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UNITED STATES OF AMERICA
DEPARTMENT OF EDUCATION

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IN RE: :
PRESIDENT'S COMMISSION ON :
EXCELLENCE IN SPECIAL EDUCATION :
ACCOUNTABILITY SYSTEMS TASK :
FORCE :

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Embassy Suites Hotel
Des Moines - On the River
101 East Locust Street
Des Moines, Iowa
Wednesday, March 13, 2002
7:45 a.m.

The above-entitled matter commenced at the
hour of 7:45 a.m. and was presided over by Steve
Bartlett, Chairman.

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

2 CHAIRMAN BARTLETT: The President's
3 Commission for Special Education Task Force on
4 Accountability Systems, and if that's not the longest
5 title you've ever heard, I don't know what is, will
6 come to order. It is 7:45 a.m. If you didn't know
7 it, I'll mention it several times during the day.
8 I'm from Texas and that's why we're going to start
9 bright and early today. I had hoped for a 6:15 a.m.
10 time myself.

11 We're here today to take testimony and to
12 conduct a day long session on the Accountability
13 Systems issues with regard to the reauthorization of
14 IDEA. First, I would like to introduce the
15 Commissioners that are with us. These Commissioners
16 have been appointed by Governor Branstad. Each of us
17 were appointed by President Bush, the Commissioners
18 were then appointed by Governor Branstad to serve on
19 this Accountability Task Force.

20 From New Orleans is Alan Coulter at the
21 Louisiana State University Health Science Center. He
22 has a resume that's about three pages, which I shall
23

1 spare you. From California, the star of surfing on
2 the Pacific Ocean, the superintendent of Elk Grove
3 California School District, Dave Gordon. Bryan
4 Hassel is from Charlotte, North Carolina, and he's
5 president of Public Impact. Bob Pasternak, who is an
6 Adjunct Commissioner I suppose we would call him or
7 an ex-officio Commissioner, but his day job is the
8 Assistant Secretary for the Office of Special
9 Education and Rehabilitative Services. Cherie
10 Takemoto of Arlington, Virginia is our --

11 I believe all of us are parents, but
12 Cherie is what's known as a super parent, meaning she
13 is representing the parents of America -- most of us
14 are parents and all of us are parents-to-be, no
15 doubt. And then Todd Jones, the Executive Director
16 of the Commission, also known at this point, halfway
17 through the Commission hearings, as the long
18 suffering Todd Jones with the Department of
19 Education.

20 As you can tell, both the Commission
21 members and the Task Force members come from all
22 walks of life and all parts of the country, but each
23

1 has an abiding interest in both education and, in
2 particular, the education of young persons with
3 disabilities.

4 With that, I'd like to turn it over to
5 Governor Branstad for some opening comments.

6 GOVERNOR BRANSTAD: Thank you very much,
7 Steve Bartlett. Steve didn't introduce himself, but
8 he's a former Congressman and Mayor of Dallas. He
9 says he's getting over that, but he's doing a great
10 job and we're real proud to have him as Chair of this
11 Task Force on Accountability. I'm very honored to
12 Chair the Presidential Commission on Excellence in
13 Special Education and to be able to have this Task
14 Force meeting here in Des Moines, Iowa.

15 I welcome all of the Commissioners and all
16 of the witnesses to Des Moines. I could tell you we
17 always have this kind of balmy weather in March, but
18 that would not be true. But we also would like you
19 to know that for your entertainment we have a lot
20 going on right now in Des Moines.

21 The girls' state basketball tournament
22 just got over last weekend. Now we have the boys'

23

1 state tournament in town at Veteran's Auditorium,
2 just a few blocks north of here. Also exciting, to
3 the east we have the State Capitol and the Iowa
4 Legislature is in -- week and they've shifted into a
5 higher gear so that might also be an interesting
6 thing to visit.

7 I would like to acknowledge several guests
8 that are here. I saw Senator Pat DeLurrie who serves
9 in the State Senate in the back row and has a special
10 interest in this issue of special education. I had
11 the honor many years ago of chairing -- presiding
12 over the Senate as Lt. Governor and worked very
13 closely with Senator DeLurrie. Also Aaron McKay is
14 here representing Senator Chuck Grassley, our senior
15 senator from Iowa, and Clark Scanlon who's a district
16 director for Congressman Greg Gansky, the Congressman
17 from this district. Lana Michaelson from the
18 Department of Education. I know there's several
19 other people from the Department of Ed, Iowa
20 Department of Education that are here as well, as
21 well as the staff people we have from the U.S.
22 Department of Education.

1 We are really honored to have this hearing
2 in Des Moines, Iowa. For the Commissioners that have
3 not spent a lot of time in our state, I just want to
4 assure you that Iowans are not bashful about giving
5 input. One of the things that I found that makes
6 Iowa really special is the degree of public interest
7 and involvement on the part of the citizens. The
8 citizens in our communities -- and maybe we're a
9 little bit spoiled because of the Presidential
10 caucuses. We usually want to meet every candidate
11 for president before we decide who we're going to
12 support, and people like to ask tough questions on
13 policy issues. So Iowans have a degree of public
14 involvement in their communities, local governments
15 and schools that I think is really almost
16 unparalleled, and we're very proud of that fact. And
17 we think that's one of the reasons why government in
18 this state has to be responsive because the people
19 expect it and demand it.

20 We have a very busy and important day
21 ahead of us. As Steve has pointed out, President
22 Bush appointed this Commission and the President is
23

1 deeply committed to seeing that no child is left
2 behind and that especially includes children with
3 disabilities. So that's what we're focused on. How
4 can we improve upon what has been accomplished in the
5 past? How can we make special education better?

6 It's difficult to travel anywhere in our
7 country and not hear about school reform, higher
8 standards, rigorous assessments and new innovations
9 in the classroom. We have to make sure that special
10 education students benefit from these changes. How
11 do we educate these children, our children, and help
12 them to move forward so that they can become
13 productive citizens? That is one of the most
14 important and pressing issues facing us and facing
15 education.

16 I'm sure that our hearing today will shed
17 some important light on this issue. As Secretary
18 Page says, how we educate our children says a lot
19 about our character and the character of our nation.
20 Again, I thank you all for coming to Des Moines, and
21 I'm pleased to turn it back to the Chairman of the
22 Task Force, Steve Bartlett.

23

1 CHAIRMAN BARTLETT: Thank you, Governor.
2 We're delighted to be here. This is the Commission's
3 third public hearing, both the overall and through
4 task forces. We're in the process of gathering a
5 wealth of information from the wealth of those in
6 America that have both views and informed views and
7 information to share on the re-authorization of IDEA.

8 The process will be, we have a series of
9 witnesses that we've called, frankly, from all walks
10 of life. It is my hope that we will generate some
11 controversy today with the witnesses' testimony, but
12 only the controversy of the positive kind, Governor,
13 as you're accustomed to in Iowa. It is only from
14 that sharing of ideas and different ideas and in
15 testing those ideas, we can come to some type of
16 conclusion to make positive changes in IDEA.

17 At 2:00 p.m. we will have a public
18 hearing. It's been posted on the web site. I think
19 people began signing up this morning. Each witness
20 from the public has three minutes to state your case.
21 It's done on a first come-first serve basis as of
22 morning, with one caveat which was also posted -- I'm

23

1 sorry -- two caveats. And that is if you're with a
2 group or an organization, have multiple speakers
3 within the same group or an organization, we would
4 ask that that organization only have one speaker
5 during the first hour and then other speakers from
6 the same organization will be put back at the back of
7 the line. That way all groups will have an
8 opportunity, a better opportunity to speak.

9 Governor Branstad and most of the members
10 of the Commission have also asked both my indulgence
11 and yours to stay over at the conclusion of the one
12 hour, which was posted, to hear additional comments
13 for those who didn't get to speak during the first
14 hour and we'll continue and we have a wait list sign
15 up sheet at the desk right now if you want to sign up
16 for that second hour on a wait list, and the rules
17 will be applied. It will be three minutes, and that
18 way we can have an additional hour, a second hour of
19 public speakers to try to accommodate as many as
20 possible.

21 The witnesses this morning will be asked -
22 - excuse me. Back on the public testimony. In

23

1 addition to that, you are invited to submit your
2 written comments, either directly turn them in today
3 to the desk out front or submit them on the web site
4 and your written comments will be made a part of the
5 record and will be circulated to the Commission
6 members, and we would appreciate that.

7 The witnesses today have provided written
8 testimony before they came, and I'm asking each
9 witness to provide a ten minute summary of your
10 comments so we can get a full measure of questions
11 and answers. I will ask each witness, if you haven't
12 prepared for ten minutes or if you believe you need
13 additional time beyond the ten minutes, if you'd tell
14 me that as you begin your testimony then we can
15 accommodate some additional time at the beginning.
16 I'll be much easier to deal with at the beginning of
17 your testimony on the time than at the end.

18 Our Executive Director will hold up time
19 cards of three minutes, two minutes and one minute.
20 At the conclusion of your testimony I will ring the
21 bell which will probably get your attention. To ring
22 the bell, by the way, means sum up fairly quickly.

23

1 It doesn't mean you have to stop in mid-sentence or
2 mid-syllable.

3 For questions, it's my intention to call
4 on the Commission in order, in sequence, so each
5 Commissioner will have an opportunity to ask a
6 question and have -- more than one question -- and
7 have them answered in five minutes. So your answer,
8 I'd say to the witnesses, your answers are coming out
9 of the Commissioner's time. So we'd ask you to make
10 your answers concise so they can try to get in a
11 second question if possible. So each Commissioner
12 gets five minutes each for questions and answers. If
13 we have time left over after the first round, we'll
14 go back and start a second round of questions and
15 answers.

16 We'd ask you to be direct, state your case
17 directly as to what you would urge us to do; to be
18 concise; and in fact, as a reward for concise, I'm
19 not using a gavel today. I'm using this darn bell,
20 as you'll begin to refer to it during the course of
21 the day, and the bell is inscribed with the
22 Commission, Des Moines, and today's date. And at the
23

1 conclusion of all witnesses, these are for the
2 official panel witnesses, the Commission is going to
3 huddle and vote and we're going to award this bell,
4 called the concise bell, not to the best testimony
5 but to the witness that provided the most information
6 in the most concise abbreviated amount of time. So
7 if that doesn't motivate you, I can't help you.

8 The theme, both today and throughout the
9 hearings, is the theme that was stated best, most
10 concisely -- he should have won the bell -- President
11 George W. Bush, the theme of no child left behind.
12 President Bush articulated it. The American people
13 have affirmed it. Secretary Page charged this
14 Commission with that as our lead-off witness, the
15 beginning of the Commission. We on the Commission
16 believe it and our report is designed to make it a
17 reality with regard to students with disabilities.

18 This is the No Child Left Behind
19 Commission and with us today is the Task Force on
20 Accountability. In fact, our mission on this task
21 force is how to design a federal law so that each
22 participant in the federal system -- in the total

1 system, the educational system, a system of education
2 for students for disabilities will be held
3 accountable for his or her set of responsibilities.
4 We could also paraphrase this Commission or call it
5 in the vernacular, the No Finger Pointing Task Force.
6 Every participant in the system, it's our job to
7 figure out a way so every participant accepts
8 accountability from the Commission, to Congress, to
9 the federal government, to states, to school
10 districts, to principals, to parents, to teachers, to
11 students. Each participant in the system, it's our
12 mission to figure out a way to bring additional
13 accountability and to achieve that accountability.
14 Our goal is to design a model or at least an
15 improvement of the current model.

16 So with that, I'd like to call the first
17 witness and the first witness -- the first panels are
18 -- each of our Commissioners will be introducing a
19 different panel, and during that introduction a
20 Commissioner will be called upon, if they choose to
21 make their own opening statement. The first panel is
22 Brian McNulty and Dr. Gerald Tindal. If you all

23

1 would come forward to be introduced by Cherie
2 Takemoto.

3 COMMISSIONER TAKEMOTO: First, I want to
4 thank the Governor for bringing me back home to Iowa.
5 I was a Vista volunteer in 1975-76 in Williamsburg,
6 lived up the hill from the Middle America truck stop,
7 for those of you who know.

8 I think someone is trying to set me up,
9 because the last meeting I was at the mike was turned
10 off, too. Is this on? It's on? I'm just quiet.

11 But anyway, thank you so much for coming,
12 and thank you for your commitment to excellence in
13 special education. When Steve said that it was okay
14 for one of us to introduce our next panel, I jumped
15 right up and said that's what I want to do.

16 Our two speakers today are Brian McNulty -
17 - I'm going to introduce you first, Brian. I've been
18 a long admirer, distant admirer of your work, Brian,
19 especially in your work in advocating for families,
20 both in early intervention and special education,
21 there in Colorado and making families a big part of
22 education.

23

1 Brian is currently the vice president of
2 Field Services for Mid-Continent Research for
3 Education and Learning in Aurora, Colorado. This is
4 a private non-profit organization whose purpose is to
5 improve education through applied research and
6 development. He has his Ph.D. in special education
7 administration, public administration from the
8 University of Denver. Thank you for coming.

9 Our other speaker is Gerald Tindal who is
10 head of the Department of Educational Leadership,
11 Technology and Administration in the College of
12 Education, University of Oregon. He's interested in
13 performance assessment and large scale testing
14 programs, program evaluation, problem solving and
15 using a consultative approach. My colleague, Alan
16 Coulter says that he is the be-all and end-all in
17 alternative assessment. I'm so glad to have you here
18 today as a parent and also as the director of
19 Virginia's Parent Training Information Center.

20 We have some wonderful educators out there
21 and some great models. As I was talking to Gerald at
22 the beginning of this, there's quite a few educators,
23

1 however, who have been schooled in the school of non-
2 accountability and making sure that that IEP is
3 something that people cannot be held accountable, so
4 I'm interested in hearing how you want to connect the
5 two.

6 MR. MC NULTY: Good morning.

7 COMMISSIONER TAKEMOTO: The clock is
8 ticking.

9 MR. MC NULTY: Okay, ten minutes. I'm
10 going to do my best. I may need just a little bit
11 more. Hopefully, you've had a chance to read my
12 written testimony so I'm not going to go through the
13 written testimony and I'd just ask that that be
14 introduced into the record. What I would like to do
15 is to just go through some highlights, however, for
16 you.

17 The first thing I'd like to say is that
18 since the amendments of '97 I think we've made
19 significant progress. But I do want to reiterate
20 that within special education, at least for the first
21 ten years of special education, I think we were
22 working to gain access just into schools, let alone

23

1 any meaningful education. The second 15 years I
2 think we spent gaining access to the general ed
3 curriculum and really only in the -- in the general
4 ed classroom and only within the last year or so or
5 two have we really been working towards accessing the
6 general education curriculum.

7 When we want to look at accountability
8 measures and how students are doing, the first thing
9 we've got to look at is, do they have access to that
10 general ed curriculum that allows them to make
11 progress towards the standards. So that's the first
12 thing that I think is most important to look at, are
13 those access issues of how many kids really have
14 access to the general education curriculum.

15 I want to say that I spent the last two
16 days meeting with chief state school officers and
17 special education directors from a number of states
18 around our region, and they implored me to at least
19 say two or three things to you, so I'm going to say
20 those.

21 One is that they very much agree that we
22 want to move towards a unitary system of education,
23

1 meaning one educational system for all students. In
2 order to do that, they made some recommendations.
3 One is that when we look at the consolidated
4 applications the districts are now submitting, that
5 we make sure we include special education as a part
6 of those consolidated applications. When we look at
7 school-wide plans, special ed is a part of that, but
8 school-wide plans only apply to a limited number of
9 Title 1 schools now and we really need to have
10 schools, when they look at their school improvement
11 plans, include all students in the school improvement
12 plans. So that's a piece that they are very
13 concerned about. If we want to have special ed be a
14 part of this, then we need to make sure we are
15 planning, at the whole school level, for all
16 students.

17 The second thing is that we are at a point
18 in time in history right now where we have the
19 opportunity to align both the new ESEA and IDEA. I
20 don't remember ever having this opportunity before.
21 But we've just redone ESEA and we're now just
22 beginning to do IDEA, and if we could align those two
23

1 statutes such that there is good alignment around how
2 we look at asking schools to do their planning and
3 accountability processes, that would go a long way
4 towards bringing these systems together.

5 The third point that they wanted me to
6 mention was data and looking at data. States do not
7 have the capacity, nor do schools right now, to
8 really do good data analysis. They need a lot more
9 work if we're going to use our data more effectively.
10 They wanted me to caution you, however, to not look
11 at single data points or one single instrument as the
12 be-all and end-all, that we need to have multiple
13 measures of how kids are doing, particularly kids
14 with disabilities, because one of the things we said
15 when we started the standards movement was that we
16 would look at how well are kids doing, we'd be able
17 to demonstrate that in multiple different ways. If
18 we move to just one measure of that, that cuts off
19 their opportunity to demonstrate that in many ways.

20 The last thing that they wanted me to
21 mention to you is if there were significant increases
22 in IDEA we do need to look at the maintenance of
23

1 effort and supplanting issues. And they were
2 suggesting that they would be very willing to hold
3 themselves and school districts responsibility to
4 looking at using those state and local revenues for
5 prevention or for intervention such that we could
6 serve kids prior to their entry into special
7 education, and that might be a nice trade-off in
8 terms of how we look at preventative services for
9 kids.

10 Now, let me back up again. I will say
11 that I've read both the new OSEP going to goal
12 document as well as the January 29th document on the
13 new monitoring system. I will say publicly I am a
14 big fan of targeted monitoring or focused monitoring.
15 I think it is the right direction to move, and I
16 think that the work that you're doing is moving very
17 much in the right direction. So I want to support
18 those efforts. I've said for a long period of time,
19 we need to look at our data to tell us how well we're
20 doing.

21 I believe that effective monitoring can,
22 not only insure compliance but insure better outcomes

1 for students. So I want to support your continued
2 movement in that direction.

3 I've given you sheet that looks like this,
4 that is Colorado's data. And I'm only going to spend
5 about a minute or two, because that's all I have.
6 But let me just tell you, we have the first three or
7 four years of Colorado data, looking at the state
8 assessment.

9 Everyone agrees that Colorado has a very
10 rigorous state assessment program. If you look at
11 what's happened to kids with disabilities, however,
12 look at third grade reading. The percentage of kids
13 -- these are done in percentages -- the percentage of
14 students proficient in reading, these are students
15 with disabilities, has gone from 18 to 29 percent
16 proficient in the last four years. That is an
17 incredible amount of gain. That's almost 100 percent
18 increase.

19 When we look at the fourth grade students,
20 have gone from 12 to 22 percent proficient. If you go
21 to the second page, which is looking at fourth grade
22 writing, we've gone from three to seven percent. Not

1 quite as great. But if you then go to seventh grade
2 reading which is on the third page, from 11 to 19
3 percent. I'm only mentioning those just to give you
4 an idea that we have students with disabilities
5 participating in the state assessment. They are
6 making significant progress. As a matter of fact,
7 the increases are greater than the increases in
8 general education.

9 So as we are saying to students, we want
10 you to meet the same standards, we are seeing
11 students step up to the bar and teachers step up to
12 the bar in terms of providing the kind of
13 accommodation students need to participate, to have
14 the skills that they need and to participate in the
15 state assessment. So this is just an example of
16 saying, when we look at accountability systems, the
17 state assessment systems can provide good data on how
18 well students with disabilities are doing.

19 I'll just take one other piece. The
20 alternative assessment, in Colorado, every student
21 who does not take the state assessment scores a zero.
22 So there's a high motivation for every student to
23

1 participate in the state assessment.

2 Having said that, the alternate
3 assessment, we do have some kids participating in the
4 alternate assessment, but it's very few kids. And I
5 want to caution the Committee that we don't want
6 states or local IEP committees pushing too many kids
7 into the alternate assessment. We want as many kids
8 as possible participating in the state assessments,
9 with accommodations that they require in order to
10 participate. We also need help from the national
11 testing companies in terms of looking how we broaden
12 those -- the accommodations and in terms of how we
13 look at scoring particular items that don't
14 invalidate the test. So that's just sort of a
15 national issue that I think we need to look at also.

16 Let me make just a couple of other
17 comments, and then I'll wrap it up. I want to
18 caution the Committee about the use of those state
19 assessments for high stakes. For kids with
20 disabilities the idea of using the state assessment
21 to look at promotion or graduation requirement I
22 think can lead us down some paths that we necessarily

23

1 don't want to go to. We want to use the state
2 assessment to hold ourselves accountable for student
3 progress.

4 Generally, as schools and as districts,
5 but to hold individual students accountable in terms
6 of promotion or graduation, based solely on the state
7 assessment, I think is the wrong way to go.

8 Let me talk just a minute about focused
9 monitoring. We heard in Denver that this is a good
10 way to go I think; however, we want to look at what
11 kinds of data do we have. Some of the data we don't
12 feel is completely reliable at this point in time and
13 the focused monitoring is only as good as the data we
14 collect.

15 I would suggest most states look at --
16 have what is called count audit procedure that they
17 do in addition to their monitoring, goes out looks at
18 records and looks at -- it really is an audit. It
19 would be a way to maybe expand that count audit
20 process, to look at the kinds of data that we're
21 collecting.

22 Sometimes national data is not the best
23

1 comparison also. LRE is a good example. The national
2 LRE data, as an average, is still not that great.
3 Some states, like Colorado and Vermont, have great
4 LRE data and that should at least be not the
5 standard, but at least set as the goal and I wouldn't
6 try and compare it to the national averages. I think
7 that some data also needs to be dis-aggregated by
8 disability category.

9 And then finally, I would supplement the
10 focused monitoring with some random selection and in
11 terms of choosing states periodically over time, just
12 so every state knows that they're in that mix, and
13 some cyclical monitoring, meaning over a five year
14 period of time or so that we would have students --
15 that all states would be chosen at some period of
16 time.

17 The last thing I will say, and then I'll
18 wrap it up, is that I do believe that sanctions and
19 rewards that you've outlined in the January 29th
20 document from OSEP is very good. I think we also
21 need, however, a number of waivers, pilots and
22 studies that could look at sort of innovative

23

1 accountability models that could look at things like
2 alternative assessments and could look at things like
3 national studies, like we did with the national
4 longitudinal study on special education. Thank you.

5 CHAIRMAN BARTLETT: Very good. Thank you,
6 Brian. Gerald Tindal.

7 DR. TINDAL: A request to the Chair. May
8 I have 13 minutes?

9 GOVERNOR BRANSTAD: Okay. Thank you.
10 Actually we're doing well. I think Brian did not use
11 the full ten minutes. He did very well. I think
12 Steve Bartlett put the fear of God in everybody.

13 I just want to say I think it's great that
14 we've got these experts with moustaches here to
15 present to.

16 DR. TINDAL: The reason I brought this
17 presentation is I wanted to bring some video tapes of
18 some kids we're working with and I firmly believe
19 that we really need to listen to the kids as we
20 develop our alternate assessment system, develop
21 accommodations.

22 A curious moment for me is that we spent
23

1 hundreds of millions of dollars on the development
2 and validation of large scale tests and spent almost
3 the equivalent on the development and validation of
4 classroom -- particularly those that focus on
5 disabilities. So what I want to focus on the gist of
6 my presentation is linking these two instead of
7 having two separate systems.

8 A couple of comments about -- I believe
9 Brian started out right. This is a unique time to
10 flank IDEA with ESEA and these are not easy
11 constructs. Access, participation, accommodations,
12 progress and dis-aggregated outcomes are very deep
13 constructs that we need to pay close attention to. I
14 approached this testimony from the position of a
15 researcher at the University of Oregon, work closely
16 with the Oregon Department of Education, we work very
17 closely with many school districts across the
18 country. These are very serious issues.

19 If you look at the standards for most
20 states, they're basically universal in gist and
21 meaning around academic skills. Few people have
22 argument about the outcomes that they're intended to
23

1 focus on. At the same time there's no assumption
2 about measure. The methodology of our testing is not
3 necessarily linked to our standards. For the most
4 part, all of the action is in the position of the
5 starting gate. So when kids come to school far
6 behind and yet the standard is relentless at a
7 certain grade level, we have problems with promotion
8 and eventually it could become a train wreck at the
9 end.

10 This is just a quick example of the
11 Florida Sunshine State's standards. If you go
12 through any state's standards they all look quite
13 reasonable, and they really aren't different from
14 each other. They talk about reading in terms of
15 interacting with text and extracting meaning and
16 understanding authors and literal and inferential
17 comprehension, mathematics. Written expressions
18 likewise have their areas of focus.

19 At the same time we have these policies on
20 outcomes and accountability. We have very different
21 state requirements. We have different decisions. We
22 use different tests. Sometimes we use certification,
23

1 sometimes promotion, graduation, evaluation, very
2 different decisions, sometimes no reference test,
3 sometimes home grown state test. We have benchmarks
4 at specific grade levels which also forces the
5 decision making to be very specific to the state. And
6 in the end we have a critical crossroad.

7 This is an example of what I see as one of
8 our problems. We have these academic standards and
9 we have these sort of alternate assessments. In this
10 case I'm looking at Wyoming, and we have reading,
11 listening, -- concepts and geometry, and I just
12 pulled these from the web a couple days ago. But
13 reading goes from reading a simple sentence to
14 helping plan a trip. Helping plan a trip is a very
15 interesting construct. What does that mean as a
16 measure of reading? -- concepts could go from
17 following a pattern to sorting laundry. You get the
18 drift, which is we have two assessment systems that
19 are sort of not linked. And what my focus is on
20 linking the two together.

21 In particular -- I'll skip over this
22 quickly. But we really need to probably distinguish
23

1 between functional living skills and academic skills.
2 We can't torture the important functional living
3 skills into academic standards. I think there are
4 unique measurement issues onto themselves with living
5 skills.

6 We probably want to use direct measures
7 with them. I think we should map our achievement
8 measures onto the current achievement scales. And
9 then the last two apply to all of our measurement
10 systems. We really need to be sensitive to change and
11 we really need to measure progress and performance.

12 I'll skip over this to get a my main
13 point. But basically the functional living skills
14 should have their own criteria, the dimensions that
15 are critical for any kind of useful outcome.

16 In the academic skills, I think we should
17 be clear on the construct being measured. We need a
18 robust format, so access is not tied to a method.
19 Measurement has to be on scales, not in boxes. We
20 have to be sensitive in our measurement so we can
21 show the change over time. I've mentioned
22 performance and progress, and I want there to be

23

1 outcome driven reforms.

2 Here's an example I think of any state.
3 In fact, this does come from Colorado. We have
4 percentages of unsatisfactory, partial proficient and
5 advanced and proficient plus. That's very important,
6 that we show these kind of terminal outcomes and we
7 can show the growth.

8 Let me get to my real point in this
9 testimony. I brought in some video clips of some
10 students that we're working with. We're trying to
11 validate classroom based measurement systems.

12 (Videos
13 being shown.)

14 DR. TINDAL: Here's a student who is
15 performing in the fourth grade. I'll go on. This
16 goes on for one minute. It's a one minute measure of
17 oral reading fluency. You can't give this student
18 extended time and expect him to participate in the
19 large scale assessment system with any meaningful
20 involvement. He's functioning at about the first
21 percentile rank on the classroom based measure.

22 So what we really need to do is develop a
23

1 measurement system that is sensitive to the student's
2 individual progress in the classroom. Here's another
3 student. Isaac goes on to describe the story and
4 does a reasonable job. It was a story that we read
5 to Isaac. This was playing, it was about Sue and
6 Pedro playing. And he was exactly right.

