and they are opting
6 for this choice because they believe, they've
7 researched the situation and continue to research and
8 believe that the choice they're making is best for
9 their child.

10 MR. HASSEL: My final question is about
11 the schools that are participating, the private
12 schools. Do you have any sense of what proportion
13 are, were pre-existing schools versus new schools?

14 MS. MCCAIN; We have very few new schools.
15 And why I believe that is is one of economics. For a
16 school to participate they have to have been in
17 business for a year. And they have to prove that
18 they're fiscally sound. And while that appears
19 somewhat loose, there's also this element of when you
20 communicate with a parent as you would with any other
21 services, if you're a dentist or a doctor or
22 whatever, the parents going to ask how long have you
23

1 been doing this and what can you provide.

2 So, I'm not going to tell you that we
3 don't have schools that are brand new or a year old,
4 and that to me is a very young school. However, the
5 majority of the schools are, have been around for a
6 very long time, have very strong reputations, are
7 accredited and have an awful lot to offer these
8 parents.

9 MR. HASSEL: And what proportion of the
10 schools are specifically for students with
11 disabilities versus general private schools that have
12 a variety of --

13 MS. MCCAIN: Well, the school indicates to
14 us in their participation both in the survey to be
15 listed as a private school and then to participate in
16 this program, what special ed services they provide.
17 That does not necessarily mean that we categorize
18 them as a special ed school. So, I don't have
19 perhaps the numbers that you're looking for. But of
20 the 300, approximately 350 schools that are
21 participating, the majority of them do have on staff
22 a special ed person, people, teachers, that kind of
23

1 thing.

2 And the teachers or, I'm sorry, the
3 parents; that's what the parents are interested in.
4 We have a few, and there's some people in the
5 audience that can speak to this. We have parents
6 that are merely looking, say the child is a matrix of
7 251. What a parent believes may be best for that
8 child is just another environment, perhaps a smaller
9 teacher to student ratio. No special ed services are
10 necessarily provided, but the child is progressing
11 with the set of circumstances. That can make you a
12 little nervous, you know, and that's not right for
13 every child. But we are hearing some very positive
14 stories from parents that they might have been
15 hesitant, the private school might have been hesitant
16 to say we're not sure what we can offer your child
17 and if your child will be best served here. But that
18 seems to be working.

19 CHAIRMAN BRANSTAD: David Gordon.

20 MR. GORDON: Thanks, Chairman. A question
21 for Mr. Winn. We've had conversations before about
22 the interaction of IDEA and ESEA. What specific

23

1 things do you think need to be aligned between those
2 two programs?

3 MR. WINN: I guess my comments were, not
4 being a specialist in exceptional student education,
5 I'm not familiar with all parts of the law. My
6 comments are related more directly to the principles
7 or guiding principles that I would call, that should
8 be operational in that, in the reauthorization of
9 IDEA. And those principles in this case would be
10 principles that would be aligned with the HR1 and
11 with, promote parental choice.

12 MR. GORDON: Okay. Question on the
13 operation of the program. I assume that in the past
14 before this program came into being districts simply
15 placed the children in the private schools per the
16 IEP. Is that the case?

17 MS. MCCAIN: Well, maybe just, they
18 clearly have always had that opportunity. Probably
19 uniquely in Florida is there's not a lot of placement
20 of kids with mild disabilities, for instance, in
21 private schools through IDEA. But there has been a
22 substantial amount of contracting with community

23

1 facilities for services for Pre-K population. But
2 they've always had that option, yes.

3 MR. GORDON: Okay, well, let's say for the
4 children with more severe disabilities. I assume the
5 private school placements have been going on.

6 MS. MCCAIN: Yes.

7 MR. GORDON: So, my question is when would
8 the need for the scholarship crop up? Would it be
9 when the district and the parent disagrees on the
10 need for the private school placement, a particular
11 private school placement, that they would come for
12 the scholarship?

13 MS. MCCAIN: My guess is I don't think
14 we've had such a situation because typically; well,
15 looking at those particular contracts I don't know if
16 any child who has been placed under IDEA in a private
17 school in consultation with the parent has now come
18 back and said they want to opt for a McKay
19 Scholarship. I'm not aware that that's occurred.

20 MR. GORDON: Okay, final question, you
21 have this scaling and waiving of the costs. What
22 happens if the private school charges more than the

23

1 district is paid or the scholarship affords?

2 MS. MCCAIN: Good question and we had, that
3 was sort of a bonif contention, if you will, during
4 the first year because it limited the number of
5 private schools the parents were able to select
6 because it is very expensive as the school districts
7 know to provide services. And the first full year of
8 the program, parents were not able to pay a
9 supplemental fee. And so their choices were limited
10 to only those schools that had their tuition range
11 was just about equal to what the state funding amount
12 was.

13 Which meant that, and it was fine when we
14 had a thousand students. It worked out pretty well.
15 When the students were mildly disabled and it was a
16 251 and 252 because we're just talking about four or
17 \$5,000. But for children who may be at a higher
18 level, more schools participating and with the new
19 amended legislation, providing the parents could pay
20 a supplement, that opened up many more choices for
21 parents.

22 For instance, here in Day County there is

23

1 a school, specialized school in autism. And the
2 first year of the program, if I'm incorrect, the
3 school did accept, I believe it was three students,
4 and supplemented the tuition with their own
5 scholarship donor base privately. The second year of
6 the program, because of parent demand and then the
7 legislation making it possible, more parents wanted
8 their child to come to this school and were willing
9 and able to provide that difference so that their
10 child could, in fact, attend and receive those
11 services.

12 Long answer to your question but
13 supplemental payments are allowed for these parents.
14 And many of them, again, it expands their options. I
15 tell parents almost weekly, however, when they may be
16 displeased that there are only three schools in the
17 district that is willing to accept the scholarship or
18 there doesn't happen to be a school that specializes
19 in autism in their county. The program provides
20 options. It's not a solution to everything. And we
21 cannot mandate that a private school participate or
22 that they provide services that they're not trained

23

1 and ready to provide. That would not serve the
2 student well.

3 MR. GORDON: Final question; so, is it the
4 case that like with the scholarship for a high cost
5 child, the districts liability is capped at the
6 \$19,000? Or would the district potentially be, would
7 the district potentially be able to be requested to
8 pay even more than that?

9 MS. GOFF: I think under the McKay
10 Scholarship it's capped at the same amount of dollars
11 that the state would be --

12 MS. MCCAIN: The funding.

13 MS. GOFF: -- the funding that child if
14 that child was in a public school.

15 MR. GILL: The question is if a parent
16 wants say a \$40,000 program, they would have to go
17 through the district to get that. And the district
18 could potentially be liable for more than the \$19,000
19 depending on --

20 MS. GOFF: Not under McKay, not under
21 McKay.

22 MR. GILL: No, but I mean under --

23

1 MS. GOFF: Under a regular placement, for
2 example, a residential program that I would go
3 through an IEP process with the district to have my
4 child placed in a residential program. We, as I
5 mentioned, we've not had kids participating in a
6 residential program, even those parents express an
7 interest in McKay. But you are correct if it's a
8 placement under IDEA by the district. They assume
9 all of the responsibility regardless of the cost.

10 MR. GILL: So then the final question,
11 with the McKay capping at \$19,000, does that tend it
12 to drive down the cost of the private school programs
13 or stabilize them?

14 MS. GOFF: I would probably say no given
15 that our population is around 380,000 children with
16 disabilities and the 5,000 participants. The
17 expenditure level data hasn't changed.

18 MS. MCCAIN: And there are, and I'm not
19 sure if I understand your question correctly, but
20 there are very few schools in the state that are able
21 to provide those types of services. And even fewer
22 that would be willing to participate in this program.

23

1 CHAIRMAN BRANSTAD: Thank you. Alan
2 Coulter.

3 MR. COULTER: Once again I'm just trying
4 to kind of, I appreciate the numbers because I think
5 all of the Commissioners are interested in getting a
6 better description of exactly what we're talking
7 about here. The 1,000 children that participated the
8 first year --

9 MS. MCCAIN: Yes, sir.

10 MR. COULTER: -- how many of those children
11 participated in the second year?

12 MS. MCCAIN: I don't have that figure in
13 front of me but I would say probably around 900.

14 MR. COULTER: Okay, so --

15 MS. MCCAIN: We did not have a very high
16 drop out rate, if you will, that's not the proper
17 term. But all in all, parents were satisfied.

18 MR. COULTER: So, of those 1,000 during
19 the first year, how many of them would have returned
20 to regular school during that first year?

21 MS. MCCAIN: I believe we had 148 students
22 and they, the numbers we have, there are four options

23

1 that are established in Statute 4 opting into the
2 program. So a parent conceivably could choose to
3 continue the child in public school in the fall with
4 eligibility being determined by participating in the
5 prior year in the public school and decide that
6 that's not working. And then opt into the program
7 for the remaining three quarters.

8 So, it's sort of a fluid, I'm not sure
9 what the economic term is but they ebb and flow. We
10 had, I believe overall it was 148 students that
11 through the course of that first year did return to
12 the public school or may have opted to choose another
13 public school then return to their home school.

14 MR. COULTER: So, that's about 15 percent
15 of the kids, of the families that decided to return
16 in way or another.

17 MS. MCCAIN: For that first year, yes.

18 MR. COULTER: Where do you stand on the
19 second year of the 4700?

20 MS. MCCAIN: Well, I will know those
21 numbers in June. Right now what we're seeing is that
22 for the most part parents, because we are more

23

1 aggressive and the district is much more aggressive
2 about providing information to that parent at the
3 very beginning what all is involved in this and how
4 important it is to not make this decision in a casual
5 way. I believe that we are having, and I don't have
6 the numbers to prove it, but we're hoping that we
7 will have, that the parents are making a much more
8 conscientious decision before they move that child.
9 So we have less of the returning to the public school
10 system. And if they do return, it's early on.

11 We had, I believe it was more than 100
12 students that in the fall, began in the fall in a
13 private school. Decided that this was not right
14 maybe because free and reduced lunch was not
15 provided. I mean there was a multitude of reasons.
16 Transportation, their closest friend, they miss a
17 teacher, you know, those things. There are reasons
18 that they did return.

19 MR. COULTER: Now, if they return, what
20 happens to the funds that were transferred?

21 MS. MCCAIN: The funds follow the child
22 back.

23

1 MR. COULTER: The funds follow them back.

2 MS. MCCAIN: And that's one of the
3 motivations in the statute for having the four
4 quarters. We pay quarterly so that money is not lost
5 and that the money is able to follow the child.

6 MR. COULTER: Now, for the children that
7 are on the scholarship program, what's the
8 accountability for results for those kids? How do
9 you know that the program that they're receiving is
10 effective?

11 MS. MCCAIN: The parents make that
12 determination. And I don't mean to give you a cliché
13 back but it is the parents that ultimately decide
14 whether or not their child is progressing.

15 MR. COULTER: So these are kids that are
16 flying beneath the accountability rate.

17 MS. MCCAIN: Well, we don't rate private
18 schools. We don't grade private schools. We don't
19 license or regulate private schools in the state.
20 The Department; I don't go in and do some sort of an
21 evaluation or a search or any kind of monitoring.
22 That is done by parents and they can make a very

23

1 quick determination as to whether or not their child
2 is benefiting from that learning environment.

3 MR. COULTER: Okay, let me just ask one
4 other question because I see that Dr. Winn wants to
5 respond as well. For the --

6 MS. MCCAIN: Half the room jumped up too,
7 I might add.

8 MR. COULTER: For the kids that are simply
9 making a switch within the public system, you don't
10 know how many of those kids are making the switch?

11 MS. MCCAIN: No, sir, we don't, no, we
12 don't. We --

13 MR. COULTER: Why not?

14 MS. MCCAIN: Well, we have not captured
15 that data. We had two staff people initially and
16 that's the true and honest answer. But the districts
17 have, were in a similar situation that they also did
18 not have designated staff for this program until just
19 about now. So they are just now beginning to capture
20 financial data and the tracking of those students and
21 be able to realize why a parent may be leaving and
22 what can be done about it. If particular parents are

23

1 all leaving one particular school, that's something
2 that could be possibly be visited. So the very
3 simple answer is staff was not provided for it.

4 MR. COULTER: Thank you.

5 CHAIRMAN BRANSTAD: David Grasmick. I'm
6 sorry, Nancy Grasmick. You're sitting next to David.
7 I'm sorry, I've got to wake up here.

8 MS. GRASMICK: Two questions. Oh, I'm
9 sorry, did you want to respond?

10 MR. GORDON: That's okay.

11 MS. GRASMICK: Two questions; one, have
12 your appeals by parents on placement been reduced as
13 a result of this option?

14 MS. MCCAIN: Shan, you'd have to answer
15 that. We don't have an appeal process in the McKay
16 Program. But Shan would be the expert on the
17 district appeals.

18 MS. GRASMICK: No, but I'm talking about
19 just general --

20 MS. GOFF: I assume you mean complaints
21 filed against or due process hearings. It's been a
22 negligible impact.

23

1 MS. GRASMICK: Negligible impact.

2 MS. GOFF: Right.

3 MS. GRASMICK: The second is the
4 accountability issue because I did see and I think
5 you responded to that. That is simply the parent's
6 choice if they want the child to participate in the
7 statewide assessments. What if the child really has
8 not profited from being in the private school,
9 returns to the public school and the child's progress
10 has obviously been negligible. What is the
11 responsibility then of the public school based on a
12 defined accountability system in the public school
13 with no child left behind to provide the resources,
14 then, to try to retch it up to performance for the
15 child?

16 MS. MCCAIN: Shan, will you take that one
17 on for me?

18 MS. GOFF: I think you would find that we
19 address that, as we would for any child who comes
20 back into our school system, whether they're re-
21 entering or enrolling in school for the first time.
22 They'd go through the IEP process, take the present

23

1 level and then commit the level of resources so that
2 the child meets the annual goals that the committee
3 agrees to.

4 MS. MCCAIN: And we may have those
5 students and we'll know more probably in a year, less
6 than a year we will know more.

7 MR. WINN: If I may, again, on the
8 accountability aspect, the qualitative side of
9 accountability for, particularly for parents who are
10 participating in this program and for parents o
11 students with disabilities really occurs within the
12 interaction, I think, between the parent and the
13 school and the IEP process and a joint evaluation of
14 whether or not the child is making progress, academic
15 progress, progress in other areas where the child is
16 flourishing.

17 That parent who's exercising that level of
18 interest and accountability that may lead the parent
19 to choose the dramatic, essentially dramatic choice
20 of removing their child from the public school, going
21 through the process of applying for the McKay
22 Scholarship, having the child placed and also we'll

23

1 be learning more about this, that the dynamic of this
2 as we go through the program. But I think we have
3 every right to expect that parent to exercise the
4 same due diligence in evaluating the quality of the
5 program and of the progress of the child that led the
6 parent to make that decision in the first place.

7 So, although we have not put in place
8 processes that puts government in the process of
9 requiring private schools who are willing to serve
10 students with disabilities, although we're not
11 transferring a specific process to them, we believe
12 that within the dynamics that led to that choice,
13 that those same qualitative activities will be going
14 on once the child is placed into a private setting.

15 And that same level of accountability may
16 very well lead to dissatisfaction in the subsequent
17 placement and a further choice. But that's, so, I
18 don't want to characterize, I don't think it's proper
19 to characterize that there's no accountability
20 because if there was no involvement of the parent in
21 that setting, you would likely to not have the child
22 removed from the public school.

23

1 MR. FLETCHER: Mr. Winn, if there's no way
2 for a parent to have some data, formal objective data
3 on how well the child is performing, how can the
4 parent perform that evaluation?

5 MR. WINN: It's my experience that --

6 MR. FLETCHER: I'm not interested in your
7 experience. I'm asking if the parent doesn't have
8 data, formal objective data by participating in your
9 state accountability system, how can they have that
10 information about whether the program is working or
11 whether the child is progressing?

12 MR. WINN: Well, you're assuming that the
13 parent has no data. And I don't accept that
14 assumption. Private schools provide data on the
15 progress of children to all parents who participate
16 in private schools. And so the parent may have, they
17 may not have a specific state assessment data but
18 they would certainly have access to data that would
19 reflect the child's progress.

20 MR. FLETCHER: Well, how do you know that
21 if you don't regular private schools and how can you
22 evaluate whether those programs are effective or not

23

1 if you don't have a common metric for comparing the
2 progress of all children?

3 MR. WINN: The private schools are market
4 driven. Private schools are very --

5 MR. FLETCHER: That's not my question. My
6 question is how can you evaluate whether the program
7 is working if you don't have a common metric that's
8 the backbone of the state accountability system?

9 MR. WINN: The parent evaluates whether or
10 not that placement --

11 MR. FLETCHER: That's not responsive to my
12 question. My question is if you don't have a common
13 metric, how can you compare how well your program is
14 working relative to what happens with other children
15 that receive public support for education?

16 MR. WINN: Well, I think, again, the
17 assumption that you have to exactly the same measures
18 in order to evaluate whether the program is working
19 or not is not a necessary assumption.

20 MR. FLETCHER: -- be illuminated because
21 I'd like to know how it is you evaluate if you don't
22 have the same metric.

23

1 MR. WINN: Well, I believe that's a work
2 in progress at this point but right now the
3 evaluation is on the part of parent satisfaction.

4 MS. GOFF: And if I could just --

5 MR. FLETCHER: And I will stipulate --

6 MS. WRIGHT: Mr. Chair?

7 MR. FLETCHER: -- that parent satisfaction
8 is a totally --

9 MS. WRIGHT: Mr. Chair?

10 MR. FLETCHER: -- important index but is
11 not the same --

12 MS. WRIGHT: A point of order.

13 MR. FLETCHER: -- as participation in the
14 state accountability system.

15 MS. WRIGHT: A point of order, Mr. Chair.

16 CHAIRMAN BRANSTAD: We've got a point of
17 order.

18 MS. WRIGHT: Do we wait to get called upon
19 or do we just jump in and go to questioning? Had you
20 called upon him or is it my turn or whose turn is it
21 or do we just jump in?

22 CHAIRMAN BRANSTAD: Well, you make a good
23

1 point. I think your point is well taken.

2 MS. WRIGHT: That's right.

3 CHAIRMAN BRANSTAD: Actually, the next
4 person is Bill Berine and then Katie. You would
5 follow Bill.

6 MS. WRIGHT: Okay.

7 CHAIRMAN BRANSTAD: So Bill Berine's the
8 next one to be recognized, then Katie.

9 MS. WRIGHT: Thank you. I've been here.

10 CHAIRMAN BRANSTAD: Your point's well
11 taken and I would ask each members of the panel to be
12 recognized by the Chair for this.

13 MS. WRIGHT: Thank you, Mr. Chair.

14 CHAIRMAN BRANSTAD: Thank you.

15 MR. BERINE: Thank you, Chair. Most of my
16 questions have been answered. I was interested in
17 some of your numbers, particularly with regard to
18 disabilities, Mr. Winn. Clarification, the 40
19 million dollars that's involved with this program, in
20 your written testimony, you indicated that in 2000-
21 2001, the program exceeded a little over 40 million
22 dollars. And then I think one of the three of you

23

1 said that was state and local money. No federal
2 money? That's all state and local or is that, is
3 IDEA involved in that funding, in that revenue
4 stream?