7 What we've been doing is lot of work on
8 technical characteristics of classroom assessment
9 systems, and we can link them into the large scale
10 tests. This is an item characteristic curve that is
11 from Oregon's state test that we gave to some kids
12 and these are the item difficulties, and I won't get
13 into the technical aspects, but trust me to say that
14 these were selected particularly to distribute kids
15 on a performance scale in reading.

16 We are able to bring in our curriculum
17 based measures on the green, and they'd map onto the
18 same scale and we were able to bring in on the blue.
19 The critical piece here is that the scale have
20 behavior at all parts of the scale and that we really
21 need to start spending time on developing technically
22 adequate measuring systems that map into the large
23

1 scale tests.

2 Here's an example in writing. I'll just
3 go to the example in math. Actually I'm going to go
4 back. This is too precious. The teacher of the
5 student didn't even know that he could write that
6 well. This last one is of a student in mathematics.
7 He's counting. This is a number concept test. Kids
8 really want to perform well, and the large scale
9 tests often don't let them perform well.

10 And the same thing in terms of mapping.
11 The large scale test, these are item characteristic
12 curves for the Oregon state test, and then here's
13 what we've done. Notice that when you go here, this
14 is very thin in terms of representations of any
15 behaviors that we're picking up on scaling
16 performance, and yet we can map in some of our
17 curriculum based measures as predictors of the large
18 scale tests.

19 So let me make a couple of concluding
20 comments, and I'll actually maybe even get done in
21 ten minutes.

22 We really need to be thinking about links

23

1 between the classroom assessments and the large scale
2 assessments. We need to put some effort into the
3 research and validation of technically adequate
4 measures. We probably need to be thinking about
5 cohort and cross-section reports in our large scale
6 test, as well as our classroom assessments.

7 The cross-sectional views are important
8 what a year in the life of a school is. But the
9 progress will only be attained through cohort groups,
10 where we can monitor kids' progress over time. And
11 we definitely need to spend more money in training.
12 The new APA guidelines and NCME guidelines on testing
13 point out the fact that validation is a decision.
14 It's not a measure. And that's what we're validating
15 is the decision making. We have IEP teams that are
16 coming together, around data, around information. We
17 don't have any very good models for helping them
18 through all the data.

19 Let me conclude with has the recent
20 legislation benefitted kids with disabilities? I
21 think yes, probably yes. Do we need more research
22 and training so that we can continue gain ground?

23

1 We've gained incredible ground. I know personally
2 from working with the State Department in Oregon, as
3 well as other states across the country, without the
4 IDEA legislation, we would not be where we are,
5 including kids with disabilities, and the accent, as
6 Brian pointed out.

7 And finally, how are the education reforms
8 and outcomes in accountability best studied? My
9 sense is we've got to work within the disability
10 communities and we definitely have to work at the
11 state level. I'll conclude with that.

12 GOVERNOR BRANSTAD: Okay. We'll begin
13 with the questions. As Steve Bartlett pointed out,
14 we're going to give each panelist five minutes. The
15 five minutes includes the answers. So Cherie
16 Takemoto, we'll start with you.

17 COMMISSIONER TAKEMOTO: Jerry, you know
18 that I'm interested in implementation. How is this
19 going to work at the classroom level? What you're
20 showing me is that there is still a need for lots of
21 research. So are you saying that we're not ready to
22 implement this soon?

23

1 DR. TINDAL: No, we're ready to implement
2 this tomorrow. We've trained thousands of teachers
3 in Oregon. There are states throughout the country
4 that have well articulated curriculum based
5 measurement systems, classroom based assessment
6 systems. We have a number of researchers around the
7 country who have been studying this for 20 years.

8 What's interesting is that the general
9 education system is first now coming to the attention
10 of curriculum based and classroom based assessment
11 systems. So the problem is less in the special
12 education community than it is in the general
13 education community. But we can definitely implement
14 this.

15 We need more research and validation but,
16 frankly, much of this work has been going on for 20
17 years, and we can lean on some protocols and some
18 formats that are quite secure in their technical
19 adequacy.

20 COMMISSIONER TAKEMOTO: For both Brian and
21 Jerry, tell me more about -- the accountability
22 measures for people with low incidence disabilities.

23

1 And you say we just need to do this. But I didn't
2 hear how we make sure and when, Brian, you show me
3 your state guidelines, I don't see people with
4 blindness, with deafness, with autism in there. Can
5 you tell me how those folks are in there, and how we
6 are -- you mentioned a little bit about
7 accountability through audit or something.

8 MR. MC NULTY: If you look at the sheet
9 that I gave you, actually, and you look at the very
10 last column where it talks about no scores. Those are
11 percentages. What you see is the number of kids, and
12 therefore the percentage of kids who have not
13 participated in the state assessment, has been
14 decreasing percentage-wise. So you look at third
15 grade, it's gone from 13 percent to nine percent. If
16 you look at fourth grade, it's gone from 12 percent
17 to five percent.

18 So the percentage and numbers of kids with
19 disabilities, with a wide variety of disabilities,
20 participating in state assessment has been
21 increasing. Now, there are some kids still for whom
22 the state assessment, even with accommodations, if

23

1 it's done in Braille or if the test is read to them
2 or however we've made the accommodations, there are
3 some kids for whom this state assessment is still not
4 going to be appropriate.

5 We have developed an alternate assessment
6 which is still a performance based assessment for
7 students. I am of the belief that we still want to
8 have some performance based measures for all students
9 so that we can actually document some progress and
10 have a way of aggregating that information to look at
11 how well all students are doing, including all
12 students with disabilities.

13 So all of the students in Colorado are
14 going through some formal type of assessment process.
15 Alternate assessment is still in the early stages and
16 I don't want to overplay how well developed it is
17 yet. But we are working to make sure that we have an
18 assessment process that includes all students with
19 disabilities.

20 COMMISSIONER TAKEMOTO: Jerry, just one
21 second. I need a follow up question on this. In
22 Virginia we have standards of learning and those

23

1 tests are given at the grade level of the student.
2 So if a student is in pre-reading, they're taking the
3 eighth grade level assessment. Is that the way you
4 do this?

5 DR. TINDAL: Every student who is in their
6 grade level is participating in the grade level at
7 which they are at developmentally. So when you look
8 at these for third grade, fourth grade and really
9 seventh grade, the ones we have the longest running
10 data for, those are kids who chronologically should
11 be in those grade levels, and those percentages refer
12 to those kids.

13 Now again, some kids participate in the
14 alternate assessment. But again, even if you look at
15 seventh grade, originally 14 percent of the students
16 with disabilities were excluded from the grade level
17 assessment that was going on. Now it's down to ten
18 percent of the students who are excluded from the
19 grade level assessment, who for whatever reasons
20 teachers, parents, felt that it would be
21 inappropriate for the student to participate in that
22 grade level assessment. But that's down to only ten
23

1 percent of students with disabilities, meaning that
2 90 percent of the students with disabilities are
3 participating in that grade level state assessment.

4 COMMISSIONER TAKEMOTO: I'm going to have
5 to get to you, Jerry, one more second because I have
6 a follow up question. My son is 13. He'd rather
7 throw up -- and he does -- rather than take one of
8 those standard learning tests. It's difficult for me
9 to say, okay, we already know you're going to be sick
10 that day. He just doesn't want to take those tests.
11 He can't pass the test or he doesn't think he can
12 pass the test. His teachers seem to think so. But
13 it's not something that he looks forward to.

14 I need just one minute for an answer from
15 either of these gentlemen.

16 DR. TINDAL: Well, if he has -- if there's
17 a focus in his IEP on academic skills I think he
18 should be tested on some relevant measures that would
19 map onto the large scale test so that he could be
20 successful. Teachers would know to take him from
21 here to there.

22 For students with low incidence

23

1 disabilities that have functional living skills, I
2 would say we need to move toward functional
3 assessments that have three levels. One is setting,
4 is an important variable; community, home, school,
5 work. Routines are important, eating lunch, going to
6 the bathroom, shopping. And finally then there are
7 some access skills within that, communicating in one
8 way or the other, whether it's with language or
9 symbol system, using communication boards.

10 So at very outset I'm saying we should
11 probably be clear that there are kids who we want to
12 focus on some behavioral living skills and to the
13 degree that that also includes academic skills, let's
14 contextualize them and do that. We can do that.

15 GOVERNOR BRANSTAD: Next, we'll go to Bob
16 Pasternak.

17 COMMISSIONER PASTERNAK: Thanks. Thank
18 you for your presentations. I think they continue
19 the tradition that we've begun of having the best and
20 the brightest come talk to the Commission. I
21 appreciate it very much.

22 There are a variety of questions that I
23

1 could ask. I'm really not sure which ones to start
2 with. So let me start with a couple.

3 First, I'd like to take on, do we need a
4 national alternate assessment?

5 DR. TINDAL: Do we need?

6 COMMISSIONER PASTERNAK: A national
7 alternate assessment. Right now, as you know -- and
8 I'm trying not to preface my questions with lots of
9 stuff that you already know. We have 50 states doing
10 50 different alternate assessments. So one question
11 that I have for you in terms of recommendations to
12 the Commission, do we need a national alternate
13 assessment and if so, what should that look like?

14 DR. TINDAL: I think there should be some
15 guiding principles that are in common that provide
16 the blueprint for state assessments. And whether
17 that comes down to the actual protocols being
18 codified in the form of a test, I would probably back
19 off from it. But I think there should be some very
20 specific pinpoints that we could put into the
21 legislation or any legislation that would help states
22 leverage appropriate assessments, whether they be of
23

1 the functional living skills or the academic skills.

2 MR. MC NULTY: The issue of national
3 assessments has been a rather hot topic, at least in
4 the general ed side of the equation. I don't know
5 how it would fare on the special ed side of the
6 equation. What I would say is I know states would
7 welcome help in terms of resources, because the
8 development of alternate assessments, particularly
9 performance based assessments is incredibly expensive
10 for states and therefore, very few states are using
11 performance based alternate assessments. So the cost
12 factor is limiting the number of states who are
13 moving in that direction.

14 Otherwise, what they're doing is
15 developing portfolios, which are fine, and I would
16 recommend that we have portfolios that show how kids
17 can demonstrate a wide range of skills. It's very
18 hard to aggregate that portfolio data into something
19 that's comparable from student to student and
20 district to district in the state. So I think states
21 do need help finding it's wise in terms of developing
22 the alternate assessments.

23

1 Again, were we to work with maybe a number
2 of people, to look at what should be included in the
3 alternative assessments, again some frame works as to
4 what would be included in those, and how we might
5 look at the development of the protocols would
6 certainly be helpful. I'd be a little cautious
7 because I think any type of a national assessment
8 raises red flags for people.

9 DR. TINDAL: I can think of three guiding
10 principles that could be uniformly adopted by all
11 states. One would be that their alternate assessment
12 has to be linked to their state testing and/or their
13 standards. It's just a must, because right now we
14 have a number of alternate assessments that are just
15 out on their own and they're not necessarily linked.

16 The second would be that there would have
17 to be alternate forms, that we have to be pushing
18 progress. It's not just performance. So we need
19 alternate forms of an alternate assessment system so
20 we can measure -- kids change over time.

21 And the third, if I could read my writing.
22 I need glasses -- is we need clear test

23

1 specifications, like we do in the general ed world.
2 We have blueprints that articulate how these measures
3 are developed and sort of the technical
4 characteristics behind them. No less should be
5 requested of those in special education.

6 COMMISSIONER PASTERNAK: I guess the next
7 question -- I know time is short so I've got two more
8 that I'd like to quickly ask. One is how you think we
9 can get the special ed community to talk about
10 adequate yearly progress, since it seems like we have
11 never really thought of kids with disabilities making
12 progress. And the second is your thoughts on moving
13 from the current language, which encourages or
14 mandates that students with disabilities participate
15 in state and district mandated tests, to
16 participation in the state accountability system,
17 which is I believe what you both have been talking
18 about so eloquently this morning.

19 MR. MC NULTY: Well, the state
20 accountability system, I think, you know, at least
21 I'll speak for Colorado because it's the state I'm
22 most familiar with. The kids with disabilities are

23

1 included in the state accountability system, because
2 one of the measures of the accountability system is
3 the state assessment and showing progress in the
4 state assessment, in terms of moving kids to
5 proficient levels. So that piece I think in most
6 states in terms of what factors they include in the
7 accountability system, students with disabilities
8 should be a part of that.

9 Remind what your first question was again.

10 COMMISSIONER PASTERNAK: It was about AYP,
11 but let me just ask you about -- and I know time is
12 an issue for us here. But if you moved in Colorado --
13 if I read this correctly -- from 13 percent of kids
14 having no score to nine percent of kids having no
15 score, is that nine percent of kids with no score the
16 percentage of kids that are now participating in the
17 alternate assessment?

18 MR. MC NULTY: My assumption would be that
19 the nine percent are the percentage of students who
20 are participating in the alternate assessment. This
21 is just the state -- the state grade level assessment
22 in reading, in the content areas.

23

1 COMMISSIONER PASTERNAK: Maybe we'll have
2 a chance to get back to the AYP. I know time is an
3 issue. Thank you, Governor.

4 GOVERNOR BRANSTAD: Brian, in your
5 presentation -- Dr. McNulty, in your presentation you
6 indicated that there's a real opportunity to align
7 the Elementary and Secondary Education Act which was
8 just really recently signed by the President and the
9 Individuals with Disabilities Education Act, IDEA,
10 which we are hoping to have some influence on, and I
11 would like your specific ideas about how we might be
12 able to encourage and assist with that alignment, how
13 this Commission's recommendations might be able to
14 assist with the alignment.

15 I have some ideas based on what we heard
16 down in Houston, but I'd like to get your input and
17 also Dr. Tindal's input as well.

18 MR. MC NULTY: Well, right off the top of
19 my head I'd mention at least two or three things.
20 One is the assessment processes and how we look at
21 student progress for students without disabilities
22 and students with disabilities.

23

1 GOVERNOR BRANSTAD: Aligning those?

2 MR. MC NULTY: Yes, aligning those. And
3 looking at how we collect data, how we report data,
4 how we dis-aggregate data, how we use data to look at
5 student progress. So the whole idea of using data to
6 drive the decision making in the classroom and
7 looking at how then we provide accommodations in the
8 classroom.

9 I know that they talked a little bit in
10 Denver about differentiated instruction but as we
11 look at the general ed population becoming more
12 diverse, the needs of skills for teachers in the
13 classroom to address diverse learning needs is
14 increasing, regardless of special education.
15 However, the need for teachers then to have a range
16 of instructional strategies to address the broader
17 learning needs of kids is paramount right now if kids
18 are to make progress.

19 So when we look at -- using assessment
20 data, number one, when we look at professional
21 development then that we provide to teachers, around
22 what skills they need, we know they need deeper

23

1 content knowledge. We know that they need skills in
2 terms of differentiated instruction. We know they
3 need skills in the use of data. So professional
4 development as to how that's provided at the district
5 level, and particularly at the building level to
6 address the unique learning needs of kids in the
7 population.

8 The third piece that I would look at is in
9 sort of the integration of resources and program
10 planning that goes on in the buildings. When we have
11 buildings planning for different groups of kids and
12 not looking at overall the performance of all kids,
13 then we continue to compartmentalize. The
14 responsibility for those kids rests with somebody
15 else and that has been true for the longest period of
16 time I believe, for Title 1, for English language
17 learners, for special education.

18 So as soon as we can put a label on a kid,
19 then we hold somebody else responsible for their
20 progress. When we've looked at the data from the
21 high performing, high need schools, in other words
22 the highly impacted schools where kids are doing very
23

1 well, teachers tell us, you know, a number of things.

2 One is that they've learned more about
3 their content and the second thing is that they've
4 learned how to use that content to address the
5 different learning needs of all kids. So I think the
6 assessment process, the curriculum and the
7 instruction process and the planning process all need
8 closer alignment if we're going to end up where,
9 again, those higher performing, high need schools'
10 teachers tell us that they feel that they are
11 responsible for all of the students in the whole
12 school. So we get shared responsibility for the
13 success of all of the kids.

14 When teachers make that shift, then all of
15 a sudden they're collaborating in very different ways
16 to look at how do we make the content accessible to
17 all of the kids in their classroom.

18 GOVERNOR BRANSTAD: Does this even go to
19 teacher preparation? Instead of having the dichotomy
20 between special ed and general ed.

21 MR. MC NULTY: It very much does. The
22 dilemma we face, because we looked at this when we

23

1 redid certification. How do we give people both the
2 deep content knowledge they need and then the ability
3 to take that content knowledge and individualize it
4 to a range of learning needs, and that type of
5 preparation takes longer, frankly. So we fight this
6 dilemma of trying to shorten teacher preparation
7 programs and at the same time trying to deepen and
8 broaden their knowledge. Somewhere we need to look at
9 how can we provide the intensity of training that
10 they need around things like reading and mathematics
11 that they don't get, and the instructional strategies
12 that they need.

13 We've done a publication at McREL on
14 effective instructional strategies. I haven't seen
15 that in the field of special education that says how
16 do you make those kinds of accommodations for kids
17 with unique learning needs. So part of it is
18 research, but it definitely goes to personnel
19 preparation.

20 DR. TINDAL: Could I request 30 seconds to
21 make a response?

22 GOVERNOR BRANSTAD: Sure, go ahead.

23

1 DR. TINDAL: A real key piece behind ESEA,
2 and we haven't really talked about the reading first
3 initiative, also part of Bush's agenda. It's a
4 fantastically important, critical element of all of
5 our thinking, because if we wait until grade three to
6 catch kids who are performing poorly, as I said
7 before, position at the starting gate is everything.
8 And then what I think is important is exactly what
9 Brian said, it's progress, annual testing in grades
10 three, four, five, six, seven, eight. And then the
11 last piece is just the whole notion of
12 accommodations. IDEA brought that construct into our
13 classrooms, and that's such a critical construct that
14 we always pay attention to it.

15 GOVERNOR BRANSTAD: Thank you, and we'll
16 recognize Bryan Hassel. Todd is going to ask a
17 question. Okay. Todd Jones.

18 COMMISSIONER JONES: One question for each
19 of you. Brian, in your case, I noticed the Colorado
20 data has a reduction in the number of no score. What
21 strategies did Colorado use to bring that number
22 down?

23

1 MR. MC NULTY: Some may consider it to be
2 a very heavy-handed method which was, what I
3 mentioned before, is any students who do not take the
4 state assessment score a zero. So when you look at
5 your numerator and your denominator, if you've got
6 more kids in the denominator, you're overall scores
7 go down. So one of the things that we've tried to
8 push is to say we want as many students as is humanly
9 possible to participate in the state assessment, the
10 regular state assessment. And so schools have made
11 the decision that it's better to have kids
12 participate, and even if we have kids scoring
13 unsatisfactory, it's better to have them participate
14 in the assessment, and then start linking that back.

15 15

16 I have to believe then the teachers and
17 administrators are starting to say, we need to tie
18 this much closer to the general ed curriculum and the
19 standards than we have done before. And that
20 thinking did not fare as often as it needed to be
21 prior to the amendments in '97 when we started
22 talking about accessing the general ed curriculum.

23

1 DR. TINDAL: Could I bring an alternate
2 view? In Oregon we have the ASK settlement,
3 Advocates for Special Kids, two years ago resulted in
4 a settlement where the state now is assuming that all
5 accommodations are valid unless and until proven
6 otherwise. What it's resulted in is a wonderful
7 cascade of opportunities for kids. First, they'll
8 take the standard assessment. If that doesn't seem
9 possible, they'll take the standard assessment with
10 accommodations. If that doesn't seem possible,
11 they'll take the standard assessment with
12 modifications, which now dis-aggregates the score.
13 If that doesn't seem possible, they'll participate in
14 an alternate assessment, the kind I showed you, where
15 we'll map onto. And by the time they get to the top
16 of our scales we know where they fit on the other
17 scale so we can sort of become predictive in our
18 trajectory. And then finally, if that doesn't work,
19 they will participate in a juried assessment. So
20 there are no kids who are not assessed in Oregon.

21 MR. MC NULTY: One other point that was
22 interesting is we started saying that you could use
23

1 accommodations in the state assessment, if those
2 accommodations had been used in the general education
3 classroom for at least three months. The reason we
4 did that was to try and start getting accommodations
5 to be a part of the daily routine within the general
6 education classroom also. And we think that that's
7 had a significant effect on the use of accommodations
8 in the classroom. So again, we want to link that
9 assessment piece with the classroom piece as often as
10 possible.

11 COMMISSIONER JONES: Dr. Tindal, let me
12 ask one more question. In the video clips you've
13 shown we have children being assessed, and you had
14 mentioned that you think this is a newer concept for
15 general teachers rather than special ed in doing this
16 kind of systematic assessment.

17 My question is, to what effect do you
18 think that is given by most teachers in the special
19 ed arena in altering the course of their instruction
20 to fit the needs of the child, that are demonstrated
21 as part of the assessment? Do you think it actually
22 has an impact?

23

1 DR. TINDAL: It's a good question. I have
2 two answers: yes and no. On the one hand, it's
3 really hard to look at a performance outcome over
4 time with bi-monthly measures and not see progress
5 and stare at that month after month and not make a
6 change. So a lot of our work is simply to get the
7 data into the teachers' hands and then adjust
8 programs accordingly.

9 On the other hand, using data is the most
10 critical and complex activity I know of, and it deals
11 with individuals as well as IAP teens. If you figure
12 that teacher preparation programs require one methods
13 class on assessment at best, along with a lot of
14 methods classes and foundations classes, but the only
15 teachers that leave our preparation programs very
16 tenuously skilled on how to collect and use classroom
17 information, and how just coming to the fore with the
18 large scale assessment.

19 So I think part of the problem is we need
20 the pre-service and we need the in-service to really
21 map the training. We've trained thousands of
22 teachers over the past three years in Oregon. We need
23

1 to keep doing that. It's a good question.

2 GOVERNOR BRANSTAD: Okay. We'll go to
3 Bryan.

4 COMMISSIONER HASSEL: Dr. Tindal, the
5 assessments that you showed on the videos, it seems
6 like they could be very useful in the way that you
7 just described in terms of the teachers using them to
8 change instruction. Can they also be used, do you
9 think, in accountability systems in the sense of the
10 district being able to rate a school's success or
11 state rating a district's success or the federal
12 government rating a state's success?

13 DR. TINDAL: Yes, I think they could be
14 used in an accountability system. I think with clear
15 test specifications, some guidelines around how these
16 tests get developed, with standardized administration
17 procedures, standardized meaning a little less, not
18 meaning that we can't do all sorts of different kinds
19 of responses for kids with different input-output
20 modes of communication. But yes, we can aggregate
21 the data. We have done that in Oregon. We assessed
22 about 2,500 students in reading, 2,000 in math and
23

1 around 2,000 in writing. I'm the contractor for the
2 state of Oregon for the alternate assessment system.
3 We call it the extended assessment because it isn't
4 an alternate. It just extends downward and maps into
5 the state test. So yes, we've used it at an
6 aggregate level that we can give reports to districts
7 about groups of kids, but very importantly for me,
8 within the special education community is that we
9 have to be accountable to the individual student's
10 progress over time. So I really want both, but I
11 think the easier piece is actually the aggregation.
12 The more difficult piece is at the individual level,
13 progress over time.

14 COMMISSIONER HASSEL: Getting the
15 assessment right is one challenge. It seems like
16 another challenge, though, related to what you just
17 mentioned, is determining the appropriate level of
18 progress to be expected; what is the expectation for
19 a particular student; what is the expectation for a
20 school in terms of progress on these sort of
21 measures; what is the expectation for a district or a
22 state. I wondered what thoughts you have about how

23

1 feasible it is to set reasonable expectations for
2 yearly progress or progress over several years with
3 these kinds of assessments.

4 DR. TINDAL: For the past 25 years I've
5 been working with this kind of measurement system,
6 actually at the large scale at the district level and
7 then it's simply moved larger and larger. We have
8 norms that we can develop around what general ed
9 performance is on many of these tasks. In some
10 places in the country -- in Iowa here, there's a
11 stronghold for curriculum based measurement. They've
12 done more here in Iowa than probably anywhere in the
13 country. Oregon, Minnesota, Iowa might be the
14 triangle of strength in this kind of technology of
15 assessment.

16 So I think we can gain some foothold on
17 what general education kids are doing. We can dis-
18 aggregate by economic disadvantage, by ethnicity, by
19 English language learners, by disability. I think we
20 can play the large scale game in a way that helps us
21 inform what progress might be. At the same time, I
22 would argue that the goal is to change the trajectory

23

1 of a student's progress, irrespective of norms. Any
2 change is important. By having a time series
3 approach we can begin to use data in a more informing
4 way, and simply more is better.

5 COMMISSIONER HASSEL: I'll shift gears a
6 little bit and ask you about -- suppose we had an
7 assessment system across the board that we felt
8 confident about, and we had ideas about expectations
9 that we could agree on. What suggestions do you have
10 about actions that a state could take, say for
11 example, in the case of a local district that is not
12 meeting the expectations that had been set for it?

13 MR. MC NULTY: I know Colorado is very
14 much like OSEP, looking and using a focused or
15 targeted monitoring system and they're using the data
16 to guide sort of that decision making and beginning
17 to look at both the state assessment as well as the
18 alternate assessment, as well as other assessments
19 that are in place, to look at overall student
20 progress in districts, as compared to the state
21 averages or as compared to how some other districts
22 are doing. So that data is already being used then

23

1 to say, okay, we need to go in then and begin work
2 with this district because as we look at students
3 with disabilities in your district and students who
4 are not making the kind of progress that we would
5 hope, that we're going to intervene in that district
6 the same as we would on the general ed side of saying
7 we're concerned about the progress of these students.

8 I would hope always that the first step is
9 going to be let's look at the data, let's look at
10 what you've been collecting. The second step then is
11 let's look at how you can rectify that, because I
12 don't usually feel that people are ill-intentioned.
13 I feel that usually people don't have the skill sets
14 that they need to do -- to achieve the outcomes that
15 they want. So professional development to those
16 districts becomes very, very important in terms of
17 giving teachers and administrators the skills they
18 need to make the kind of progress we want.

19 GOVERNOR BRANSTAD: David Gordon.

20 COMMISSIONER GORDON: I want to press you
21 a little bit more on the notion of linking the ESEA
22 and IDEA. What kinds of specific suggestions -- the

23

1 ESEA is in the rule making process now and IDEA will
2 unfold over the next several months. What kinds of
3 things do you think could be done to better link,
4 particularly the monitoring elements of those two?
5 Because I see in my own state, they are very, very
6 separate, not in a consolidated application in any
7 meaningful way and certainly not in the monitoring.

8 MR. MC NULTY: Part of it is we don't the
9 rules so it's going to be hard to say. It depends a
10 lot on what comes out in the rules as to how we could
11 make the linkages that we want. But what we do know
12 is that when we look at -- that the kids who we
13 identify -- let's just use Title 1 to begin with --
14 that the students we identify in Title 1 are low
15 performing schools, low performing students, and
16 particularly in reading and math.

17 I've always said that it seems to, at
18 least some degree, that special education gets the
19 casualties of Title 1, who gets the casualties of
20 general education, that we haven't done a very good
21 job at our prevention side. So how we were to use the
22 resources, I think under the early reading program,

23

1 under Title 1, to look at prevention first. I am a
2 big believer, I come from early childhood initially
3 and I know that when we intervene with kids earlier
4 we make a significant difference in terms of the
5 performance of kids.