5 MS. GOFF: I think part of Mr. Winn's
6 testimony included giving you some, some helpful data
7 on how much state dollars have been committed to
8 contracts with private schools and community
9 facilities already. That did not include any of the
10 expenditures under the McKay Scholarship.

11 MS. MCCAIN: Right, essentially the
12 existing voucher programs separate from McKay.

13 MR. BERINE: All right, so that's existing
14 moneys. All right. Now, you discussed the
15 disabilities have been involved in the program but
16 you've not mentioned the drop out prevention or
17 juvenile justice. What percentage of the McKay
18 Scholarships are going to drop out prevention or
19 juvenile justice programs?

20 MS. MCCAIN: None.

21 MR. BERINE: None.

22 MS. MCCAIN: No, part of the eligibility
23

1 is that the child not be part of the --

2 MR. BERINE: Well, it says here, in fact,
3 in 2000-2001 local school districts contract with
4 private schools and community facilities for programs
5 for students with disabilities, comma, drop out
6 prevention programs, comma, or juvenile justice
7 education programs exceeded 40 million dollars.

8 MS. MCCAIN: Yes, sir, but that students
9 that are otherwise on a third party contract or a
10 voucher program separate from McKay. I'm sorry, we
11 could have worded that perhaps better. Are you
12 reading that from Mr. Winn's testimony?

13 MR. BERINE: Exactly, right.

14 MS. MCCAIN: Well, I apologize for that
15 confusion but that 40 million is tied to
16 approximately 8,000 students that were receiving
17 vouchers, for lack of a better word, separate from
18 McKay. And those children may --

19 MR. BERINE: So it does not include any
20 juvenile justice clients or drop out prevention.

21 MS. MCCAIN: McKay does not.

22 MR. BERINE: Thank you.

23

1 CHAIRMAN BRANSTAD: Katie Wright, it's
2 your turn.

3 MS. WRIGHT: Thank you, Mr. Chair and
4 Commissioners and presenters, too. I have two short
5 questions. One, and I'm just curious, the other
6 people might know the answer. Is John McKay a
7 legislator? Is he a philanthropist who gave money
8 for this scholarship?

9 MS. MCCAIN: He is the president of the
10 Florida Senate. He is a parent of a child with
11 special needs and he was, I believe he was a member
12 of the House before he ran for the Senate as well.
13 He's a long time member of our Legislature. He's the
14 current sitting President of the Florida Senate.

15 MS. WRIGHT: Okay.

16 MR. WINN: Actually the House moved to
17 name it in honor of him. He didn't make that motion
18 himself.

19 MS. WRIGHT: Okay, thank you. Then my
20 last question, and it is the last one, is there a
21 parent advisory group to the John McKay Scholarship
22 Program? And if so, how strong is it?

23

1 MS. MCCAIN: The very simple answer is
2 yes. We have the non-public school advisory council
3 and we have a very loosely organized parent group.
4 But predominantly we rely very strongly on Florida
5 Child and Floridians for School Choice and other
6 parent advocacy groups that are willing to give us
7 information about how we can make this program better
8 for them.

9 And when I say we make it, we take all of
10 the things that they give us, whether it be
11 substantial data or just a comment or a report on how
12 their child is progressing and what they think can be
13 done. And we turn it over to whoever needs to hear
14 it, whether it be our Finance folks and how quickly
15 we process payments or private schools and how they
16 are, the participation process. Or legislatively we
17 actually turn over comments and written data and
18 things like that. And, as I said, we met last year
19 and met again this year with representative parents
20 and we paid for their transportation to come and give
21 us their feedback about how we could do it
22 differently and how we could do it better.

23

1 MS. WRIGHT: Thank you.

2 CHAIRMAN BRANSTAD: Jay Chambers.

3 MR. CHAMBERS: Well, as you can see we can
4 be a feisty bunch when we want to be. I say hi to
5 Shan. It's been a while. I've got a couple of
6 questions. I heard you say that the money attached
7 to the matrix is the state and local, which is
8 essentially is attached to a, kind of a foundation
9 plan. Is that right? How do these children benefit
10 from the federal money? Where does the federal money
11 go for these children under the Scholarship Program?

12 MS. GOFF: We have the requirements
13 specifically for districts that are consistent with
14 IDEA, that they have to calculate a certain amount of
15 their federal dollars to ensure that they're expended
16 on children with disabilities in private schools. On
17 another way I would probably say is we use a lot of
18 our state discretionary dollars under IDEA to do
19 system projects. When you heard the Charter School
20 Resource Center, that is funded through state
21 discretionary. We have instructional materials for
22 hearing impaired, visually impaired kids. We have a
23

1 whole series of centers that are for evaluation, have
2 parent materials, our Fiddler Center in Florida
3 Diagnostic Learning Resource System.

4 So, all of those federally funded projects
5 really through the Department of Education, we try
6 very hard to make sure the private schools and
7 parents participating in the McKay Scholarship know
8 of those resources so they can access them just like
9 any other parent can.

10 MR. CHAMBERS: But in terms of the dollars
11 that actually would be sent to the local district for
12 these children, you're describing the funds that are
13 retained at the state level, if I'm understanding you
14 correctly?

15 MS. GOFF: Correct, correct.

16 MR. CHAMBERS: The money that normally
17 would go to the local district, do those funds impact
18 the children who are under the McKay Scholarship
19 Program?

20 MS. GOFF: They typically don't. The
21 district, in knowing that our funding formula has
22 changed under IDEA, those dollars do not follow the

23

1 child specifically, no.

2 MR. CHAMBERS: Okay. Thank you. One more
3 question. I am, as you know, was fascinated by the
4 matrix structure a few years ago when I visited here.
5 Have only heard rumors of it since and I think the
6 Florida system is unique in that regard, at least in
7 the structure by which you determine the weightings.

8 I'd like to hear a little bit more about
9 that, if you will, in terms of its implementation and
10 how, as we start thinking about attaching dollars to
11 the backs of children, whether they be federal,
12 state, local, whatever. We heard a little bit this
13 morning about magic equations that we economists want
14 to do in ways of determining the cost of children.
15 This offers another approach. I'm curious how well
16 this has been received. How well it's worked at the
17 state level. What the perceptions are at the local
18 level of the structure.

19 MS. GOFF: And you may hear the perception
20 from the local level this afternoon from the local
21 folks that are in the audience. But we've taken a
22 few twists with the matrix service and maybe; and we

23

1 can provide you, Jay, with lots of information that's
2 probably more detailed than the rest of you would
3 like. But we do have --

4 MR. CHAMBERS: You may be surprised.

5 MS. GOFF: -- but, yes. The Florida
6 Education Finance Program, which is a long standing,
7 we believe, an equitable and fair system of funding
8 education in Florida. And is based on a weighted
9 system for kids not only with disabilities but, for
10 example, English, limited English proficient kids
11 that we also recognize that they need additional
12 dollars too.

13 The legislature in the last two years
14 decided to collapse three of those funding levels.
15 You've heard Diane and I mention 251, 252 and 253,
16 which really is the funding levels for 95 percent of
17 all children with disabilities in Florida. And they
18 collapsed that into a categorical. And that means
19 just one big pot of dollars that goes; you know that
20 from districts and schools and states, equated to, on
21 a formula to school districts.

22 However, to be able to carve out what

23

1 piece of that billion dollar pot belongs to an
2 individual child in an individual district, the
3 agreement across all bodies that we have retained the
4 matrix of service level for those kids when we
5 haven't necessarily retained it for other kids in
6 public schools because it is a fair why to determine,
7 quantify what services were committed on an IEP
8 regardless of the kid's disability into a kind of
9 leveling standard so I can equate to a level of cost
10 so that you can basically allocate fairly what
11 amounts of money would that child have generated if
12 they would have remained in the public school system
13 but in a little different funding model now.

14 MR. CHAMBERS: So, you're blending the
15 funds of the alternative categories. Is that
16 correct?

17 MS. GOFF: No, those are all still
18 separate. But what they did is, what you would see
19 is weighted funding for public schools. Really in
20 special ed is only 25, it's the two deep ends, 254
21 and 255. We have some other ways we capture the data
22 on those kids but they get a large pot of dollars

23

1 that before we distribute it in the three additional
2 cost factors. But for the McKay, we still retain
3 those five very specific cost factors to know how
4 much money should be provided for the services for
5 that kid.

6 MR. CHAMBERS: Are the districts, have you
7 concerns with their comfort level regarding the
8 amount of funds they're getting for these children?

9 MS. GOFF: I think --

10 MR. CHAMBERS: I know the answer from your
11 --

12 MS. GOFF: -- we all in special ed have
13 concerns about the funding level. I think one of the
14 issues, when you look at the matrix from district
15 perspectives that, and some of them have continued to
16 do it. It helps them do some allocation and staffing
17 models at schools and things of that nature. And
18 probably the biggest concern echoed across the board
19 has been the 253 kind of kids that aren't quite mild
20 kids. They have some multiple needs and multiple
21 services and their funding is a little different. So
22 we may visit that again legislatively.

23

1 MR. CHAMBERS: And the high need kids? I
2 know you talked about it earlier but I'm not sure I
3 followed the discussion. What happens to the very
4 highest needs --

5 MS. GOFF: They still have, regardless of
6 where they're served, public schools or through the
7 McKay Scholarship, they still retain a separate cost
8 factor or a weighted cost factor. For us it's 254 or
9 255.

10 MR. CHAMBERS: And that's the 19,000 or --

11

12 MS. GOFF: That's the \$13,000 and 19. I
13 did probably need to clarify. Those are minimum
14 numbers because we also add on certain categoricals
15 for instructional materials, technology so it's
16 probably another hundred plus or \$200 on top of that
17 for each child.

18 MR. CHAMBERS: Thank you.

19 CHAIRMAN BRANSTAD: Okay, Steve Bartlett,
20 this will be the last one because we're running over.

21 MR. BARTLETT: Mr. Secretary, most, we
22 heard at previous hearings that most states do not

23

1 include special ed students in their general academic
2 testing when you report on the schools as on their
3 progress on academics. I'm curious if Florida does
4 or not.

5 MR. WINN: We have been working on a
6 program to ensure that Florida's Children with
7 Disabilities participate at the level in an
8 appropriate assessment instruments as children
9 without disabilities. Students who are receiving
10 resource and additional services that are on regular
11 curriculum take our assessment, state assessment
12 examines. We have Shan and her folks have been
13 working on additional measures for students who are
14 not in what we call the regular curriculum programs
15 to evaluate their assessments as well.

16 So, we are moving forward and hope to have
17 in place next school year a full accountability
18 system that addresses all children with disabilities.

19 MS. MCCAIN: If I could for just a second,
20 and I know you said we were running over time. May I
21 just; we discussed a lot about accountability and I
22 know that many of you have great concerns about it.

1 But I would be remiss if I didn't share, I believe,
2 what may be some parent perspective. And that is,
3 although we have a small, relatively small number of
4 parents who are participating in this program and
5 their students are, I think it's important to note
6 that with accountability in our state, and they're
7 seeing some very positive changes in terms of
8 students, schools being graded and children being
9 assessed and public schools being accountable.

10 The parents were not willing to wait,
11 continue to wait for more information to be made
12 available. They determined that day or that month or
13 whatever, that something needed to be done and opted
14 for this program whether it be to another public
15 school or private school. So when we talk about
16 accountability, I know that not all parents have the
17 same level of expertise perhaps as our school
18 districts or even our legislatures and sometimes
19 they're a lot smarter.

20 That said, I think it is unfair,
21 personally unfair, forgive me, to not, to know that
22 accountability factor because the parents do; in a
23

1 perfect situation the parent very much wants to know
2 what that private school is doing in terms of
3 accountability in an assessment of their child. And
4 they want to know it perhaps quicker and faster than
5 they could have gotten it before from the district.

6 MR. BARTLETT: I might say that, of
7 course, differences of opinion is what makes the
8 world go around and the difference of opinion on a
9 commission like this in the marketplace of ideas is
10 what will help us to come up with a good public
11 policy. I, for one, believe from what you've told us
12 today and looking at the results, that with the McKay
13 Scholarships you have true accountability with
14 recourse. You have accountability and you have
15 recourse of the ability to do something about what
16 you've learned. Without the McKay Scholarship it
17 sounds like what you have is what most states have
18 and that is some limited reporting of results with no
19 recourse as to the consequences of that reporting.

20 One last question, what have been the
21 biggest problems that you've encountered as reported
22 to you by either parents or school districts or

23

1 principals or teachers? After this has now been in
2 effect and it's in its second year, what do people
3 tell you that they don't like about it now? What are
4 the biggest problems, if any?

5 MS. MCCAIN: Lack of information, lack of
6 information.

7 MR. BARTLETT: So, you haven't seen any
8 school districts close down, no schools have had to
9 go out of business for lack of budget or anything
10 like that?

11 MS. MCCAIN: No, in fact, I mentioned the
12 perfect situation and that would be, and we do have
13 this evolving, in that for the first year everybody
14 was scrambling to implement the program and to
15 provide information to parents in less than 40 days.
16 I mean, it was very interesting between the bill
17 being passed and signed into law and the date of --

18 MR. BARTLETT: So, it's the lack of
19 information for how to get into it.

20 MS. MCCAIN: How to get into the program,
21 what all is involved, what decisions need to be made
22 in terms of progress and assessment and those kinds

23

1 of things. But in a perfect situation, and we do
2 have them coming, the parent in consultation with the
3 district, and we have this happening, the district
4 advisors, the district staff as well as the teachers
5 are saying, this is what's available at the school.
6 This is what is available at other public schools in
7 our district. But we recommend or we feel that we're
8 not able to provide what your child may need. But
9 this private school may very well be able to provide
10 it. And so with an open heart --

11 MR. BARTLETT: Public school teachers are
12 saying this?

13 MS. MCCAIN: Yes, yes. And if a parent
14 has that relationship with a teacher and that teacher
15 has the freedom to be able to say, I've worked with
16 your child and this is what I'm seeing, that is an
17 ideal situation when it comes to providing better
18 education.

19 The same thing is true with a teacher
20 being able to say, I've worked with your child.
21 Perhaps another school in our district could better
22 provide services.

23

1 MR. BARTLETT: Any other big problems
2 you've heard about?

3 MS. GOFF: Probably logistical
4 implementation. We're a very large state with 2.5
5 million kids and only 67 districts. And our large
6 districts like Miami Dade are very large. Just being
7 able to report kids, identify kids, verify that
8 they're eligible, do the matrix of service if it
9 wasn't already done and trying to get all of that
10 rolling because parents are obviously looking for
11 what their options are within a very short window.
12 And just the logistics of, and we're a very
13 sophisticated state, but just transferring that data
14 electronically to one office to another office, to
15 how to make an online system available for private
16 schools, how parents have good information.

17 I think it's really, it's basic
18 implementation issues that deal with data pieces and
19 how do I get from Point A to Point B. And lack of
20 information sometimes in --

21 MR. BARTLETT: But the world didn't come
22 to an end and the southern half of Florida didn't

23

1 sort of saw off and go off into the Atlantic Ocean or
2 anything.

3 MS. GOFF: No, we have, I believe 1,200
4 students are participating in Dade County alone,
5 Miami Dade County alone. And I think that number is
6 going to grow.

7 MR. BARTLETT: Thank you.

8 CHAIRMAN BRANSTAD: Thank you, Steve. And
9 Diane McCain, John Winn and Shan Goff, thank you for
10 jumping in and helping answer a lot of questions as
11 well. We appreciate all of your participation.

12 We're going to, we're going to shorten the
13 break here and we're going to try to get back on
14 schedule and come back at 3:10. So, it's only going
15 to be a ten minute instead of a 20 minute break. So,
16 I ask you to be back here at 3:10. Thank you.

17 (Whereupon, a break was taken at 3:00
18 p.m.)

19 CHAIRMAN BRANSTAD: May we have your
20 attention? Okay, I'm pleased to reconvene the
21 Presidential Commission on Excellence of Special
22 Education. Our presentation this afternoon will be

23

1 about Options for Parental Involvement in Special
2 Education, Part 4, Advocacy Organizations and Related
3 Services.

4 The panel will review the role that
5 advocacy organizations play in their communities and
6 with local schools and will examine ways to improve
7 consumer directed services for parents and their
8 children with disabilities. The panel will also
9 discuss the importance of related services,
10 coordination for children with disabilities.

11 Our panel members are Santiago Garcia,
12 Jr., of Homestead, Florida, who's a disabled parent;
13 Alice Harris, a parent with and the Executive
14 Director and Founder of the Parents of Watt's Working
15 with Children and Adults, Incorporated; and
16 Representative Elizabeth Coulson, former chairman of
17 the Department of Physical Therapy, Chicago Medical
18 School, an Illinois State Representative.

19 Santiago, would you like to go first?

20 MR. GARCIA: Yes, Mr. Chairman. And may I
21 have an assistant to bring the microphone stand over
22 here?

23

1 CHAIRMAN BRANSTAD: Sure.

2 MR. GARCIA: Do I need to stand?

3 CHAIRMAN BRANSTAD: No, you don't need to
4 stand. Just use the microphone.

5 MR. GARCIA: No, I need to stand up --

6 CHAIRMAN BRANSTAD: You need to stand up,
7 okay.

8 MR. GARCIA: -- to talk properly.

9 CHAIRMAN BRANSTAD: Okay.

10 MR. GARCIA: I'm sorry about this.

11 CHAIRMAN BRANSTAD: Oh, no problem.

12 That's all right. We want to accommodate to make
13 sure we've got a microphone stand that will work for
14 you. Is that okay?

15 MR. GARCIA: Yes, thank you.

16 CHAIRMAN BRANSTAD: I think maybe we need
17 to have the microphone higher yet. Yeah, and turn it
18 on. That would be even a better idea.

19 MR. GARCIA: Thank you. Can you hear me?

20 CHAIRMAN BRANSTAD: Speak directly into
21 the microphone, please.

22 MR. GARCIA: Technology has left me

23

1 behind.

2 CHAIRMAN BRANSTAD: Well, listen, we all
3 have that problem here so don't let that bother you.
4 Go ahead, it's your turn.

5 MR. GARCIA: Thank you.

6 CHAIRMAN BRANSTAD: Thank you, Santiago.

7 MR. GARCIA: I wish to greet the
8 Commission by welcoming them to Miami. Unfortunately
9 I couldn't show you the hospitality of the folks in
10 Homestead. They're a little bit more country in
11 heart and spirit. They don't like to travel to Coral
12 Gables. The distance is too far. And the urban --

13 CHAIRMAN BRANSTAD: It's not that far. I
14 was just there yesterday.

15 MR. GARCIA: Mr. Chair, Commission
16 members, I am very honored to be here, to be an
17 invited guest. Unfortunately because of my MS I am
18 very nervous. My body feels like a vibrated. I am
19 unfortunately also, because of the MS I know my voice
20 is affected by it. So I may not be very clear on
21 some of the words that I am speaking, just like that.
22 But I hope that you take the time and get the message

23

1 that I'm trying to convey from my heart.