6 So pre-school, kindergarten, how we use
7 those resources of Title 1 and special education, I
8 think become critically important. Most states now
9 have some early at-risk intervention programs also
10 that they use Title 1 monies for. If we could look
11 at beefing up our intervention at pre-school and K-3,
12 my belief is that we could reduce the numbers of kids
13 who end up in special education, because I do believe
14 that a number of kids are general ed failures of kids
15 just not being successful in the terms of the way the
16 kids were provided the instruction. So how we use
17 the resources again I think is that first point of
18 some flexibility, particularly around prevention
19 early on, I think would be an important point.

20 The early identification process of how we
21 identify these kids is critically important because
22 somehow these kids seem to float along and then in
23

1 third grade our numbers of kids going into Title 1
2 and special ed skyrocketed. So early intervention
3 becomes a piece in time. And then I think better
4 intervention from three on in terms of the kinds of
5 support services that we provide to kids in the
6 general ed classroom or supporting the general ed
7 classroom become important. But right now, we fund
8 them differently, the staff are different, the
9 planning process is different, the accountability
10 system is different and the monitoring system is
11 different. So any ways to link those pieces that
12 says again we have some shared responsibility for all
13 of these kids, and we have some shared accountability
14 for the success of all these kids. So as the rules
15 start to play out and say how is it that schools are
16 going to apply for these funds, how is it that the
17 funds can be used, what's the planning process that
18 you use to identify the needs of kids and what's the
19 evaluation process that you're going to use to
20 document your progress. I think special ed and Title
21 1 and general ed should all be linked.

22 It's hard to get more definitive than

23

1 that. How we use the staff has always been a problem
2 also. We have special ed kids who can't access Title
3 1. Title 1 kids always could access special ed, but
4 not vice versa.

5 COMMISSIONER GORDON: Just as a follow up,
6 is it far fetched to think that you could have a
7 joint monitoring system since it is the same federal
8 government handing out the money and running the
9 programs?

10 DR. TINDAL: At some level, with the state
11 report cards and many states moving that way, it's
12 very critical that the public be uniformly reported
13 to and that we don't have different systems, because
14 it's very confusing. We're already having a
15 confusing time. At some point we do have to
16 consolidate. Let me make one comment about hopefully
17 the leverage that the ESEA legislation will bring
18 about.

19 The notion of testing in grades three
20 through eight, and the focus on progress and the dis-
21 aggregation of outcomes are all interesting,
22 important features of any reporting system. I would

23

1 hope, though, lurking in the background is the
2 public's attention to cohort groups, that when I
3 looked at the test data in Oregon, watching a group
4 go from one benchmark to the next and how predictive
5 is one benchmark to the next, that is really
6 critical. So we could begin to get ahead of the
7 curve before the final bell -- no pun intended.

8 CHAIRMAN BARTLETT: Thank you, gentlemen.
9 I do apologize. I had a timed conference call, that
10 this was the only time we could do it. But I've
11 reviewed your testimony and it sounded like you had
12 some pretty spirited discussion.

13 We thank you for your testimony. Dr.
14 Coulter, we're going to let you get your questions in
15 on the second -- with the next panel. Sorry.

16 Gentlemen, thank you very much.

17 We'll now move to the Parents, Students
18 and Families as Accountability panel. If the
19 witnesses would please come forward. The famous Dr.
20 Alan Coulter will be introducing you.

21 I remind the Commissioners to speak
22 directly into your microphone. These are directional
23

1 mikes so if you don't speak directly into it, it
2 won't pick up. It looks like that's a non-
3 directional mike over there. But speak directly into
4 your microphone so we can have a full transcription.
5 This hearing is being transcribed and will be posted
6 on the web once the transcriptions are available.

7 I remind the witnesses that you may use
8 the podium or stay at your chairs for your testimony.
9 We only have one mike so we'll have to pass it
10 around. That's to insure you don't all speak at
11 once.

12 Do any of you require more than the ten
13 minutes for an opening statement? If not, Dr.
14 Coulter, if you'd introduce your panel.

15 COMMISSIONER COULTER: Thank you,
16 Commissioner Bartlett. This panel is entitled
17 Parents, Students and Families as Accountability
18 Measures. Within the scope of the President's
19 Commission on Excellence in Special Education,
20 certainly accountability systems, as is the title of
21 today's presentation, is absolutely essential to
22 guaranteeing those promises that are made within the

23

1 Individuals with Disabilities Education Act.

2 Within that assurance system, certainly
3 parents and students and families are important
4 indicators and important sources of information
5 regarding whether or not things are working for their
6 particular children.

7 We have four panelists today. First on my
8 list is Beth Giovennetti who is the -- and I hope I
9 said that right, Beth -- is the managing director of
10 Special Education Services at the New American
11 Schools in Washington, D.C. and she has earned a
12 master's of social work from Loyola University of
13 Chicago. And I have to tell you, I'm married to a
14 social worker and I know darn good and well that they
15 have high credibility. I get that message on a daily
16 basis. So it's nice to have you, Ms. Giovennetti.

17 Secondly, we have -- and I think for
18 people in the audience this is the lady in blue -- we
19 have Martha Brooks who is the director of Exceptional
20 Children, an early childhood group in the Delaware
21 Department of Education. I know her as the state
22 director of special ed for Delaware. So we have

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1 state specific titles and more generic titles.

2 She received her doctorate from Temple
3 University in Philadelphia, with a major in special
4 education and human services administration.

5 The audience and Commissioners should also
6 know that she is a past member of the Executive
7 Committee of the National Association of State
8 Directors in Special Education, and that while she
9 comes from a petite but proud state, her intellect
10 and her experience and the manner in which she speaks
11 to her peers gives her a national perspective and
12 great deal of influence as it relates to special
13 education across the United States. I'm sure that
14 she will speak today, not just from her Delaware
15 perspective, but also from that national perspective,
16 because she has been very influential in the National
17 Association of State Directors in Special Education.

18 With her today is -- and I'm going to
19 really mangle this name I suspect -- Patricia -- help
20 me, Patricia. Maichle. I'm really glad I asked you
21 for advice. Patricia Maichle is a parent from the
22 state of Delaware. She's a lifelong resident of

23

1 Delaware. She has three children. Patricia's 20 year
2 old daughter Tara has Down's Syndrome. Pat and Tara
3 have been advocating for the past 20 years for
4 inclusive living for people with disabilities in all
5 communities.

6 Pat is Chair of the Governor's Advisory
7 Council for Exceptional Citizens, the Special
8 Education Advisory Panel in Delaware. She's also the
9 executive director of the Delaware Developmental
10 Disabilities Council.

11 While I think people often bring academic
12 credentials as part of their credibility to speak,
13 what is important for you to know about Patricia is
14 that I think she brings her life and her experience
15 as an effective advocate, and I think that you can
16 see from those positions that she holds, she is a
17 successful advocate for people with disabilities.

18 Lastly, we have Polly Adam-Fullbright.
19 Polly works as a school psychologist and a program
20 consultant for the deaf and hard of hearing program
21 in the Des Moines public schools. She a nationally
22 certified school psychologist and she holds a

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1 specialist degree and a master's degree from
2 Gallaudet University in Washington, D.C.

3 What I think you should also know about
4 Ms. Adam-Fullbright is that she is a person who is
5 deaf, and she has I think done something that, while
6 everybody wants to make an important contribution,
7 Ms. Adam-Fullbright was heavily recruited across the
8 United States for a lot of jobs. She is a native
9 Iowan. She chose to come back to Iowa and work in
10 the Des Moines public schools. I think she does what
11 all of us hope to do and wish to do, and that is she
12 is an extraordinarily effective role model for
13 children who are deaf, in that she shows them on a
14 daily basis that people who are deaf are competent,
15 capable, independent and important members of their
16 community.

17 Ladies and gentlemen and Commissioners, I
18 think we have a very interesting panel and I am
19 looking forward to what they have to say to us.
20 Thank you, panelists.

21 CHAIRMAN BARTLETT: Thank you,
22 Commissioner. Ms. Giovenetti, you're first.

23

1 MS. GIOVENNETTI: Thank you. Good
2 morning. I'm happy to be back in my home town today
3 to testify before this esteemed commission on the
4 role of parents as accountability measures within the
5 special education process. I'm not sure I'm happy to
6 be testifying in front of my father who is sitting in
7 the back row, but I am glad to be here with all of
8 you. My testimony will focus on charter schools this
9 morning which provide opportunities for parent driven
10 accountability in special education.

11 Charter schools are public schools
12 authorized to law in 38 states which are freed from
13 most state and local laws governing schools in order
14 to create innovative educational programs. In
15 exchange for increased autonomy, they are required to
16 demonstrate positive academic results in three to
17 five years.

18 Nearly 600,000 children attend charter
19 schools nationwide, including many thousands that are
20 students with disabilities. Charter schools can be
21 excellent choices for students with disabilities. As
22 a matter of fact, parents with children with mild to
23

1 moderate learning problems often find that their
2 child performs best in a charter environment, giving
3 the student centered focus, small scale and emphasis
4 on accountability of charter schools.

5 Some charter schools even target special
6 education populations such as autism, learning
7 disabilities, hearing impairments and others. I
8 would like to preface my comments then by emphasizing
9 that charter schools are committed to fulfilling
10 their obligations to serve all students, including
11 those with disabilities.

12 So the question before us is not whether
13 to serve students with disabilities, but how to best
14 serve children with what resources and how to do so
15 in ways that maintain their autonomy and allow
16 parents to be an active part in the educational
17 process.

18 Although parental choice can be seen as a
19 kind of accountability in and of itself, charters
20 face challenges that make it difficult for parent
21 choice to drive accountability in special education.
22 There are certain pre-conditions necessary for a
23

1 strong choice system. If your commission can address
2 the challenges in achieving this, I believe that
3 charter schools can better facilitate parental
4 involvement for the sake of their children.

5 Before we begin, let me tell you a bit
6 about who I am. I testify before you today as a
7 licensed clinical social worker with 13 years of
8 clinical experience serving children with
9 disabilities in inner city settings. I've conducted
10 psycho-therapy with emotionally disturbed children
11 and their families in outpatient social service
12 settings, therapeutic day schools in Chicago and it's
13 public school system. I have worked within a variety
14 of systems, including child foster care, child
15 welfare and the juvenile justice system, serving as
16 clinician, advocate and professional witness for the
17 families that I served.

18 Most recently my work in the District of
19 Columbia has included assisting in the creation and
20 management of the D.C. public charter school co-
21 operative, the first educational service agency in
22 the nation created to serve charter schools.

23

1 I currently serve as a consultant under
2 Mayor Anthony Williams in the creation of the D.C.
3 State Education Office and serve as the vice chairman
4 of the D.C. State Advisory Panel on Special
5 Education. I have managed the work of the special
6 education working group for the Charter Friends
7 National Network and have co-authored two
8 publications, Charter Schools in Special Education, a
9 Guide for Navigating the Challenges and Opportunities
10 for Serving Students with Disabilities; and a
11 forthcoming article entitled, Serving Students with
12 Disabilities in Charter Schools, Legal Obligations
13 and Policy Options.

14 I have recently joined the staff of the
15 Education Performance Network at New American
16 Schools, and hope through that organization to
17 continue my work on a national level, assisting
18 schools, districts and states in the creation of
19 stronger special education systems as a part of
20 school improvement for all students.

21 Although I have submitted extensive
22 written testimony, I would like to take this
23

1 opportunity this morning to review three key
2 challenges facing charter schools, provide some
3 policy options which may address these challenges and
4 close with some examples of innovative special
5 education practices going on in charters in special
6 education that involve parents.

7 Before we get to the challenges faced by
8 charters in the delivery of special ed, let me give
9 you a little background on how charters are
10 incorporated into IDEA, via their district status.
11 IDEA outlines a set of requirements that must be met
12 by all local education agencies. Although LEAs are
13 most commonly school districts, the regulations
14 implementing IDEA explicitly state that the
15 definition of an LEA includes a public charter school
16 that is established as an LEA under state law.

17 The nature of the special education
18 obligations that charter schools bear depends on this
19 LEA status. This is where the first challenge begins
20 in charter school status as LEAs. While LEA status
21 is an important dimension of charter schools'
22 autonomy, this status presents significant
23

1 challenges. Because small traditional public school
2 district face some of the same issues, it is my hope
3 that changes made to IDEA to benefit charters will
4 benefit these other districts as well.

5 One issue with charter school LEA status
6 is that the definition of LEA rests on the assumption
7 that public schools are organized into districts that
8 serve specific regional or geographic service areas.
9 Charter schools, however, typically do not have a
10 geographic service base. Additionally, a common
11 underlying assumption of LEAs are that they are
12 assumed to be big enough to have reasonable economies
13 of scale for sharing costs of special education. This
14 assumption does not hold true for charters, in that,
15 much like small districts, they are not large enough
16 to create economies of scale.

17 If IDEA is going to truly assist charter
18 schools in serving special needs students, it must
19 acknowledge the fundamental difference between most
20 charter schools and most districts, and then
21 construct a policy and service delivery frame work
22 that is tailored to the strengths and constraints of
23

1 charter schools.

2 The second challenge is connected to the
3 first, in that special education obligation that is
4 created through charter schools' LEA status can
5 create a serious financial burden for these schools.

6 In state where charters are their own LEA,
7 the burden of creating a program for one or a few
8 children with moderate to extreme disabilities,
9 without the support of a larger infrastructure
10 available to a school within a district, may be
11 impossible for an individual charter school.

12 The third challenge lies in charter
13 schools' relationships with school districts. This
14 relationship is important because it affects how the
15 special education programs will be implemented in
16 those schools for students. Project search or
17 special education as requirement in charter schools
18 was a research project sponsored by the U.S.
19 Department of Education, which investigated the
20 status of policies regarding children with
21 disabilities in charter schools.

22 This study examined the links between
23

1 charter schools and state and district level
2 components of the education system. The study found
3 that state charter school legislation does not
4 clearly define the responsibility of charter schools,
5 LEAs and SEAs for special education.

6 As a result both charter and district
7 leaders are often frustrated, confused and in
8 conflict over who is responsible for what, and where
9 lines of responsibility should be drawn in the
10 implementation of special ed.

11 The re-authorization of IDEA provides an
12 opportunity to address the limits of charter school
13 special education obligations, and to improve
14 policies and practices to enhance the ability of
15 charter schools to serve students with disabilities
16 effectively. A number of policy options seem
17 plausible.

18 The first is to eliminate the geographic
19 LEA presumption. The IDEA definition of LEA seems to
20 presume that the word local relates to a geographic
21 area where the school is located. It may be that
22 this concept is unworkable with regard to charters,
23

1 whose catchment areas are not defined by district
2 geographical boundaries. This is an issue in states
3 such as the District of Columbia and Colorado where
4 catchment areas are the entire district or state.

5 The second policy option is to limit
6 charter schools' LEA obligation by encouraging shared
7 responsibility between charters and school districts.
8 Special education obligations can range from
9 thousands to hundreds of thousands of dollars per
10 child, which can be financially devastating for small
11 LEA charter schools.

12 To support charter schools as sources of
13 school reform, federal and state entities may want to
14 protect them from full, direct application of LEA
15 obligations by encouraging shared responsibility for
16 special ed between charters and districts.

17 The third policy option is to encourage
18 charters to create or participate in special
19 education consortia or cooperatives. These
20 organizations currently exist in California, Texas
21 and D.C., allowing schools to share training and
22 services, take advantage of economies of scale and

23

1 have access to program support in the area of special
2 education.

3 These organizations can also serve as a
4 liaison between the schools and local, state and
5 federal entities. As Executive Director of the D.C.
6 Public Charter School Cooperative for the last three
7 and a half years, my role has been critical in
8 creating strong relationships with the District of
9 Columbia public school system to clarify where the
10 lines of responsibility for special ed should be
11 drawn based upon the best interest of the child.

12 I would like to close my testimony by
13 providing an example of a school that I work with in
14 D.C. that brings quality and creativity to their
15 special education program and involves parents in
16 every step of the process.

17 The Elsie Whitlow Stokes Community
18 Freedom public charter school has developed three
19 programs, the first of which is called "All About
20 Kids." This is an annual screening program that
21 assesses the need for special education services for
22 all students every year.

1 The second program is their annual
2 disability awareness day that exposes parents and
3 students to different types of disabilities by
4 completing exercises at disability stations that
5 allow them to experience what it feels like to be a
6 child with a disability.

7 The third program is a self-advocacy
8 training program for special education where students
9 not only learn about and contribute to their
10 individualized education programs but are active
11 parts in every step of the IEP process.

12 All three programs educate staff, students
13 and their parents about disabilities, encourage
14 understanding and empowers students with disabilities
15 to be a more active part of their own success.

16 In conclusion, charter schools represent
17 an important strategy for increasing school
18 improvement and for enhancing student achievement for
19 all students. To support a strong choice system
20 where parents are accountability measures within
21 education, we must establish a pre-condition that
22 charter schools can fully meet the needs of students

23

1 with disabilities. To achieve this, a combination of
2 clarity and cooperation is needed in at least two
3 areas.

4 One, applying IDEA's LEA definition to
5 charter schools and establishing the limits of
6 charter schools' legal obligation for special
7 education and secondly, to build stronger
8 relationships between charter schools and their
9 neighboring districts.

10 These relationships should develop new,
11 more effective and more efficient service delivery
12 mechanisms that can improve special education
13 services in all schools.

14 Cooperation between school districts,
15 schools and states is essential, regardless of the
16 ways in which the responsibilities are allocated. We
17 can create a system of choice in which parents can
18 serve as accountability measures for insuring quality
19 education for their children. To do that we need to
20 make changes in the federal legislation. We will also
21 have to increase the understanding between charter
22 schools and districts about the responsibility for

23

1 special ed. Your commission can help begin this
2 process.

3 I thank you again for the opportunity to
4 appear before you this morning, and I'm happy to
5 answer any questions you may have at the appropriate
6 time.

7 CHAIRMAN BARTLETT: Thank you. Ms. Polly
8 Adam-Fullbright, you're next.

9 MS. ADAM-FULLBRIGHT: Commissioner
10 Bartlett and Commission members, I am honored to be
11 here today to share information with you about
12 accountability and student achievement. And it's
13 also wonderful to see Governor Branstad who I have
14 worked with before as I served as a member of the
15 Debt Services Commission of Iowa. He has served as
16 Governor for 16 years in the state of Iowa and
17 provided great contributions to the advancement of
18 debt services in this state.

19 I know that you have reviewed my written
20 testimony and it was provided with some leading
21 questions. In preparing for today's presentation I
22 wanted to focus more on deaf and hard of hearing
23

1 perspectives related to special education. There are
2 issues that relate to accountability and student
3 achievement, and I know that you've had an
4 opportunity to review my written testimony. After I
5 provided you with that, I also got some good feedback
6 in terms of what to elaborate on today in my verbal
7 presentation.

8 One question that was asked of me last
9 week was to explain a little bit about my background.
10 So I'm going to go ahead and start with that, and
11 then proceed with the presentation.

12 I was born deaf and nobody knew this until
13 I was about three years and nine months old. Now,
14 back when my parents learned about this, they were
15 advised to educate me in an oralistic manner. So
16 they did that, and I was in a classroom from
17 kindergarten, first and second grade, and fell behind
18 my peers in terms of my education.

19 Ironically though, the IDEA movement
20 started at that time and so what happened was they
21 ended up placing me in a special education program
22 which was about 35 minutes away from my home school,
23

1 and I was there and enrolled in the deaf and hard of
2 hearing program where they offered sign language.

3 And this was a program that worked very well with me.

4 4

5 By the time I got to middle school, I went
6 into regular classroom and used an interpreter as my
7 accommodation. However, by the time I got to high
8 school my parents wanted me to come back to my home
9 school, and we were searching for an interpreter and
10 could not find one in my local home area because I
11 grew in a rural small town area and limited services
12 were evident.

13 So I ended up using a note taker in the
14 classroom, and this is what I did throughout my high
15 school years and that continued into my college
16 experience when I went to Central College in Pella,
17 Iowa.

18 I received my bachelor's degree in
19 psychology there, but I did not have any interpreting
20 services. Everything was done through a note taking
21 process and it was quite a challenge. I went to
22 Gallaudet University after that because I didn't know
23

1 what I wanted to do after I graduated with my
2 bachelor's but I knew I wanted to work with deaf
3 education and I knew I needed more academic training.
4 So I went for my master's degree at Gallaudet.

5 When I entered Gallaudet University it
6 actually changed my life. I realized how all deaf
7 and hard of hearing students do have a right to
8 accessible communication, and that was something that
9 I grew up missing. And that was a very powerful
10 lesson that I learned, and this affects education.

11 I included some comments about deaf
12 education and sign language and the use of sign
13 language in my written testimony. What I wanted to
14 talk about today was specifically about using
15 American sign language as a way to learn about
16 printed English. All of you here I'm sure have
17 learned spoken English, and deaf children can't do
18 that.

19 What we like to use is a visual method for
20 communication so that our deaf students are able to
21 use their visual acuity to help them with education.
22 Then they learn American sign language and then that

23

1 ties into an effective method for us to teach printed
2 English.

3 Many children are born to hearing parents
4 and many of their parents are not prepared. They do
5 not know sign language, and so a lot of times they
6 are learning sign language at the same time as their
7 children. It does cause language delays for some of
8 us deaf and hard of hearing students, because of that
9 circumstance.

10 So our challenge in education is to teach
11 parents, as well as children, to learn American sign
12 language and then that later leads to learning
13 printed English.

14 Now, those of you that know about learning
15 language, it's complex, it's intricate and it's
16 exciting but it is complicated and it takes time.
17 One important point that I think I made in my
18 testimony was that incidental learning takes place.
19 Most of the time we are able to just hear of
20 incidental things that may not be a part of their
21 communication; it may be something that they're
22 overhearing, but it's all knowledge that actually
23

1 does attribute to growth and development.

2 Now, research has shown that incidental
3 learning is not as evident or possible for children
4 that are deaf. So this has to take place
5 horizontally when everybody is signing, so that they
6 can achieve this type of incidental learning. So
7 this is the challenge I think for educators that work
8 with deaf students.

9 You often will not find a totally signing
10 environment. When you see a signing environment you
11 will see this possibly in a self-contained classroom
12 where deaf community members or deaf students are
13 conversing with each other but they're in a
14 situation, say for example, in a classroom where you
15 have an interpreter used, a general classroom, then
16 you will have that vertical learning taking place.
17 But the horizontal learning is much more attributable
18 to the incidental learning that does take place. So
19 it is best when you can have vertical and horizontal
20 learning. And with our deaf students at the Des
21 Moines public schools we do both. I feel that both
22 methods need to incorporate sign language.

23

1 Now, when you're in a regular or general
2 education classroom and you have a deaf student in
3 there, there is much that can be done when
4 communication takes place from the teacher to the
5 student. Now, many times an interpreter will be able
6 to capture the communication that happens
7 horizontally but not as easily.

8 Now, there are accommodations that are
9 needed. In general, those who receive services in
10 school programs that are familiar with the needs of
11 deaf and hard of hearing students, I think they are
12 actually receiving the types of services that they
13 need. Now, at our program we have 12 teachers and 14
14 interpreters within the Des Moines public school
15 system.

16 We offer different choices for classroom
17 teachers to use. There are self-contained classrooms
18 and there are general education classrooms. There
19 are home schools and there are mainstreamed programs.

20 20

21 Now, interpreters in our general education
22 program is also another option for students. And we

23

1 have had hard of hearing students that receive
2 education in home schools with itinerant consultants
3 that are familiar with deaf and hard of hearing
4 education strategies and they don't require sign
5 language, but they do need more education in terms of
6 what their hearing loss effects are.

7 Another important program that we have is
8 a parent educator program. We have a consultant that
9 works specifically with our deaf and hard of hearing
10 infants and their families, and they also work with
11 some of the school age children and their families.
12 So this parent educator consultant is a component
13 that's very important because they go and work with
14 the entire family to work on communication strategies
15 and needs of the child, because that is directly
16 attainable to student success.

17 Seventy percent of the students, deaf
18 children coming from families, are those that do not
19 have parents that sign. This is a huge struggle for
20 us as educators. It's critical to develop language
21 acquisition very young because that directly affects
22 their language acquisition of printed English.

23

1 I do need to clarify a point that I made
2 about alternate assessments. I inadvertently
3 commented that there were many students with
4 disabilities taking this alternative assessment, and
5 that is not accurate. Five percent of the students
6 that are deaf actually take the assessment without
7 any type of an accommodation. 15 percent are using
8 the alternative assessment and then the remaining
9 amount are those that just use an accommodation. I
10 think that's quite reflective of what's taking place
11 in deaf education nationwide.

12 The alternative assessment is basically
13 for those that do not receive the general education
14 curriculum.

15 Well, in conclusion I would just like to
16 say that there are three things that we see as
17 critical to student achievement. One of them is
18 based on communication consistency and that is
19 relative to in the education system as well as with
20 parents as well an effective and strong reading
21 program.

22 I also feel that reading strategies that
23

1 are needed lead to this type of achievement. An
2 example of that is chunking; it's a concept called
3 chunking where you read and then you show the
4 interpretation in American sign language and in the
5 printed English form. I want to thank the Commission
6 for this time. Thank you.

7 CHAIRMAN BARTLETT: Thank you, Ms. Adam-
8 Fullbright. Dr. Brooks.

9 DR. BROOKS: Thank you very much for the
10 privilege of presenting before this distinguished
11 commission. As a professional in the field for over
12 30 years and as a parent of three sons, one of whom
13 has disabilities and one of whom I'm very proud to
14 announce is a up and coming special educator, I have
15 experienced the IDEA from a variety of different
16 perspectives.

17 Today I've been asked to address the
18 Commission on the role of parents, students and
19 family members in holding schools and agencies
20 accountable for the education of their children with
21 disabilities.

22 I begin my presentation with two guiding
23

1 principles that support my recommendations. The
2 first is a quote that was shared in an early meeting
3 of the Monitoring Work Group by James Rosenfeld who
4 is one of the advocate members of that work group.

5 Basically what he said, and this is a
6 quote from another person, and I gave you the
7 citation in my comment. "Publicity is justly
8 commended as a remedy for social and industrial
9 diseases, some might have said to be the best of
10 disinfectants and electric light the most efficient
11 policeman."

12 The accountability process must be a
13 public one with open and honest sharing of data and
14 other information. We will not be successful in
15 building a fair and equitable accountability system,
16 one all stakeholders will trust without it.

17 The second principle is equally critical
18 to my assigned task today, how can students, parents
19 and family members hold schools accountable for the
20 education of their children with disabilities. I'm
21 not sure exactly where I first heard this particular
22 phrase, but it has stuck with me ever since and it

23

1 has been instrumental in guiding the continuous
2 improvement of monitoring process in the state of
3 Delaware. "Never about us, without us. Making
4 families full partners in the education of their
5 children. We do not hold discussions. We do not have
6 work groups. We do not do anything where we do not
7 have parents at the table."

8 The following is a brief summary of my
9 recommendations for establishing different and/or
10 modifying existing accountability measures and
11 practices to improve student achievement in ways that
12 parents, students and family members will be able to
13 hold schools accountable for the results. I've
14 divided the recommendations into two levels because I
15 think they're very important when we look at this
16 from a parent, family perspective.

17 First is a systems level. We must
18 continue the work of the National Monitoring Work
19 Group which was convened by the Office of Special
20 Education Programs and the federal RRC and it's been
21 working for quite some time and I'm hoping you will
22 get to see their reports and more specifics, because

23

1 there's a lot of information that I'm not going to be
2 touching on today relative to the work that that
3 group has been doing.

4 The Monitoring Work Group is helping to
5 build consensus around the critical primary
6 indicators of the effectiveness of the educational
7 system for children with disabilities. It is
8 evolving the continuous improvement monitoring
9 process which is the system that OSEP has been
10 operating under for the past four years into what I
11 call the continuous improvement focused monitoring
12 process with the primary indicators as the core of
13 that. And I'll talk a little bit about that in more
14 detail in just a second.

15 The third critical aspect that I will
16 touch on is to align the federal monitoring and
17 reporting system so that they become a single
18 integrated system. You saw some excellent
19 suggestions on how not to do that just within IDEA,
20 but also to do that in connection with the ESEA, and
21 I think there's a lot of ripe field for discussion
22 there. But at a minimum this would include self-

23

1 assessment, state improvement plan, the bi-annual
2 report and any other required federal reporting and
3 the state improvement grant process itself.

4 Finally, and this is really relevant to my
5 task today and that is to identify measures of family
6 satisfaction because they're one of the primary
7 indicators of the effectiveness of the educational
8 system for children with disabilities.

9 The continuous improvement monitoring
10 process is one of the best things, from my
11 perspective, that has happened to the IDEA in the
12 past few years. Although the initial self-assessment
13 process at the state level is very, very time
14 consuming and a lengthy process, it leads to a
15 comprehensive data based review of the effectiveness
16 of the educational system in meeting the needs of
17 children with disabilities. It brings together all
18 of the stakeholders to not only identify the
19 strengths and weaknesses of the system, but to
20 identify solutions and to develop a plan to move the
21 system toward improving services for children with
22 disabilities.

23

1 The resulting state improvement plan
2 provides a blueprint that identifies the priority
3 areas, both in terms of compliance issues and an
4 overall improvement. It establishes standards about
5 what is good enough and what are the benchmarks that
6 are going to help us know that we're moving toward
7 those standards. It is a process that aligns very,
8 very well with the school reform efforts in our state
9 and I suspect in many other states. And it works at
10 the state and the district, and at the local school
11 level.

12 By bringing the bi-annual performance
13 report which is rather a large document that we are
14 required to submit to OSEP on a bi-annual basis, as
15 the monitoring check point of that, we then are
16 providing OSEP with the information that they need to
17 really implement fully the focus part of the
18 monitoring system.

19 Finally, using the state improvement plan
20 completes that loop. It puts the continuous into the
21 continuous improvement. My goal is that Delaware
22 will never have to go through the agony we went
23

1 through with our first self-assessment because now we
2 have a system that will roll forward. We constantly
3 have check points in it so we know if we're going in
4 the right direction or not. And I think that because
5 it is such a very public process, we really engaged
6 our stakeholders and our parents and families in
7 seeing that process continue.

8 However, now that the initial round of
9 self-assessments is almost complete, the work has
10 resulted in a much better understanding of what are
11 the critical indicators. I have been very privileged
12 to be part of the Monitoring Work Group and the focus
13 that has been put on identifying what are those
14 critical indicators has been -- I think will make the
15 whole system a whole lot more effective. Again,
16 there are six that the group have identified.
17 Effective state supervision, development of
18 performance of outcomes for infants, toddlers,
19 children and youth with disabilities, which was our
20 performance data; inclusion of infants and toddlers
21 and youth with disabilities in typical communities
22 and school settings with their non-disabled peers
23

1 with needed support, appropriate inclusion; effective
2 transitions, both for little guys and for children
3 getting ready to leave school; and finally, enhanced
4 emotional and academic development. This gets at
5 some of the positive behavior support issues which I
6 hope you're going to be hearing more about from other
7 people.

8 The last one that I did not mention which
9 I think is again the most critical one for my purpose
10 here today is meaningful and effective family
11 involvement. My experience with the work group and
12 with Delaware's own -- process clarified for me the
13 significant level of mistrust that exists between
14 stakeholders.

15 Bringing critical friends to the table may
16 be uncomfortable at times but it is necessary if
17 we're going to insure that families and students with
18 disabilities are full partners at every level of the
19 system. Although we would all agree that the
20 improvement in student performance would keep most
21 parents happy with the system, it is not clearly
22 enough. Based on our discussion with parents and
23

1 advocate members of the work group, we need to have
2 indicators that focus on this critical family role.
3 In my comments I did make some suggestions as to what
4 those might be, but since I'm almost out of time, I'm
5 going to skip to what I consider the other important
6 part of my proposal.

7 And that is that we have to have
8 individual level accountability. A child focused
9 well coordinated IEP meeting and the plan that
10 results from it is a wondrous thing. Unfortunately
11 it is very, very time consuming and doesn't happen
12 very often. I've had the opportunity to be involved
13 in an IEP meeting, to see individual paths or long
14 range plans for a child's future development, that
15 have led to very positive results for that child.

16 The relationships that emerge when adults
17 involved in the life of a child take the time to get
18 to know the child and each other is an investment
19 that paid dividends for years to come. However, in
20 order to make that happen we need to move away from
21 the concept of an annual IEP meeting and move it to
22 what I would call a transitional, critical transition

23

1 IEP meeting.

2 This critical transition IEP would occur
3 when a child is scheduled to make natural
4 transitions, entering kindergarten, moving to middle
5 school, getting ready to graduate from high school.
6 Or, and this is really critical, is not making
7 adequate progress in the goals of the IEP. In order
8 to effectively do this, the objectives or benchmarks
9 on the IEP must be true indicators of progress, both
10 in areas related to the general education curriculum
11 and area specific to the child's disability.

12 The periodic reporting requirement and, at
13 a minimum, the annual parent-teacher conferences will
14 insure that parents and teachers are tracking this
15 progress. The IEP team would also establish trigger
16 levels tied to the objective benchmark measures that
17 would automatically start the IEP progress over
18 again. In other words, when it's not working we
19 don't wait for the next annual IEP meeting; right
20 away we get to work to figure out what's going wrong
21 and what we need to do about it.

22 This IEP progress with major meetings

23

1 every three or four years at naturally critical
2 transitions builds in ways to monitor progress and
3 required actions where the child is not making
4 progress, and would maintain a parent's ability to
5 hold the system accountable for their individual
6 child. And I think that's equally important. Parents
7 are not going to give that piece of this up.

8 I'm going to skip over to my one final
9 note. I think I can do this in a minute. We need to
10 find a way to insure that every child, even those who
11 do not have active parent family advocate, gets the
12 help they need when they are not making adequate
13 progress. Every child who is not successful in
14 learning needs access to the problem solving model
15 that is the heart of special education, good special
16 education.

17 We will not always do away with the over-
18 identification issues, the increasing numbers of
19 children being identified for special education
20 services or the large number of children who are not
21 successfully graduating from high school until we
22 find ways to insure that every child has access to

23

1 the supports and services they need. You've already
2 heard a lot about leave no child behind and how we
3 see that relating to IDEA and I won't reiterate that
4 again.

5 One final comment. We really need to
6 identify and articulate to Congress, the way to
7 alleviate the fears of regular education over the
8 paperwork and litigation that comes with IDEA and on
9 the other hand, the concerns of parents who will not
10 and should not give up their hard earned rights until
11 there are guarantees that their children will have
12 the education that they need. Thank you for this
13 opportunity, and I'm really glad to turn the mike
14 over.

15 CHAIRMAN BARTLETT: Thank you, Ms. Brooks.
16 Patricia Maichle, you're next.

17 MS. MAICHLE: Thank you very much. Good
18 morning. I appreciate the opportunity to speak
19 before this task force. It is a great honor to be
20 able to provide information you on this topic, as a
21 parent of a young adult with a disability.

22 As requested, specific recommendations
23

1 that I suggest to the task force to insure that
2 students, parents and families are measures of
3 accountability, are listed first and then I will
4 discuss them.

5 I recommend students and parents and
6 families should be surveyed for satisfaction of
7 services on a regular basis with a base line at the
8 start of service delivery. Students and parents
9 should be surveyed for satisfaction post high school.
10 Students and parents should see that schools and
11 service providers act on their recommendations
12 through regular feedback from surveys, through
13 systems change and through higher student
14 achievement. Surveys should be accessible to all
15 students and parents and families. All students
16 should receive self-determination training at least
17 at the start of ninth grade.

18 Students and parents and families should
19 expect and experience a fair process through due
20 process. The student and parent/families are the
21 consumer of service, whether it is educational
22 service or adult services. If the student and parent
23

1 are not satisfied with service, the service needs to
2 change.

3 In order to produce a fair and consistent
4 measure of satisfaction from students and parents,
5 satisfaction surveys have to be offered and completed
6 on a regular basis with a base line survey at the
7 start of service delivery. Students and parents will
8 report from a consumer point of view what is really
9 going on in schools. Students and parents will
10 report what is useful and what is not. They will
11 report what is working and what does not.

12 The educational system devotes and spends
13 a large amount of energy and funds in order to
14 educate children, to enable them to be contributing
15 members of society. Societal requirements for
16 employment and community living have changed
17 drastically and quickly in the recent past, and
18 probably will continue to do so in the future. The
19 systems that support children and adults with
20 disabilities need to be prepared to change as
21 quickly. The systems cannot remain static, as they
22 have in the past.

23

1 Students and parents are an immediate
2 measure of the changing needs in education and in the
3 adult service system. Their goals and means and
4 abilities and opportunities are changing as well as
5 the needs for service. Students and parents must
6 also be surveyed for satisfaction post high school
7 for two obvious reasons.

8 One reason is to measure educational
9 outcome or expectations, whether vocational or
10 academic. The second reason is to provide a base
11 line survey of satisfaction of adult service
12 providers relatively soon after leaving high school.
13 Again the educational system devotes and spends a
14 large amount of energy and funds in order to educate
15 children. It's an atrocity to find that in this day
16 and age adult service systems do not have the funds
17 or the capacity to transition young adults from
18 school to work.

19 Currently in the state of Delaware the
20 Governor's recommended budget provides for zero
21 dollars to transition young adults from school to
22 work. These are young adults who were educated in
23

1 special education and for whom the educational system
2 spent a great deal of energy and funds. These young
3 adults will be sitting at home in June and for the
4 next year at least.

5 These students and parents must be given
6 the opportunity to document accountability. Students
7 and parents must see that their efforts have an
8 impact. To survey just to survey or just to collect
9 data is not useful, and will soon allow students and
10 parents to see the measurement system as a waste of
11 their time. They soon will refrain from taking an
12 active role in the system.

13 They must see that the effort that they
14 put forth is for a reason. They have to receive
15 regular feedback from the schools and service
16 providers about their satisfaction or lack thereof,
17 if that is the case. They have to see systems
18 change. They in the schools must see higher student
19 achievement. Students and parents do like to see
20 written feedback that reports how well overall the
21 services are measured and graded. It is useful for
22 them to be able to see how they surveyed the system

23

1 compared to how others surveyed that same system. It
2 is just as useful for students and parents to see the
3 measurement of the system over time. This allows for
4 perspective. It is very important that when
5 satisfaction surveys are completed that the schools
6 and/or adult service systems provide the
7 informational feedback to students and to parents and
8 families.

9 It is not enough just to receive the
10 written feedback, but students and parents need to
11 see that when there are problems, the information
12 that they provide creates systems change for the
13 better to meet the needs of the students. They may
14 see change in a relatively short period of time and
15 they may see gradual change. They need to experience
16 change is satisfaction of services is low.

17 For example, if vocational education is
18 not available for students and the expectation is for
19 students to begin work upon exiting high school, the
20 satisfaction level will be low for students and
21 parents. If these same students and parents perceive
22 that the school system is not motivated to change the
23

1 system, the satisfaction level will remain low and
2 the same people will ultimately stop being part of
3 the system in one way or another. If, however, they
4 receive feedback that satisfaction is low and that
5 the school is attempting to begin vocational
6 education because of the feedback that was received,
7 the satisfaction level will probably begin to
8 increase.

9 But the educational system and the
10 students and parents want to see higher student
11 achievement. One sure way of bringing about this
12 positive change is to survey satisfaction, make a
13 systems change to meet the needs of the students in a
14 positive environment and allow for students and
15 parents to see that their efforts are used in a
16 collaborative and worthwhile manner. That's seems so
17 simple, and it is.

18 Surveys that are used for this process
19 must be accessible for all students and parents. If
20 a student or parent cannot read the assessment tool
21 because of educational or language barriers it is
22 useless. If the assessment tool cannot be seen

23

1 because of a disability and there are no
2 accommodations it is useless. If the assessment tool
3 is not delivered to the home of the parents or
4 families but sent home through a backpack or
5 pocketbook it is probably useless. If the
6 measurement is to be worthwhile it must be useful.

7 In order for students to realize their
8 worth as contributors towards the educational system
9 and the adult world and to realize their worth in the
10 system of measurement, they must receive self-
11 determination training at least at the start of ninth
12 grade. Adolescent and young adults rarely realize
13 the role that they can play in their own advocacy.
14 They have been so used to their parents and families
15 speaking for them that they don't know that they can
16 speak for themselves until they're out of school, if
17 then.

18 A well formed self-determination training
19 course or courses can provide the students with the
20 skills that they need to make decisions for
21 themselves, about themselves and to speak with
22 meaning on behalf of themselves.

23

1 The Department of Education in Delaware,
2 in collaboration with the Parent Information Center,
3 has provided for the past four years a self-
4 determination program called Student Connections.
5 This is an eight week course for students in special
6 education programs in regular high schools that
7 teaches advocacy and employability skills. The
8 students are surveyed pre and post course in addition
9 to the teachers being surveyed.

10 This past year the course was taught at
11 two alternative schools as a pilot for these schools.
12 The feedback from both the students and the teachers
13 has been only positive. Students who are able to
14 receive a course such as this may have a better
15 opportunity to provide meaningful feedback to the
16 school system and to the adult service system on
17 their satisfaction level with service delivery. They
18 may also be able to better advocate for themselves
19 and others as leaders in their communities. Both
20 Mike Chamberlain of the Department of Education and
21 Cathy Herrald of the Parent Information Center
22 deserve a lot of credit for the development and
23

1 instruction of this program.

2 Throughout all of the school year students
3 and parents should expect and experience a fair
4 process through due process. Accountability can be
5 measured through many of the steps of the due process
6 system using students and parents as the measures.
7 Shear numbers of due process cases can be a measure.
8 If students and parents are unhappy with a service
9 system and they see no other recourse, they will file
10 a due process case. If numbers of cases are low or
11 lowering over time, satisfaction levels could be
12 comparable. Numbers of administrative complaints
13 versus due process complaints could be a measure for
14 schools. This is not always a good measure, though.

15 In any case, these processes should be
16 fair and equitable. If students and/or parents are
17 so dissatisfied they should take this course of
18 action which is not a pleasant course of action. They
19 should be comfortable that the process will follow
20 rules set forth and that there will be follow up of a
21 case to insure compliance.

22 One of the challenges for students and
23

1 parents in Delaware is to see that follow up does
2 insure compliance with the settlements of the cases.
3 This in and of itself will produce dissatisfaction
4 for students and parents with a serviced system.

5 Once again I thank you for allowing me to
6 speak before you this morning, and I hope that my
7 recommendations will be taken into account.

8 CHAIRMAN BARTLETT: Thank you, Ms.
9 Maichle. Commissioner Coulter, five minutes.

10 COMMISSIONER COULTER: Dr. Brooks, you
11 spoke about continuous improvement and you spoke
12 about issues of trying to make certain that systems
13 are responsive to the needs of students, and you gave
14 us I think some excellent suggestions with regard to
15 system level and individual level.

16 I think one of the concerns is that in
17 those rare instances where improvement does not
18 occur, so for instance, using your suggestion. If
19 there were several meetings where improvement had not
20 occurred, how do you see what you're suggesting, in
21 some way bringing about change. Let me give you two
22 examples.

23

1 In the current system parents now have an
2 assurance that at least once a year they have some
3 opportunity to protest, if in fact things are not
4 going as well as they want to. At least now
5 systemically a school district is evaluated for
6 compliance and if they're not in compliance then the
7 state is required to take action.

8 I'm asking you, on the less optimistic
9 side of continuous improvement, how do you see the
10 responsibility of a school system or a state to
11 insure that improvement does occur when it's not
12 happening?

13 DR. BROOKS: Okay. One important thing I
14 forgot to say was in my recommendations, I do believe
15 that both the parent and the child's teacher should
16 have the right to request an IEP meeting at any time.
17 They currently do and I constantly run into parents
18 who say we can't request it more than once a year.
19 And I say absolutely, you can request it any time you
20 feel there is a need. And that ought to continue.

21 In terms of individual accountability and
22 waiting around for a year, absolutely that needs to
23

1 stay in there, that the parent or the child's
2 teacher, the people who know that child the best,
3 even if a trigger hasn't been triggered, should have
4 the right to request the recall of an IEP meeting.

5 On the systems level I think it is time to
6 do some clarification within the law on what are the
7 steps in the process and the monitoring work group
8 has spent a great deal of time, especially at the
9 last couple of meetings talking about what the
10 sanctions process should look like. It's always been
11 sort of out there, yeah, maybe we could do this,
12 maybe we could do that, whether you were OSEP level
13 or whether you were talking state level in terms of
14 monitoring of our school districts. And I think we
15 need to clarify. I think we need to put the process
16 into writing and I think we need to very clearly say,
17 these are the steps we go through and when these
18 things have not been accomplished in the time we have
19 agreed to, and I am a very much believer in a
20 participatory continuous improvement process, but
21 there are times when you've got to draw the line and
22 say, no, this hasn't been done. And you've had
23

1 enough time to work on it and now we're going to move
2 to the next level of some of a sanction. That begins
3 to put some reason pressure on.

4 In looking at the laws as currently
5 written, it's real unclear as to what we can do
6 either from OSEP's perspective or from the state's
7 perspective. And I think there needs to be some
8 looking at clarifying the language in IDEA so it's
9 very clear that when certain triggers are hit that
10 OSEP can take this type of action or a state in
11 monitoring our districts, we can take that type of
12 action, including the direction of how funds are
13 used. I'm talking some hardcore stuff.

14 COMMISSIONER COULTER: Okay. Thank you.
15 Ms. Adam-Fullbright, one of the -- we saw testimony
16 earlier this morning on the performance of children
17 disabilities in Colorado as a total group. I'm
18 curious, and obviously within those data are children
19 with disabilities who are deaf in Colorado.

20 In Des Moines -- and I don't want to put
21 you too much on the spot here in front of what might
22 be your boss and your superintendent. But how does
23

1 Des Moines -- how do the Des Moines public schools
2 know that they are doing a good job in the education
3 of children who are deaf?

4 Let me be more specific about that.
5 What's the process by which the school system and/or
6 families are involved in looking at the success or
7 lack of success in deaf education and what measures
8 do you use to assure that?

9 MS. ADAM-FULLBRIGHT: Well, it's certainly
10 a very good question, and thank you for giving me the
11 opportunity to explain what it is that we do here at
12 the Des Moines public schools.

13 Because accountability is strongly
14 emphasized, we in our program make sure that our
15 students are learning, that they are achieving and we
16 do that using the general education curriculum. We
17 do rely on the IEP to assist and guide us with
18 individual student needs and student learning
19 objectives.

20 Now, we have a team that works together
21 with the teachers, the support staff, the parents,
22 the principal, all stakeholders and we discuss at the
23

1 local level what the student is doing and what
2 progress they're making. And we also look at
3 monitoring the IEP goals and when progress happens
4 and when progress doesn't happen, we do call for
5 another meeting and discuss that modifications may be
6 made to help that student develop. So it really
7 happens with that core group. And that is one of the
8 advantages in our program, is that we are able to do
9 that.

10 CHAIRMAN BARTLETT: Thank you, Ms. Adam-
11 Fullbright. Commissioner Gordon.

12 COMMISSIONER GORDON: Thank you, Chairman.
13 A question for Dr. Brooks, the same question I asked
14 of our earlier panel. Do you think it's feasible to
15 do some merging of monitoring of school districts and
16 schools to take into account general ed, ESEA and
17 IDEA?

18 DR. BROOKS: I was squirming when you asked
19 that question before so I'll squirm up here now.
20 That's a very interesting one. Delaware has not been
21 a state where we have moved forward in terms of
22 moving special education into the consolidated

23

1 applications. I have been watching closely at a
2 couple of my colleague states that have been doing
3 it. In my heart I believe that's where we should be
4 going. But Delaware, for whatever reasons, isn't
5 quite there.

6 I think clearly in terms of the law, in
7 terms of the accountability measures, the data, as
8 far as the data goes, the data in ESEA is very
9 focused on student performance and I think that in
10 special ed we have got to recognize there are certain
11 other things we need to be looking at and collecting
12 data on as well.

13 I also think that what we've learned with
14 the analysis of the data through our self-assessment,
15 and now that we're working with it at the district
16 level -- and Delaware does have a very intensive
17 program that has consequences for schools, has
18 consequences for children and we're also implementing
19 consequences for teachers based on our accountability
20 system. So it's a fairly threatening on, I guess
21 would be the right word. It has a lot of
22 ramifications, so we have to be very careful about
23

1 what we're doing.

2 But when you start looking at that data,
3 it's the dig-down process that really helps you to
4 understand where your problems are and what you need
5 to do about them. So I think in terms of the broad
6 stroke things, the things that are reported to the
7 federal government, we absolutely can do some
8 consolidating as far as they go. And then look to
9 make sure that we don't leave out those other things
10 that we think are really critical, like LRE and some
11 of those other kinds of variables that are very and
12 dear to the heart of special education.

13 In terms of the monitoring, I think that
14 ought to be a goal. At this point we're going to say
15 that, because ESEA is monitoring. It's a totally
16 different thing and never has come anywhere near.
17 We're in the process of trying to put more balance
18 back into monitoring under IDEA. I loved what one of
19 the previous speakers said about balancing the
20 process and the results. That's what needs to
21 happen. We've been way over here in the process; we
22 need to go back.

1 So I guess my advice would be to certainly
2 look at it, but look at it with some degree of
3 caution and possibly do it as one of those things
4 that gets piloted, just like we're piloting the
5 consolidated application now. Maybe that's ready to
6 move forward into reality and look at piloting the
7 monitoring over the next five years.

8 COMMISSIONER GORDON: It simply seems that
9 there would be a lot of joint learning on the part of
10 those doing the monitoring and the people being
11 monitored in terms of bringing the programs together.

12 A question for Beth Giovennetti. On
13 charter schools it seems like you were saying there
14 were two issues involved in supporting charter
15 schools, the managerial support, so to speak, and
16 then also what about the costs of the program? Are
17 there places that have pulled this off in terms of
18 running charter -- I know in our state it's very rare
19 that the charter schools can take on special needs
20 children simply because the financial support isn't
21 there.

22 Are there places that have pulled this

23

1 off, and if so, where?

2 MS. GIOVENNETTI: I think it's a very good
3 question. One of the things that I didn't touch on
4 this morning in my oral testimony, but that is
5 included in my written testimony, is a commentary
6 about the importance of a weighted per pupil student
7 funding formula. D.C. is a jurisdiction that does
8 have that in place so that there is a per pupil
9 allocation for regular education and there is an add-
10 on for special education based on the need of
11 students, the level of severity of their disability.
12 And I think in D.C., speaking from my own experience
13 and kind of watching this for the last three and a
14 half years, Mr. Gordon, this has been a pretty
15 effective way of trying to assist charter schools in
16 their ability to create individual programs for
17 students with disabilities where they can meet the
18 needs of children from mild to moderate and higher
19 levels as they come through the door. And we know
20 that they're operating under an open enrollment
21 system, so charter schools do not discriminate as the
22 kids come through the door. So I think that that's
23

1 an important aspect maybe to be considered and
2 applied in other states that have charter school
3 legislation, because I know the weighted per pupil
4 funding formula has been an important thing that's
5 sort of assisted in D.C.

6 COMMISSIONER GORDON: Thank you. Thank
7 you, Chairman.

8 CHAIRMAN BARTLETT: Commissioner, we are
9 right on time plus 60 seconds. So the coffee break
10 will only last for 13 minutes. We'll convene at
11 10:05.

12 12

13 (Whereupon, a recess was taken.)

14 CHAIRMAN BARTLETT: If the Commissioners
15 could return to their seats. Ms. Secretary,
16 Secretary Pasternak, if you could return to the
17 podium. If the room could come to order and the
18 Commissioners return to their seats.

19 If the room would please come to order,
20 cease audible conversations. If you know sign,
21 you're welcome to continue to converse, otherwise
22 stop talking.

1 I've been asked by the audio personnel to
2 remind both the commissioners and witnesses to speak
3 directly into the microphone. These are directional
4 mikes.

5 To introduce our next panel on Capable
6 Accountability Systems is Superintendent Dave Gordon.

7 COMMISSIONER GORDON: Thank you, Chairman.
8 It's my pleasure and privilege to introduce our next
9 two speakers. The next speaker will be the person
10 who is the chief of staff in my school district, the
11 Elk Grove Unified School District in Elk Grove,
12 California. Martin Cavanaugh has 28 years working in
13 special education. He has been a leader, both in our
14 district as the assistant superintendent for special
15 education, prior to becoming chief of staff. And a
16 statewide leader in focusing special education on
17 early intervention.

18 Just to give you an example of what he has
19 accomplished in our school district, the
20 identification rate for special education dropped in
21 ten years from about 16 percent down to about nine
22 percent at the present time, and we're very proud of

23

1 that.

2 Our second speaker is Sue Gamm who is the
3 chief specialized services officer for the Chicago
4 public schools. She has also worked as a director of
5 the elementary and secondary education division and
6 assistant civil rights attorney, office for civil
7 rights, U.S. Department of Education. She has a
8 special education degree and a law degree, and she is
9 the proud recipient, I see, from her vitae, of
10 something called the Gnawing Gargoyle award for
11 achievements in public policy from the Council for
12 Disability Rights.

13 So welcome to both of you.

14 CHAIRMAN BARTLETT: Do either of you
15 require more than ten minutes for opening statements?

16 MS. GAMM: I would love some more time.

17 CHAIRMAN BARTLETT: Twelve?

18 MS. GAMM: Whatever.

19 CHAIRMAN BARTLETT: Fourteen.

20 MS. GAMM: Okay.

21 MR. CAVANAUGH: Twelve would work.

22 CHAIRMAN BARTLETT: Twelve and 14.

23

1 MR. CAVANAUGH: I'm going for the bell at
2 the end.

3 CHAIRMAN BARTLETT: Mr. Cavanaugh, you're
4 first.

5 MR. CAVANAUGH: Thank you. It's a
6 pleasure and an honor to be here, Commissioners. And
7 I'm going to move myself down below. I have some
8 overheads for you to see.

9 CHAIRMAN BARTLETT: You're going to move
10 down here?

11 MR. CAVANAUGH: I'm going to move down
12 here, and there's a microphone there. And I have
13 passed out to you some of the slides that you'll be
14 seeing in a moment.

15 As a practitioner I am going to focus on a
16 story to be told and we call that story in the Elk
17 Grove Unified School District, the Never-streaming
18 story. Never-streaming means just as the name
19 applies, never allow a child to leave the advantage
20 of the mainstream in the first place.

21 If we look at that concept from the
22 beginning we can start with a student having trouble
23

1 learning to read in the early primary grades. And
2 unfortunately, upon further review and possible
3 assessment of special education, we may find that the
4 student doesn't qualify for special education, given
5 the fact that in California and many places across
6 the country we use a significant discrepancy model
7 that compares achievement with cognition.

8 He kept getting promoted and he was
9 falling further behind. He's on target to fail first
10 in order to get the help he needs. If we then follow
11 Johnny's story through to the fourth grade, his
12 academic performance has now spiraled downward. He's
13 now eligible for special education because the
14 achievement gap required to qualify him is at a point
15 where he can reach entry level into special education
16 as a learning disabled individual.