2 I am very grateful for the education and
3 information training centers that have invited me
4 here to be a speaker today. We call those individual
5 PPI's Community Based Parent Resource Centers. I
6 locked horns with them about six years ago when I was
7 trying to provide services to the migrant farm worker
8 families in the Homestead and south Florida region.
9 They didn't have appropriate materials for me to be
10 able to share with the farm worker families.

11 However, they were able to provide
12 guidance so that I could use my education and writing
13 skills to incorporate the knowledge, the best
14 knowledge of information on parents and the rights of
15 children who have disabilities in public schools. I
16 found myself relying quite heavily on the patience
17 and kindness of the PPI's, especially the one here in
18 Florida, the Family Network on Disabilities. They
19 were able to provide the service that I needed to
20 work with my parents.

21 But I feel like the June Bug that stumbled
22 into the chicken coop with a bunch of hungry chickens

23

1 because I am the only one that is able to speak from
2 the heart and experience of a migrant farm worker,
3 which I was until the age of 21, a parent, which I
4 was and still am. My daughter sends me letters, two
5 page letters with two words. Send money. She has a
6 learning disability. And unfortunately I think it's
7 related to the amount of money that I have in my bank
8 account.

9 Carmen is 22. She has struggled
10 constantly to have short term memory. That's the
11 only individual I know that knows verbatim over a
12 thousand songs yet can't tell you when five minutes
13 have passed. She can't tell you what her teacher's
14 name is. She can't tell you what is two plus two.
15 But she is able to be a top salesman for Steinmark in
16 Indianapolis. But she is able to balance her
17 checkbook. I'm having her give me an e-mail
18 dictorium on how to balance your checkbook. That's
19 how good she is. But her short term memory is no
20 good. It's gone.

21 I found myself struggling with how to
22 provide an educational service for Carmen. My ex-
23

1 wife and I paid for tutorial assistance. We paid for
2 a private school, supplemented by the public school
3 special ed program. The PPI in Indiana was able to
4 provide the educational background that we needed as
5 educated parents to be able to fight and advocate for
6 her.

7 We struggled to make sense with all the
8 laws and all the rights. I used that experience when
9 I moved to Florida to continue to work with the farm
10 worker families. I started workshops. I asked them
11 to bring their children's records. They showed up
12 clutching little plastic bags with their student
13 records. I felt this was inadequate. I needed to
14 have the parents do a little bit more technical
15 assistance for their schools.

16 So, I asked them to bring file folders.
17 That was inadequate. The files were extremely large.
18 So, I provided them with a portfolio. This was
19 adequate for a few. Most parents that travelled
20 needed an expanded file like this to be able to carry
21 their children's record. And unfortunately something
22 was still missing. They didn't have the information

23

1 on parent training and information centers of the
2 right and responsibilities for their children.

3 Fortunately, the Florida Development
4 Disability Planning Council was able to fund a model
5 development project which developed a multi purpose
6 binder not only having the parents and information
7 center backgrounds of parents' rights and
8 responsibilities but we also provided for them low
9 literacy high interest items that they could write
10 on. More important, they were able to put their
11 children's records in it.

12 All of this came about through the
13 generous of the parent and training and information
14 centers. But unfortunately something was missing.
15 As migrant farmer worker children moved north, the
16 schools up north were not ready to accept their
17 records. We had prepared them for everything
18 possible in order to provide them with the
19 appropriate information. Unfortunately the schools
20 that were receiving the children were not ready to
21 accept them. There was no reciprocating
22 relationship.

23

1 I have used my experience as a parent and
2 as an adult with a disability to continue to advocate
3 for the rights of the farm workers. In Florida, we
4 have over 60,000. At last count, 17 percent of those
5 individuals enrolled in schools were classified or
6 receiving exceptional student program services. Now,
7 on the other hand, a recent study by the University
8 of Florida Agricultural Services indicated that 41
9 percent of the Florida farm worker population was
10 undocumented.

11 The chilling effect of knowing that you're
12 here illegally and trying to get services from a
13 school kind of keeps you quiet. You need the money.
14 You don't want to make waves. You keep your children
15 at home. You don't send them to school. They don't
16 want you in the summer. So you're actually an
17 isolated individual, an invisible individual in this
18 land of plenty. You are able to provide the labor to
19 harvest the crops but the only future that your child
20 has is to continue that legacy.

21 The grassroots -- on disabilities was
22 created to provide the kind of support that I needed

1 as a small community based parent resource center.
2 We need to consider how we can support and maintain
3 this continued individual project. The
4 responsibility is awesome, that I have. But it's
5 much greater because you're the ones that have to
6 convey to the President the best options to maintain
7 the parents' training and information centers as well
8 as the community based parent resource centers.

9 I won't take any more of your time. I
10 know I have other distinguished individuals that are
11 able to speak on this subject. So, I thank you for
12 allowing me the ten minutes of pain.

13 CHAIRMAN BRANSTAD: Thank you very much
14 for your presentation, Santiago. Now --

15 MS. HARRIS: My turn?

16 CHAIRMAN BRANSTAD: -- your turn, go
17 ahead.

18 MS. HARRIS: All right, my time. All
19 right. Good morning and, well, thank God, I have to
20 say that. And I always slip that one in. But to the
21 President and the Commissioners and all of my friends
22 out in the audience I am honored and grateful to be

23

1 here. I would like to tell you about the reason that
2 I started the Parents of Watts was I had three
3 children that had special needs. And one of them was
4 a chronic ad medic and the doctor said she wouldn't
5 be able to get 12. The other two had seizures. And
6 then I had one that had no need and we could never
7 talk about that one because the three of them was so
8 great.

9 And so because of that, and my husband got
10 laid off of work so that brought the welfare in and
11 they said, when they got in they said, well, it's too
12 many sick children in the home. It must be something
13 wrong with the home. And for that I had a run for my
14 money trying to keep from losing my children because
15 they had special needs.

16 Well, I won. That's the reason I have to
17 always give thanks to God because I didn't have the
18 knowledge and I didn't know what to do. But I know I
19 wasn't going to lose my children, not standing up.
20 So, anyway, I didn't want anybody else to go through
21 with that. I had no knowledge. I just didn't know
22 what to do. But then I had to learn. And in

23

1 learning I felt I have to share this so another
2 family won't have to go through with this. And
3 that's how I got started with the Parents of Watts.
4 And I live in the community where I work at. And so
5 every time a parent would have trouble, I'd see one
6 living in cars and see the children, seven, eight
7 years old, never been to school. I would go to them
8 and I would say, I can help you. And I will. And
9 that's how I got the name started Sweet Alice. So
10 everybody now knows me as Sweet Alice. It's been a
11 long time. I'm not tired yet.

12 So, with starting that and going through
13 to conferences, and I had a chance to meet all my
14 colleagues out there in the audience and all I didn't
15 know I would ask them. And I would go back and take
16 it to the community. And so one day I had a notice
17 from the President of the United States and said I
18 had been chosen for this Parents of Light. I think
19 he had, at that time they were going around finding
20 1,000 people and I was the 703 Parents of Light.

21 But I had a chance to talk to him and I
22 had a chance to talk to his wife. And I was telling

23

1 them what I had gone through and what I was doing.
2 And I promised them that I wouldn't give it up. And
3 the President promised me that he wouldn't give me
4 up. But it wasn't long before he had left the seat.
5 And I kept mine since now to today, now today I am
6 here now seeing that his son has taken up where he
7 followed at. And I tell you, Commissioners, the man
8 don't play. He's right on time because we, in
9 working now, I am, instead of teaching parents, I'm
10 also teaching teachers how to work with parents. Do
11 you not know teachers didn't go to school to learn
12 how to work with parents. Parents didn't go to
13 school to learn how to work with teachers.

14 And I found that was a big need that we
15 need to do and stop assuming that the teachers don't
16 want the parents at school. They don't know what to
17 do with them when they get them there. And neither
18 do the parents understand what to do with the
19 teachers. So they only go when they get upset. And
20 when the parent get upset or something going on
21 wrong, she goes in to get the teacher. When
22 something happens to Little Johnny, the teacher

23

1 writes a note home to the parent and the parents are
2 sick of these bad notes. So, I teach them, send some
3 good notes home sometimes.

4 My job now is to bring in a relationship
5 between the teachers and the parents and work with
6 the superintendents to give both of them a break.
7 And I found that was one great need that's really
8 needed because I'm getting more invitations to go now
9 and speak in different schools and districts for
10 that. And I find out from the questions they ask, it
11 is a great need.

12 So, with working with that, I thought I
13 would continue to work with that. But then the
14 neighborhood -- came through. Now, I live in a
15 neighborhood where there is -- projects sitting
16 around the community. No where in the United States
17 has that ever been and it's called Watts California.
18 Now, when a grant comes in it's called South Central.
19 But South Central is not Watts. And now you ought to
20 take notes of this because it's not Watts. Watts is
21 Watts.

22 But anyway, during the riots and hispanic
23

1 and African American start, teenagers fighting one
2 another because jobs was coming in and they were
3 fighting over the jobs. So then my job was to bring
4 them together and stop the teenagers from fighting.
5 And then working with teenagers, I found out that
6 most of our teenagers, they're in high school but
7 they're reading on a second and third grade reading
8 level.

9 And it don't belong, and then in camp,
10 they're there because they can't read. They have a
11 education handicap that nobody seems to look at too
12 much because if you behave yourself, you was passing
13 on your age anyway. So when they get to college they
14 drop out because they can't keep up there. Then the
15 community, they're mad with everybody. So what do
16 they do? Fighting, shooting and killing. And so we
17 had to put a stop to that.

18 And what we did, we started our community
19 school. We have a house where the teachers come
20 there and teach. They have to be 14 because it has
21 to go through community adult school. But we have
22 123 in different colleges now. We just had one the
23

1 other day who has finish pharmacy school, a technical
2 pharmacy school. And he had a 4 point grade average
3 and now they said he could go on to be PA, that's a
4 practitioner physician.

5 But these, and they say nobody good comes
6 out of Watts. That's not true. They can learn and
7 they will learn. The President said he wants every
8 child to be reading by the time they get three years
9 old. We've already started working on it. We're
10 starting a community readiness field center. Now, if
11 we said child care, that's all they're going to get
12 is child care. Play all day long. And then when
13 they get to kindergarten, the teacher then has to
14 train them how to sit still.

15 We have to start that, if it can't start
16 in the home, it has to start in the community. If
17 the parents is walking around selling diapers at
18 night, you know that belongs to the child. So you
19 think they're going to teach the child how to read?
20 No, we have to do that. We have child care across
21 the street from the office we started to see if this
22 would work. We have a 15 month old child; now you

23

1 all come. Don't even call me when you come. Just
2 come on and see this for yourself. The child is 15
3 months old is reading Green Eggs and Ham out of the
4 book. They're already working on the computer.
5 Children learn better at an early age than they do at
6 a later age. And so I'm grateful for the President
7 for making that announcement publicly. And we want
8 to use that as model to prove that children can be
9 reading at the age of three years old. That don't
10 start at Head Start. It starts before Head Start.
11 It starts in the home. And if it don't start in the
12 home, it starts in the community.

13 Another good thing is Watt Grassroots
14 Organization. Why? Because they live where they
15 work. Number one, when you're a grassroots
16 organization and you're waiting on a parent, you are
17 the counselor, you're their best friend, you are the
18 one that they trust, confidence. You are the one can
19 go in the home and you are the one that can tell that
20 mother, I don't want to see this child dressed like
21 this again. You can't go in there and do that. But
22 her friend can do that.

23

1 So, in the morning time I get to be the
2 teacher and the counselor. But at 5:00 o'clock, I
3 get to be the neighbor; two hats. And I tell them
4 when I knock on the door I'm the neighbor this time
5 so we're going to sit down and we're going to
6 business. And we can do that.

7 Nobody showed me a hand. You all let me
8 know when to quit because see I've been doing this a
9 long time. I talk a long time. But I want to give
10 you some what work and what doesn't work. And one
11 part I want you to know, when it comes to parents, I
12 teach them. You might have a PhD, but the parent has
13 a Ph Do. The difference in that, you read the
14 theory, they have experienced the theory. And when
15 you put both of them together, it works.

16 Thank you.

17 CHAIRMAN BRANSTAD: Thank you, Sweet
18 Alice. Thank you very much. I think you maybe went
19 a little over but it was worth it.

20 Representative Elizabeth Coulson.

21 REPRESENTATIVE COULSON: Well, I don't
22 know if I even need to speak because I'm going to

23

1 take your PhD and Ph Do, if you don't mind, and use
2 that in other categories.

3 Well, I feel a little bit out of place on
4 this panel because we have these two people who are
5 speaking from obviously good experience. But I will
6 stick to some of my testimony and probably throw a
7 few examples in.

8 I thank you for the opportunity to testify
9 regarding special education excellence. And as a
10 physical therapist and a state legislator, I feel
11 that I am in an unique position to talk about ideas
12 with you. I'm going to target four areas in my
13 testimony, many of which you've heard over and over
14 today. So, I won't dwell on them. I'll be very
15 short so that we can try to get back on our schedule.

16 One is accountability; two is prevention
17 and early intervention, which I haven't heard as much
18 about as I think I would have liked today; personnel;
19 and then transition planning, which is another area
20 of interest of mine. But after this compelling from
21 Sweet Alice and Santiago, I'm feeling that it's a
22 little bit hard act to follow.

23

1 My first reason for being here is I
2 started as a physical therapist in 1976. I was one
3 of the first physical therapist hired in the school
4 district to set up related service under the Public
5 Act 94-142. I worked for two years in special
6 education. And then you know what happens, we all
7 sort of go on from there. It's a tough business to
8 be in. And I went on to be a professor at Chicago
9 Medical School. I taught pediatric physical therapy
10 as well as many other courses in health care policy
11 and became chairman. And then I became a State
12 Legislator after I had worked on public policy for
13 about 20 years in special education as well as other
14 educational areas.

15 In addition, I have served as an educator
16 advocate for at least 12 years, if not longer, for
17 the wards of the state because I felt with my
18 background and expertise children who didn't have a
19 parent to go their IEP meetings should have someone
20 who had some understanding of the system and knew the
21 rights of parents, which our state does have special
22 training on.

23

1 So, I've been involved in IEP meetings, I
2 figured out this morning, for over 20. On and off,
3 not every year. And I've seen them change. And I'm
4 going to address my comments based on some of those
5 changes but also what I think could be better about
6 them.

7 We've come a long way since 1975 in our
8 thinking and in the way we deal in special ed. But
9 so much more needs to be done to make the programs
10 what they were meant to be and to allow children with
11 disabilities to be able to take advantage of all the
12 educational opportunities that all children have.

13 Related to accountability, I think there's
14 a couple of issues. And I'm not going to read my
15 testimony because I know you have it there in front
16 of you. And one of the things as a legislator, I
17 hate it when people read what they have in front of
18 them. But I'm going to address two issues. And one
19 of those; there's a huge variety of student needs in
20 special education. Remember we have learning
21 disabilities, we have physically handicapped
22 children, we have all different kinds of categories.

1 And I think in accountability you need to keep that,
2 take that into consideration.

3 We spoke earlier today about whether or
4 not students should take the standardized test. And
5 I'm going to give you one example from my experience
6 as an IEP that will tell you maybe you need to be
7 careful how you word it so that not all students have
8 to take a standardized test just because they have to
9 take the test. And that example was a young man, I
10 won't give you his name because of confidentiality,
11 but he was nine years old. He was brilliant. He had
12 wonderful, like Mr. Garcia's daughter, wonderful long
13 term memory. He could sing any song from memory but
14 he had no short term memory. And they made him take
15 a standardized Westler test. And you know what? He
16 failed it.

17 We sat down and talked to him and he
18 couldn't remember anything for five minutes. They
19 gave him several other tests and he couldn't pass
20 them. One of the reasons was he couldn't put paper
21 to pencil, pencil to paper, excuse me. So, I think
22 what you have to think about in standardized testing

23

1 is what fits that child. Don't tell me, yes, school
2 psychologist told me on another child that this child
3 would never walk, a four year old child. He was not
4 yet able to walk but they told me he would never be
5 able to walk. That had nothing to do with what he
6 had been tested for by the school psychologist. And
7 as a physical therapist, I knew what he was being
8 tested for and what he would maybe be able to do as
9 far as walking.

10 So, just enough said about accountability.
11 Be careful that it's flexible enough and there are
12 measurable tools that we can tell what the student
13 level is. And because I'm not going from my
14 testimony, I was just going to; the other issue on
15 accountability as far as current research, I know
16 there's a lot more research out there than there was
17 20 years ago. But we need to make sure that we have
18 valid and reliable for all different types of
19 students, all different diagnosis or categories,
20 whichever word you prefer to use. I like to call
21 them students with special needs and we need to make
22 sure that they're appropriately tested.

23

1 I'll give you another example and then
2 I'll go on to early intervention. I have seen IEP's
3 written for similar students that have the exact same
4 information on them even though the students have
5 very different needs. Not because the students are
6 the same and not because the teachers aren't good but
7 because the teachers don't have time. And the
8 paperwork, the amount of paperwork that is required
9 is excessive and we cannot always take the time to
10 write a special IEP, Individualized Educational
11 Program. Sometimes they become 90 percent of this
12 and 80 percent of that. And they are very rote.

13 And we need to make sure as public policy
14 makers that we don't make it so that all they're
15 doing is rote and that they're not actually
16 individualizing those programs. Again, we need to be
17 careful in the wording.

18 And last but not least on accountability I
19 want to mention that parents should always have input
20 into their IEP's. But I would also like to suggest
21 that students have input into their IEP's. They know
22 what they need. They know what is best for them in

23

1 many cases. Now, I know the question, I think it
2 was; well, I can't tell from the front. I only saw
3 you from the back in the audience. Well, what age?
4 Well, it depends. It's individual and it depends on
5 the child. But we have got to take that into
6 consideration. If they want to be an auto mechanic
7 then they should be able to voice that at 13 or 12 or
8 14 or 16, whatever time is appropriate. And then we
9 should be able to help them. If they want to go to
10 college, we should be able to do that too.

11 On prevention and early intervention, I
12 can't say enough about this. I don't want to spend a
13 lot of time but one of the things that all the
14 research shows, all the neurology research talks
15 about for all children is that the earlier the
16 better. Children learn best very young. If they do
17 not have the resources in the home, they need them
18 elsewhere.

19 I think Sweet Alice put it very well, it
20 shouldn't be playing in child care. It should be
21 early childhood education, it should be early
22 intervention. We need to identify these children

23

1 very early that might need some services because
2 many, many times and what we've found in Illinois,
3 many times we can give services and then that child
4 never needs special education in the school district.
5 Cost effective, you know, that's a bureaucratic word
6 but it is cost effective. But even more it's child
7 effective and I think that's very, very important.

8 -- innovation and flexible use of
9 resources. Therefore, it's my recommendation to
10 encourage local school districts to be able to do as
11 much early intervention as part of the system. And
12 it must receive special attention. It's a part of
13 IDEA but I think it needs to be an even broader part.
14 I'll answer questions on that later.

15 Personnel, there's a critical shortage of
16 personnel and properly credentialed people to deal
17 with students with disabilities. Partly because it
18 is a lot, there is a lot of paperwork. Partly
19 because we just don't have enough training programs
20 in the state. And I would like to, again, not read
21 through my recommendations but to remember that we as
22 states and federal government need to work with our

23

1 universities and our schools to try to set up better
2 programs, to make sure there's reciprocity, to make
3 sure there's ongoing public, professional development
4 for teachers both the regular education teacher but
5 also the related health services person.

6 And as one of those related health
7 services person, a physical therapist, the hardest
8 thing for a physical therapist to do when they come
9 into a school district, they may not have had
10 anything about IDEA in their curriculum. They need
11 to be able to learn that information, know what the
12 parent's rights are, know what they need to do. And
13 we need to address that at the curricular level. As
14 a chairman of the Physical Therapy Department, of
15 course I made sure that was included in our
16 curriculum. However, I know it's not included in all
17 curricula.

18 The last idea that I have and I think one
19 of the; my dissertation and my PhD is on recruitment
20 and retention. So, forgive me if I go overboard on
21 recruitment. But I think we need to make it a really
22 exciting thing and develop a public image type,

23

1 national campaign for people to be willing to be
2 special education teachers because it's one of the
3 most important thing that we can do as far as better
4 training for our students and our teachers.

5 And last but not least, I'm going to talk
6 about transition. And that's because my most, my
7 biggest frustration right now is I've been in special
8 education for 22 years. Some of my kids, and I call
9 them my kids even though I don't have any of my own
10 children, they're my kids, have aged out. They're
11 22. They're 25. They're 26. And we don't do very
12 much. As a matter of fact we do almost nothing to
13 help them transition into real life.

14 Life skills at the high school level
15 dealing with balancing their checkbook, making sure
16 that a child that can go to college goes to college
17 or, for example, my friend's son, Daniel, who is
18 developmentally delayed and he just reached 21. And
19 we looked around for four years to try to find
20 something for him to do, a job for him to go to and
21 we had to end up creating our own program. Luckily
22 his mother is a physical therapist. I'm a physical
23

1 therapist. I'm a state legislator and we created our
2 own program, a Bell Transition Program in the State
3 of Illinois, a pilot program to try to help these
4 kids.

5 The most amazing thing about Daniel, he
6 was in the schools until he was 21 and he couldn't
7 read and he couldn't add and subtract. And you know
8 what? He now, after a year in that new program, is
9 able to read some words. He's 22. Now, we don't
10 know if he might have been able to do that before or
11 if it's just that he's now reached the level where
12 all of a sudden he's able to develop those skills.
13 We don't know that because none of us measured that.
14 But it really has opened up our eyes in the last
15 year. And now we're fighting for funding for that
16 program and it's only a pilot program. And that
17 leads me into my last comment, that I promised I
18 wouldn't spend a lot of time on.

19 But one of our biggest concerns is
20 obviously the issue of funding. In the State of
21 Illinois we don't fund special education enough
22 through the State. But we're not helped a lot by the
23

1 federal government either. And as a legislator I
2 have learned a lot more about how little we actually
3 do help to fund special education. And I applaud the
4 President and his program to improve funding for
5 special education through his general education, I
6 have the bill right here, the new education program
7 that he present, No Child Left Behind.

8 But I will reiterate that it's very, very
9 difficult. And one of the reasons we're having
10 problems with IDEA implementation is because of the
11 lack of funding. In Illinois we are still at the
12 1985, '86 levels of funding for teachers. Obviously
13 schools are supplementing that program greatly.

14 My only other comment that I'd like to
15 make, and this is something that came to me just two
16 days ago from a parent, and I didn't include it in my
17 testimony, is about dispute resolution. And I've
18 done a lot of legislation related to arbitration for
19 other things. And what this parent said to me is, I
20 wish, I wish I didn't have to go to do process right
21 away. I wish there was a way to have a mediation
22 system so that if we're not getting what we need we

23

1 can go to a mediator and work it out, because this
2 person happened to be an attorney, rather than
3 immediately going to an adversarial position.

4 I talked to some teachers. I talked to
5 some special education people and they said the exact
6 same thing. So, I did not hear that today and I
7 thought I would add that.

8 And my last comment is prevention,
9 prevention, prevention. Prevention is cost
10 effective. Prevention is child orientated. And
11 prevention, early intervention is a key. Thank you
12 very much.

13 CHAIRMAN BRANSTAD: And our first question
14 is from Doug Hunt.

15 MR. HUNTT: Thank you, Mr. Chairman. I
16 wanted to get in early because I was shut out of the
17 last round. First of all, I want to thank staff for
18 determining which ones of us are PhD's and not. That
19 was good. I appreciate that. I would say, though,
20 that the Assistant Secretary of OSER is a PhD, Bob
21 Pasternack, so.

22 MR. PASTERNAK: Is that a Ph Do or is

23

1 that --

2 MR. HUNTT: The jury's still out, Bob.
3 I'm going to try to wade out of that one. Mr.
4 Garcia, my ears perked up when you said that your
5 daughter is competitively employed even though she is
6 a person with a disability.

7 MR. GARCIA: That's correct.

8 MR. HUNTT: And in fact that she is a
9 sales person for a major company. And I was
10 wondering, did I hear you say that you chose not to
11 send her to public special ed, that you did go
12 through private school?

13 MR. GARCIA: It was a difficult choice but
14 the reason was based on the IEP and the support of
15 information on what would be the best program for
16 Carmen, she needed a small classroom environment.
17 The alternative for her was to go into a middle
18 school with about 1,500 students. And then in high
19 school, the alternative was a high school with about
20 4,000 students. And I just didn't think along with
21 the people that work in trying to develop the
22 appropriate IEP in that environment, Carmen would be
23

1 lost.

2 MR. HUNTT: What would you have done
3 without that option then? Do you think that she
4 would have succeeded at the same level?

5 MR. GARCIA: Well, fortunately I was able
6 to afford to send Carmen to a private school. I'm
7 still paying for it. Now, the option was to move to
8 a smaller community, which was considered.
9 Unfortunately, the economics of my life situation at
10 that time, going through a divorce, having MS
11 diagnosed, then losing my job, that option was not
12 there.

13 MR. HUNTT: Thank you, Mr. Chairman.

14 CHAIRMAN BRANSTAD: Jay Chambers is next.
15 Jay?

16 MR. CHAMBERS: Well, we're getting in
17 early, aren't we, Doug, after being shut out earlier.

18
19 CHAIRMAN BRANSTAD: We're trying to make
20 it up to you guys.

21 MR. CHAMBERS: Thank you, we appreciate
22 it. In my discussions with parents, some of whom are

23

1 on the Commission and others, I've heard a great deal
2 of frustration with the IEP process. My image was,
3 you know, husband and wife, if you're lucky, going
4 into a situation with something like five to seven
5 educators, maybe only one of whom is a teacher or a
6 direct service provider, others administrators.

7 I guess my image of that process, again
8 not having been through it, is it appears to me to be
9 very adversarial in nature. And yet the
10 relationships that are described to me between the
11 teachers and the parents aren't that way. My
12 question is is there a way that we can revise the
13 wording of IDEA or the regulations to reduce the
14 adversarial nature of the IEP process?

15 REPRESENTATIVE COULSON: You know, having
16 been in IEP's for 20 years, it didn't use to be
17 adversarial. They started out as relatively
18 collaborative. It's only been more recently that the
19 IEP has become a them against us type situation. And
20 I've been in, I've been on both sides, actually,
21 because as a physical therapist, I end up being the
22 mediator many times because I'm not the person who,

23

1 even though that's not my specialty I do have a
2 little background in that.

3 I think that whole issue of mediation, not
4 that it should start at the IEP. The IEP should be a
5 collaborate, and I'm not sure exactly what words to
6 use, but collaborative, I'd love to work on it with
7 you. Collaborative process that we can talk about
8 the student and their goals and the parent's goals
9 and what the teacher's goals are and what could be
10 provided. That's the way it needs to be talked
11 about.

12 And then allow for a mediation process if
13 it becomes adversarial. And then, not to get rid of
14 due process by any means, but to have that as a next
15 step after mediation where you have someone is a
16 qualified mediator or has an ability to be able to
17 try to get the two sides to talk to each other
18 without the adversarial.

19 Unfortunately, right now and what this
20 parent said to me is she feels like she has to bring
21 her attorney to the IEP meeting. And I said, I can't
22 believe that. I mean, that's absolutely awful that

23

1 you would feel that way. And some how we need to
2 address that.

3 MS. HARRIS: Let me speak to that also.
4 In the Watts neighborhood, the IEP, seemingly when
5 the parents don't know what it's like going to court.
6 And usually when you go to court, they're going to
7 take the child out of the home. So, parents are
8 afraid of it. But once they go and understand it and
9 someone is with them, then they understand the
10 importance of it because it's not a court session.
11 That should be a friendly session because this is
12 that child's life.

13 And without the parent, you don't have a
14 complete program because there's some things that's
15 happening with this child. The teacher don't know if
16 the child wet the bed. You're not going to tell the
17 teacher. But if the parent is there, she can tell
18 them he might need to go to the bathroom more often
19 than the rest of the children. And the teacher won't
20 let him go but it's because she don't know. And so
21 when the parents are sitting there, they get
22 everything that they need. And I tell them all the
23

1 time, you need to have the parent there but on that
2 slip, it says the parent can come if they like.

3 MR. GARCIA: Let me respond. My
4 experience that I had, it became an adversarial
5 meeting when we started talking about private school
6 placement and the support services that would have to
7 follow Carmen. At that point the issue became
8 funding. And not what was best for Carmen. I tried
9 to convey to the staff of the school district that
10 the IEP should have been a process that we needed to
11 engage in almost on a monthly meeting instead of
12 waiting until May when we had to be forced and make a
13 rushed decision.

14 This IEP process should be like a child
15 going to school, a systematic follow up, maybe on
16 occasional by-monthly meeting. It shouldn't be a
17 process where there is a line on the sand and you
18 cross it, you die.

19 MR. CHAMBERS: Can I follow up on that?

20 CHAIRMAN BRANSTAD: Okay, quickly.

21 MR. CHAMBERS: I mean, I find that your
22 comment, that's very interesting, the idea of a

23

1 process. I was trying to look for something to help
2 make this whole thing more collaborative. I like
3 that word as well. And I heard you say a process
4 over time. I mean, that's kind of a note I wrote to
5 myself, as opposed to a process that ends up in a
6 document that has a life span of a year. And then
7 you come back again in a year and fight over it
8 again.

9 Is there something about the way we could
10 write this that would reasonably make it more of a
11 process? Something that happens over that period of
12 time?

13 MR. GARCIA: Unfortunately, if you do
14 create a process that is systematic and over a nine
15 month time period, the legislature is going to tell
16 you it's going to cost more money because they have
17 to hire more staff. And the school districts are
18 going to tell you, it's going to require not only
19 more staff but additional paperwork. And that means
20 more money.

21 It comes down to funding. And that's the
22 biggest drawback that I can see for creating a
23

1 process. But it doesn't have to cost money. I'm
2 sorry, I just don't have the appropriate answer for
3 how do you create something without costing an arm
4 and a leg.

5 MR. CHAMBERS: Thank you. I think your
6 comment is right on target. And I think there's
7 something to be talked about further among the
8 members of the Commission. Thank you.

9 CHAIRMAN BRANSTAD: Steve Bartlett.

10 MR. BARTLETT: Representative Coulson,
11 continuing on Mr. Chambers about how do we make this
12 more collaborative, one suggestion we've had from a
13 parent group in New Jersey was that we allow the
14 parents to bring a non-attorney advocate instead of
15 only an attorney is the parent's option. Would that
16 be a good idea? A bad idea? Your thoughts.

17 REPRESENTATIVE COULSON: I think that it
18 depends on where the parent is in the process. If
19 this is their first meeting and there's somebody that
20 could be a mentor to help them along, that would be
21 okay. But as soon as you get a, if you get into that
22 situation where you bring this other person, I think

23

1 the parents, and you guys are parents, is going to
2 immediately think oh, oh, this is an adversarial
3 situation. So, I could see a mentor, like another
4 parent in a mentoring relationship, something like
5 that. But I would be very careful that it doesn't
6 become just another person who's there to be
7 adversarial. Some how --

8 MR. BARTLETT: Well, I guess the
9 suggestion was in lieu of an attorney.

10 REPRESENTATIVE COULSON: Yeah, in lieu of
11 an attorney but depending on who that person is, they
12 need to have the attitude that this is not
13 adversarial. So perhaps a mentor situation where you
14 could have people who know what they're parental
15 rights are go with that parent so they're not so
16 scared. I can't tell you how many parents have told
17 me how afraid they are because of all these PhD's and
18 no Ph Dos sitting there that they don't even want to
19 speak up.

20 So, yes it would be helpful but it needs
21 to be someone that is a very helping person who can
22 mentor them, not necessarily --

23

1 MR. BARTLETT: An attorney or another
2 person with a good attitude --

3 REPRESENTATIVE COULSON: Yeah, I mean, I'm
4 not sure --

5 MR. BARTLETT: -- write that in the --

6 REPRESENTATIVE COULSON: I'm not sure it
7 should be an attorney. My husband's an attorney and
8 I'm not sure that they have a mind set to not be
9 adversarial. I think you need a mediator. They're
10 trained to mediate. They're trained to help put
11 things together, not to be in an adversarial
12 situation.

13 MR. BARTLETT: Last question. In your
14 testimony you stated our mission force, which we
15 agree with or the Commission agrees with and that is
16 that local school districts should be held
17 accountable for student achievement. Question; how
18 would that accountability look if you were in our
19 shoes? Right now the accountability is you, if you
20 don't achieve school achievement you lose all your
21 federal money, which is a sanction that's virtually
22 never used.

23

1 REPRESENTATIVE COULSON: Right.

2 MR. BARTLETT: What should the
3 accountability look like?

4 REPRESENTATIVE COULSON: One thing I
5 didn't talk about is that I think it needs to be
6 outcome base based on the child.

7 MR. BARTLETT: Right.

8 REPRESENTATIVE COULSON: So, if it's, if
9 it's the, I don't know, the Florida test, we call it,
10 our's is an ISTAT. If the child or the student is
11 able to take that test appropriately, then I think
12 they need to be asked to take those tests. If
13 they're not, then it needs to be based on the
14 outcomes that should be set up by the teachers in
15 those IEP meetings with the parents. If that could
16 be, the outcome be that Jimmy wants to be able to be
17 an auto mechanic when he's finished, then we can set
18 up measurable goals that he can achieve that. If he
19 wants to go to college, he's got to achieve certain
20 goals. And those might be the ACT or the SAT test.

21 So, I think it needs to be individualized.
22 That needs to be worded in there properly. But I
23

1 think that most students can, with some
2 accommodations, have an outcome orientated test.

3 MR. BARTLETT: The accountability for the
4 school district; how do we hold the school district
5 accountable if Johnny is not taught to --

6 REPRESENTATIVE COULSON: The school
7 district's accountable because the child either has
8 reached those outcomes or has not reached those
9 outcomes.

10 MR. BARTLETT: And when the children don't
11 reach the outcomes?

12 REPRESENTATIVE COULSON: Yeah, well,
13 that's, that means they're not setting them properly,
14 I would think. You know, teachers should be able,
15 and one of the problems is our educational system.
16 Teachers need to be able to tell what is appropriate,
17 an appropriate outcome for a child with a certain
18 disability. Not, for example, on reading by third
19 grade, is that an appropriate goal or not for this
20 child?

21 MR. BARTLETT: Thank you.

22 CHAIRMAN BRANSTAD: I want to recognize
23

1 Doug Gill for the last question in order to be able
2 to start the public comment.

3 MR. GILL: And that will be an easy
4 question, the same one for all three of you. If you
5 could pick one thing that you think would improve
6 parental involvement in special education, what would
7 it be?

8 MS. HARRIS: It would be lend a hand out
9 of that community, that that parent knows, work with
10 that parent because it helped me. All of mine, I
11 have two attorneys and the one went as a social
12 worker. And now they go in for the parent because
13 they're not looked at as lawyers.

14 MR. GILL: Okay, so what would the one
15 thing be; increase opportunity.

16 MS. HARRIS: Yes, yes.

17 MR. GILL: Is that what you're saying?

18 MS. HARRIS: Yes.

19 MR. GILL: Mr. Garcia?

20 MR. GARCIA: Sir, I would pay them. I
21 would pay them for their time. I would pay them for
22 their child care. I would pay them for their travel.

1 I would pay them for being there as a consultant to
2 the school district. You would get parent increased
3 involvement.

4 MR. GILL: Okay. Miss Coulson?

5 REPRESENTATIVE COULSON: I would follow
6 the early intervention model and that is have the
7 parents as the child's major teacher. And we need to
8 help them be that teacher. They're with the child
9 most often. So if you can have a child start early
10 enough and the parents are part of the process, like
11 it is in the early intervention model, and just carry
12 it through the school system instead of when they
13 reach whatever age in your state it is, in our state
14 it's five, all of a sudden the parent's yanked out of
15 the model.

16 MR. GILL: Thanks.

17 CHAIRMAN BRANSTAD: I want to thank Mr.
18 Garcia, Miss Harris and Representative Coulson, thank
19 you very much for your participation.

20 Yes, Steve.

21 MR. BARTLETT: Chairman, I have a brief
22 announcement. The Accountability Task Force, in

23

1 light of the comments just before lunch, will have an
2 informal meeting of the task force at 7:30 in the
3 morning. We thought about 6:30 but since we don't
4 start until 9:00, in a room to be determined. We'll
5 notify your room tonight. And we'll start to kind of
6 walk through some of our thoughts about the
7 positions. All members of the Commission are invited
8 to attend but it will be the task force that will be
9 required to attend.

10 MR. JONES: Mr. Bartlett --

11 MR. BARTLETT: The Accountability Task
12 Force.

13 MR. JONES: Mr. Bartlett, I just want to
14 make it clear, a task force meeting are or aren't
15 public meetings. Is this intended to be a task force
16 deliberative session which would be private or you're
17 thinking --

18 MR. BARTLETT: It's a deliberative
19 session.

20 MR. JONES: Okay.

21 CHAIRMAN BRANSTAD: Which means it's not
22 public. Okay, just so there's clear understanding.

23

1 Okay, the next part of the program is the
2 public comments. And we've had people sign up for
3 this. I think we have actually 30 people have signed
4 up, 20 that within the first hour. But those of you
5 that can stay, I will stay. And those of you that
6 can stay, we will hear the other ten that are signed
7 up as well. This is limited to three minutes. And I
8 know that's a pretty tight time frame but we like
9 that. And it's going to be timed.

10 So you can look at the time keeper here to
11 check to see if you're on schedule. And having been
12 a political candidate and participated in a number of
13 debates, I know what that's like to be timed and to
14 have somebody cut you off. But that's the way it's
15 got to be in order to follow the rules and the
16 procedures that have been spelled out.

17 Again, we want to thank you all for being
18 here today and for being willing to participate as a
19 presenter. The first person on the list is Barbara
20 Taub-Albert. We want the presenters to come up front
21 here. I think it's going to be at the front mike.