17 But frankly, it's already too late. What
18 we've done is we've created an angry little boy who
19 doesn't like school, who gets tummy aches every time
20 it's time to get ready to go and he feels unworthy.
21 Our question in Elk Grove was could we have prevented
22 the inevitability of special education. Through our
23

1 never-streaming program what we attempt to do is
2 break that fail first cycle.

3 What we know about special education, at
4 least for the learning disabled population, is that
5 there's somewhat of what we call a Catch-22. If you
6 play that out into a practical appreciation for where
7 a child is performing, they are usually about two
8 years behind ability when they become eligible for
9 special education. There usually are no services
10 until that criteria is met.

11 Unfortunately, what we know about learning
12 through the Matthew effect and other researched areas
13 about the curriculum and the development of student
14 learning is that two years is already too late to
15 have a hope of returning Johnny back to the general
16 education classroom.

17 Now we have a situation where Johnny will
18 take a lifetime possibly to catch up. Our point is
19 that we would like to use funds -- and when we say
20 funds, we mean all the funds. The problem we see in
21 public school systems is that funds become largely
22 categoricalized with specific detailed requirements

23

1 on how you use each dollar.

2 What we are proposing is to use all of our
3 funds collectively, leverage them so that we prevent
4 this scenario. You saw in an earlier video a little
5 boy who was struggling with reading at the fourth
6 grade level, and the issues around alternative
7 assessment. Wouldn't it be great if we were able to
8 intervene earlier with that little boy so that we
9 didn't have to deal with alternative assessments?

10 What we're talking about here is striking
11 a balance.

12 (A short
13 interruption was had.)

14 CHAIRMAN BARTLETT: Why don't you
15 continue, Mr. Cavanaugh, while we work on the light
16 bulb.

17 MR. CAVANAUGH: Okay. I certainly will.

18 CHAIRMAN BARTLETT: We have an overhead.

19 MR. CAVANAUGH: Let me move up here and
20 I'll continue speaking.

21 What we're talking about here is striking
22 a balance between services for those students who
23

1 continue to be at risk of academic failure and
2 effective systemic approaches for youngsters who need
3 and benefit from special education services.

4 What we know about the research regarding
5 learning disabilities and reading disability
6 individuals reinforced that need. It's been proven
7 that the discrepancy model has only incidental value
8 in truly identifying those youngsters who have
9 reading as the crux of their problem. The two don't
10 necessarily go together.

11 Moving to the next slide, we're looking at
12 systems change that is based on the implementation of
13 a service delivery model that is supported by both
14 state and federal agencies. One of the
15 recommendations I'm proposing here is that state and
16 federal laws must be aligned to allow for front
17 loading of prevention and intervention strategies
18 prior to a student's referral for special education.

19 We believe that that is particularly
20 important. As a school district we had to go through
21 waiver processes and a whole host of hurdles in order
22 to do what we feel was right for children from the
23

1 beginning.

2 Change for change sake, and what we mean
3 by that is just simply proposing a change in
4 structure does not necessarily change practice. What
5 we need to see here is having a clear understanding
6 of what kind of instructional interventions are
7 needed, should be the driving force behind how the
8 change is made.

9 So if you turn the page, I have a sample
10 of what that might look like at the school site
11 itself. At the school site what we would want our
12 sites and what we expect our schools to do is to base
13 their implementation of all academic services on the
14 data from which the students at that school are
15 performing, and then develop a seamless approach
16 wherein those services can be implemented, so that
17 the labeling of the child has nothing to do with how
18 that child receives services because the services are
19 based on what the child needs.

20 How never-streaming works is it
21 incorporates all of the systemic available services
22 and resources that the district and the schools can
23

1 bring to bear, to make sure that systemically
2 everyone is receiving what they have. Our
3 recommendation in that area would be that resources
4 in teaching expertise must be blended together for
5 the benefit of student need, that there is a
6 cooperative conference in the beginning of the school
7 year wherein all teachers for every grade level have
8 identified through multiple measures where their
9 students stand academically. Then we front load the
10 interventions right from the first six to 12 weeks of
11 the start of the school year.

12 The child doesn't need what we call root
13 canal work in order to get help. In other words, you
14 don't have to be failing or at a point where you're
15 in severe need in order to get the help you need.
16 Systemically it's designed so that the help is
17 forthcoming from the beginning of the school year.

18 If you turn to page four, the cooperative
19 conference staff identified those students from the
20 outset of the school year that need intensive or
21 strategic level services. And those services can be
22 applied directly through a specialist, whether they

23

1 be special ed or regular ed services. They can also
2 provide those services in what we call a learning
3 center. We have all but done away with the
4 traditional models of a resource specialist program,
5 a special day class model and a speech and language
6 pull-out program. All of our people work together in
7 a learning center and in Title 1 schools, Title 1
8 staff and resources join them, so that those services
9 are seamlessly applied based on student need.

10 My recommendations for you today are as
11 follows, that specific learning disabled eligibility
12 must prescribe specific early intervention for a
13 period of at least eight to 12 weeks at first signs
14 of academic failure; that state and federal laws
15 pertaining to special education eligibility must be
16 aligned to allow for maximum front loading of
17 prevention and intervention strategies prior to a
18 referral; and that the blending of resources and
19 teaching expertise at the school site must be
20 conjoined for the benefit of all student need
21 regardless of the funding source.

22 So with that, I see I have three minutes,
23

1 is that correct?

2 CHAIRMAN BARTLETT: Yes, sir.

3 MR. CAVANAUGH: I would like to also just
4 mention a couple of things, and attached for your
5 review in a sort of an appendix is an outline matrix
6 that shows how in fact that actually works.

7 But in nine and a half years following
8 this implementation model we did not have one single
9 due process hearing. Our school district is 50,000
10 students. Why? Because we worked with parents to
11 reach the needs in the beginning, not waiting until
12 the child was failing.

13 Number two, we prevented a tremendous
14 amount of false positives in testing. When you
15 assess a child for special education you often run
16 the risk of is this a legitimate referral; is this
17 something that the teacher wants. In my finding the
18 number one criteria for a child being assessed is the
19 tenacity of the referring teacher to have that done.
20 So when you look at that realistically, how much time
21 are you spending on assessment that should go to
22 intervention. Our resource specialists prior to

23

1 never-streaming were spending 60 percent of their
2 time on things other than direct instruction.

3 When we moved to never-streaming, we were
4 able to flip-flop that percentage. So 60 was being
5 spent on direct instruction. And frankly, our never-
6 streamers have performed at a much higher level. I
7 have direct data for you, Commissioners, relative to
8 our statistics on our accountability of this program,
9 if you would like us to get those to you. Thank you.

10 CHAIRMAN BARTLETT: Thank you, Mr.
11 Cavanaugh. Ms. Gamm, you're next.

12 MS. GAMM: Good morning. I must admit
13 when I first read about the President's Commission,
14 my first reaction was, boy, I got to go talk to those
15 guys. We have a lot of things to share with you from
16 Chicago, so we really appreciate the ability to share
17 and communicate.

18 Just to give some context about Chicago
19 public schools, I think people have a sense we're big
20 but I don't think they realize how big. We're the
21 third largest school system in the country. We're
22 the third largest employer in the state of Illinois.

23

1 I think we're second to the government. We have
2 437,000 kids with disabilities, and that includes --
3 I'm sorry -- 437,000 students and that includes
4 57,000 kids with disabilities. It also includes
5 60,000 English language learners with 100 different
6 languages. Our population is predominantly minority;
7 52 percent African-American; 35 percent Hispanic; ten
8 percent Caucasian; three percent Asian; and the rest
9 Native American. 85 percent of our kids are on free
10 and reduced lunch and they attend about 700 schools,
11 including our charter schools, alternative schools,
12 etcetera.

13 Consistent with national trends, the
14 number of kids with disabilities eligible and
15 receiving special education services in Chicago has
16 dramatically increased since the enactment of 94-142.
17 Just looking at the last 12 years, our number has
18 grown by about 28 percent, and in the area of
19 learning disabilities has grown 44 percent.

20 As alarming as this might be, the growth
21 in the last six years for kids with learning
22 disabilities was ten points less than the previous
23

1 six years. And there was no growth at all in the
2 areas of mild cognitive disabilities and students
3 with severe emotional disabilities, even though the
4 total school population has grown by almost seven
5 percent.

6 This occurred at the time when some of you
7 may be aware that Chicago was sort of on the edge in
8 initiating standards based promotion. We've changed;
9 we've grown; we've really worked with that issue of
10 what standards should we use, but we jumped out of
11 the box in 1995 when the Mayor took over the schools
12 and we said we have to make some changes in Chicago.
13 And that drove the model.

14 So we were very concerned at that time,
15 that when you start talking about standards based
16 promotion -- and I'm going to talk a little bit about
17 how we melded that within our kids with disabilities.
18 We were very concerned that our numbers would just
19 skyrocket as teachers tried to explain the lack of
20 progress by a child or the failure to meet a
21 promotion was, well, of course, this child has a
22 disability. And there might be that inclination in
23

1 the system.

2 By our Board policy we looked at standards
3 based promotion and we said we would presume that all
4 kids with disabilities would be able to meet the same
5 standards as their non-disabled peers but we looked
6 at that and enabled the IEP team to rebut that
7 presumption through that IEP process. So for some
8 kids there's more individualized promotion standards,
9 if you will.

10 So how did we at least stem the tide? We
11 don't have data like that in California, but at least
12 we didn't see the growth that we were so scared about
13 seeing in Chicago. One approach was very similar to
14 California where we used early intervention
15 approaches also within general education.

16 We started like many school districts
17 years ago and started a process laid in procedure
18 called intervention systems teams. Those teams
19 really weren't given substantive information about
20 how to do their job. It was a process, it was rules.
21 Use this protocol, get into individual groups and
22 talk about kids and talk about how you can help that

23

1 child through interventions, but there wasn't much
2 substantive information provided.

3 About five years ago we changed that, used
4 information that our friends in Iowa and Pennsylvania
5 were able to share with us and we started what we
6 call school based problem solving, used many of the
7 techniques that we've talked about here, curriculum
8 based assessment and really looking at individual
9 kids through very structured intervention. Also
10 schools, we did about 50 schools at a time. In
11 another year we should have just about all of our 500
12 elementary schools in this process where they were
13 given coaching and mentoring and a person in that
14 school at least one day a week to work with teams and
15 this process. We just didn't tell them; we actually
16 worked with them and those people got a significant
17 amount of training.

18 We also electronically track our initial
19 referrals, and we really look at schools that seem to
20 have -- or the data will show -- has at least twice
21 the system-wide ratio for initial referrals. And we
22 work with those schools and we try to work with their

23

1 mindsets. Usually it's a mindset in terms of how
2 ones use this issue. Some people's minds are easier
3 to change than others. So when we see high levels of
4 referrals going on in individual schools we sort of
5 swoop in and work with those schools.

6 We started another activity this year
7 where we work with the 30 highest referring schools
8 and brought them into a symposium, and we allowed
9 schools that have really been successful and really
10 have the mindset, if you will, working with their
11 peers. We had keynotes of principals who really got
12 it, talking to their fellow principals about things
13 that they might do differently. We had teachers
14 talking to other teachers. So we're looking at the
15 data of these 30 schools and so far it seems to be
16 working. It's not straight across the board, but
17 certainly the data looks a lot better now than it did
18 before.

19 We've also started, thanks to our friends
20 from Oregon, a positive behavior support system
21 within the system. We're starting small, looking at
22 more universal approaches towards dealing with issues

23

1 around behavior and learning the system so that we
2 could go the scale from about ten schools up to 500.
3 We'll tell you how that works later, but we know that
4 this is a good research driven structure and we're
5 learning how to do it.

6 We're also addressing the physical and
7 mental health needs of our kids. We use a variety of
8 supports, whether it's child by child or through
9 training of staff. We also have about 15 school
10 based health clinics and we're doing school link
11 clinics so that our kids have their health needs
12 addressed both physically and mental health.

13 We also give out eyeglasses. You may have
14 heard of our eyeglass campaign. We figure the least
15 we can do is make sure kids aren't reading because
16 they can't see the blackboard or they can't see their
17 books, and we've given out over 30,000 eyeglasses and
18 have performed eye exams for kids as well.

19 We also do a lot of outreach on the
20 children's health insurance program to make sure that
21 when our kids need the health invention, that they
22 have insurance to pay for it. And we're involved in

23

1 early periodic screening, diagnosis and treatment
2 with our nurses and trying again to deal with the
3 other issues that interfere with learning. You can
4 have the best teacher, but if a child is ill it's
5 going to be hard to reach that child.

6 We also know that the earlier we start the
7 better chance we're going to have. So we have a
8 number of very innovative programs, cradle to the
9 classroom where we work with our team parents. We've
10 started a virtual pre-K. I could give you the web
11 site real quickly, www.virtualpreK.org, where we're
12 trying to reach all parents of youngsters in order to
13 get access to some very easy interactive web based
14 activities for their children.

15 Because of our expansion of state pre-K
16 and Head Start programs in the system, I can now
17 proudly say -- is Brian in the room? Brian knows
18 this issue well. I can now say that for our three to
19 five year olds we exceed federal LRE settings because
20 we're able to access general ed settings with our
21 disabled kids and we're must less restricted than
22 we've ever been in the past. We're still working for
23

1 the older kids but at least we have a good head start
2 with the younger kids.

3 We think we're making progress, and we're
4 also looking at how we are approaching the issue of
5 reading. We're starting this year a Chicago reading
6 frame work where every teacher will have a good
7 working knowledge of how does one teach reading.
8 It's a pre-K through high school program, and we're
9 lucky to have Dr. Tim Shanahan who was on the
10 National Reading Panel orchestrating and working with
11 us on this program.

12 Just a couple of minutes, if I can, for
13 some suggestions as we talk about accountability.
14 One of the things that I want to parrot is the whole
15 issue of LD eligibility. I'll just reference the
16 National Academy of Science and the recommendations
17 they gave in terms of how we look at learning
18 disabilities and eligibility, and I would parrot
19 that.

20 The first thing I thought about when the
21 No Child Left Behind Act, is how we have to align
22 that with IDEA. We have to look at adequate yearly
23

1 progress and think about how we're going to
2 incorporate that into IEPs. I have some ideas, don't
3 have time really to talk about it.

4 I have to talk about -- let me just skip
5 any accountability system that we have has to talk
6 about and deal with the chronic shortages we have.
7 I'm going to call it the crisis we have in teacher
8 personnel for special education. I'm just going to
9 talk about Illinois for a second, where the number of
10 individuals we have with bachelor's degrees,
11 graduating from schools, dropped 60 percent since
12 1976. We reached our highest just when the law
13 became effective. For the master's degree it became
14 effective -- before the law became effective. The
15 law became effective in '78. That was our highest
16 year for master's degrees. That dropped by 48
17 percent. So we have about the same number of
18 graduates today that we did in the early 70's. And
19 you all know how the number of kids with disabilities
20 since the early 70's have gone in exactly the
21 opposite direction.

22 We only have two universities in Chicago

23

1 that even offer a bachelor's degree in special ed,
2 and we have no alternative certification programs in
3 the Chicago area currently ready and able to provide
4 alternative certification programs. So we can talk
5 about being accountable. We can talk about leaving
6 no child behind. But unless we have qualified
7 teachers in the classroom, we're not going to make a
8 dent. I think this is an area that the federal
9 government, through IDEA, also looking at the highly
10 qualified teacher requirement in no child left behind
11 is going to interact with our reality. Right now
12 IDEA does allow a three year I'll call window of
13 opportunity for folks to become certified. I think
14 we have to strengthen that. We should put parameters
15 on it. We have to establish the national models and
16 we have to become a bully pulpit so that those areas
17 of the country that aren't there yet, school
18 districts aren't left totally in the bag, if you
19 will, because we cannot create our own teacher
20 preparation programs; we have to rely on others. But
21 yet, obviously we're accountable for the results.

22 One minute early. Thank you very much.

23

1 CHAIRMAN BARTLETT: Thank you, Ms. Gamm.
2 Governor Branstad, for five minutes.

3 GOVERNOR BRANSTAD: Mr. Cavanaugh, I'm
4 intrigued by this never-streaming program. How long
5 ago did you start this in Elk Grove?

6 MR. CAVANAUGH: We started piloting it in
7 1992. We received a State Board of Education waiver
8 to implement it fully in '94. And it's been
9 operating ever since.

10 GOVERNOR BRANSTAD: Did I hear you right,
11 saying you've not, since you started this, had a due
12 process hearing?

13 MR. CAVANAUGH: We haven't had one in nine
14 and a half years.

15 GOVERNOR BRANSTAD: That is phenomenal.
16 And yours is a big school district, isn't it?

17 MR. CAVANAUGH: Yes, we're about 50,000
18 students and on our way to 80,000.

19 GOVERNOR BRANSTAD: I guess I would be
20 interested in your suggestions as to how other
21 districts may follow the example that you put
22 together, how this Commission might be able to

23

1 influence a move in the direction of what you've done
2 in your district.

3 MR. CAVANAUGH: Well, we've always taken
4 an interest based approach to problem solving. I
5 think direct involvement with parents openly, at the
6 earliest signs of academic struggle, are key, when
7 the parent is at the point of believing and trusting
8 that the school district's view of the situation is
9 positively inclined. And I think what happens too
10 frequently, due to a number of the infrastructure
11 based compliance issues, eligibility and so forth,
12 cause the situation to wait far too long when a
13 parent knows in advance, my child needs support and
14 help.

15 If you're able to get that help in those
16 early stages, what you do is you increase the trust
17 with the parent, but you also enhance the flexibility
18 that the parent's willing to afford the district and
19 the district to the parent.

20 GOVERNOR BRANSTAD: This interest based
21 approach towards problem solving is very similar to
22 what I've heard about interest based bargaining with
23

1 employees. Do you do that as well?

2 MR. CAVANAUGH: Yes, we do. Yes, you're
3 correct, on both counts.

4 GOVERNOR BRANSTAD: So you're using that
5 system with your employees and that's worked well as
6 well?

7 MR. CAVANAUGH: Yes, it has. We have an
8 excellent relationship with our teacher associations
9 and the other associations in the district.

10 GOVERNOR BRANSTAD: And basically, is that
11 where you got the idea for this? This is the first
12 time I've heard about that and read about it in the
13 collective bargaining arena, but I've not heard about
14 it in the special education arena, and we've heard
15 some real horror stories in other school districts
16 around the country where the costs and the animosity
17 between parents and teachers has been really high.
18 It sounds like, from what I can hear, what you've
19 done has -- the best example I've heard on the
20 positive side of really resolving that.

21 MR. CAVANAUGH: We've done our best, and I
22 don't want to lead you to think that we haven't had

23

1 issues and problems. We have, but we've been able to
2 work those out successfully.

3 GOVERNOR BRANSTAD: Let me ask about the
4 chronic shortage of special ed teachers that Sue Gamm
5 brought up. Maybe both of you can comment about
6 this. How do we address this and what do you think?
7 This is a chronic problem that seems to have gotten -
8 - it's not only a problem in Illinois; it's a problem
9 here in Iowa. I think it's a problem all throughout
10 the country. I'd just be interested in your thoughts
11 on how that can be best addressed.

12 MS. GAMM: Just again to give some context
13 to this. I went to a national symposium in
14 Washington and the figure that was given was that 95
15 percent of the school districts across the country
16 report that a chronic problem.

17 In Chicago, we have 350 vacancies right
18 now as we speak. I'm not talking about emergency
19 certificates. I'm talking about vacancies. We put an
20 ad out in the paper when we thought we were going to
21 be able to get the assistance of our union and pay
22 non-certified teachers who we'd be able to put

23

1 through a program that would look like an alternate
2 certification program. None have been approved yet,
3 but nevertheless, we were going to try and do it,
4 mimic what one would look like. And when we put an
5 ad out to see who might be interested, we got 600
6 phone calls in one week, as opposed to looking at
7 certified teachers who might like to go into special
8 ed, and we got maybe 80 phone calls over a much
9 longer period of time.

10 And as I said, the traditional programs
11 are way less than what they've been in the early
12 70's. So given that data, I can only conclude that
13 alternate certification could have a huge role in
14 addressing our needs, good programs that are well
15 designed, that are based on at least what available
16 shows, works and I think if IDEA or a task force or
17 something, that the feds could use as a bully pulpit
18 to show people, this really has some potential, would
19 help some naysayers out there who are looking at not
20 helping this process.

21 CHAIRMAN BARTLETT: Thank you, Ms. Gamm.
22 Secretary Pasternak.

23

1 COMMISSIONER PASTERNAK: Thank you, Mr.
2 Chairman. I guess thank you both for being here this
3 morning and for the nice presentations. I guess I'll
4 get back to the accountability issue. We're never
5 going to fix special education by only looking at
6 special education. I think that we all agree or
7 hopefully. I know that you both agree with me that
8 we've got to make sure that the kids are in special
9 education receiving the right services from the right
10 people to achieve the right results.

11 So my question to both of you, and I guess
12 I'll start with you, Marty, is that if you went from
13 16 percent to nine percent, as your superintendent
14 pointed out in his introduction, what's the change
15 and what's the lesson for the country from the
16 changes that you saw there and the kinds of kids that
17 you were serving before and after the implementation
18 of this model, which sort of reminds me -- if I'm
19 correct -- been around a long time, as you know,
20 about the zero reject-zero eject kind of concept that
21 was posited some many years ago.

22 MR. CAVANAUGH: Right. Thank you, Bob. I
23

1 think the issue really takes on two key areas. One
2 is that systemically there has to be developed a
3 service delivery model that fits the needs of the
4 students who go to that school. Much of what we talk
5 about from a conceptual level, from a bureaucratic
6 compliance and monitoring level, doesn't account for
7 the service delivery structure which really needs to
8 be designed locally at the school and acknowledges
9 who the children are that go there, how they are
10 performing and then develop systemic ways that we
11 address those needs by having all of the staff take a
12 part in that responsibility.

13 I think secondly to that is the issue that
14 special education itself is what I would call a fixed
15 pot. So if we decide to spend money on students that
16 could have and should have been served in other
17 areas, we're taking dollars away from other
18 youngsters who have that need. Special education
19 from my study is largely a medically based model in
20 that it assumes that anyone who is given an IEP must
21 be disabled under federal law.

22 Although there are protections in writing
23

1 that are there to prevent that from happening, I see
2 it happening every day. So I think that there must be
3 a systemic approach. Never-streaming does not
4 subscribe specifically to a particular curriculum but
5 a way of being in terms of how you, as an individual,
6 can make a difference for a child.

7 It also subscribes to best practices. And
8 we've brought in some very prolific general education
9 curriculum that has helped us in that way.

10 COMMISSIONER PASTERNAK: Okay. Part of my
11 question was how has the demographics or the
12 description of the kids that were in the program
13 before you implemented never-streaming and since you
14 implemented it, how have you seen that change? Who
15 are the kinds of kids that are now being served more
16 or perhaps more appropriately in general education
17 than in special ed. And I guess along that line, to
18 hear from both of you about how we make general
19 education more accountable for serving kids before we
20 go ahead and see them referred for possible placement
21 in special education.

22 MR. CAVANAUGH: Specifically dealing with
23

1 the learning disabled population, we've seen
2 youngsters who are now identified as having a
3 specific learning disability, as having chronic
4 auditory processing difficulties, primarily where
5 their immediate short term, and in some cases, long
6 term memory ability is affected. And it's affected
7 for a long period to the point where following an
8 eight to 12 week intervention, we're not seeing a
9 spark, if you will, in the child picking up. So we
10 look at that eight to 12 week intervention as being
11 demonstrative of at least six months worth of growth
12 because at that point we're picking apart the
13 children who simply have holes or deficits in their
14 academic performance versus youngsters who have real
15 developmental lags that will plague throughout their
16 school career.

17 If that is carefully done, as it has been
18 in our district, we're able to filter out which child
19 needs what. So what we've seen over the course of
20 this implementation is far better understanding and
21 positive referrals on the youngsters who do get
22 referred for special education.

23

1 GOVERNOR BRANSTAD: Thank you, Mr.

2 Cavanaugh. Mrs. Takemoto.

3 COMMISSIONER TAKEMOTO: I was reading the
4 testimony about -- a comment that you made, Dr. Gamm,
5 about the IEP has become a necessary evil to avoid
6 compliance findings as opposed to be an effective
7 intervention document.

8 What would you do to -- I saw some of the
9 later stuff about talking about annual yearly
10 progress. When I speak to parents and teachers in
11 the field, they're saying kids in special education,
12 the reason that they're there is because, as Marty
13 said, they failed, that they aren't good learners and
14 how can anyone expect us -- by definition of the fact
15 they're in special education means they can't learn.

16 So tell me a little bit about how you make
17 that IEP an accountability document.

18 MS. GAMB: I think it's going to behoove
19 us. We're not going to have a choice about this, and
20 I think it's already there, that with no child left
21 behind we have got to start talking about adequate
22 yearly performance, because our kids are going to be

23

1 judged on their adequate yearly performance and we're
2 going to have to take the bull by the horns and deal
3 with this.

4 What I mean about the IEP, one of the
5 areas that I glossed over because of the time
6 restraints is that somehow we have to make this law
7 simple and understandable. I think two keynotes to
8 an accountability system that we found in Chicago,
9 it's got to be simple enough and understandable
10 enough so that anybody you ask, any time of the day,
11 no matter who they are, can give you the tenets of
12 that accountability system. And if they're not able
13 to internalize that without 30 hours of training,
14 that could better be used perhaps to do teaching of
15 reading and how we enable our kids to be better
16 readers, we're already behind the eight ball.

17 I think what we can do is through the IEP
18 process, and what I'm saying is a necessary evil.
19 When we hear stories about IEPs being 30, 40 pages or
20 even ten pages and then they're put in a drawer and
21 nobody ever looks at it again, I think it's lost its
22 effectiveness. I think what we could do is first get

23

1 a better handle on how to look -- and the areas we
2 want to look at, in terms of current educational
3 performance. I think we need to do that in a way
4 that you could look at kids across the country,
5 within states, within districts, within schools and
6 expect to see certain kinds of information, wherever
7 that child happens to be, and identify what areas do
8 we really value and what kind of learning
9 characteristics or health characteristics we really
10 need to know about in order to form, if you will, a
11 beginning benchmark.

12 Once we have that, then I think the best
13 people around the table think about, okay, knowing
14 this, where could we reasonably expect this child,
15 assuming that child has good instruction, because we
16 have to assume that, where could we expect this child
17 to be in a year from now. Then how do we get that?
18 What kind of supports do we give that child and the
19 teacher and the parents to provide that kind of
20 growth that we expect. Then at the end of the year
21 and along the way, you start measuring are we getting
22 there. And then that becomes your current educational
23

1 performance for the next year.

2 And we could actually start to track along
3 the 12 years or 14 years that a child is actually in
4 school, which I don't think we can do now. You would
5 have to collect 12 IEPs if this child was in special
6 ed all that time and somehow, with different
7 parameters, figure out the growth of that child, in
8 addition to any assessments or state assessments or
9 local assessments that's being used.

10 COMMISSIONER TAKEMOTO: The other
11 question, Marty, we talked a little bit about this
12 yesterday, that Elk Grove has a lot of children
13 learning English and Dr. Gamm, you also said the same
14 thing. Tell me about how this would help families --
15 children who are learning English. Just like
16 special education, do they bring down the totals?
17 Are they an excuse?