22 MR. JONES: Mr. Chair, what we'll do is it

23

1 might be easier to have them at the front microphone
2 given the proximity of the podium right now.

3 CHAIRMAN BRANSTAD: Can you move the
4 podium? I think it's easier for people to stand
5 behind a podium.

6 MR. JONES: But what we are going to do,
7 Mr. Chair, is have you call the speaker and the
8 person who's on deck. And that way that person can
9 be prepared and you all don't have to stand in a line
10 waiting for everyone to come.

11 By the way, a note for all speakers, the
12 young woman sitting here, Marissa, can you hold up
13 your hand? This is Marissa. She is our time keeper.
14 She'll show you little cards that you can keep an eye
15 on as we go through. And she'll ding the glass when
16 you've reached your three minutes. And then she'll
17 ding it more aggressively when you finish a sentence
18 after that.

19 We did have somebody try and filibuster a
20 few weeks ago. And we did not break the glass. But
21 in a courtesy to your other speakers, if you could
22 please wrap up when you hear the glass, that would be

23

1 helpful.

2 CHAIRMAN BRANSTAD: In order to try to
3 expedite the procedures, Barbara Taub-Albert is first
4 followed by Charlotte Temple followed by Paul Liles,
5 followed by Renee Whaley, then Larry Keough, then
6 Julieta Gigante. Those will be the first six. Then
7 I'll announce them as we go. Brucie Ball is next,
8 Number 7, and then Connie Hawkins, Peter Caproni,
9 Denton Kurtz, Amy Van Bergen, Paula Goldberg, Rita
10 Byrd.

11 Okay, we will start with Barbara Taub-
12 Albert. Barbara?

13 MS. ALBERT: Good afternoon. I guess I'm
14 being first to offset the fact that I didn't get to
15 spend my husband's birthday with him last night.

16 Good afternoon ladies and gentlemen of the
17 Commission. Thank you for taking the time to listen
18 to us and to hear our concerns. My name is Barbara
19 Taub-Albert. I've been a speech language pathologist
20 at H.L. Johnson Elementary School in Palm Beach
21 County for 14 years. Before moving to Florida, I
22 worked in a suburban school district in Chicago for
23

1 five years. I also worked two years at a private
2 parochial school for handicapped children. And
3 before that, five years at the infamous Willowbrook
4 in New York, in Staten Island.

5 Having worked at all these various
6 settings, I can tell you public schools are better.
7 Two years ago I was asked to participate as part of a
8 newly formed NEA IDEA Special Education Resource
9 Cadre. It's been my pleasure to serve as a Cadre
10 member because I've always envisioned myself as an
11 advocate for children with disabilities. And my
12 participation in this Cadre has enabled me to
13 actively do just that.

14 With the training and the information that
15 I've received, I feel I can better advocate for the
16 50 children that I work with every day who have
17 speech and language problems with -- disabilities
18 including autism, emotional handicapped, mentally
19 handicapped, hearing impaired, specific learning
20 disabilities, et cetera.

21 NEA strongly believes that active parent
22 participation is critical for student success. When

1 parents, teachers, administrators and related service
2 providers all work together and plan together, they
3 can focus on matching the educational environment and
4 appropriate support with learning needs of students
5 with disabilities and with disabilities. The IEP
6 process yields programs and services that maximize
7 the success of every child.

8 I would quickly like to tell you the four
9 recommendations that NEA has in the parent
10 involvement area. The first being enhancing parents
11 as partners, to work together on learning what an IEP
12 is supposed to have in it, how to evaluate their
13 child's progress and how to collaboratively
14 participate as a team member. The second being
15 building educator parent communication skills. The
16 third being creating time so that we have time to
17 really assess what needs to go into an IEP. And the
18 fourth being clarifying reporting requirements to
19 reduce paperwork.

20 I thank the Commission for their time and
21 listening.

22 CHAIRMAN BRANSTAD: Thank you very much

23

1 for your presentation, Barbara.

2 Charlotte Temple is next.

3 MS. TEMPLE: Thank you for the opportunity
4 to be here to speak before you today. I'm Charlotte
5 Temple and I'm with the Florida State Advisory
6 Committee for the Education of Exceptional Students.
7 If you'll take one second, if you're a member of the
8 State Advisory Committee or a member of the Executive
9 Committee, would you just please stand? We'd like
10 for people to see who we are. This is a portion of
11 our Executive Committee and some of the members that
12 were here for a meeting we had yesterday.

13 On behalf of the Florida State Advisory
14 Committee for the Education of Exceptional Students
15 we appreciate the opportunity to comment before you
16 on the Individual with Disability Act and its eminent
17 reauthorization. We have eight consensus items that
18 are recommendations of the committee and they are as
19 follows.

20 Provide full federal funding for IDEA,
21 Part B, Assistance to State Grants, including Section
22 619, the Preschool Portion. Number two, provide

23

1 increases in federal funding for other IDEA programs,
2 including support for prevention services and
3 programs, early intervention and preschool services
4 through Part C, Early Intervention, and support for
5 personnel development, effective models of programs
6 and service delivery and research for improved
7 student outcomes through Part D, Discretionary
8 Programs, currently authorized Parts C and D.

9 Continue to support effective partnerships
10 with parents and their involvement as full partners
11 in education of students with disabilities including
12 decision making processes at all levels of
13 implementations of IDEA, both individual, school
14 level, district level, state and federal level.
15 Support more effective and coordinated services for
16 students with disabilities through policies and
17 funding incentives to ensure interagency
18 collaboration.

19 Support a seamless system for children and
20 students with disabilities including coordinated
21 programs and services at all levels and interagency
22 involvement in funding support necessary to ensure
23

1 effective transitions both from Part C to Part B and
2 also from Part B out to the secondary or adult life.
3 And support improve student and system outcomes and
4 program quality through incentives for achieving or
5 exceeding expected outcomes.

6 We look forward to continuing to work on
7 the elaboration of a resolution of these and other
8 issues related to the implementation and
9 reauthorization of IDEA and improved educational
10 programs for students with disabilities.

11 I've got about 30 seconds or less. I'm a
12 parent of a child with a disability. Let me give you
13 a statement. IEP's work. My child is in the fourth
14 grade. She has Down Syndromes. She's in a regular
15 education classroom. It's only through the process
16 of the IEP and parent involvement that she has that
17 opportunity to participate in the science fair, to
18 bring together reports and book reports and other
19 things like typical students go home in the
20 neighborhood and play with her peers who have those
21 same experiences in school that day and can talk
22 about the relationship of the opportunities that they
23

1 have had to harass their teacher and other things in
2 the classroom that day.

3 But thank you for the opportunity to have
4 parental involvement both in the interest of my
5 daughter and all levels. Thank you.

6 CHAIRMAN BRANSTAD: Thank you, Charlotte.
7 Paul Liles.

8 MR. LILES: Good afternoon, Mr. Chairman,
9 Committee members. My name is Paul Liles. I'm a
10 private attorney. I represent children with
11 disabilities and their parents who are looking to get
12 services from the school district. And let me tell
13 you it is the worse experience a parent can have to
14 come to my office. It means that the system has
15 failed.

16 The first thing that I tell a parent when
17 they come to my office that you do not, do not want
18 to go through a due process hearing. Your child
19 loses, the school district loses and I lose because
20 I'm not going to get paid and you can't afford me.
21 Nobody wins with due process hearings. But they are
22 necessary, unfortunately.

23

1 Let's talk about to get around that. And
2 let me talk about the parents' voice you aren't
3 hearing today. And those are the parents who don't
4 know enough about IDEA to even show up for an IEP
5 meeting. That the IEP meeting is held within 15
6 minutes of the time that the committee gets together,
7 a form is filled out, people sign it, then they
8 leave. One teacher told me that the IEP goes into a
9 vault and she never sees it again until the next
10 year. And that's the reality of a number of children
11 whose voices you don't hear here today.

12 The teachers who are entrusted with
13 helping to develop an IEP do not know how to prepare
14 an IEP. They don't know how to write present levels
15 of performance. They don't know how to write annual
16 goals. They do not know how to write short term
17 objectives and the parents don't know any better.
18 They rely upon the school district to provide
19 services and you folks are living proof right now
20 that the school district has miserably failed in that
21 regard otherwise this meeting would not even exist.

22 Are they being held accountable? No.

1 Teachers do not get training. They're not required
2 to have training. The regular education teachers who
3 are going to have children that are mainstream are
4 put out there without the necessary training. And
5 when the parents wind up having to get into due
6 process hearings, they are faced with an
7 insurmountable task. All the resources that the
8 school district has to bear are brought in.

9 Let me give you one antidotal. From 1997
10 through 2001, Couyer County spent over three million
11 dollars litigating against five families in that
12 county. That's how much it cost them to not provide
13 special education services. We need to change it.
14 It needs to be a level playing field. Secretary
15 Winn's comments were very available and we would
16 encourage you to adopt some of those ideas.

17 I look forward to working with any of you
18 to help develop such plans. Thank you.

19 CHAIRMAN BRANSTAD: Thank you very much,
20 Mr. Liles. Renee Whaley.

21 MS. WHALEY: Thank you, Mr. Chairman.
22 Thank you, Commissioners. I am Renee Whaley and I

23

1 direct the Parents Training and Information Center
2 for Florida. We are called Family Network on
3 Disabilities. In my role, it's my responsibility
4 today to speak to you about the issues that are
5 important to parents.

6 When I do that, I can tell you at the top
7 of my list for priorities for families are the
8 retention of IDEA safeguards and a full
9 implementation at 40 percent of the funding that
10 should go to special education. That is not to say
11 that Florida families do not have concerns for
12 special education implementation and outcomes.
13 You've heard some of them already.

14 Because my son was in the first group of
15 students to be served under IDEA and because I've had
16 more than 20 years of working in parent centers, I've
17 seen success and I've seen failure. IDEA has been a
18 road map to services for families and for
19 professionals. It is an accurate map with the
20 ability to take us to excellence in special education
21 options.

22 Sometimes, or every time I should say,
23

1 every time we reauthorize IDEA we readjust our focus
2 and redefine our direction and we begin the journey
3 again. We have often taken that journey with
4 inadequate gas and unlicensed drivers. We are at
5 another stopping place and again inspecting the road
6 map.

7 The answer is not to be found in what is
8 wrong with the road map. It is not the reason we are
9 not reaching our destination. The fact is, the map
10 is just fine and we have never committed to a
11 destination or funded the trip. The fact is when we
12 have used IDEA appropriately we have excellent
13 outcomes. My son had autism and did not speak until
14 he was five years old. This is a child who went on
15 to attend a regular high school; that throws me when
16 I see that number there, okay? Went on to attend a
17 regular high school, speaks Spanish, was being
18 prepared to live in the community independently and
19 was working toward employment in public television.
20 He was a success.

21 I have been told all through the time that
22 parent training and information centers have existed
23

1 and since the law existed, that I had no right to a
2 Cadillac when a Chevrolet would get me there. Today
3 I hear the idea that I should have the right to
4 choose a Cadillac and get help paying for it with
5 public money.

6 Well, I do not have the cash to pay the
7 difference or is there a dealership interested in
8 dealing with the kind of kids that I deal with? Do I
9 have choice? No. I'm also hearing that there's a
10 new car dealership in town and it can give me a re-
11 painted Chevrolet at the same price. I want a brand
12 new red one. But guess what? There's only 30 and
13 I'm customer 31.

14 I don't see this as having a choice. As a
15 parent and a tax payer, I am to believe it will not
16 cost more for parent choice. At the sound of the
17 bell, thank you.

18 CHAIRMAN BRANSTAD: Thank you, Renee.
19 Julieta Gigante?

20 MS. GIGANTE: Julieta Gigante.

21 CHAIRMAN BRANSTAD: Julieta?

22 MS. GIGANTE: Welcome to Miami.

23

1 CHAIRMAN BRANSTAD: Thank you.

2 MS. GIGANTE: First thing you have to
3 think when you go to a city there are 60 percent of
4 the students that are Hispanic and you have to have
5 someone to translate. And I wish that was announced
6 before the meeting. I will try to speak in English,
7 although it's my second language.

8 I am the parent of Montina Gigante. She
9 is seven years old. She has Down Syndrome. She
10 attends a public school in Dade County, which after
11 having Montina there is known as the Inclusionary
12 School in the system. And I wish all the other
13 schools are also considered the same.

14 But I am very proud of the IDEA. -- I was
15 able to help Montina get into the regular classroom
16 and she's able to learn and write some words in
17 English and Spanish because she also has Spanish
18 class there. So, please don't take that away from
19 kids like Montina and support the public education
20 because in public school, at least in my city, she
21 won't have the same type of education.

22 Yes, I have two minutes. She, as I was

23

1 telling you, she has therapy there. She has
2 accommodations, some qualifications that let her
3 learn a lot of things that she won't be able to learn
4 in a special class. She's fully included. I also
5 forgot to say that I'm also part of the PTA in
6 Florida. Because of Montana, I choose to help other
7 families because -- and also there's another thing
8 that you have to learn about the cultural difference
9 that hispanic families cannot question authority.

10 They don't know how to make those choices
11 because we are used to receive education from the
12 school without questioning, without making questions
13 to it. Am I right?

14 MS. ACOSTA: Yes, you did. You don't need
15 me actually, but go ahead.

16 MS. GIGANTE: Thank you. So when I tell
17 hispanic families that they have to question what the
18 school decides about their child's education, they
19 don't know how. They say, no, you went to the
20 university. You're the one educated to decide what's
21 best for my child. I just leave my child here and
22 you educate my child. So, we also have to help those

23

1 families to understand that we need their input to
2 make this better.

3 And definitely you are lacking that input
4 here. I suggest that if you go to -- I think you go
5 to -- try to get some accommodations for those
6 hispanic families because we are becoming the biggest
7 minority in the country soon, I think in four or five
8 years.

9 So, I think that's it. I want you to
10 accommodate that necessity that we just; we want to
11 keep this law. It's good. And we need to have good
12 IEP's. And don't care if it takes more than two or
13 three hours to write a good one because we use IEP's
14 with my daughter. And if my teacher has the
15 appropriate training and support, she will do the
16 best for my children, for all children.

17 Thank you.

18 CHAIRMAN BRANSTAD: Thank you very much,
19 Miss Gigante. Larry Keough.

20 MR. KEOUGH: Hello, I'm Larry Keough.
21 Although I'm a professional advocate for children,
22 I'm here today as a parental advocate of five

23

1 children, two of whom have special needs. I am
2 speaking on behalf of my children who have been
3 enrolled in both public schools and non-public
4 schools. I believe the time has come to revise IDEA
5 so services are based on need, not what school system
6 a child attends.

7 As many of you probably now, children
8 parentally placed in private schools do not have a
9 specific entitlement to service. This begs the
10 question; why should children be penalized simply
11 because their parents, in addition to paying taxes to
12 support the public educational system, also pay
13 private school tuition? It is axiomatic that the
14 cornerstone of academic achievement is continuity.
15 This is especially so for children with special
16 needs.

17 It is in that spirit that I recommend the
18 location of services issue under Citation 300.456 be
19 revised is that the LEA is required to provide
20 services in the least restrictive environment, which
21 should actually be the school the child attends,
22 whether it be public or private. Providing services

1 can include onsite services by the LEA, a
2 proportional calculation or through a third party
3 vendor or provider.

4 There's an old adage that funding drives
5 policy. In order for IDEA to be truly equitable for
6 all children, I recommend that you consider that
7 funding for non-public school kids be separate and
8 apart from for funding for public school kids. This
9 change would allow some of the problems to be
10 resolved in respected child find.

11 As some of you probably know, concerning
12 child find, there is a discentive for LEA's to locate
13 and identify children in religious and private
14 schools because for every child they identify in
15 religious and private schools, that's one less child
16 they can serve in the public school system.

17 I believe that stronger language is needed
18 for parental rights, the due process system. This is
19 especially so when parents are in a disagreement with
20 the IEP team. Even though IDEA expressly indicates
21 that parents have a right to advocate on behalf of
22 their children so their children receive the services

23

1 they're entitled, oftentimes there are disagreements.

2 One example, I am aware of situations in
3 which children with bearing exceptionalities are
4 placed in what is known as a VE Class. Often times
5 parents very poignantly, vehemently believe that's
6 not in the best of their children. I ask that the
7 IDEA reauthorize that we begin to think out of the
8 box for new solutions to old problems. Thank you.

9 CHAIRMAN BRANSTAD: Thank you very much,
10 Larry. Brucie Ball. Connie Hawkins is next then
11 Peter Caproni.

12 MS. BALL: It's a pleasure being here
13 today. My name is Brucie Ball. I'm with the
14 Division of Exceptional Student Education with the
15 Miami Dade County Public School System and we welcome
16 all of you to our wonderful town.

17 We are the fourth largest school system in
18 the nation and our population for students with
19 disabilities is approximately 42,000 students. I'm
20 here to speak with you today about the McKay
21 Scholarship Program and to bring up some concerns
22 that we have in reference to that program currently.

23

1 I'd like to also, though, give you some
2 information about how that program has effected our
3 school system. We currently have 1,052 students who
4 are participating in 54 private schools on the McKay
5 Scholarship Program. We have 196 of other students
6 who are in the public school system who now receives
7 transportation although not fully funded by the
8 state.

9 We have returning from our private schools
10 on the McKay Scholarship, last year 53 students and
11 this year 145 students who have returned. The total
12 cost currently that is leaving our system in the
13 McKay Scholarship Program for the private school is
14 approximately \$8,252,000. And as those dollars
15 leave, schools must still maintain operational cost
16 and teachers.

17 We value the parents and students right to
18 make a choice. We adamantly endorse that. But we
19 also have grave concerns about the accountability
20 concerns with the McKay Scholarship Program.
21 Parents, advocates, school personnel have worked
22 diligently to raise the bar for students with
23

1 disabilities. At this point there are no
2 accountability measures for the private schools
3 participating in the McKay Scholarship Program.

4 As we raise the bar at these point, the
5 children have no data that is required to be reported
6 to the state having to do with their achievement or
7 progress. There is no mandated state assessment or
8 alternate assessment for those students with
9 disabilities. There is also no mandated individual
10 educational plan once they are enrolled in the
11 private school.

12 There's no accountability for the
13 provision of services. It is up to the parents to
14 meet with the private school personnel and determine
15 what services, if any, the student will receive while
16 participating. There is no evaluation or monitoring
17 system in place. There is no financial
18 accountability. And private schools are not required
19 to disclose how the state money is being spent.

20 As the demands for achievement and
21 accountability increased for the public school system
22 children, the sovereignty of the private school

23

1 remained in tact. You are urged, as a Commission on
2 Excellence, and we join you, to assist students with
3 disabilities to fly above the accountability radar
4 that was pointed out earlier and to develop a
5 national, unified accountability system for all
6 children as you consider choice and voucher programs.
7 Thank you.

8 CHAIRMAN BRANSTAD: Thank you very much.
9 Connie Hawkins.

10 MS. HAWKINS: Thank you for the
11 opportunity to speak to you. My name is Connie
12 Hawkins. I'm from the great state of North Carolina.
13 And my comments come today from over 20 years of
14 experience. First 27 years as Michael's mother and
15 Michael is a young man with severe learning
16 disabilities. And 20 years, and I hate to admit
17 that, as the Director of the North Carolina Parent
18 Training and Information Center, one of the 105
19 parent centers funded by IDEA.