18 MR. CAVANAUGH: No, they're not. I think
19 that we look at student need rather than student
20 category. Because we do that, we're able to look at
21 how we globally and locally serve youngsters based on
22 what they need. We've had great success with our

23

1 English language learners. They're comparably very
2 high performers because we look at what are those
3 diagnostic and prescriptive teaching methods that
4 they need and then implement those. So our
5 instruction is really focused on what does the
6 student need. And for years what had been happening
7 was, oh, people in an ESL category, a Title 1
8 category, a special ed category were all treated
9 separately and it was hands off, if you weren't
10 funded by that category.

11 I think that that is something that
12 continues to need to be worked on in order to meet
13 the needs of all of the kids.

14 CHAIRMAN BARTLETT: Thank you. Ms. Gamm,
15 I read your testimony and heard your comments and I
16 really appreciate you being here. I want to return
17 to the issue of accountability.

18 Does Chicago have any measurement at all -
19 - I didn't see it in your testimony -- of academic
20 performance of special ed students, graduation rates,
21 grade level, progress on the IEP, score on
22 standardized test? Do you have any data? Do you

23

1 collect any data on academic performance of special
2 ed kids?

3 MS. GAMM: We have local assessments and
4 we also are part of the state assessment. We have
5 some work to do in Illinois. For example, we just
6 got the state assessment data back and it's on a C-D
7 and it's a way that we cannot dis-aggregate or
8 massage or work with the data. It makes it more
9 difficult. The data is there, but accessing is an
10 issue.

11 I have not gotten from the state -- we
12 have some work to do.

13 GOVERNOR BRANSTAD: So you're the director
14 of special ed in Chicago schools?

15 MS. GAMM: Right.

16 GOVERNOR BRANSTAD: Do you know what the
17 graduation rates are for your special ed students?

18 MS. GAMM: Not graduation rates. It hasn't
19 been dis-aggregated. The dropout rates we have and
20 we're about two to three percent more than the
21 general population in special ed.

22 GOVERNOR BRANSTAD: Do special ed students
23

1 take standardized tests?

2 MS. GAMM: Yes. Yes, the same as others,
3 standardized as well as alternative.

4 GOVERNOR BRANSTAD: What are the results?
5 Do you measure those results?

6 MS. GAMM: Yes, we do, and they've grown.
7 Not to the extent that Brian shared in Colorado, but
8 there has been progress. It's aggregated and dis-
9 aggregated.

10 GOVERNOR BRANSTAD: What system of
11 accountability could we apply at the federal level
12 with the federal law that would cause Chicago and
13 other schools just like Chicago, which is probably
14 the vast majority, to begin to measure and hold
15 yourself accountable for performance of special ed
16 students?

17 MS. GAMM: Well, as I said earlier, I
18 think we're already there. I think no child left
19 behind already has a strong accountability system
20 which includes kids with disabilities. That group is
21 not excluded from reaching proficiency rates in
22 reading and math within 12 years and benchmarks along

23

1 the way. I think one question to think about is
2 whether any recognition should be considered at the
3 IEP meeting that perhaps proficiency in reading might
4 be slightly different for an individual child given
5 what you know about that child's disability. And
6 that's just a question to be talked about, because
7 right now, as I read the law, the understanding is
8 that all children will become proficient. That's
9 just an open question.

10 But I think what we need to do is align
11 IDEA and enable us and give us the tools so that we
12 can be accountable and be successful through no child
13 left behind. I see us there. The question is the
14 fine tuning and an overlay under IDEA.

15 GOVERNOR BRANSTAD: I may not be
16 understanding your testimony, but I don't understand
17 the academic results of special education students in
18 Chicago. At this moment I don't understand where
19 they are. And I don't understand that you've got the
20 data.

21 MS. GAMB: I can give you a figure. 13
22 percent of our kids read on or above grade level.

23

1 GOVERNOR BRANSTAD: 13 percent of the
2 special ed kids?

3 MS. GAMM: Right, on the state
4 assessments.

5 GOVERNOR BRANSTAD: How does that compare
6 with last year and next year?

7 MS. GAMM: It's a little bit up from last
8 year. But we're not doing well across the board for
9 all kids, so it's within the context. For all kids
10 we're somewhere around 40 percent. We have a long
11 way to go. And that's up from about in the 20's five
12 years ago. We have a long way to go.

13 GOVERNOR BRANSTAD: Thank you.
14 Commissioner Hassel.

15 COMMISSIONER HASSEL: This is a question
16 for both of you. How should your states measure your
17 success in special education? What should be the
18 indicators they look at to determine whether you are
19 doing a good job?

20 MR. CAVANAUGH: I think that there is work
21 underway to look at that issue right now. Certainly
22 I think, as mentioned, graduation rates are very

23

1 important. I think that we also need to look at
2 standards and benchmarks relative to what we would
3 expect grade level performance to be.

4 I think that we need to look at the early
5 intervention aspects of special education so that the
6 student does not make year to year growth, but
7 actually makes better than that in the area of the
8 learning disabled and for those who require speech
9 and language as their only deficit.

10 I think that the functional life skills of
11 special education students need to be benchmarked
12 against more specific areas of need in terms of what
13 tools they will need to carry with them into
14 adulthood, and those aren't clearly defined. So I
15 think that there needs to be some more work in that
16 area as well.

17 MS. GAMM: I would just add to that,
18 looking at disciplinary issues, looking at issues
19 around suspension and expulsion. Kids aren't
20 learning if they're not in school. Perhaps looking
21 at some of the positive behavior supports, the extent
22 to which school districts are -- because you could

23

1 just not report. That's an issue. So I think we also
2 have to look at what schools are doing in order to
3 enable kids not to act out so that they won't get
4 suspended or won't be expelled.

5 I think another issue that I don't think
6 we talked about, and it coincides with my discussion
7 about the teacher shortages, is what are states and
8 universities doing to increase the number of highly
9 qualified individuals. Again if a school district
10 cannot prepare credentialed people on their own, we
11 need to look at other institutions who do and have
12 some accountability there also.

13 COMMISSIONER HASSEL: Thanks.

14 CHAIRMAN BARTLETT: Commissioner Gordon.

15 COMMISSIONER GORDON: Marty, would you
16 elaborate a little bit. You mentioned before how at
17 the school level you've implemented a seamless system
18 of identifying needs using whoever is there, be they
19 Title 1, general ed or special ed resources to meet
20 those needs. But then you mentioned, you thought that
21 the compliance system would never see whether that
22 was there or not.

23

1 How would you change the compliance system
2 to really pick up on whether those things were
3 happening at a school?

4 MR. CAVANAUGH; I think the compliance
5 system needs to focus on how the school is serving
6 all of the children, rather than individual graduated
7 degrees of service, if you will. What we have now
8 and often is a laundry list of specific detailed
9 issues that look to be compliance markers but, taken
10 out of context, they don't really add up to the whole
11 story. I think compliance needs to focus on how is
12 the school performing, how is it serving all of its
13 youngsters, what are the roles and functions of the
14 staff at the school to get those needs done, and how
15 well do they do that, in creative ways, given the
16 limited funds that all the schools have. So I think
17 that it needs to be more globally reviewed.

18 CHAIRMAN BARTLETT: Commissioner Coulter.

19 COMMISSIONER COULTER: Dr. Cavanaugh, I
20 think you've done a nice job at least describing for
21 us the results. I really appreciate your attention
22 to data. I think Commissioner Bartlett's pointed

23

1 questions about how are kids actually performing is
2 very, very important to us.

3 So I think you've talked about how
4 teachers interact, and I heard you mention, or at
5 least touch very briefly on how principals interact
6 with teachers. In that school based level program,
7 are there other professionals that are required in
8 order to make this a success?

9 Let me ask you to describe, it's not so
10 much a yes, no question, as you could describe if in
11 fact there are others involved, how that's done. I
12 think one of our concerns is that while we have heard
13 about pockets of success in different places, the
14 idea that legislation could somehow influence a much
15 wider spread of the success is a great concern to us.
16 The term is scaling up that we hear a lot of.

17 What are the components that are necessary
18 in a school for it to be successful beyond just
19 teachers and an administrator?

20 MR. CAVANAUGH: I think that there needs
21 to be an actual teaching of staffs on how to view
22 their work, and what we have seen is -- and how this

23

1 came about in Elk Grove was that we had a dramatic
2 change demographically that occurred in the late
3 80's, early 90's. We were a predominantly white
4 middle class school district that suddenly found
5 itself highly diverse with over 47 different
6 languages spoken and all at once there was this rush
7 to say these youngsters are different; they must be
8 disabled.

9 So we had this huge increase in special
10 ed. Really you can pin down as a result to change in
11 demographics. So we had to go back and say to
12 people, what is your responsibility for these
13 children learning, and how do you work together. So
14 there was a lot of training.

15 We had come off of the traditional student
16 study team which is really a process where the
17 students are identified after they're showing
18 failure. And as a result, there were long laundry
19 lists of kids waiting to get seen by the student
20 study team, and as a result they were falling further
21 behind. So we had to regroup.

22 If I could jump on there, I'll show you
23

1 one slide you haven't seen. This is an actual slide
2 of a teacher's classroom. In the classroom the
3 students' names have been omitted, obviously. But
4 that teacher at the beginning of the school year --
5 this happens to be a sixth grade teacher. She knows
6 from assessment data we've taken exactly where every
7 student is performing on national percentile rank in
8 reading, language and math. She knows which students
9 are ELL or English language students, receiving
10 special ed and all of that information.

11 At the bottom you can see a key here that
12 identifies the percentile rank that those students
13 are functioning in.

14 COMMISSIONER COULTER: Okay, Marty, pardon
15 me for interrupting you. My time gets limited as
16 well as yours. I understand this, but I'm still only
17 hearing you say that all it takes is an administrator
18 and a teacher. Who are the other people involved?
19 I'm not trying to give you an opportunity here to
20 pump up your own job. You've got a good job.

21 But if we're going to pull this off, is it
22 all we need are good teachers and good principals,
23

1 that's it?

2 MR. CAVANAUGH: I think there needs to be
3 some guidance on how that structure is developed and
4 then there may need to be the specialists that are
5 assigned to the school. But each district has the
6 ability to assign specialists based on their formula
7 of population, size and so forth. And those
8 specialists need to work with the team, but they need
9 not be the savior for every child of need. That's
10 where that give and take has to be a part of what the
11 principal, the site administrator and the district's
12 core values mandate that everyone operate under.

13 COMMISSIONER COULTER: Thank you.

14 CHAIRMAN BARTLETT: That completes this
15 panel. I'll call the next panel which is Future
16 Accountability Systems, Dr. Lizanne DeStefano,
17 University of Illinois, to be introduced by Bryan
18 Hassel.

19 Dr. DeStefano, do you require additional
20 time?

21 DR. DE STEFANO: I think I'm timed for ten
22 minutes, but if you could give me 12, that would be

23

1 fabulous.

2 CHAIRMAN BARTLETT: 12 will be fine.

3 COMMISSIONER JONES: Ms. DeStefano, you
4 might want to use the other mike, and make sure you
5 are quite close to it.

6 DR. DE STEFANO: Is this better?

7 COMMISSIONER HASSEL: Dr. Lizanne
8 DeStefano is with the University of Illinois. She
9 directs the Bureau of Educational Research. Dr.
10 DeStefano has an impressive record of research and
11 publications on many of the topics that this task
12 force is considering. So we're very please to have
13 you here today, and look forward to hearing your
14 remarks.

15 DR. DE STEFANO: Well, Mr. Chairman and
16 members of the Accountability Systems Task Force, I'd
17 like to thank you for allowing me to testify before
18 you this morning regarding the future of educational
19 accountability systems and how these systems might be
20 improved to help parents, policy makers and educators
21 make better decisions about student achievement and
22 improve the quality of educational programs.

23

1 We have all heard a great deal of rhetoric
2 about school accountability in the last several
3 years. I recently read an article in the American
4 School Board Journal in which the author likened
5 pronouncements about school accountability to the
6 most perfect looking fruit hanging just out of reach
7 at the top of a tree, loaded with promise on the
8 outside, difficult to attain and often disappointing
9 on the inside.

10 After almost 20 years of conducting
11 research on the local implementation of federal
12 mandates, that means that I started this research
13 when I was six years old, I believe this analogy
14 depicts the gap between what is said about
15 accountability at federal and state levels and what
16 actually occurs in schools and classrooms throughout
17 our nation.

18 I should say that I believe that everyone
19 in this room, in our various roles, has
20 responsibility for closing this gap. State and
21 federal agencies for providing adequate guidance and
22 support, local educators for focusing their efforts
23

1 on creating educational environments where kids can
2 succeed, parents for being actively involved in
3 schools and advocates for their children's education,
4 and institutions of higher education for preparing
5 teachers who are up for the task of helping all
6 students learn and for conducting research on valid
7 and effective practices.

8 Unless we all work together to bridge the
9 gap, I do not believe that accountability will do
10 much to transform the core of the educational
11 enterprise, schools and classrooms, into active
12 challenging and exciting learning environments that
13 foster high attainment for all students.

14 I came here today because I believe
15 strongly that it is an opportune time for federal and
16 state policy makers to stop holding out the promise
17 of accountability and start taking reasoned steps to
18 make it a reality. I'd like to use the remainder of
19 my time this morning to offer four recommendations
20 for what these steps might entail.

21 The first recommendation is provide
22 guidance for and monitor the quality of state
23

1 accountability systems. Until recently, the federal
2 government has not provided much specific guidance to
3 states as to the design and operation of state
4 accountability systems. As a result there is
5 tremendous variation in how states have approached
6 accountability, especially with regard to students
7 with disabilities and English language learners.

8 While state and local jurisdiction with
9 regard to education should be respected, it is time
10 for the federal government to begin to endorse basic
11 principles that underlie effective accountability
12 systems and to promote the adoption of those
13 principles through its entitlement and discretionary
14 programs.

15 This is beginning to happen with no child
16 left behind, reading first and Title 1 requirements,
17 as we've heard earlier, which are quite prescriptive
18 in terms of the types of assessments, analysis and
19 reporting, incentives and sanctions that must be part
20 of state applications for federal funding and local
21 applications for flow through funds.

22 Students with disabilities are referenced
23

1 throughout that legislation and decrease in referrals
2 to special education are a prominent indicator of
3 success. However, it is critical that IDEA also
4 address in more detail that it does currently the
5 characteristics of a sound accountability system that
6 includes students with disabilities and how the
7 cornerstones of special education, such as referral,
8 identification, IEP and due process, are related to
9 these efforts.

10 Fortunately, through the discretionary
11 programs of Part D, we are beginning to build a
12 research base on what works in accountability
13 systems. And here I'm referencing some of the work
14 of Martha Thurlow at the National Center for
15 Educational Outcomes, who you will hear later this
16 afternoon. The elements of an inclusive
17 accountability system include first, all students
18 with disabilities are included in the assessment
19 system, LEAs and SEAs should report the number of
20 students who are not included and the reasons for
21 exclusion.

22 There is still a great range of exclusion
23

1 rates in states and localities. This is not just an
2 equity issue, but it also affects the validity and
3 comparability of the accountability data.

4 The second principle is decisions about
5 how students with disabilities participate in the
6 assessment system are the result of a clearly
7 articulated participation, accommodation and
8 alternate assessment decision making process. LEAs
9 and SEAs should describe the process and how IEP
10 teams are trained and supported to make these
11 decisions.

12 In the last three years I've been
13 conducting a lot of work in this area and I found
14 that a lot of decision making processes about who
15 should participate in assessments and how, are
16 arbitrary. They're not well documented or imbedded
17 in the IEP process and they often bear little
18 relationship to what actually occurs on the day of
19 testing.

20 For students with disabilities, putting
21 validity into these processes I believe is linked to
22 effect IEP team processes. And I'll say more about
23

1 this later.

2 The third principle is all students with
3 disabilities are included when students scores are
4 publicly reported in the same frequency and format as
5 other students, whether they participate with or
6 without accommodation or an alternate assessment.

7 It is the case still that in some states,
8 when students take an assessment with accommodation,
9 those scores do not count and are not included in the
10 accountability mechanisms for that state.

11 The fourth principle, the assessment
12 performance of students with disabilities has the
13 same impact on the final accountability index as the
14 performance of other students, regardless of how the
15 students participate in the assessment system.

16 Many of the states do not have adequate
17 ways of representing the performance of students who
18 take alternate assessments in the final
19 accountability index.

20 The fifth point, there is improvement of
21 both the assessment system and accountability system
22 over time through the process of formal monitoring,
23

1 ongoing evaluation and systematic training in the
2 context of emerging research and best practice.
3 There are very few studies that I'm aware of to
4 evaluate the effectiveness of assessment and
5 accountability systems in our country, in an effort
6 to improve them. This should be common practice with
7 all accountability systems.

8 And finally, every policy and practice
9 reflects the belief that all students must be
10 included in the state and district assessment and
11 accountability systems. Many accountability systems
12 were underway at the time of IDEA '97. So many of
13 the procedures and practices that involve students
14 with disabilities have been retrofitted on existing
15 systems. And when you look at these systems, that's
16 apparent.

17 I think that we should go back and re-
18 examine all the policies and practices involved with
19 accountability systems, to make sure that they really
20 do reflect the idea of including all students.

21 Federal monitoring in special education
22 should include meaningful review of state
23

1 accountability systems with regard to students with
2 disabilities and provide constructive feedback on how
3 the system should be improved to better represent
4 students with disabilities in school reform.

5 My second recommendation is develop NAEP
6 as an exemplar of a universally designed assessment.
7 It has long been troubling to me and many of my
8 colleagues in state departments of education as to
9 why IDEA '97 requirements to include all students in
10 accountability assessments does not extend to our
11 nation's most prominent accountability assessment,
12 the national assessment of educational progress.

13 The most recent report on the
14 participation of students with disabilities in NAEP
15 suggest that at least half of all special needs
16 students are excluded from NAEP. There are only a
17 limited number of allowable accommodations and there
18 is not alternate assessment option for NAEP.

19 While there have been some efforts to
20 revise the inclusion criteria and conduct exploratory
21 studies on the effects of accommodation and
22 participation of students with disabilities on the
23

1 validity of NAEP scores and trends. The fact is our
2 nation's premier assessment does not reflect good
3 practice nor does it reflect what the federal
4 government is asking states and localities to do in
5 terms of inclusive assessment practices. NAEP should
6 be improved using principles of universal
7 design.

8 My third recommendation is to promote the
9 use of technology as a means to enable educators,
10 parents and policy makers to ferret out the
11 connections between student outcomes and educational
12 processes and plan for change. In my opinion one of
13 the major reasons why accountability is not working
14 is over-reliance on a single test score as a measure
15 of performance.

16 True accountability based education reform
17 requires ongoing assessment of cause and effect.
18 Multiple measures of student performance,
19 longitudinal trends and information on instruction,
20 attendance, behavior, parent involvement and homework
21 all contribute to an understanding of how things are
22 working in classrooms, schools, district and the

23

1 state and how to make them better.

2 Technology exists to make this level of
3 complex analysis accessible to educators. It is
4 important to foster the development and dissemination
5 of thoughtful and robust data systems that can
6 support careful tracking and analysis of instruction,
7 achievement in the context of schooling.

8 OSEP has invested money in technology but
9 the majority of this has been in access and
10 instruction and very little on information
11 management. Some commercial programs are available
12 to do this but they are not very attuned to the
13 special considerations of students in special
14 education and English language learners.

15 Further, meaningful accountability efforts
16 should deliberately connect all the relevant players
17 in the educational equation and engage them in data
18 driven decision making. In a longitudinal study of
19 standards implementation in Illinois our research
20 team found that discussions of this kind, when they
21 do occur, are almost always among educators
22 themselves. Parents, school board members and the

23

1 general community received very little information
2 about learning standards and student performance and
3 were given very little opportunity to ask questions
4 or give input.

5 Technology offers one means by which
6 information can be shared and significant others
7 brought into the discussion of how to improve
8 schooling.

9 Finally, I recommend that there's a need
10 to recognize that accountability requires tremendous
11 change at the local level. It must be acknowledged
12 that if accountability is to work local practice must
13 change drastically in terms of how administrators and
14 teachers function on a day to day basis and interact
15 with each other, the students they serve, parents and
16 the community at large.

17 Accountability shifts the focus from what
18 teachers do to how teachers perform academically as a
19 result of what -- to how students perform
20 academically as a result of what teachers know and
21 do. Instead of reviewing lesson plans principals
22 should be reviewing student performance data and
23

1 linking it to instructional opportunity. IEP teams
2 must think in sophisticated ways about students'
3 access to the general curriculum, instructional needs
4 and participation and valid assessment.

5 An effective accountability model must
6 take into account the political, legal, human
7 resource and time constraints that affect its
8 likelihood of successful implementation at the local
9 level. In a recent study my colleague Jim Schreiner
10 and I found that it took approximately 20 hours of
11 direct training and follow up to enable IEP teams to
12 make rational and legally defensible assessment
13 participation and accommodation decisions. This was
14 an expensive and extensive effort but it did result
15 in significant positive change in educational
16 practice.

17 We cannot just expect that change of this
18 magnitude will occur just because a law is passed.
19 Time lines for implementation, support for
20 professional development and sustained evaluation and
21 feedback are critical to support change at the local
22 level where it must occur if we're to see real

1 changes for students.

2 Thank you for allowing me to address you
3 today.

4 CHAIRMAN BARTLETT: Thank you, Dr.
5 DeStefano. The first question, Commissioner Hassel.

6 COMMISSIONER HASSEL: Your last two
7 recommendations have to do with capacity of the
8 system to live up to expectations, technologically
9 and maybe on the human side of things. I wondered
10 what your thoughts were about appropriate federal
11 role in building that capacity. Should the federal
12 government create a national information system?
13 Should it create a national professional development
14 system? Are there other tools that you would suggest
15 the federal government could use to meet those needs?

16 DR. DE STEFANO: Well, I think a
17 constructive mindset for federal policy makers to
18 take is sort of to foster real change instead of
19 quick fixes. So one thing that I think is important
20 is to think about the time lines that you're holding
21 states and localities responsible for in implementing
22 changes, and try to make them realistic with

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1 benchmarks along the way so states and localities can
2 indicate that they're making progress toward these
3 goals. But the time lines themselves be realistic.

4 And I'll give you an example with IDEA
5 '97, where the time line to implement full
6 participation in statewide assessment was very quick.
7 And what I saw states doing is doing quick fixes,
8 just sort of saying, oh my God, we've got this July,
9 2000 deadline; what are we going to do? And
10 responding to that deadline rather than really trying
11 to think about what would be a logical process for
12 doing that.

13 So I think one of the ways -- the roles
14 the federal government could play is kind of
15 responsible stewardship of the process, recognizing
16 the kinds of changes that have to occur at the local
17 level.

18 I think federal sponsorship of some
19 research and development efforts to figure out what
20 information systems can promote change at the local
21 level, and how IEPs and other special ed kind of
22 foundations can be linked into those systems. That is

23

1 not an area that is well researched and well
2 developed and that seems to need to be a responsible
3 federal role.

4 COMMISSIONER HASSEL: You mentioned some
5 principles of the design of effective accountability
6 systems, and you say that the federal government
7 should substantively review states' accountability
8 systems and provide them with constructive feedback.
9 Do you think the federal role should extend beyond
10 constructive feedback to more heightened
11 interventions in the case of states that aren't
12 living up to these principles, and what sort of ideas
13 do you have on that front?

14 DR. DE STEFANO: Well, you know, I was
15 able to attend the Reading First briefings a few
16 weeks ago and I agree with Sue Gamm that many of the
17 elements in Reading First are in line with what I'm
18 suggesting, in that even the eligibility programs do
19 have requirements within the application to meet
20 certain accountability needs. And that what they
21 were saying at the Reading First panel is that money
22 will not be given out until those basic requirements

23

1 are met.

2 So I think that a more careful review at
3 the federal level, with some good principles that
4 states can follow in putting their applications
5 together would go a long way, and knowing that are
6 funds are contingent upon following those principles.
7 I think we provide a lot of leverage for states to
8 reconsider their systems, and think about
9 accountability.

10 The piece that I think IDEA needs to
11 consider is how do students with disabilities fit
12 into that. They're referenced throughout the
13 legislation but I think IDEA needs to go to a deeper
14 level to figure out how special education funding
15 will figure into that.

16 COMMISSIONER HASSEL: You spoke about
17 decisions regarding whether a particular student is
18 going to participate in state assessments or what
19 sort of accommodations they will receive, and you
20 suggested it needs to be training of teams in how to
21 make rational decisions.

22 Do you think there also need to be
23

1 external standards applied about when it is
2 appropriate to exempt students, or do you think it's
3 purely a matter of training to insure people make
4 rational decisions?

5 DR. DE STEFANO: I think it's a
6 combination of both. I think the accountability
7 system needs to have clear expectations that all kids
8 will participate and it needs to have mechanisms that
9 allow all kids to have valid participation. But I
10 believe that the IEP team is in the best position to
11 make those decisions for individual students, and
12 they need to be trained to be able to make those
13 decisions.

14 What we found is that the training was not
15 merely in what's the rules about including kids, but
16 they had to receive information about what the state
17 standards were, what the IDEA '97 requirements were,
18 the relationship between those two things. So it was
19 a very deep level of training and a
20 reconceptualization of access to the general
21 curriculum, accountability and so on for the IEP
22 team.

23

1 CHAIRMAN BARTLETT: Commissioner Gordon.

2 COMMISSIONER GORDON: Thank you, Chairman.

3 Just as a follow up. It strikes me that in some ways
4 isn't the point of IEP'ing a child too late to
5 understand that getting to that point was well done
6 or poorly done so as to be able to catch the student
7 earlier. How would you address that?

8 DR. DE STEFANO: Well, I think the day the
9 student walks in the school on the first day of
10 school is the time to begin to assess and collect
11 information and make decisions. Yes, IEP'ing is way
12 down the line for where good intervention should
13 start. And that's some of the principles that I
14 think that an accountability system should address.
15 And I don't want to take up too much of your time,
16 but let me just give you an anecdote.

17 I've been doing a study, the Reading
18 Excellence Act Evaluation in Illinois where I'm
19 working with the 40 lowest performing schools in
20 Illinois, and there's a principal who's very
21 interested in raising reading achievement in his
22 school. He's trying very hard. He has extra money

23

1 to do. And he said to me that the kids in third
2 grade do very badly on the state reading test.
3 That's the first year they're tested, third grade,
4 and they do perform very poorly.

5 So what he's done is he's taken all of
6 these extra resources and all his efforts and he's
7 put them in the third grade. So the third grade kids
8 get special tutoring in reading and the third grade
9 kids get a lot of extra stuff in order to improve
10 reading on the third grade test.

11 He's missing the point that there's a lot
12 of days before third grade. And maybe the end would
13 be better served if the accountability system went
14 all the way down to kindergarten.

15 So yes, IEP'ing is too late. But IEP'ing
16 is very powerful and it's a central part of special
17 education, so we got to figure out how it fits in.

18 COMMISSIONER GORDON: That was going to be
19 my follow up, which is that some people would say
20 even kindergarten is too late for many of our kids.
21 Are we approaching effectiveness really the zero to
22 five, monitoring the zero to five to see how or if,

23

1 for that matter, it connects to the K-12 system and
2 could we do more there in your experience.

3 DR. DE STEFANO: I think the most
4 sophisticated approach to accountability that I've
5 seen are really P-16 in nature, from very early,
6 three to five year old to the first four years of
7 college, and having accountability measures and
8 benchmarks for that entire period.

9 So yes, I would say the earlier the
10 better. The reality is, you know, the reliability
11 and validity of assessment information at the very
12 early years is much more variable than K-12. So we
13 also need to work on better -- we're not going to
14 just be able to extend the same accountability system
15 down. We have to think of what other good indicators
16 would be.

17 COMMISSIONER GORDON: Thank you.

18 CHAIRMAN BARTLETT: Commissioner Coulter.

19 COMMISSIONER COULTER: No questions.

20 CHAIRMAN BARTLETT: Governor Branstad.

21 GOVERNOR BRANSTAD: I'll pass.

22 CHAIRMAN BARTLETT: Secretary Pasternak.

23

1 COMMISSIONER PASTERNAK: Thanks, Lizanne.
2 Let's do a couple of quick questions here. Is there
3 ever a reason in your opinion for a student with a
4 disability to be excluded from participation in
5 assessment?

6 DR. DE STEFANO: There are valid reasons.
7 In my opinion there are valid reasons for a student
8 to be excluded from the standard state assessment.
9 But there are not valid reasons for a student to be
10 excluded from representation in the accountability
11 system. So you may not be able to take the standard
12 state assessment, but there should be some mechanism
13 to represent your educational progress in the
14 accountability system.

15 COMMISSIONER PASTERNAK: So are you
16 troubled, as I am, by the fact that the current
17 version of the IDEA talks about participation of
18 students with disabilities in state and district
19 mandated testing but does not mandate their
20 participation in accountability systems?

21 DR. DE STEFANO: Yes, I'm very concerned
22 about that.

23

1 COMMISSIONER PASTERNAK: Would you
2 recommend that that's something that we consider in
3 the upcoming re-authorization?

4 DR. DE STEFANO: I would. Because again,
5 I think there's no reason to put kids in a standard
6 state assessment if it is not going to give good
7 information about their performance. But you need to
8 then figure out what is a good way to get information
9 about their performance.

10 COMMISSIONER PASTERNAK: I guess one of
11 the things, among many, that I'm troubled by is there
12 seems to be a big disconnect between teachers
13 understanding that the kinds of accommodations in
14 assessment should be the same kinds of accommodations
15 that they were using in instruction. From your
16 higher ed perspective -- I know this is not the
17 personnel prep hearing; we've already had that one.
18 But nonetheless, since it's such a critically
19 important issue, I just wonder if you'd share with us
20 why you think that occurs and what are some
21 strategies that we might be able to look at to fix
22 that.

23

1 DR. DE STEFANO: I think for many teachers
2 who have been traditionally trained in special
3 education, they get a lot of information about
4 individual assessments of children and not very much
5 about large scale achievement type tests, which are
6 typically the tests used in accountability. And so I
7 think it's fairly new arena for many teachers to
8 think about what a student would need to participate
9 in a test and they have just not made the connection
10 between their instructional accommodations and
11 testing accommodations.

12 I agree that pre-service programs could
13 make that connection stronger. But we also have a
14 tremendous need for professional development of
15 teachers who are practicing in the field to make that
16 connection as well. So I think that universities
17 play a role in pre-service to give people information
18 about accountability and assessment and the role that
19 that plays, but there's an equal, if not greater,
20 continuing education need as well.

21 COMMISSIONER PASTERNAK: Do you see it as
22 a failure on the part of higher ed to train teachers

23

1 appropriately and understanding how to make the same
2 sorts of accommodations in instruction that one would
3 then want them to make in accommodations in
4 assessments?

5 DR. DE STEFANO: I think it should
6 certainly be a part of any high qualify professional
7 development program. But I also think that it's true
8 that when teachers enter the field sometimes the link
9 between instruction and assessment is not as clear in
10 their regular day to day practice as it should be as
11 well.

12 Another example that I didn't have time to
13 talk about today but you know, I'm so tired of people
14 focusing on the test score when they talk about
15 accountability, rather than what it means in student
16 performance. So when a principal or superintendent
17 says to me I need to raise the test performance of my
18 third grade kids, I just want to scream because what
19 I think that person should be saying to me is I want
20 to raise the reading performance of my third grade
21 students.

22 So I think that our accountability systems
23

1 in general are focusing on the assessment and not
2 strongly making that link between instruction and
3 assessment. I think higher ed plays a role, but I
4 think the principals of the accountability systems
5 should say it's not just the test score, it's what
6 kids should know and be able to do.

7 COMMISSIONER PASTERNAK: Would you suggest
8 it's okay to teach to the test, though, if it's a
9 good test?

10 DR. DE STEFANO: I think that if it's a
11 really good test, it's okay to devote a significant
12 portion of instruction -- to let it guide a
13 significant portion of instruction. But I would have
14 to say that in my career, which began at age six, as
15 you know, I have not seen that many tests that are
16 worthy of being the focus of instruction. So I think
17 that -- and also for most of our accountability
18 systems we don't have good data about how well the
19 test actually represent the standards that it's
20 supposed to assess.

21 So I would say in general teaching to the
22 test is a bad idea. Although you should be cognizant
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1 of what's on the test if you're going to prepare your
2 kids fairly to take the test.

3 COMMISSIONER PASTERNAK: I see that I'm
4 not going to get the five minutes from Commissioner
5 Coulter, nor the five minutes from Commissioner
6 Branstad. Nonetheless --

7 DR. DE STEFANO: Mr. Jones is a very
8 strict timekeeper, isn't he?

9 COMMISSIONER PASTERNAK: These guys are
10 brutal up here. It's the Chairman. Anyway, I just
11 would apologize for going over my time, but very
12 briefly. We won't have time to talk about it but I
13 am intrigued greatly by your comments about the NAEP.
14 And since there is a desire on the part of the
15 President to talk about allowing states flexibility
16 as long as the state assessments are benchmarked to
17 the NAEP, I would just appreciate you sharing your
18 thoughts. If you could send it to the Commission and
19 that way you could share it with me, that I could
20 then talk with folks at OERI and NCS about some of
21 your ideas, because I think they're very important
22 ideas.

23

1 DR. DE STEFANO: I'm very worried about
2 the administration putting so much emphasis on NAEP
3 in accountability when it has this glaring flaw of
4 not really being an inclusive assessment.

5 COMMISSIONER PASTERNAK: Thank you, Mr.
6 Chairman.

7 CHAIRMAN BARTLETT: Commissioner Takemoto
8 will be the concluding questioner for the first
9 round. I do note that we will have an opportunity
10 for commissioners to have a second round of
11 questioning, so you can be preparing any additional
12 questions you may have. Commissioner Takemoto.

13 COMMISSIONER TAKEMOTO: I'm intrigued by
14 what you talked about using technology as a way of
15 measuring achievement. Are you talking about things
16 like data mining? You're talking about multiple
17 measures, sophisticated analysis?

18 DR. DE STEFANO: Right. I'm talking about
19 data systems that would be accessible to a classroom
20 teacher or even accessible to a parent that would
21 include information about classroom assessments, end
22 of unit assessments, district assessments,

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1 attendance, homework, other things, that could be
2 easily manipulated and allow aggregating up from the
3 classroom -- from the individual student to the
4 classroom to the school to the district, to enable
5 people to look at patterns of student achievement and
6 to figure out what can we do differently to improve
7 these patterns of student achievement.

8 COMMISSIONER TAKEMOTO: Does that go even
9 deeper into the analysis that this student seemed to
10 never understand word problems but can compute
11 terrifically, or would you be going up to a higher
12 level like -- I think what Marty was showing us was a
13 nice system that shows across the board, in a
14 classroom, in a school for just a single student, how
15 that student is progressing and what the needs are.

16 DR. DE STEFANO: I think ideally it would
17 do both of those things. It would go deeply for an
18 individual student but also allow for aggregation so
19 you could describe a classroom or school.

20 Our data base capacity has gotten
21 incredibly sophisticated in this country but we
22 haven't applied it very much I think to classrooms

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1 and schools. While there can be marvelous and
2 incredibly intricate things happening within the
3 computer, what the teacher or the user of the data
4 base has to do can be very, very simple to get good
5 information. So I'd like to see some of that
6 technology applied to accountability.

7 COMMISSIONER TAKEMOTO: You've done lots
8 of different research across multiple ways, and you
9 also, in the area of technology and your last
10 recommendation about making sure that teachers are
11 trained to do something. You have the 20 hours of
12 instruction. Add that to the assessment and the IEP
13 meetings and everything else, there is not enough
14 time, not enough money to do some of this.

15 So do you have any ideas about expert
16 systems for training teachers in how to do
17 appropriate IEPs or some of the stuff that you're
18 teaching in the 20 hour training.

19 DR. DE STEFANO: Well, first of all, I
20 think that the kinds of changes that we're expecting
21 at the local level are going to require commitments
22 to professional development that we have really never

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1 seen in America in education. So I report that 20
2 hour figure because that's a real number, and I think
3 we need to start thinking differently about how we're
4 going to support our teachers.

5 I think expert systems are one way to do
6 that, where teachers can actually learn on line,
7 learn asynchronously to do some of these things. But
8 again, that requires time as well to train people to
9 do that, to provide them with the technology. So
10 that's really only a part of the solution. And I
11 think a bigger challenge is re-thinking our
12 professional development and continuing education
13 system to provide teachers with the information that
14 they need to be current and effective.

15 COMMISSIONER TAKEMOTO: I'm going to go
16 ahead and let the next round go, and I'll come back.

17 CHAIRMAN BARTLETT: Executive Director Todd
18 Jones.

19 COMMISSIONER JONES: I want to ask a
20 question about the role of superintendents and
21 administrators. You had talked about how systems
22 aren't being used in many cases. My question is do
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1 you think -- the decision makers about whether to
2 implement those systems are the administrators and
3 superintendents. Is a lack of knowledge about how
4 useful these systems can be in improving learning or
5 is it an aversion to these system. To use an
6 example, the way you described the principal who
7 wanted to focus on improving the third grade
8 performance on the test or administrators who are
9 skeptical about a standards driven model for gauging
10 aggregate performance. To what extent do you see the
11 mix in those or are there other things that you would
12 say?

13 DR. DE STEFANO: I think a big thing in
14 the schools that I've been visiting recently is the
15 principal's priority and commitment to improvement in
16 the schools. Some principals I sit down and talk to
17 tell me that they spend 60, 70 percent of their day
18 dealing with behavioral issues in that school, and
19 they see that as a very, very major role in what they
20 do.

21 So they're obviously conceiving their role
22 and how to best use their effort in a very different
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1 way than as the instructional leader in that
2 particular school. So I think partly it's an issue
3 of leadership and redefining the principal's role and
4 getting people to buy into that role.

5 I also think it's a leap of faith. We
6 have not been very data driven in education in the
7 United States. So it's a leap of faith to think,
8 well, if I'm going to collect data and do things in
9 response to that data, things are really going to get
10 better. And if you've been to meetings where people
11 from successful school districts come and talk to
12 you, it's almost like an epiphany for them. Okay, we
13 said we were going to do; we did it; and oh my gosh,
14 things actually got better.

15 So part of it I think is changing people's
16 belief systems and attitudes that it will really work
17 if you commit to it and really collect data and
18 follow it. I don't think that that's been our mantra
19 in education.

20 CHAIRMAN BARTLETT: Commissioner Hassel,
21 second round.

22 COMMISSIONER HASSEL: You mentioned the
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1 need to change NAEP in various ways to make it a
2 meaningful benchmark in this area. In addition there
3 are also a lot of students taking alternate
4 assessments. Do you think there needs to be a NAEP-
5 like assessment or some other sort of federal
6 benchmark created for those kind of assessments, that
7 states have to benchmark against or is that
8 unfeasible, what are your thoughts?

9 DR. DE STEFANO: I believe that such a
10 system is necessary. I think if NAEP is going to
11 reflect best practice then it should be an inclusive
12 assessment, and everybody should be able to
13 participate in the National Assessment of Educational
14 Progress.

15 It's hard for me to think of a rationale
16 to say, well, we have a national system, National
17 Assessment for Education Progress but it's really
18 only for these kids. So I think that some alternate
19 form of NAEP is probably necessary. That's not going
20 to be an easy thing. There's already groups of
21 people who have come together to talk about it, and
22 it hurts your head after you've been in a room for a
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1 while thinking about everything that such a system
2 would have to deal with. But I don't think that that
3 should mean we don't do it. I think we should think
4 about it and think about what such an assessment
5 could involve and how it could be responsibly carried
6 at the federal level.

7 CHAIRMAN BARTLETT: Commissioner Gordon.

8 COMMISSIONER GORDON: Thank you, Chairman.
9 You talked earlier about IEPs, how they would fit
10 into an accountability system. My sense is that they
11 are wildly variable in quality. Do we have a good way
12 of assessing on a large scale the quality of IEPs in
13 an efficient enough way to actually make it work?

14 DR. DE STEFANO: There have been a lot of
15 studies on IEPs, in looking at their quality in a
16 variety of areas. I don't think I've read one that
17 says IEPs are really doing the job. I think everyone
18 agrees that the IEP process could be improved.

19 I think there's some very simple things
20 that we could do that would align the IEP process
21 better with assessment. One of the very most basic
22 has to deal with the time that IEPs are written. Very
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1 often IEPs are written in the spring of one year by
2 the group of people who have had that student for
3 that year and then the student goes to the next grade
4 and that's the grade that assessment is being done
5 in. The team that made the assessment
6 recommendations is not the team that's implementing
7 them, not the one that really deals with the
8 assessment and so you have this kind of disconnect
9 there.

10 When we did our training we said, okay,
11 let's reconvene the IEP team in the fall and write
12 another IEP for the assessment and everyone said, oh,
13 my God, we can't do that. It's too much time, it's
14 too much effort. So I think there's just some basic
15 procedural things in the way that IEPs are done that
16 if they were changed could make it better.

17 Another thing that's very simple, we
18 reviewed 680 IEPs in Illinois, randomly chosen. On
19 none of the IEPs was state assessment presented.
20 There was not a scrap of state assessment data on any
21 of the IEPs. That indicates to me that people aren't
22 thinking about the state assessment in their IEP

23

1 planning.

2 So yes, I think there's some very basic
3 things that we could do that would help that
4 situation.

5 COMMISSIONER GORDON: Thank you.

6 CHAIRMAN BARTLETT: Second round,
7 Commissioner Coulter.

8 COMMISSIONER COULTER: I want to
9 compliment you on your testimony. You've given us a
10 great deal of information. I think it goes beyond
11 even the areas which we initially asked you to
12 address.

13 As you look at the use of technology, I
14 think which you commented on, if I heard the
15 testimony correctly, that there have been appropriate
16 emphasis in terms of research and technology as it
17 relates to accommodations in instruction.

18 DR. DE STEFANO: And access, like closed
19 captioning, voice recognition, that kind of thing.

20 COMMISSIONER COULTER: Right. Could you
21 comment just a little bit more -- I think this
22 follows up on Commissioner Takemoto's question about
23

1 how the use of technology could enable more kids with
2 disabilities to demonstrate what they know on state
3 assessments.

4 DR. DE STEFANO: Well, I think that if you
5 had a good classroom level data system where you were
6 routinely entering evidence of students' progress
7 from classroom assessments and other things, and then
8 had a mechanism to summarize that for individual kids
9 or for the classroom, that could be in fact evidence
10 that you would use in an accountability system for
11 adequate yearly progress or portfolio assessment or
12 those kinds of things. I think that kind of evidence
13 would be as valid as an on-demand assessment for
14 showing what kids know and be able to do in that
15 classroom.

16 COMMISSIONER COULTER: I think our only --
17 would be that it's aggregating that kind of data up
18 and making it comparable to other students, but I
19 think it's troubling.

20 DR. DE STEFANO: If I could just respond to
21 that. I think that what you need there is some
22 really clear idea of what curriculum is and
23

1 standards. So you can aggregate it up in relation to
2 the standards and then you could report to the
3 standards. Kids can have two different ways of
4 achieving the same standard but if you're aggregating
5 it, does the kid know how to do that standard, then
6 comparability isn't really an issue.

7 CHAIRMAN BARTLETT: Second round, Governor
8 Branstad.

9 GOVERNOR BRANSTAD: Yes. I want to follow
10 up a little bit more on your comments about NAEP and
11 how you think NAEP needs to be changed in order to
12 better accommodate children with disabilities.

13 DR. DE STEFANO: Well, one thing is I
14 think that we need to up the research and development
15 that's being done on NAEP to figure out how we can
16 preserve some of the really important things about
17 NAEP. I think the longitudinal data and the trends
18 are a great thing. How we can preserve that but
19 still allow more kids to take NAEP. So I would think
20 about some studies that really documented what are
21 the effects of having students with disabilities
22 participate in NAEP with accommodations, without

23

1 accommodations, and come up with some clear cut
2 policies about inclusion and exclusion, who should
3 really participate.

4 There have been some studies that have
5 been done, but they've been very small and they
6 haven't really been substantial enough to really
7 serve as a basis for policy. So I think you need to
8 ratchet up the R&D for that.

9 The second thing is I think then there
10 needs to be an alternate to NAEP that would allow
11 kids who we would not even expect to participate in
12 the standard state assessment, to be reflected in a
13 measure of national educational progress. So I think
14 the work needs to begin to develop some kind of
15 alternate assessment for NAEP. And then I think NAEP
16 needs to be accountable. If it's going to be the
17 benchmark for all of these other things, it better
18 have students with disabilities in it. So I think
19 NAEP needs to be held accountable for the percentage
20 of students with disabilities and English language
21 learners who participate.

22 GOVERNOR BRANSTAD: Do a lot of states use
23

1 just a sampling on the NAEP? I think in this state
2 we have not had all students take the NAEP; we've
3 just had a sampling of students take the NAEP.

4 DR. DE STEFANO: Right, but the samples
5 should be reflective of all students.

6 GOVERNOR BRANSTAD: Right now it's not of
7 kids with disabilities.

8 DR. DE STEFANO: Or English language
9 learners, yes.

10 CHAIRMAN BARTLETT: Secretary Pasternak,
11 second round.

12 COMMISSIONER PASTERNAK: Can you give us
13 some thoughts about how we can get the test companies
14 to incorporate principles of universal design in
15 designing their assessments?

16 DR. DE STEFANO: I think put it into the
17 legislation and, you know, one of the things about
18 Reading First is they say, here's what assessments
19 have to have in order to be valid for Reading First.
20 Here's what your assessment system has to look like.
21 And I think putting principles of universal design
22 into that list of requirements for an assessment

23

1 system or requirements for an accountability system,
2 publishers are very interested in what Reading First
3 says. They're very interested in having their
4 products endorsed as being appropriate for that.
5 That's very powerful. And I think that will be a big
6 leverage.

7 COMMISSIONER PASTERNAK: Do you think --
8 because my crystal ball is in the shop -- do you
9 think that as we increase our emphasis on high stakes
10 testing, kind of take the discussion in a different
11 direction for just a second, that we will see more
12 kids referred for possible placement in special
13 education?

14 DR. DE STEFANO: I might be naive about
15 this, but I think that scenario has sort of come and
16 gone. I think that the fact that referral to special
17 education is such a prominent indicator in a lot of
18 accountability systems that if that is going up,
19 there's a problem. I don't see that. It could
20 always happen, but I'm not as worried about that as I
21 was four or five years ago when I thought that that
22 might be a problem.

23

1 COMMISSIONER PASTERNAK: Let's talk for a
2 second about progress monitoring that you mentioned
3 earlier. Why do you think there's been such a
4 failure to scale up progress monitoring across
5 special education in the country, and what do you
6 think we might be able to do about that?

7 DR. DE STEFANO: What do you mean by
8 progress monitoring?

9 COMMISSIONER PASTERNAK: You were talking
10 earlier about IEPs and monitoring the progress that
11 kids make. I think one of the challenges for us is
12 to look at AYP for kids with disabilities because I
13 think unfortunately we haven't really expected kids
14 with disabilities to make the kinds of progress that
15 we should. That's philosophical. So I guess the
16 question is we know that progress monitoring works,
17 we know how powerful the technology is. It's been
18 around for a very long time. We keep hearing around
19 the country that there hasn't been sort of scaling up
20 of progress monitoring.

21 DR. DE STEFANO: I think teachers and
22 principals are getting mixed messages. They have the
23

1 IEP, which is supposed to be the cornerstone of
2 special education, it's supposed to really drive the
3 process. But really, it's not a very useful document.
4 Because of lots of problems, one of them being that
5 it's really not outcomes oriented, it's very hard to
6 use the IEP as an accountability document. If you've
7 been a teacher and you've tried to do it, it really
8 is a hard process to do.

9 Sometimes, as we said, with the timing you
10 inherit an IEP that was written by somebody else,
11 that you're going to do different things with that
12 kid. So I think that special education has tended to
13 rely on the IEP as its accountability system and it
14 really doesn't fit the purposes of the new
15 accountability system that we're seeing.

16 I think maybe one of the reasons we're
17 behind is they've sort of taken comfort in, well, we
18 have this IEP so we're accountable, when really
19 they're being asked to do different things.

20 COMMISSIONER PASTERNAK: I see my time is
21 up here, but based on what you said earlier and in
22 response to a question I asked a different panel,
23

1 would you be in favor of us having a national
2 alternate assessment?

3 DR. DE STEFANO: Yes.

4 COMMISSIONER PASTERNAK: What would that
5 alternate assessment look like?

6 DR. DE STEFANO: I have no idea.

7 COMMISSIONER PASTERNAK: Well, you got a
8 minute.

9 DR. DE STEFANO: But I'd be willing to
10 think about it. We've had some preliminary
11 discussion, and I think a good place to start is to
12 take the NAEP frame works, because they are pretty
13 commonly accepted, valid frame works, the content
14 frame works in NAEP, and see how they could be -- how
15 they could play out for the population of kids who
16 would be taking an alternate assessment and then try
17 to figure out what would be valid representations of
18 student performance to meet those modified frame
19 works.

20 COMMISSIONER PASTERNAK: I think there are
21 lots of issues for us to think about in
22 conceptualizing that. For example, kids with autism
23

1 apparently do better with reality based text, non-
2 fiction than they do with fiction. So when we talk
3 about universal design, then I think people like us
4 would be able to sit around and say we ought to have
5 items -- less non-fiction -- I mean more non-fiction
6 items and less fiction items as a way of
7 accommodating the needs of kids with autism.

8 DR. DE STEFANO: Or student choice as a
9 way of accommodating that.

10 COMMISSIONER PASTERNAK: Yes. Thank you
11 very much.

12 CHAIRMAN BARTLETT: Without objection,
13 we'll hold the hearing record open for 30 days, if
14 you could prepare an additional response on that
15 point. I think it would be very helpful to us.

16 DR. DE STEFANO: Great.

17 CHAIRMAN BARTLETT: And for the final
18 question, Commissioner Takemoto, second round.

19 COMMISSIONER TAKEMOTO: You've danced
20 around this and I'd like for you to just give us
21 something more specific. IEP is not -- even though
22 the law says it needs to be measurable, you know,

23

1 progress, benchmarks, all those other things, in
2 practice it's not necessarily doing that.

3 DR. DE STEFANO: That is correct.

4 COMMISSIONER TAKEMOTO: Would you
5 recommend as an alternative to IEP some of the multi
6 variant performance data so if the child is making
7 yearly progress or annual progress you would not
8 necessarily need an IEP?

9 DR. DE STEFANO: What I would like to see
10 if I would like to see multiple measures of student
11 performance integrated into the IEP as a way of
12 checking to see whether students were making adequate
13 yearly progress. Right now, what is typically done
14 is the goals that are stated on the IEP are -- okay,
15 did they achieve that goal, did they not achieve that
16 goal? Well, if you read IEPs, they don't cover
17 everything that a student does in their educational
18 program. Often you can't figure out what they cover.
19 You read an IEP and you look at a student and you
20 think, how do these two things match up?

21 So I would like to take it beyond the
22 goals that are on the IEP and in the present level of
23

1 educational performance, talk about that child's
2 performance in relation to the educational standards
3 of that state and make a judgment about present level
4 of performance broadly, not just related to the
5 specific goals of the IEP.

6 COMMISSIONER TAKEMOTO: Then how do you
7 measure performance? For instance, a child taking a
8 test in eighth grade gets a 30 percent. They take
9 that same -- they take a different test in ninth
10 grade, they get a 30 percent. They take a different
11 test in tenth grade, they get a 20 percent, 20th
12 percentile. The target is moving up all the time, so
13 is staying at 30 percent progress, is dropping down
14 to 20 percent lack of progress, because of the
15 different ways that kids learn. Can you speak to
16 that a little bit?

17 DR. DE STEFANO: I think it's hard to
18 speak -- I don't mean to be dancing, but I think it's
19 hard to speak in generalities about that, because
20 obviously if a kid's performance declines, there can
21 be lots of reasons for that. Perhaps there's a
22 medical reason, a physical reason, an emotional

23

1 reason and so on. So I think the best group of
2 people to interpret student performance and say
3 whether or not it's a decline, whether it's to be
4 expected, whether they're making adequate progress is
5 the IEP team and the parent as an active member of
6 that IEP team.

7 But that team has to be also incorporating
8 benchmarks to say, okay, we think that it's adequate
9 yearly progress, but here's compared to external
10 standards, and here's why we think that difference is
11 a valid one or here's how we explain that difference.
12 So it's a combination of data on student performance,
13 a well trained IEP team who knows what their job is
14 and some external benchmarks to sort of frame the
15 analysis of is this adequate or isn't this adequate.

16 COMMISSIONER TAKEMOTO: And that takes
17 teacher prep?

18 DR. DE STEFANO: It takes a good
19 accountability system that you can figure out. It
20 takes teacher preparation and it takes data.

21 COMMISSIONER TAKEMOTO: And moving beyond
22 the reason that your child isn't progressing is he
23

1 has a disability, to really figuring out what's going
2 on here. And I don't know that that's the way IEPs
3 are currently structured, really gets at what's going
4 on behind this.

5 DR. DE STEFANO: Right.

6 COMMISSIONER TAKEMOTO: But again that
7 takes a lot more work. Are there ways that we can do
8 it smarter so it's not adding thousands of hours onto
9 what teachers are already doing?

10 DR. DE STEFANO: Well, I guess maybe
11 changing the focus of the IEP, not from assessing
12 whether they've achieved the individual goals and
13 objectives that are stated on the IEP because we know
14 that those aren't comprehensive. But requiring that
15 they address in the IEP team the broader issue of how
16 is this particular student meeting the goals of the
17 general curriculum or the goals for that state or
18 learning standards or whatever the big picture is,
19 and having that be part of the IEP. That's why I
20 think we're missing the accountability loop.

21 Before there was alternate assessment,
22 you'd go into a state and you'd say, okay, how are

23

1 you assessing the kids who aren't participating in
2 the traditional assessment? They'd say, well, IEP
3 progress. And you'd say, well, are you assessing IEP
4 progress? And they'd say, well, we don't really know.

5 So that's why I think we're missing the
6 boat there and that's how I think IEPs can be
7 improved.

8 CHAIRMAN BARTLETT: That would be I think
9 a fair challenge to the Commission to sum up the
10 morning.

11 DR. DE STEFANO: Why don't you just do
12 that?

13 CHAIRMAN BARTLETT: That would be our
14 challenge. Dr. DeStefano, we very much appreciate
15 both your testimony and the testimony of all of our
16 witnesses this morning.

17 We will now recess for one hour for lunch
18 and reconvene at 1:00.

19 19

20 (Whereupon, at 12:05 p.m., a

21 21

22 luncheon recess was had.)

23

1 CHAIRMAN BARTLETT: Proceed to your seats
2 and the hearing will come to order. The afternoon
3 session of the Task Force on Accountability Systems
4 of the Commission on Special Education is hereby
5 convened.