20 Based on these experiences, I would like
21 to make several brief comments and my friends in the
22 audience will laugh at the word brief and they will
23

1 also tell you that I'd be glad to expound on any of
2 these comments at a later date.

3 First and foremost, when Dunwell, in
4 collaboration with families and special ed, does
5 work. My son Michael started school as a completely
6 non-verbal child and with a severe diagnosis of no
7 academic possibilities or progress. Because he was
8 in a school setting that was willing to work with his
9 sometimes very assertive, and I will have to admit
10 irrational mother, and would consistently set high
11 expectations for him and provide him quality special
12 ed programs. He is now a college graduate. Michael
13 always will be a person with severe learning
14 disabilities however he has the academic skills and
15 the coping skills necessary to be a productive adult.

16 My second point is the rights of families
17 must be clearly stated in the law if parents are
18 truly to be considered equal partners in the special
19 ed process and to have choices. Our hope would be
20 that school system personnel would realize that the
21 substantial parent participation is best practice and
22 it is also researched based. However, this is not

23

1 universally accepted and the rights of families must
2 be legislative and unfortunately, that's true.

3 When parents and professionals understand
4 that the IEP process is an instructional planning
5 document, not just paperwork for a compliance tool,
6 this process can solidify the parent professional
7 team approach for students with disabilities. This
8 yearly process is the foundation of parent choice and
9 needs to be improved and not dismantled.

10 Finally, and I've got a couple of other
11 things I'm going to skip, parents need information
12 and skills and support in order to make informed
13 choices for students. The collaboration between the
14 community based and state wide parent organizations
15 and OSEP, that over the last multiple years, has
16 grown from five centers in 1977 to 105 centers in
17 2002. It's really the basis for modeling parent
18 professional collaboration starting at the federal
19 level.

20 Parents need to be involved in monitoring.
21 Parents need to be involved in technical assistance.
22 Parents need to be involved in personnel prep. And I

23

1 think as we infuse parent participation at all levels
2 we will possibly see some of this contentiousness
3 that we now see go away. We are a forced activity
4 now. If we were true partners; the President is real
5 committed to his four pillars. One is parent
6 involvement. The roof falls in if all pillars at the
7 same size.

8 CHAIRMAN BRANSTAD: Thank you. Peter
9 Caproni.

10 MR. CAPRONI: That's Peter Caproni, but
11 it's okay.

12 CHAIRMAN BRANSTAD: Okay, Caproni. Thank
13 you.

14 MR. CAPRONI: All right. My name is Dr.
15 Peter Caproni. I live in Miami Dade County with my
16 wife and three school aged children. I'm a licensed
17 clinical psychologist, certified school psychologist
18 and I currently work for Dade County Public Schools
19 with students who are classified as severely
20 emotionally disturbed. I've done this for the past
21 12 years.

22 I've come here today to tell you about a
23

1 program at one of our vocational centers called Steps
2 to Success. It is a highly successful school program
3 for students with severe emotional disturbance
4 located at Robert Morgan Educational Center. As you
5 probably know, students with emotional or behavioral
6 problems fail to negotiate the transition from school
7 to work and independent living more frequently than
8 other student with any other disability.

9 The University of South Florida's
10 Transition to the Independence Process, or TIP model,
11 provides the frame work and practices that have been
12 shown to improve transition outcomes for these
13 students. The convergence of our program of
14 progressive inclusion in a vocational setting with
15 the TIP Model led to our designation three years ago
16 as one of their pilot sites in the State of Florida.
17 I'm going to leave you some brochures to tell you
18 about those.

19 But I basically wanted to just emphasize
20 here that if we are serious about clearing our jails,
21 about keeping homeless folks off our streets, about
22 having people come out of our schools prepared to be
23

1 responsible citizens, we know how to do that, even in
2 the cases of students who are classified as severely
3 emotionally disturbed. We have the statistics to
4 prove it.

5 If we can do it with these students, we
6 can do it with our general population and other
7 disabilities. However, we have not seen the
8 commitment in terms of manpower and money to do that.
9 And if there's a message that needs to be taken back,
10 it's this. Our fathers, the forefathers of this
11 country knew that the key to a democracy is an
12 informed electorate. We can't have people failing in
13 our schools at rates of 60 percent drop out, which is
14 the general rate for emotionally disturbed kids. We
15 can't have them unemployed at a rate 55 percent,
16 which is the general national rate. We can't have
17 them incarcerated at 25 percent. One out of four of
18 our kids in the United States who were classified
19 emotionally or behaviorally disordered are
20 incarcerated or in jail.

21 But this is expensive, folks. If we put
22 out the number of well trained teachers as we've

23

1 heard talked about today, if we incorporate those
2 wonderful parents that have come up here today to get
3 their suggestions, to get our programs changed to
4 meet the needs of their kids, and if we had other
5 professionals involved and weights that are
6 recommended by national organizations instead of one
7 third of the rate of school psychologists, which are
8 employed in our county and which is in the case of
9 many cases, we'll do a lot better.

10 Thank you.

11 CHAIRMAN BRANSTAD: Peter Caproni, thank
12 you very much. Denton Kurtz.

13 MR. KURTZ: Thank you. I'm Denton Kurtz.
14 I'm from the Orlando area. I'm a licensed and
15 nationally certified school psychologist as well as
16 mental health counselor. I have a son that was
17 identified as specific learning disabled many years
18 ago. My oral comments are mostly additions to the
19 written pages you have before you. And I want to
20 give some of what works. That was a statement asked
21 earlier.

22 Our son was identified as SLD in reading.

1 Hundreds, even thousands of hours of special public
2 school LD services left him still reading disordered
3 at high school graduation. His mother is an
4 educator. Between us we decided we'd start a clinic
5 and figure out what was wrong and how to do it so we
6 could remediate him and all the other kids that are
7 stuck in those programs and are not getting the help
8 that they need.

9 So, a long time ago we started and we
10 began to find the ways to successfully treat the
11 various academic learning issues of those who are
12 SLD. Many people have been getting this remediation
13 for many years. Remediation or significant
14 improvement is possible in all areas. The best model
15 that works for mediating any of the type of SLD
16 academic disorders is well described by NIH
17 researcher, Joseph Torgison, in his January, February
18 2001 article in the Journal of Learning Disabilities.
19 That model incorporates all of the important elements
20 of chronological awareness and phonemic awareness,
21 presents them intensively, explicitly and engages the
22 student in discovering each element as the training
23

1 follows a scaffold approach.

2 Over the past 11 years, this is another
3 find, we have discovered that the development of
4 vivid, accurate and concise internal mental imaginary
5 is key to remediating reading and listening
6 comprehension as well as math reasoning problems. We
7 have found more, we have found more. Special
8 education teachers, aids, other paraprofessionals,
9 even volunteers in the school need to be trained as
10 outlined by HR1. The special ed teacher can
11 coordinate the help to these kids so that they can
12 get a maximum number of one on one instruction.

13 To do it rapidly, we need to train more
14 master trainers first. Good comments to Stephen Bird
15 from North Carolina, ditto. To Governor Bush and the
16 State Legislature for the most part you're on track.
17 Remember be consistent in your measurement, scuttle
18 the A to F rating of schools, don't punish and
19 humiliate kids who can't read well be retaining them.
20 Retain the system or something but don't mess with
21 them because you're making emotional and behavior
22 problems out of them if you do that because the

23

1 system has failed them.

2 CHAIRMAN BRANSTAD: Mr. Kurtz, thank you
3 very much. Amy VanBergen followed by Paula Goldberg,
4 followed by Rita Byrd. Amy VanBergen.

5 MS. VANBERGEN: Good afternoon. The
6 Florida Coalition for the Education of Individuals
7 with Development Disabilities --

8 PARTICIPANT: I'm sorry, what's your name?

9 MS. VANBERGEN: It's Amy VanBergen,
10 V-a-n-b-e-r-g-e-n.

11 The Florida Coalition for the Education of
12 Individuals with Development Disabilities, known as
13 Florida CEID, is a young grassroots movement of
14 parent support groups, the Parent Training and
15 Information Center and the Protection and Advocacy
16 Agency that's dedicated to the vision that all
17 children can learn.

18 As a parent of a son with Down Syndrome
19 and on behalf of Florida CEID, which represents
20 thousands of Florida families, I'd like to offer the
21 following comments. Number one, the Individuals with
22 Disabilities Education Act, IDEA is critical to

23

1 improving educational outcomes for all students.

2 Indeed, it is the key for families to meaningful

3 collaboration with teachers and administrators.

4 We've heard repeatedly today, stories
5 after stories by parents who innovatively worked with
6 schools to address their child's needs so that their
7 child is receiving appropriate education that they're
8 entitled to. These success stories have happened
9 because parents have dedicated themselves to learning
10 the laws and working in partnerships with educators
11 and school districts. Both Dr. Hoxby's and Sweet
12 Alice's data further show the advance level of
13 knowledge and expertise that parents of children with
14 disabilities bring to the table.

15 Number two, parents have great ideas to
16 share and all participants, parents and educators,
17 need equal knowledge about special education rules
18 and procedures. Florida continues to undertake the
19 public hearing process for review of the revision of
20 its state rules and its attempts to better align
21 state guidelines with the 1997 federal statute.

22 Florida CEID conducted workshops around the state on

23

1 how to testify effectively. And we've heard from
2 hundred of families.

3 The underlying theme to most stories
4 shared by parents from the Panhandle to the Keys was
5 that the problems they are facing are not about IDEA
6 itself but rather the inconsistent and sometimes and
7 nonexistence implementation of IDEA in their local
8 schools.

9 Finally, number three, parents of children
10 with disabilities understand that general special
11 education issues must be addressed together. The
12 schools with the best practices for inclusion of
13 students with significant disabilities are good
14 schools for all students because of their use of
15 research base supports and intervention.

16 Florida CEID recommends continued and
17 expanded implementation of IDEA, especially with
18 regard to the desegregation of special education
19 students into the least restrictive environment, full
20 funding, parents as partners and positive
21 intervention.

22 On behalf of Florida CEID, thank you,

23

1 Commissioners especially for your time and your
2 dedicated efforts to truly leaving no child behind.

3 CHAIRMAN BRANSTAD: Thank you Amy
4 VanBergen. Paula Goldberg.

5 MS. GOLDBERG: Thank you. I'm Paula
6 Goldberg. I'm Executive Director of Pacer Center,
7 Parent Training and Information Center in
8 Minneapolis, Minnesota. I want to share three points
9 with you today.

10 One, the Parent Training and Information
11 Centers and the Community Parent Resource Centers,
12 which you've heard a fair amount about today, are
13 federally funded by IDEA. There are 105 throughout
14 the country. You know Cherie Takemoto is Director of
15 a PTI. I would like to invite all Commissioners, if
16 you have not had the opportunity to visit with your
17 PTI or your Community Parent Resource Center in the
18 state that you live, I think the thousands of phone
19 calls that they receive every year and the help that
20 they give families throughout this country is vital.
21 So, I'm going to pass these around. Some of you
22 already have them. But I would like to issue that
23

1 invitation to each and every one of you.

2 Second, I want to say that IDEA is an
3 important civil rights law for the 6.2 million
4 families in this country. It is important parent
5 participation, parent involvement is something that's
6 written into the law and it's a critical partnership
7 that we have to have.

8 I want to share two quick stories with you
9 of a parent who called our office last year. This is
10 a mother who called a couple of times asking for one
11 of our staff people who wasn't in. When she finally
12 reached Dixie Jordan, the mother said, I am homeless.
13 I do not have a telephone. But my child is not doing
14 well in school. The schools are not providing the
15 education that my child is entitled to. I know I
16 need help.

17 And do you know what the mother said? She
18 said, I believe so strongly that my child has to have
19 this education that I sold empty pop cans to get the
20 25 cents to go to the pay phone to call Pacer. So,
21 imagine what she did and how important parent
22 involvement was. We told her to use our toll free

23

1 number in the future. We went to her with the IEP
2 staffing and we got appropriate services for her
3 child.

4 The second point is the parent of a young
5 couple. How many of you are parents in this room?
6 How many of you remember what it was like when you
7 left the hospital with your newborn baby? Many of
8 you have different feelings. Last summer a young
9 couple stopped on their way home from the hospital at
10 Pacer after having given birth to a baby with Down
11 Syndrome. They wanted information for their child.

12 Do you know how wonderful that is that
13 they wanted the information and where we are because
14 of this important law, because we can help families.
15 I thank you for being there. The law's critical. I
16 know you're going to make sure that we keep those
17 protections for families. Thank you.

18 CHAIRMAN BRANSTAD: Thank you, Paula
19 Goldberg. Rita Byrd.

20 MS. BYRD: Good afternoon, members of the
21 Commission and guests. I am Rita Byrd, President of
22 the Kentucky Council of Special Ed Administrators.

1 On behalf of Kentucky, I want to express our
2 gratitude for the opportunity to voice some successes
3 and express our concerns.

4 First of all, we feel Kentucky has made
5 significant strides in the area of special education,
6 especially since the 1990's when the Kentucky
7 Education Reform Act was passed. Now all students
8 are included in the accountability system, students
9 with moderate to severe disabilities are in the
10 assessment process. All students are involved in
11 general curriculum. By 2014, all schools are
12 expected to reduce the number of students in the --
13 level. There is an expectation that all students can
14 learn and at high levels. While we
15 are proud of our accomplishments, we still know that
16 we've got a ways to go. And we, as a member of, an
17 affiliate of the Council for Exceptional Children,
18 share in many of the concerns that they have in their
19 papers to you regarding funding, teacher shortages,
20 early childhood education and paperwork.

21 We do have a couple of areas that we would
22 like to address. One is discipline. Kentucky CASE

23

1 does not advocate a dual discipline system as it
2 exists now. On the other hand, we do not believe
3 that disciplinary action should result in the
4 suspended of services for any student. We believe
5 that the special education premise is the best
6 approach for all. Therefore, we recommend a limit on
7 the number of days that any student can be suspended
8 or expelled.

9 We also want to see a requirement that
10 other agencies work in concert with schools to
11 develop programs and services that will meet the
12 individual mental health needs and educational needs
13 of students. With regard to general curriculum and
14 IT development, we believe that all students should
15 have access to the general curricula of their
16 particular state and that school districts should be
17 held accountable to make sure that students make
18 success. However, schools need flexibility to work
19 with parents and students to explore options and
20 develop plans for life long learning opportunities.

21 We recommend the elimination of the
22 complexity of the current IEP requirement and the
23

1 development of a system that facilitate parents,
2 teachers and students working together to develop an
3 education plan that meet individual needs. Because
4 of fear of litigation, we feel too much emphasis is
5 being put on non-instructional activities. To this
6 end we recommend an adoption of a statute of
7 limitations of no more than three years in cases
8 where parents have been a part of the IEP cases and -
9 - has been provided.

10 In summary, we believe in the tenants of
11 IDEA and we want it to continue. However we feel it
12 needs to be simplified. We want to move to one of
13 outcomes, not compliance, where administrators can be
14 instructional leaders, not compliance officers. We
15 want teachers working with students, not papers.
16 Last, but certainly not least, we want a system where
17 parents, teachers, administrators and students can
18 work together for the benefit of the individual with
19 disabilities and a positive environment, one that is
20 not ladened with due process procedures. Thank you
21 very much.

22 CHAIRMAN BRANSTAD: Rita Byrd, thank you

23

1 very much. Dr. D. Aizennan.

2 DR. AIZENNAN: Aizennan.

3 CHAIRMAN BRANSTAD: What? Aizennan?

4 Thank you. This is a humbling experience trying to;
5 thank you very much.

6 DR. AIZENNAN: Good afternoon,
7 Commissioners and Mr. Chairman. My name is Dr. Dolly
8 Aizennan and I am the Academic Director of a private
9 Exceptional Student Education School for Severely
10 Emotionally Disabled, Emotionally Handicapped
11 Children. I did my dissertation on teaching
12 methodology designed to overcome emotional and
13 sociocultural areas that prevent multicultural and
14 multi-language students from learning in the nation's
15 classroom. And since this is -- school, I'm going to
16 take a moment to tell you a little joke.

17 Little Johnnie is three years old. He's
18 not talking. He's developing normally. His parents,
19 concerned parents take him to every doctor in town.
20 There is nothing wrong with him developmentally.
21 Little Johnny is three years old. He is not talking.
22 His concerned parents take him to every psychologist

23

1 in town. All the appropriate testing is done. There
2 is nothing wrong with him cognitively. Little Johnny
3 is four years old. He is still not talking. He is
4 playing appropriate games. He is socializing
5 appropriately with his age peers only he's not
6 talking.

7 Little Johnny is five years old. He's
8 sitting at the dinner table with his family. His
9 mother serves him soup. He takes a spoonful of soup
10 to his mouth, spits it out and he says, mom, this
11 soup is too hot. And the whole family is in shock.
12 And the parents say, wait a minute. Johnny, you're
13 talking. Why didn't you talk before? He said,
14 before the soup wasn't too hot.

15 That gives you a profile of a student in
16 my school. These kids can achieve academically and
17 they do. We are at the crossroads of the two
18 critical shortage areas in teacher education and
19 services provided to the students and parents. We
20 are catering to the severely emotionally disturbed,
21 emotionally handicapped children who are
22 multicultural and multilingual.

1 In my school, kids and their parents speak
2 in nine languages. What I was hear to ask of you
3 commissioners and all concerned people here is we
4 need teacher training. We need support. We need
5 funding, funding, and funding again. We are very
6 much in support of the IEP's and we're very strongly
7 in support of accountability. My kids have just
8 whizzed through the FCATS, although we were not in
9 any way required to do FCATS. They do and they can
10 achieve when the emotional barriers that prevent them
11 from achieving are removed.

12 Thank you very much for your attention.

13 CHAIRMAN BRANSTAD: Thank you very much,
14 Dr. Aizennan. Rosemary Palmer is next.

15 MS. PALMER: Thank you. I appreciate the
16 opportunity to speak to you. I'm the parent of four
17 disabled children and by necessity I became a special
18 ed attorney.

19 MS. WRIGHT: Excuse me, I didn't get your
20 name.

21 MS. PALMER: Rosemary Palmer. If you want
22 to make a difference for special ed children, the one

23

1 thing that you need to do is write into the statute
2 an expectation that when a child has attended 12
3 years of public education, or for that matter private
4 education, the child will have 12th grade skills
5 unless the disability actually prevents them from
6 getting those skills or unless the school district
7 has provided research based instruction for all of
8 those 12 years and the child still didn't get it.

9 The single most important thing that you
10 could do is to state that expectation. There's a lot
11 of fights about what FAPE stands for. And those
12 fights exist because the expectations for disabled
13 children are so low. We all want that for our kids.
14 We all expect it. As parents, we thought that was a
15 given. But it has not been a given for disabled
16 children.

17 I support school choice but it has
18 limitations because it's only as effective as the
19 parent who knows that they have a problem. My child
20 was graduating from high school before I discovered
21 that she had a problem. She couldn't pass the
22 college placement test. She couldn't pass the SAT

1 test. She couldn't pass the high school competency
2 test. But I thought she was doing just fine because
3 she was getting good grades. And that's the problem
4 with school choice as a definite solution.

5 There's some other ones as well and that
6 is not every private school provides research based
7 instruction. The child who goes to that other school
8 because the parent is frustrated with the public
9 school who does not get the research based
10 instruction will be no better off than had they
11 stayed in the public school.

12 When you do the funding, please structure
13 the formula so it accounts for long term decisions.
14 We say \$40,000 for an ABA program for an autistic
15 child. Well, if that means they can join a regular
16 school class and need no more special ed, then I say,
17 okay, it's a cheap \$40,000. But we don't fund on
18 life cycle cost. We don't fund on the short end to
19 make sure that every child can read and add by third
20 grade.

21 If we don't do that, however, the schools
22 will keep asking for more money because the child

1 will get further and further behind. So, please
2 structure your funding so that the incentive is to be
3 effective by third grade.

4 Finally, when you compensate prevailing
5 parents, if you want an even keel, you have to
6 compensate them as much as the school attorney got
7 because if you do not, the schools do not take
8 parents seriously in due process. Thank you.

9 CHAIRMAN BRANSTAD: Rosemary Palmer, thank
10 you very much. Rabbi Kalman Baumann.

11 RABBI BAUMANN: Good afternoon. My name
12 is Kalman Baumann. I'm the principal of a Jewish Day
13 School in Miami with 400 students. I want to thank
14 the members of the Commission for the opportunity to
15 speak with you.

16 The special needs children with whom we
17 deal, we are a mainstream school but we do have
18 special needs children, fall into three categories.
19 One, those who apply to our schools. Two, those who
20 never dare approach us and three, those who are
21 already enrolled.

22 First, with the limited ability to help
23

1 children with learning disabilities that we have as a
2 private school, we too frequently find ourselves
3 unable to accept these children whose parents desire
4 our type of education. Two, many others never even
5 approach us, especially parents without their own
6 resources to adequate advocate on behalf of their own
7 children. Three, those already in our school are the
8 ones we should be able to help the most.

9 However, for parents to arrive at the
10 realization and ultimately to accept the fact that
11 the child has an emotional disability is a process,
12 one that takes time, education and guidance. It
13 requires confirmation through a professional
14 evaluation and conjures up fears of enormous bills
15 for the evaluation and subsequent ongoing services.
16 The financial worry clouds the parent's perception of
17 the reality of the child's problem and causes denial,
18 thereby making delays in seeking help, causing untold
19 and frequently permanent damage to their child's
20 education and future.

21 This in turn leads to trouble in the
22 classroom, in which the child is a failure,

23

1 contributing teacher's stress, frustration and
2 burnout and impedes the educational progress of the
3 other children in the class. You may well ask, the
4 school should send the parents to the LEA for the
5 evaluation. In response I will tell you our
6 experience is that an entire year lapses from
7 request, testing to the delivery of the written
8 report, an utterly useless and frustrating exercise.
9 Private evaluations have a six to eight week turn
10 around.

11 When a child fails in our system and is
12 forced to the public school for the education and
13 emotional help he or she needs, the child becomes
14 estrange from the religious community through a
15 feeling of failure and rejection. One 13 year old
16 with a severe learning disability was bounced from
17 school to school within our community, all unable to
18 help him, commented, I don't belong anywhere.

19 Religious education is integral to the
20 children in our community. If they do not stay in a
21 Jewish school, the child becomes estrange, not only
22 religiously, but culturally and socially as well.

1 All this could be prevented if the federally mandated
2 systems to children with special needs actually reach
3 the children in the educational setting that parents
4 have chosen for their own children. Thank you.

5 CHAIRMAN BRANSTAD: Rabbi Baumann, thank
6 you very much. Eldalee Cook?

7 MS. COOK: Hello, my name is Eldalee Cook.
8 I have a little boy by the name of Robert William
9 Cook that is recently now in due process. I hear a
10 lot of people talking about parents have a choice.
11 IEP's have given the child or the parent a choice. I
12 hear that public schools are up there trying to help
13 the parent. Well, I have bad news for you and I've
14 written probably a lot of you.

15 I have been through ten IEP's. I have
16 been alleged that I had done something wrong in order
17 to control what I did. My daughter was stuck in
18 storage room. I attempted to talk to the principals.
19 They ignored me. IDEA is awesome. I do not knock
20 that down. But the teachers implementing what is
21 supposed to be there, I have tapes of the actual
22 principals not even knowing what 504 and what the

23

1 IDEA was.

2 They were trying to convince me that the
3 kids that were covered under 504 were not covered
4 under the IDEA. Now, you tell me, who needs to be
5 educated? My heart breaks for many. And my eyes are
6 bloodshot because I've been trying to figure out;
7 even in my IEP recording, I state, I don't want to be
8 advocacy for nobody. I want my child to have a
9 proper education. By the grace of God, I had to pull
10 my children out of the school system. And my child
11 is now homebound.

12 Within a five year period, my son has been
13 in a public education setting, okay? He has learned,
14 in his IEP in '97 they put that he was supposed to
15 receive excessive technology. They ignored the IEP.
16 My son cannot read. He has the mentality to receive
17 information but because the IEP was not implemented,
18 all of a sudden my son, now that he's at home, two
19 hours a week, I have taught my son to count from one
20 to a thousand where in five years they couldn't teach
21 him from one to 20 or their alphabet from A to Z.

22 Now, I'm not down passing all educators

23

1 because there are some hearts, some teachers that
2 want to speak out but because of the fact that the
3 system had its way of down holding parents, down
4 holding teachers, and they cannot speak their peace
5 because it's the funding, let's find out where those
6 fundings are going because from what I understand, I
7 had to fight. I had to write a petition. And I
8 didn't get attention until I wrote that petition.

9 Like I said, I've been through ten IEP
10 meetings. Nothing has been resolved. I've gone
11 through mediation. Nothing has been resolved
12 because, yes, they said I will give it to you. But
13 when it got to that point, it wasn't given. Please,
14 look at what's going on with the funding. Understand
15 that the choice, it should be there because; we were
16 saved because I had the home school. Please, look
17 at; the choice is good, the choice is good and IDEA
18 is great.

19 CHAIRMAN BRANSTAD: Thank you. Rosalina
20 Valladares?

21 MS. VALLADARES: Valladares.

22 CHAIRMAN BRANSTAD: Valladares. A little
23

1 practice, maybe I'll get it yet.

2 PARTICIPANT: No, I don't think so.

3 MS. VALLADARES: Good afternoon. My name
4 is Rosalina Valladares. I am 36 years old. I am --

5 MS. WRIGHT: You said your name fast and I
6 didn't hear it.

7 MS. VALLADARES: I'm sorry --

8 MS. WRIGHT: I'm writing it down.

9 MS. VALLADARES: Don't start counting.

10 MS. WRIGHT: I still didn't get your name.

11 MS. VALLADARES: Rosalina Valladares.

12 MS. WRIGHT: Thank you.

13 MS. VALLADARES: You're welcome. You may
14 begin. I'm a 36 year old mother to a ten year old
15 daughter who has been diagnosed with multiple
16 disabilities. I am also an advocate for students
17 with disabilities and I am also a area training
18 coordinator for Family Network on Disabilities in
19 Florida. I'm also a law student.

20 Today I'm here as a parent. That's the
21 most important job I hold. I have recently heard a
22 commentary that individual educational plans are too

23

1 lengthy, too much paperwork, and remove teachers and
2 administrators from the classrooms. The reality is
3 that IEP's are the only contractual written documents
4 with which to protect our children. It is important
5 to delineate related services and supports and to
6 establish measurable goals and benchmarks with which
7 to accurately and appropriately measure our
8 children's process.

9 A systemic problem is that general
10 curriculum teachers have not been appropriately or
11 thoroughly trained to provide children with
12 disabilities access to the general curriculum.
13 Therefore, there is no implementation of the IEP's,
14 which our children require to be successful not only
15 today in school, but they will ideally provide our
16 children with the ability to be successful,
17 responsible and independently functioning adults; the
18 skills that they will require in order not to become
19 a burden to society but rather an integral part of
20 it.

21 No one, not at any level, have I found
22 willing to make themselves accountable for the lack

1 of education being provided to students with
2 disabilities. No one at any level have I found that
3 holds themselves accountable and who is willing to
4 follow the letter of the law as stated in IDEA when
5 considering the least restrictive environment,
6 supplementary aids and services for a child with a
7 disabilities legal and God given right to be afforded
8 the best possible education that he or she might
9 receive.

10 Teachers blame the school administration.
11 The administration passes it off to the region, the
12 region to the district and the district to the higher
13 ups. Funding is the key, not the excuse. The law,
14 in its reauthorization, needs to be provided with the
15 necessary remedies that will ensure accountability is
16 no longer an issue.

17 It is the key to related services and
18 support and so much more. The common excuse, we do
19 not have funds for that. Although IDEA states that
20 funding should not be considered a contributing
21 factor as to whether a service is offered or
22 considered, but that the child's need should be the

23

1 driving force. We need districts to funnel the money
2 to ensure that they reach each student to provide the
3 student, receive all the related services and
4 supports they need.

5 Districts must also be held accountable
6 and be able to provide to the public an accounting
7 for when, where and how much is allotted for each
8 specific child, thus ensuring that the moneys funnel
9 actually benefit the child and not the districts.

10 And finally, in order to enforce
11 accountability and implementation, we need a
12 monitoring system that works. The Florida Department
13 of Education's monitoring system is not effective in
14 identifying and correcting non-compliance with
15 requirements that focus on improved results for
16 children with disabilities. Enforcement must be
17 turned over to an entity with no conflicts of
18 interest.

19 Without enforcement for implementation and
20 accountability, children and parents of students with
21 disabilities will continue to struggle. We will
22 continue to lose our children to the juvenile justice
23

1 departments and we will continue to foster societal
2 dependency as well as lack of education and
3 illiteracy. Let us truly leave no child behind.

4 CHAIRMAN BRANSTAD: Rosalina, thank you
5 very much. Sandra Wong.

6 MS. WONG: Those pictures are the faces of
7 the children the system has failed. Please wake up
8 and smell the coffee. This is where the rubber meets
9 the roads and these are my recommendations.

10 Provide information in a timely manner,
11 the correct information, please. Have you questioned
12 why there is not more independent parents here? That
13 was because we were not informed.

14 The second one, hold reliability to those
15 who are withholding information. Respect my input as
16 a parent. When I say no, I mean no. Please set an
17 overseer over your IEP. They're not working.

18 Another thing, and this is my final to you all, make
19 child's programs more available, maybe create them.

20 The other thing, Commissioner, have a parent among
21 you, one that has no affiliation. An independent
22 parent that could tell you what is really going on in

23

1 the system.

2 I was forced to home school. Three of
3 those kids are home schooled. One the system has
4 failed so badly because it took on the challenge of
5 taking him into the school but all be it without
6 having the knowledge of taking care of him. My child
7 almost died in the system. Was six times
8 hospitalized. Had three life threatened emergencies.

9 It was finally decided to home bound this
10 child. This is the second year he's home bound.
11 Within one year my child, with the three years he was
12 in the system, he became a failure to try. Within
13 one year of being home bound, my child is now 15
14 pounds more. He has never had any more emergencies
15 or hospitalization.

16 When you take up a challenge make sure
17 that you have the money to do what you say you can
18 do. Make a difference. You have in your hand the
19 chance and the opportunity to change the future of
20 these children. I don't have the money to home
21 school my kids, but in order to protect the life of
22 my kids; one of my kids in that picture was

23

1 threatened to be raped in the school system. Was
2 removed from class and two months after that was
3 decided to put her back in that same class. I had to
4 remove her.

5 Is that correct? Is that right. Where's
6 the money? Where's the money following my children?
7 Where is the money going. Choice is good but I have
8 no choice but to home school my kids. Thank you very
9 much.

10 CHAIRMAN BRANSTAD: Sandra Wong, thank you
11 very much. Ward Sphisco. Okay, we're going to go on
12 and do the other ones who signed up later. So, we're
13 going to just keep continue to roll here. Menashe
14 Sopirman? We've gone through the 20 and now I think
15 we've got about ten more on the list. So, if you can
16 stay, please do.

17 Go ahead, Menashe.

18 MR. SOPIRMAN: Thank you. Good afternoon,
19 ladies and gentlemen, members of the Commission. My
20 name is Menash Sopirman, Executive Director of
21 Agudath Israel of South Florida, National
22 Representative of Agudath of America. We are a

23

1 national orthodox Jewish organization that advocates
2 the interests of the hundreds of elementary and
3 secondary schools affiliated with the National
4 Society for Hebrew Day Schools as well as those of
5 the children and families they serve.

6 Among the approximately 150,000 students
7 attending these schools, there's a significant
8 percentage, upwards of about ten percent of children
9 with some form of educational, emotional or physical
10 disability. The IDEA embodies a powerful idea that
11 if proved, if provided with the means to do so,
12 children with disabilities can meet the challenge of
13 obtaining their academic potential and becoming full
14 product members of their communities.

15 Unfortunately the IDEA does not, at
16 present, hold out that promise to the millions of
17 non-public school children in this land to the same
18 extent as it does to public school children. If I
19 could just point out some of those. The IDEA
20 incorporates a fundamentally inequitable concept in
21 that every disabled public school student possesses
22 an individual entitlement to the full range of cost

23

1 free special educational and related services. But
2 denies that basic right to other students with
3 identical disabilities solely because of their
4 enrollment in non-public schools.

5 If I could propose a solution. Every non-
6 public school student with a disability should be
7 entitled to special educational and related services
8 an a par with public school students.

9 Number two, non-public schools throughout
10 the country report a wide spread failure by LEA's to
11 comply with the IDEAS's requirement of timely and
12 meaningful consultation regarding provision of
13 services with appropriate representative of disabled
14 non-public school students. I would propose a
15 solution to vague statutory language regarding the
16 timing and substance of these consultations as well
17 as who must attend should be replaced by specific
18 verifiable standards regarding these consultations.

19 Number three, IDEA permits but does not
20 required the provision of services on the premises of
21 a religious school. As a result, LEA's often insist
22 that the services they provide to non-public school
23

1 students be rendered only at a public school or a
2 mutual site, which could disrupt that child's school
3 day. I would propose a solution that the statute
4 should make the student's educational interests the
5 determinant factor in an LEA's decision regarding
6 location of services. I don't think it's
7 presumptuous to suggest that it is educationally
8 appropriate for services to be provided at the
9 student's regular school of attendance.

10 We believe that through the incorporation
11 of some of these changes as well as others that have
12 been mentioned set forth, the IDEA will indeed become
13 a vehicle for providing all of America's children
14 with the educational opportunities they need and
15 deserve. Thank you.

16 CHAIRMAN BRANSTAD: Menashe, thank you
17 very much. Terri Brewer. Mildred Boswal is next
18 followed by Ralph Cash.

19 MS. BREWER: Ladies and gentlemen, members
20 of the Commission. Can you hear me?

21 CHAIRMAN BRANSTAD: Yes, speak into the
22 microphone, thank you.

23

1 MS. BREWER: Okay. Thank you for taking
2 the opportunity to hear the opinion of a classroom
3 teacher. I teach high school age Profoundly Mentally
4 Handicapped students as well as regular diploma
5 seeking students who want to learn to work and
6 communicate with my students.

7 I came here today with many things to say
8 about behavior and discipline. But I decided I would
9 let you just read this letter on your own that I had
10 prepared for you and talk a little bit about IEP's
11 and programs that have worked for Clay County. We
12 work in conjunction with Fiddlers, which is Florida
13 Diagnostic Learning and Resource Services. Thank
14 you.

15 They offer classes for parents, for
16 teachers, for teacher aids to teach them how to write
17 IEP's, to teach parents about IEP's, know the right
18 for IDEA Act, how to be advocates for the parents,
19 for the teachers and for their special need students.
20 They train new teachers that are in special ed how to
21 write IEP's.

22 In my county, which is Clay County, we
23

1 have open houses at our schools that provide
2 information for our parents about post secondary
3 planning and things that are related to services
4 provide to ESC students that they're not receiving
5 once they graduate. Accountability I believe should
6 be not only on the parent, the special ed teacher,
7 the aids, the support staff but also the
8 administration.

9 We offer training in my county and write
10 collaboratively with them among the teachers to train
11 new teachers and also old; not old teachers but
12 teachers that are experienced. I didn't mean that
13 the way that sounded. I like all our old teachers.

14 I also had something to say about, I did
15 want to read my behavioral statement. I feel that
16 functional behavioral assessments conducted in the
17 educational and home setting will allow for more
18 effective implementation of positive behavioral
19 interventions in the classroom, in the community and
20 other social settings. I feel that special education
21 students who do not receive regular diplomas but
22 special certificates of completion are often

23

1 overlooked and regarded as not as important because
2 there's no academic base to measure their progress.

3 I would like to offer my services and
4 anyone that would like to come to Clay County. I
5 know that the money goes in Clay County where it
6 should in the classrooms. We have a set of
7 technology, computers, vocational training, community
8 based instruction money and vehicles for all of our
9 students that are in special ed programs. And we
10 also have peer tutors that take our class to learn
11 how to work with special ed students.

12 So, thank you for your time.

13 CHAIRMAN BRANSTAD: Terri Brewer, thank
14 you for your presentation. I also note from your
15 letter that you are a National Board Certified
16 Teacher in the area of Exceptional Needs Specialist.

17 MS. BREWER: I am.

18 CHAIRMAN BRANSTAD: And I congratulate you
19 on that as well. Mildred Boswal.

20 MR. BOSWAL: Thank you. It should be
21 readily apparent --

22 CHAIRMAN BRANSTAD: It's Michael, I guess

23

1 I made a lot of mistakes today. This is probably the
2 classic of all of them. Thank you very much,
3 Michael.

4 MR. BOSWAL: That's a perfect way for me
5 to introduce myself as an attorney and by my count
6 I'm the third one and I will attempt to address that.
7 But I have dyslexia and I have processing
8 difficulties and I went to law school under the ADA.
9 And so I am a product of these laws.

10 I say that I'm the third lawyer to appear
11 before you, the third lawyer that represents parents
12 because I don't want you to have the perception that,
13 as many do, that the IDEA is the full employment for
14 lawyer's act. By my count and in conferring with my
15 colleagues, there are about ten of us that represent
16 parents in Florida, ten of us for the entire state.
17 And we do that not because we make a lot of money and
18 we don't. We do this because the issue is one that's
19 personal to us.

20 As I said, I have dyslexia and by the
21 grace of God and Denton Kurtz, who appeared before
22 you, Denton was the person who did my assessments and
23

1 helped me go to law school after, at 38 years of age.
2 But the, so, the lawyer's aren't getting rich doing
3 this and lawyers are not part of the program, at
4 least from the parent's standpoint. But that's not
5 why I'm here to speak to you.

6 I'm here to speak to you in support of the
7 McKay Scholarship Program. We believe that the McKay
8 Scholarship Program that we have here in Florida is
9 the answer, and is not the answer, but is an answer
10 to many parents' difficulties. In the limited number
11 of people that you have heard, parents that have
12 testified to you today, you've already heard two
13 examples of parents who ultimately became frustrated
14 with the system and/or out of necessity bailed out of
15 the system and chose to home school their children.

16 That is probably quite representative of
17 what happens in our state prior to the McKay
18 Scholarship Program. Our parents now have the
19 opportunity if they are dissatisfied with what the
20 education that their child is receiving within the
21 public school system, they give notice and they move
22 on to a private school.

23

1 Now, many of you may not feel that there
2 is appropriate accountability or regulation. But
3 parents of disabled children are very vocal. And
4 this is a parent driven system and it is a market
5 driven system. And if the parents who have their
6 children at a private school under the McKay
7 Scholarship are dissatisfied, they move that child.
8 And the accountability is with the parents where it
9 truly belongs.

10 Thank you very much.

11 CHAIRMAN BRANSTAD: Michael Boswal, thank
12 you. Ralph Cash.

13 MR. CASH: Good afternoon, Mr. Chairman,
14 Commission, press, guests. My name is Gene Cash.
15 The Chairman did not make a mistake. It is really
16 Ralph Eugene Cash. Welcome to Florida where the
17 official bumper sticker is, if you don't like the way
18 we vote wait until you see how we drive.

19 Some of you may wonder why I'm here. I'm
20 here because this is Miami and every party needs its
21 pinata. Actually, I'm here because I'm a licensed
22 psychologist. I'm a nationally certified school
23

1 psychologist. I work with special ed kids on a
2 regular basis and I'm a representative of the Florida
3 Association of School Psychologists and the National
4 Association of School Psychologists.

5 I have three brief points that I'd like to
6 make on behalf of myself, the kids whom I serve and
7 those associations. One of those points is about
8 flexibility in special education. We are very much
9 in favor of the reauthorization of IDEA and strong
10 safe guards in the reauthorization. The flexibility
11 in IDEA, in my opinion, is currently backwards.

12 The reason for that is currently we have
13 very stringent structure and categorization for
14 eligibility in IDEA and very much flexibility in the
15 way that services are delivered, which leads to many
16 varying exceptionality classes about which you've
17 heard earlier. In my opinion, it should be non-
18 categorical, flexible evaluations, which of course
19 places a premium on highly qualified evaluators like
20 school psychologists, and I certainly admit I have a
21 bias in that regard.

22 But with categorized service delivery

23

1 based upon not the diagnosis of the student but the
2 needs of the student. That's what we need to focus
3 on, in my opinion, with regard to the delivery of
4 services and diagnosis.

5 Second, with regard to family involvement.
6 Family involvement may be the key in making IDEA
7 work. It's beyond the scope of my brief presentation
8 here to talk about the research in family
9 involvement. I refer to OSEP. OSEP for two decades
10 has been doing research on family involvement in
11 special education. They have an excellent research
12 connection in special education. Number 942001
13 Special Edition on Family Involvement. I hope that
14 you'll look at that.

15 And finally, we oppose cessation of
16 services for any student, particularly for special
17 education students because that doesn't solve the
18 problem of violence in schools, of difficulties;
19 thank you, of difficulties that those students pose
20 for other students. It merely transfers the problem
21 to the community. What we need is a legitimate
22 continuum of services so that those kids can continue
23

1 to be served in the schools in which they are
2 currently enrolled.

3 Thank you.

4 CHAIRMAN BRANSTAD: Thank you very much.
5 Mary Annice Heinle.

6 MS. HEINLE: Good afternoon and thank you
7 for allowing me to present to you. My name is Mary
8 Annice Heinle. I am here as a parent of a 13 year
9 old middle schooler who has Attention Deficit. I'm
10 here as a teacher for the Miami Dade County Public
11 Schools, Adult Ed teacher working with disabled
12 adults who range in age from 19 to in their 50's.
13 There is no age limit. I work in a special program
14 at the Epilepsy Foundation trying to teach them
15 computers and office skills.

16 And I'm going to ask you, are all of you
17 computer literate? What's the main thing you have to
18 do to operate a computer and learn a new program?
19 Read. And I'm working with individuals, I'm going to
20 work backwards. I'm working with individuals who
21 have a third grade reading level and yet we want to
22 have work force here in Florida.

23

1 We pass through many individuals because
2 they have not gotten the services in the public
3 school system or the private school system. I think
4 we need funding for that population. And I want you
5 to consider it. The insurance company, and recognize
6 the insurance companies say that a 25 year old is
7 beginning to have that maturity, responsibility to
8 handle having lower insurance rates. Why do we stop
9 at IDEA at 22?

10 I also want to point out to you that the
11 maturity level seems to come at a slower pace for
12 those people with disabilities. I'm also a member of
13 the Transition Task Force of Miami Dade County Public
14 Schools. And we need to have more corporate sponsors
15 and work towards that element of funding the program
16 where they'll hire individuals with disabilities
17 where there are tax incentives.

18 As a parent, I want to speak to and
19 reiterate and enforce lots of things that were said
20 today. My son was recently suspended from school
21 because he has attention deficit and there were four
22 substitute teachers in the gifted program. He has

23

1 good conduct but they did what they call zero
2 tolerance and put him out of the school.

3 There are a lot of issues under IDEA that
4 need to be addressed. I can tell you 20 years ago I
5 worked for the State of New Jersey, Department of
6 Health and Human Services. I worked in conjunction
7 with Deloit Hoskins in looking at discharge outcome
8 orientated service plans. We have not been looking
9 and training teachers how to write those plans. We
10 can computerize it. We should computerize it. We
11 should give them goals and short term objectives that
12 they are able to utilize and adopt to the school
13 situation for that individual on an individualized
14 basis.

15 I have more to say but limited time. So,
16 I'd be happy to meet with anybody at the back of the
17 room. Thank you.

18 CHAIRMAN BRANSTAD: Thank you very much,
19 Mary Annice Heinle.

20 Yanick Fulgueira. Rosa Rodriguez.

21 MS. FULGUEIRA: Hello, everyone and thank
22 you for being here. My name is Yanick Fulgueira and

23

1 I'm the mother of a child who ADHD and PDD, which is
2 Provasive Developmental Delay. And it's a spectrum,
3 an autism spectrum disorder.

4 I'm a Haitian American and we speak three
5 languages at home because my husband is Hispanic.

6 Please remember that Dade County is not; I'm sorry,
7 I'm kind of short so I have to put this down.

8 CHAIRMAN BRANSTAD: You're doing a good
9 job of speaking right into the microphone.

10 MS. FULGUEIRA: Okay, thank you. Please
11 remember that Dade County is now a tri-lingual
12 county. There are about four million Haitians in
13 Miami and about 10,000 Haitians ESC kids in the
14 system.

15 When my daughter was in school I was told
16 after about six months in Kindergarten that she
17 couldn't read. My husband made a book with the --
18 words that she was supposed to read. And she was
19 taught in two weeks by my husband. This is a copy of
20 the book that we still have. Once upon a time there
21 was a little princess in a big house. In the house
22 was a little garden where lived a fat yellow cat with
23

1 a red hat. And she was to color this. My daughter
2 happens to be very visual and this is how she learns.
3 I didn't know that at the time.

4 Why this happens I don't really know. The
5 only thing I know is that I'm really at the end of
6 the service chain. So, all I can recommend is this.
7 I feel that more rights should be given to parents.
8 I would like to be the one to write my child's IEP
9 and use the team as my resource. This way, when I
10 get home I don't have to say, what is this? You
11 know, I didn't talk about this. Where does this come
12 from? And I know enough about the IEP to do this.
13 Parents should get more involved and learn how to do
14 this also.

15 High school kids should check their own
16 benchmarks. Why not? Each nine weeks, to help
17 teachers with paperwork and simplify the IEP. Why
18 can't the IEP only contain the accommodations and
19 modifications needed? I would like to see the
20 teachers free to teach more. I feel that a ADD ADHD
21 exceptionality is needed so that kids with medication
22 side effects are not put in SED classes. My

23

1 daughter is in the SED class. She has ATDH and PPD.
2 What happens in the SED classes? Well, children with
3 behavior problems are hand cuffed by the police and
4 taken to mental hospitals to be drugged without
5 parents' consent or without following IEP guidelines.
6 Because Florida is a tri-lingual state, we have a lot
7 of problem with reading. And I feel remedial reading
8 classes are in critical need. Remedial reading
9 classes should be an additional class or period for
10 students with disabilities and should be provided
11 until 21 years of age or until grade level has been
12 achieved. You can have a child in fourth grade
13 reading level in 11 grade.

14 Thank you very much.

15 CHAIRMAN BRANSTAD: Yanick, Thank you very
16 much. Rosa Rodriguez. Is Rosa here? Gretchen Vega.
17 Is Gretchen here? Karen Clay? Nila; Karen Clay?
18 And Nila Benito?

19 MS. CLAY: Good afternoon. And thank you
20 for this opportunity to speak. My name is Karen Clay
21 and I am Michael's mom. We live in Tampa and I serve
22 on the Florida State Advisory Committee for the

23

1 Education of Exceptional Students, the Florida
2 Developmental Disability Council and FAST, Florida
3 Alliance for Assistive Services and Technology.

4 I would like to give public comment
5 regarding assistive technology and transition. The
6 way IDEA is now written, an agency's responsibility
7 to transition a student from school to either some
8 type of post secondary education, employment, or in a
9 greater sense, integration into the community
10 supersedes that of the school or the LEA. IDEA also
11 states that if an agency comes to the table and fails
12 to provide or if an agency fails to come to the
13 table, it's ultimately the responsibility for the
14 school or LEA to provide the services needed for
15 students to successfully exit the school system.

16 In reality, written interagency agreements
17 are non-existence. Agencies time and time again fail
18 to come to the table in a timely fashion or simply
19 fail to implement any services they may have
20 committed to. Assistive technology devices provided
21 to students in school are routinely and customarily
22 taken away upon exiting the school system.

23

1 The failure of agencies regarding the
2 provision of assistive technology has seriously
3 impacted success and basically robs the student of a
4 successful transition into the community. For the
5 students who do exit to other agencies and their
6 assistive technology transfers with them, a far
7 greater chance for success exists.

8 For students who do not exit to other
9 agencies, particularly students who require
10 communication devices, whether that device be an
11 augmentative communication device or other forms of
12 assistive technology that facilitate communication,
13 their transition into the community cannot possibly
14 succeed.

15 What I would like to see is one,
16 strengthening of the language regarding inter-agency
17 agreements creating definitive time lines for the
18 inter-agency agreements to be in place and two, a
19 creation of a language that would specifically
20 provide for the transfer of assistive technology
21 devices as part of the transition process.

22 This mechanism currently exists in other
23

1 states and results in a higher rate of transition
2 success. Assistive technology creates possibilities
3 that otherwise would not exist. I'm a very proud mom
4 of a young man who has proven that assistive
5 technology creates life long learning, a level of
6 independence and employment. My Mike is a tax
7 paying, voting citizen and he is also a writer,
8 editor and recognized by Apple Computers as an Apple
9 master. Without assistive technology, none of these
10 things would be possible.

11 What we want for our children is the same
12 as what all parents want. Our children aren't
13 different. They simply do things differently. Thank
14 you.

15 CHAIRMAN BRANSTAD: Karen Clay, thank you
16 very much. Nila Benito.

17 MS. BENITO: I'm Nila Benito and I wanted
18 to thank you for giving me this time to be heard. Am
19 I the last one, by the way?

20 CHAIRMAN BRANSTAD: There's one more, one
21 more.

22 MS. BENITO: Okay.

1 MS. WRIGHT: Excuse, I didn't get your
2 name. I couldn't hear it over the applause.

3 MS. BENITO: Nila Benito and I'm from
4 Tampa, Florida. And, again, I wanted to say thank
5 you. And I wanted to start off by saying thank you
6 because I really mean that. I thank you, Commission,
7 and everyone who's in here for choosing to be here
8 and choosing to stay this late to hear us because I'm
9 here representing more than anything my two sons;
10 Vincent, age 11 and Joseph, age 10, who have autism.
11 And I didn't choose for them to have autism.

12 As I know anyone in this room who has a
13 child with a disability wouldn't choose that and
14 those of you who don't wouldn't say, sure, go ahead
15 and give my child a disability. So, I really
16 appreciate the fact that you've chosen to accept your
17 appointment from the President, to try to make
18 special education the best it can be.

19 But to digress for a moment, I want to sum
20 up very simply in a crass way what I think about
21 autism. I think autism sucks. And if I had a bumper
22 sticker I could put on the back of my car that says

23

1 Autism Sucks, I would because that's what I think.

2 But, you know, thank goodness there's a law like IDEA
3 that is great. That helps me get what my boys need
4 to learn.

5 The reality of IDEA is, yes, sometimes it
6 fails but not because it's not a good law. It fails
7 because one, families do not understand their child's
8 right under IDEA and two, the definition of family
9 involvement in IDEA is interpreted in different ways.
10 So, for this team it may look like this. For that
11 team, it may look totally different. And also
12 because of the inconsistent monitoring of IDEA at the
13 state school district and classroom level.

14 I just want to share with you something
15 personal about Vincent and Joseph. Their autism is
16 quite significant. I love them with all my heart but
17 you would know they had autism if they walked in this
18 room right now. And my husband and I have made many
19 choices for them. And one of the most important
20 choices we've made is that we wanted them to attend
21 their neighborhood school with the peers in the
22 neighborhood.

23

1 That was seem as kind of radical to my
2 school district and I knew it would be. But I knew a
3 collaborate team was critical for the success of my
4 boys. It took four years for that success to happen.
5 When Vincent started Kindergarten, it took until he
6 was in fourth grade.

7 Now they are being successful. And one of
8 the reasons it took so long is because I thought for
9 a while that IEP team really hated me, that they
10 thought I was an evil mother trying to make them do
11 something that didn't make sense. I was pushing my
12 boys too hard. But you know what? That wasn't what
13 it was. I found out what it really was is my
14 definition of how I wanted to collaborate with them,
15 which was to be a partner and do it hand in hand. It
16 was very different than their definition of how they
17 wanted to collaborate with me. It was because they
18 wanted to call me only when they needed me. That's
19 how they're use to collaborating with parents, when
20 we need you we'll call.

21 But I was, you know, I'm a professional.
22 I work at the Center for Autism and Related

23

1 Disabilities at UFS. And I'm also the Chair for the
2 Florida Developmental Disabilities Education Task
3 Force. So I have some professional knowledge to
4 share with them but there was still resistance. We
5 finally sat down at the table together. We were able
6 to say, hey, we have different perspectives here.
7 Let's figure out how to make this work.

8 So, as adults, we figured out how to get
9 along. We figured out how we could move forward.
10 And I'm grateful that I've learned that and that IDEA
11 backs up the family collaboration involvement
12 component so now I can help other families and other
13 teachers help other kids with significant
14 disabilities more effectively. Thank you.

15 CHAIRMAN BRANSTAD: Thank you, Nila, thank
16 you. And now the presenter we've all been waiting
17 for who's our last presenter, Paul Marchand.

18 MR. MARCHAND: I stand between you and
19 drinks. CHAIRMAN BRANSTAD: Thank you for being
20 here.

21 MR. MARCHAND: Mr. Chairman and members of
22 the Commission, I am pleased to be here representing
23

1 the -- of the United States and the Contortion of
2 Citizens with Disabilities, which is the national
3 group working on IDEA policies back in Washington.
4 Thank you for your patience today. You've been
5 excellent.

6 Two quick issues. I want to talk about
7 your process and I also want to talk about the two
8 day meetings going on right now. You should know
9 that your pre-lunch discussion was interesting not
10 just to yourselves but to us out in the audience.
11 From an outsider's viewpoint, there appears to be
12 confusion and concern among you on the end gain, the
13 end product and the lack of dialogue among you.

14 Imagine how the interested public is even
15 more confused and apprehensive. Rumors on the street
16 are rampant. I want you to know I started none of
17 these. But they include the final report has already
18 been written by the staff and/or OSEP's and/or the
19 White House. The agenda is top heavy with
20 presentations leaving no time for real debate on the
21 issues. The Commission will be a rubber stamp.
22 Parents are asked to come at 7:00 a.m., pre-dawn to
23

1 sign up to testify on week days when they're busy
2 preparing their children for school. The federal
3 government works very slowly. We all know that.
4 This deadline will be missed and thus we will prevent
5 the IDEA reauthorization to be done in this Congress.

6
7 It's time clearly for you to send out a
8 signal to all of us about what is this end game and
9 all of you and all of us deserve no less. I say this
10 in the hope that this Commission will help, truly
11 help launch a good reauthorization of IDEA.

12 Point 2; these two days. This meeting was
13 eagerly looked forward to by many, many parents
14 around the country who saw two days to be devoted to
15 the parental role. Unfortunately three quarters of
16 this agenda is on vouchers, scholarships, charter and
17 parochial schools. They're interesting issues but
18 they are not the issues that parents around the
19 country expected.

20 Can I retain my time for that applause?
21 The real agenda for the 90 percent, the 95 percent,
22 the 98 percent of our parents were parent training,

23

1 how will they understand their rights and
2 responsibilities under this law. Assess to their
3 neighborhood schools, which they can't get. A real
4 IEP with the services in the IEP truly delivered.
5 Assess to the general curriculum and finally how you
6 will make and enhance due process rights, not reduce
7 them.

8 Hopefully you can address all of this
9 before it's time for your final report. Thank you
10 very much.

11 CHAIRMAN BRANSTAD: Paul, thank you.
12 Katie, Katie Wright.

13 MS. WRIGHT: Name? I can't hear for all
14 the applause --

15 CHAIRMAN BRANSTAD: Paul Marchand.

16 MS. WRIGHT: What?

17 CHAIRMAN BRANSTAD: Paul Marchand.

18 MS. WRIGHT: Paul Marchand?

19 CHAIRMAN BRANSTAD: Yes. Okay. Todd, do
20 we have any announcements? First of all, I want to
21 thank all of the commissioners for your patience and
22 for staying in being here to hear all the

23

1 presentations. I want to thank all our presenters.
2 I think it's very evident, very obvious that parents
3 and not just parents, the parents and the education
4 committee, all of the people that we've heard from
5 today cares deeply about the children of this country
6 and especially children with disabilities in seeing
7 that we do the very best we can.

8 And I want to insure you of our commitment
9 to this process in maintaining an open process and a
10 deliberative process. The report has not been
11 written. We know there's a lot of work and I think
12 you saw a little apprehension before lunch today
13 because we know we've got a big task ahead of us.
14 But I'm very proud of these commissioners and the
15 knowledge and the experience that we have around this
16 table and with the commitment that each and everyone
17 of you has to this process and in giving the very
18 best report and recommendation we can to the
19 President of the United States, who gave us this very
20 significant and awesome responsibility.

21 So, with that, Todd, do you have any
22 announcement here?

23

1 MR. JONES: No.

2 CHAIRMAN BRANSTAD: Everybody knows what
3 time we get together in the morning? I think the
4 next is a reception. I think we're a little late for
5 that but thank you for staying for the business part
6 of the meeting. Thank you very much.

7 (Whereupon, the above meeting was
8 concluded at 5:50 p.m.)

9