6 Our next panel is entitled Accountability
7 Systems for Assuring Proper Use of Alternate
8 Assessments. To introduce our witnesses, Governor
9 Terry Branstad.

10 GOVERNOR BRANSTAD: Thank you very much,
11 Steve. The first witness will be Paul Marchand,
12 Assistant Executive Director for Policy and Advocacy,
13 and he heads the National Governmental Affairs Office
14 for The ARC of the United States, formerly the
15 Association for Retarded Citizens of the United
16 States.

17 The ARC's Government Affairs Office
18 assists federal agencies and the U.S. Congress in
19 formulating programs and benefits for individuals.
20 He's a graduate of Fitchburg Massachusetts State
21 College where he majored in special education. He
22 recently received his college's distinguished alumni
23

1 award.

2 Martha Thurlow is the Director of the
3 National Center on Educational Outcomes at the
4 University of Minnesota. In this position she
5 addresses the implications of contemporary U.S.
6 policy and practice for students with disabilities
7 including national and statewide assessment policies
8 and practices, standard setting efforts and
9 graduation requirements.

10 Daniel Wiener is the assessment
11 coordinator for the Special Populations with the
12 Massachusetts Department of Education where he
13 coordinates development and implementation of
14 statewide alternative assessment for students with
15 significant disabilities. He's a graduate of Clark
16 University where he studied education.

17 Paul, are you going to go first?

18 CHAIRMAN BARTLETT: Do any of you require
19 additional time?

20 MR. MARCHAND: Mr. Chairman, I'm looking at
21 that metal bell and the last thing I want is another
22 thing to set off the alarm so that my luggage gets

23

1 checked. So I'm hoping to violate all the rules so I
2 don't get the bell. Hopefully we'll try to get it
3 all in, in ten minutes.

4 I thank the task force very much for this
5 opportunity. I will make a few opening comments and
6 then summarize my recommendations into one conclusion
7 in my written statement. I do this representing The
8 ARC, but I would say that most of the viewpoints that
9 I will be talking about are shared by many of the
10 Washington based consortium of Citizens with
11 Disabilities Education Task Force.

12 The legislative history and actual
13 practice recognizes that a very small proportion of
14 special education students should be considered
15 candidates for alternative assessments. And that a
16 high proportion of such students would be those with
17 more severe levels of mental retardation and other
18 cognitive impairments.

19 I would remind us all of the strong
20 linkage between alternative assessments, the IEP,
21 access to general curriculum, high school graduation
22 and ultimately to employment, economic independence

23

1 and a successful productive adult life for students
2 with disabilities.

3 For too many students today school
4 districts are not successful in preparing them for
5 successful adult life. And we've heard today many of
6 those key indicators; high drop-out rates, low
7 graduation rates, transition from school into
8 nothing, and a 70 percent national unemployment rate
9 for people with disabilities.

10 While we recognize the schools and
11 educators are not solely responsible for these
12 negative outcomes there is clearly much room for
13 improvement in our nation's schools. Parents and
14 students themselves want and deserve better results.

15 I say this not to criticize the statutory
16 construction of IDEA but to call for improved
17 implementation. The ARC is concerned with the entire
18 life span of people with mental retardation. We know
19 from our extensive work on Social Security, Medicaid,
20 Medicare, vocational rehabilitation and other job
21 training programs that success in special ed can mean
22 the difference between dependence and independence

23

1 with huge costs to taxpayers and the loss of human
2 potential when things don't go right.

3 For example, today our nation saves about
4 three and a half million dollars per child in
5 preventing institutionalization over the life of an
6 individual, even after we subtract the cost of
7 special education. Pre-public law 94-142, there are
8 almost 60,000 school aged children living in
9 institutions for people with mental retardation.
10 Today there are fewer than 3,000 such children. This
11 may be an unintended consequence of IDEA but what a
12 terrific outcome for the children and for the
13 taxpayers.

14 Given the continued challenges for success
15 that all students with disabilities face it is
16 paramount that IDEA succeed and that all students
17 succeed. We believe the measurement of students'
18 outcomes for all students through appropriate
19 assessment instruments is a most important component
20 in that outcome determination.

21 Now, I'd like to summarize six
22 recommendations and my single conclusion in regards
23

1 to accountability and alternative assessments.

2 Number one, alternative assessments are
3 relatively new, the tools themselves, the decision
4 making process on who they apply to and everything
5 else surrounding them are fairly new science.

6 Parents, teachers, administrators need to learn more
7 about these assessments. The federal government must
8 deploy more and better guidance, training, technical
9 assistance and best practice dissemination if fair
10 and prompt implementation is to be realized.

11 Number two, within desired flexibility
12 major inconsistencies among states and schools that
13 we have today such as minority over-representation,
14 application of discipline procedures and the over-
15 utilization of segregated environments must be
16 avoided in the use of alternative assessments, now
17 and in the future. Again, the federal government can
18 be of great help to prevent this with appropriate
19 intervention, with effective data collection and
20 interpretation, training, technical assistance and
21 best practice dissemination.

22 Three, the potential overuse of
23

1 alternative assessments likely the result of low
2 expectations or the lack of access to the general
3 curriculum must also be avoided. We believe that no
4 more than two percent of all children with
5 disabilities should receive alternative assessments.
6 And preliminary reports from OSEP indicate that SEAs
7 and LEAs are on a good path here, but scrutiny and
8 intervention will likely be needed in places where
9 two percent goal is exceeded.

10 The next, to assure appropriate decision
11 making on the use of alternative assessments it is
12 vital that parents, students and teachers are trained
13 since they will be the key decision makers as part of
14 the IEP team. For the vast majority of parents this
15 will be new territory and they deserve the
16 opportunity to learn about the tests, how they are
17 applied and the potential ramifications of their
18 decisions. Again the federal government must create
19 and help finance training initiatives.

20 Next, there are important inter-
21 relationships between the alternative assessments,
22 access to the general curriculum, academic and
23

1 functional achievement and post-school outcomes.
2 We've heard a lot about that all day. As the federal
3 government analyzes via data and other means how
4 alternative assessments are working, they should also
5 review these inter-relationships to obtain a better
6 global picture regarding the ultimate outcomes.

7 The final IDEA regulations on alternative
8 assessments are minimally prescriptive and give
9 states great flexibility. The federal government
10 should carefully assess the overall application of
11 alternative assessments on outcomes and provide more
12 guidance where necessary, given the minimally
13 prescriptive regs.

14 Finally, beginning in July, 2000 states
15 are required to report data collection under use of
16 alternative assessments. Early indications are that
17 some states are well ahead of others in meeting this
18 requirement. Now that we're in 2003, what is the
19 federal government's response for those states who
20 are well behind? As you may have deduced from my
21 recommendations, none of them point to the need for a
22 statutory change in IDEA. Instead they all point to

1 a better and expanded arsenal of guidance, training,
2 technical assistance, dissemination to states and
3 LEAs, educators and parents from the Department of
4 Education.

5 I'm sorry that Dr. Pasternak is here
6 because my final statement says thus: -- and OSEP
7 leaders should consider these recommendations as
8 their homework assignment for the coming year in
9 regards to alternative assessments. Thank you for
10 the opportunity.

11 CHAIRMAN BARTLETT: Thank you, Paul. Dr.
12 Thurlow.

13 DR. THURLOW: Thank you. Can you hear me
14 okay?

15 CHAIRMAN BARTLETT: Closer.

16 DR. THURLOW: Really close. All right.
17 Thank you. I'd like to address you from the
18 perspective of what I've learned over the past decade
19 working at the National Center on Educational
20 Outcomes. It's a federally funded project, OSEP
21 funded, to look at issues surrounding outcomes for
22 students with disabilities and most recently, really

23

1 focusing on assessments for those students. And I
2 want to speak primarily now about the alternate
3 assessment and other alternatives for including all
4 students in assessment and accountability primarily.

5 We've been looking at the inclusion of
6 students with disabilities in assessment and
7 accountability systems now for more than a decade and
8 I think the progress that has been made is really
9 striking. For those students in the regular
10 assessment system, pretty much states have figured
11 out how to provide accommodations, how to begin to
12 adjust instructions so that students do have access
13 to the general curriculum and can succeed both in
14 standards based instruction and in standards based
15 assessments. We're clearly not there everywhere and
16 not for every student, but the progress really is
17 dramatic I think.

18 The dramatic changes I believe are
19 directly attributable to IDEA '97 and the requirement
20 that students with disabilities be included in state
21 and district-wide assessments. The IDEA requirement
22 that states and districts develop alternate

23

1 assessments for those students unable to participate
2 in regular assessments has been a greater challenge
3 for many states, probably for the majority of states.
4 The fact that it is a challenge doesn't mean that it
5 cannot be done. Requiring that alternate assessments
6 be part of states' accountability systems I believe
7 is going to help insure that the same dramatic
8 progress that we're seeing for other students with
9 disabilities also is going to occur for those
10 students with the most challenging and complex needs
11 in our educational systems.

12 Questions that NCEO often hears are ones
13 like aren't alternate assessment students working on
14 different standards; how can alternate assessment
15 students be considered proficient; how can you
16 aggregate the scores of alternate assessments
17 students with the scores of other students?

18 I've provided the Commission with a paper
19 that is very long, because it addresses more than
20 just alternate assessment. I did that because all
21 aspects of the assessment system and the
22 accountability system are linked to each other. If

1 you talk about alternate assessments and you don't
2 also address what's going on in terms of
3 accommodations you're not going to get the whole
4 picture. So when something is done to one part,
5 something bulges in another part. So the paper that
6 I've given you is long and comprehensive. And today
7 I only want to talk about the alternate assessment.

8 I'd like to focus on why it is important
9 that IDEA include a requirement that alternate
10 assessments be included in state accountability
11 systems, a requirement that would be consistent with
12 the requirements now in No Child Left Behind.

13 Second, I want to comment on the
14 importance of allowing states the opportunity to have
15 their alternate assessments evolve through the
16 typical assessment development process that states
17 have used for their regular assessments, so that
18 alternate assessments can make it possible to
19 document improvement in performance for the students
20 who are in the alternate assessment, those students
21 with significant disabilities.

22 And then finally, I'm going to urge that
23

1 the array of alternatives be limited so that states
2 really can align the regular assessment and the
3 alternate assessment to standards and not shuttle
4 students into non-standards based assessments.

5 So my first recommendation is that states
6 include -- there be a requirement that states include
7 all students with disabilities in accountability
8 systems regardless of the way in which they
9 participate in the assessment system. I think
10 research is confirming that assessments can help
11 drive improvements in standards based instruction,
12 particularly for those students who previously have
13 been left out. So we now have students being included
14 and as a result their instruction is improving.

15 Alternate assessments, when they've been
16 carefully developed can serve the same function for
17 driving improvements in instruction for students with
18 significant disabilities. For this to happen we have
19 to recognize the challenges of low expectations for
20 students with disabilities, we have to support
21 educators' skills in providing instruction to
22 students with disabilities and we have to insure that

1 alternate assessment developers have aligned their
2 alternate assessments to state standards. I don't
3 think that's happening everywhere at this point.
4 That's an important piece.

5 All states have been working in some way
6 to develop their alternate assessments. NCEO,
7 National Center of Educational Outcomes has been
8 documenting what's been happening. We see that most
9 states are using a body of evidence approach
10 collected by educators, parents and the student to
11 demonstrate and document the student's skill and
12 growth toward those state standards.

13 Sometimes the alternate assessments also
14 incorporate characteristics of the educational
15 support that the student is getting. In states I
16 believe that have figured out how to align to
17 standards and have carefully thought through who
18 really needs to be in the alternate assessment, we
19 are seeing that there are fewer than two percent of
20 the total population in the alternate assessment.
21 This translates to about 20 percent of the students
22 with disabilities.

23

1 However, we see in some other states that
2 have chosen different kinds of approaches, that
3 perhaps haven't aligned to their standards, that 40
4 percent or more of their students with disabilities
5 have been designated for participation in the
6 alternate assessment. Some of these states have a
7 two prong approach to their alternate assessment, one
8 prong for students with significant complex
9 disabilities, the other prong for students who are
10 functioning not on grade level. Alternatives for
11 students not functioning on grade level are likely to
12 result in negative instructional consequences for
13 those students I believe.

14 To the extent that states develop clear
15 guidelines for who should participate in the
16 alternate assessment and to the extent that those
17 guidelines define a group of students with
18 significant complex disabilities, then it is possible
19 to hold alternate assessment students to high
20 standards and to document how they can reach
21 proficient status.

22 Many states are finding that as they
23

1 implement their alternate assessments significant
2 benefits are accruing to those students who are being
3 assessed and to their teachers. If a decision was
4 made for some reason not to include the alternate
5 assessment in the accountability system, it is likely
6 that the number of students pushed into that system
7 would increase. It's also likely that the
8 significant positive benefits of assessments on
9 instruction for those students would not be realized.

10 Second recommendation: allow those
11 alternate assessments to evolve through the typical
12 assessment development process. I think that there
13 are many states now that have really followed that
14 process, so that they think very carefully about what
15 the standards are, that they go through a process of
16 scoring portfolios if that's the approach that they
17 use, that they do standard setting in the same manner
18 that standards are set for regular assessments, that
19 in those cases of thoughtful processes resulted in an
20 alternate assessment that truly does identify
21 standards for students with the most significant and
22 complex disabilities and that can assess whether
23

1 students are proficient or not. Many states,
2 Massachusetts is one example, and we're lucky to have
3 Dan here today to explain in more detail what that
4 means.

5 Third recommendation: limit the array of
6 alternate assessments so that states do not shuttle
7 students into non-standards based assessments. I
8 think this is the easy way out and that there are
9 some states that have jumped on easy avenues to
10 saying they're including all students, but not
11 keeping those students on that standards based avenue
12 to really be able to move towards standards and to
13 have their instruction improved in the end. I think
14 that out of level testing is one of those that I
15 worry about. Off the shelf individualized
16 assessments is an avenue for an alternate assessment
17 is another one that I worry about.

18 Let me conclude by saying that as we
19 consider the re-authorization of IDEA it's critical
20 that we stay the course in the requirements for
21 students with disabilities to participate in
22 assessments, and part of that I think we need to add

1 that we need to have accountability for all students
2 and that really means all students, students in the
3 regular assessments, students using accommodations,
4 students in the alternate assessment.

5 With that, I'll end.

6 CHAIRMAN BARTLETT: Dan.

7 MR. WIENER: It's a distinction to be the
8 last person to address the Commission for today.
9 I'll do the best I can. I would like to shift down
10 below, though, and show you some overheads, if I
11 could.

12 I'm going to echo much of what you've
13 heard today and I'm going to share with you how, in
14 Massachusetts, we have put the requirements of IDEA
15 '97 into place in terms of assessing those students
16 with the most difficult to assess and who typically
17 have been left out assessment systems previously. And
18 I'll begin by stating my recommendations, because I
19 believe that's what you asked me to do first.

20 We believe in Massachusetts that it's
21 important to include all students in the assessment
22 and accountability systems that we've set up. Right

23

1 now 95 to 99 percent of all students with
2 disabilities are participating in assessments. All
3 of those are included in our accountability index.
4 We don't believe there is any excuse for not
5 including a student with a disability except perhaps
6 for a medical excuse on the day of the test or for a
7 student who misses a significant portion of their
8 instruction due to illness. Otherwise, our goal is
9 to include 100 percent of all of these students.

10 We also believe that we want to continue
11 the push to mandate the provision of all necessary
12 test accommodations. We in Massachusetts offer a full
13 range of those accommodations including some non-
14 standard accommodations and fully aggregate these
15 results into all of our reports. And continue to
16 provide the requirement to include alternate
17 assessment as part of that system. In terms of the
18 success that we've enjoyed in Massachusetts, I can
19 say that the federal requirement was instrumental in
20 leading to these efforts and these results.

21 It's important to include students with
22 significant disabilities in the assessment because

1 their educational needs matter as well. We currently
2 assess in our alternate assessment one percent of our
3 assessed population, of the general population of
4 students in alternate assessments. We know that when
5 those students participate and the results are
6 counted, they get the goods. They get the resources
7 that normally would have been sent to students who
8 were contributing to the overall score of a school.
9 So now these students count. They're starting to get
10 video cameras, money for field trips and other
11 resources, texts, manipulatives, etcetera that they
12 were heretofore denied because it wasn't even seen as
13 an essential part of their instruction.

14 We believe that as our curriculum frame
15 works document indicates, standards are valued in
16 outcomes for all students. All means all and it's a
17 state's responsibility to figure out what that means
18 in terms of its students who are significantly
19 disabled. We also feel that if we think that all
20 students can learn, and we do, that we need to
21 document how that's occurring. We need to provide
22 challenging instruction for those students based on

1 standards that allows them to show progress and
2 improvement, and starting with the requirement to
3 assess those students after July 1st, 2000 we've
4 begun to do that.

5 But there are a number of steps that
6 states need to undertake before this can truly begin
7 to work. What we believe that states have had to do
8 and what we in Massachusetts did, as soon as we heard
9 about the new requirement for alternate assessment,
10 is think about who these students should be. Are we
11 talking about 20 percent of our students? Are we
12 talking about five percent? Are we talking about
13 those students who absolutely without a doubt, even
14 given accommodations can't participate in an
15 assessment?

16 These should be promoted as guidelines
17 rather than requirements or criteria and we've indeed
18 given IEP teams these guidelines for their decision
19 making. We also needed to discuss what approach would
20 allow these students to demonstrate their learning,
21 their achievement and performance in the most varied
22 way possible.

1 We also think we need to define what it
2 means to have access to the general curriculum. It's
3 not enough to say access to the general curriculum.
4 It sounds like a platitude, a mantra without much
5 substance to it. We did the hard work I believe in
6 teasing out our learning standards along a continuum
7 of learning. If we can get the machine to work, I'll
8 be happy to show you what that might look like. But
9 I believe the Commission has a copy of our overheads,
10 so I'll continue to follow along with those as we
11 move through the presentation.

12 We've gotten good advice from our
13 statewide Advisory Committee and our contractor. We
14 work with an excellent contractor by the name of
15 Measured Progress which is formally known as Advanced
16 Systems. They were among the first assessment
17 contractors to delve into the arena of alternate
18 assessment. They've helped us greatly, wonderful to
19 work with.

20 We also now have a network of teachers who
21 are beginning to give us good feedback on our system,
22 on our scoring guidelines, telling us what works.

23

1 We've given them a lot of responsibility to help us
2 and they've responded well. They've really been an
3 incredible group to work with, and I believe that
4 they have seen that the department is willing to
5 listen to what we have to say to them. So this is an
6 important relationship, this three-way relationship
7 that all feeds into the middle. We're the managers
8 of the alternate assessment. We listen and take and
9 carefully review all the advice that these entities
10 present us with.

11 We've had to come up with guidelines for
12 teams to understand who the kids are who must take an
13 alternate assessment or at least who should be
14 considered for alternate assessment. What you see up
15 here is more or less the classic definition of a
16 student with a moderate to severe cognitive
17 impairment who has substantial modifications to their
18 instruction and the level and content of that
19 instruction, and whose instruction typically is
20 intensive and individualized. They're not students
21 for whom you get good information on a paper and
22 pencil test. That's not the typical way you'd assess
23

1 a student like this.

2 But we understand, and thanks to some
3 guidelines, put forth in IDEA '97 originally, we were
4 thinking about students who might require alternate
5 assessments who weren't necessarily cognitively
6 impaired. And we know for a fact now that there are
7 a number of students, a small number of those, who
8 are alternately assessed who present unique and
9 significant challenges to their testing. Those
10 challenges can't be overcome through the use of
11 accommodations. Those students also should be able
12 to take an alternate assessment. They're students who
13 have Cerebral Palsy, they're students who are
14 behaviorally impaired, they're students who are
15 medically fragile and other students for whom taking
16 a standard assessment would take more time, more
17 effort and would put them at risk more than is
18 absolutely necessary. So we have two kind of groups
19 of alternate assessments that we're looking at. They
20 all are based on a portfolio that looks something
21 like this.

22 We have some required forms, but the bulk
23

1 of the portfolio is evidence, either in the form of
2 work samples, data charts or video tape or some
3 combination of those that show us evidence of a
4 student's level of performance in three areas called
5 strands in each subject.

6 This is one of the most rigorous alternate
7 assessments in the country we believe, but it
8 absolutely was designed to parallel as much as
9 possible the standard assessment. We had to figure
10 out a way to score a portfolio and came up with
11 several scoring criteria that we believe can be
12 applied universally. A universal rubric has to be
13 flexible and broad and generally stated, but we have
14 been able to come up with a way to do this.

15 We looked at portfolios in terms of how
16 difficult or complex the material is, how accurate
17 the student's response was, how independently they
18 gave that response, whether they are making choices
19 and self-evaluating, reflecting on their performance
20 and the number of ways and times and places and
21 adults with which they apply these skills, the number
22 of different settings and learning environments in
23

1 which this occurs.

2 We've also thought carefully and long and
3 hard and done some very exhaustive work on access to
4 the general curriculum, what that means. We've
5 looked at our standards. We've tried to tease out
6 the essence of each standard, what is the big idea,
7 the core content, the key concepts in each standard.
8 We've teased them out along a range of what we call
9 entry points, low, medium and high complexity and
10 then the standard as written. We did that with
11 panels of educators who work together to do this for
12 every single learning standard in the assessed
13 subjects. And then we give this information to
14 schools and to IEP teams to set challenging goals for
15 each student.

16 This is what a standard for algebra looks
17 like. The grade seven and eight learning standard
18 for algebra is to solve simple algebraic expressions
19 for given values. We know that the essence of this
20 standard is to use symbolic representation for
21 unknowns and variables, to determine what those
22 variables are and to simplify algebraic expressions.

23

1 So using a model such as this, where you start with
2 the standard as written and move successively
3 downward in complexity, the point is to find, to
4 identify challenging, achievable, meaningful and
5 measurable outcomes for each student that relates to
6 the standard as written.

7 This is what we think has helped us get
8 where we are now. We have good leadership at the
9 department that puts out a uniform message. We've
10 got the contractor. We've done extensive
11 professional development and we support our teachers.
12 It's critical that teachers feel supported. We come
13 at them with a brownie, not a stick. We help them
14 get where they are by rewarding good practice and
15 giving them incentives, not sanctions. And obviously
16 good communication.

17 I'm on my next to last slide here.
18 Conclusions that we draw right now from this are
19 that, as Paul said, this is brand new. We have one
20 year of good data. We're not even sure how great the
21 data is but what we know from this data that we do
22 have is that teachers spent the first year primarily
23

1 learning the process. We're not certain that the
2 data we have actually reflects student performance
3 and achievement yet. We're getting there. We're set
4 up to do it. We need to make certain that teachers
5 know what they're doing so that we can ascertain this
6 a little bit better.

7 But early evidence suggests that this is
8 leading to better teaching. Teachers understand the
9 standards and how to adapt for their students.
10 They've got much higher expectations for their
11 students than they had before. We've seen some
12 unanticipated gains on an anecdotal basis primarily,
13 and that teachers are beginning to use the results of
14 the alternate to set challenging goals for their
15 students.

16 And I will end with a quote that is fairly
17 typical, although it doesn't reflect every teacher in
18 Massachusetts. A middle school teacher, special
19 education teacher working with this population said:
20 "At first I thought standards made no sense for my
21 students because they were so disabled. After
22 learning about entry points, which is the way we

23

1 access our standards along the continuum, I realized
2 all my student could participate meaningfully in
3 standard based instruction. Now I'm raising the bar,
4 setting challenging outcomes for them and they're
5 meeting higher expectations and I'm seeing their
6 unanticipated gains that I never thought possible."
7 So I think this is good testimony from the field.

8 CHAIRMAN BARTLETT: Commissioner Takemoto
9 for the first question, and Commissioner Coulter will
10 be second.

11 COMMISSIONER TAKEMOTO: Thank you to the
12 whole panel for speaking to students who may not be a
13 part of the regular accountability systems, but
14 giving us -- I'm sorry. I'm looking at Martha. --
15 the way that they are designed now, but giving us
16 ways of bringing them into that whole statewide
17 accountability system.

18 Dan, you're talking about this as being
19 your first year of really implementing this new
20 approach.

21 MR. WIENER: This is our second year. We
22 have one year of data. We're in our second year. We

23

1 also had a field test where we were refining the
2 process. So we've been living and breathing alternate
3 assessment in Massachusetts for about three years
4 now, both one year of statewide data.

5 COMMISSIONER TAKEMOTO: Previous speakers
6 talked about not requiring people to do things, turn
7 on a dime. We've had five years since IDEA '97.
8 Martha, how much longer is it going to take states to
9 make their accountability systems more -- a part of
10 the statewide accountability for alternate
11 assessment?

12 DR. THURLOW: There's not a simple answer
13 to that question because states are in such different
14 places. There's a handful of states who could do it
15 right now I think.

16 COMMISSIONER TAKEMOTO: Who are doing it
17 right now.

18 DR. THURLOW: Who are doing it right now.
19 And there are other states that are probably sort of
20 holding off saying, well, maybe this will go away,
21 typical kinds of responses. So we have the whole
22 range of progress in terms of meeting what IDEA '97

23

1 required, just the same way as when we think back to
2 ESEA in '94 and what it required. Not all states got
3 there right away.

4 How long is it going to take? I think it
5 will go quicker if we have some strong requirements
6 that all kids must be accounted for in the
7 accountability system. That's going to help. And
8 then as others before us have talked about, actually
9 putting some benchmarks along the way and having some
10 consequences would help, too.

11 COMMISSIONER TAKEMOTO: What are the
12 biggest stumbling blocks -- what's in the way of
13 doing tomorrow?

14 DR. THURLOW: My opinion, the first
15 stumbling block is an attitude in low expectation,
16 not believing that all kids really can learn. So
17 that's a huge stumbling block.

18 COMMISSIONER TAKEMOTO: Can you legislate
19 attitudes?

20 DR. THURLOW: You can't legislate
21 attitudes, but what you can do is make sure that the
22 places that are doing it, that information gets out
23

1 there so the people do see it can be done. Every
2 time I speak to audiences about expectations for
3 kids, somebody always either during the presentation
4 or afterwards comes up and says, you know, that's
5 where I was. It wasn't until I had to do it that I
6 realized that these kids could do it. I was shocked
7 how well they did. So it's part of getting beyond
8 that by having to do it I think.

9 COMMISSIONER TAKEMOTO: So just having
10 people have to do it. What are the carrots? I've
11 heard a lot about sanctions. What are the incentives
12 for anybody on the panel?

13 MR. WIENER: For us the key has been
14 teachers, as I said. We identify and reward good
15 practice. We've created a teacher network of folks
16 who helped us score last year. We've looked at what
17 they've done. We've told them that's great, can you
18 help train other teachers to do what you do? And
19 we've trained them to be trainers. We now have -- I
20 started this doing it myself out of a cubicle and now
21 I have 150 teachers doing the work with me and for
22 me, which has been wonderful.

23

1 COMMISSIONER TAKEMOTO: With compensation?

2 MR. WIENER: Sometimes there's
3 compensation involved, but typically it's in the form
4 of reimbursements from our contractor to the school
5 for the substitute that has to take the place of the
6 teacher who's going out to train. There are a number
7 of ways in which you just -- you listen to teachers.
8 You don't tell them what they have to do. You kind
9 of treat them respectfully and professionally. And I
10 guess I agree with the conclusion that teachers will
11 probably do anything you ask them to do if you ask
12 nicely. That's not silly. That's absolutely true.
13 I've been impressed and surprised at the degree to
14 which most teachers, not all, have embraced this in
15 the spirit of innovation and novelty and ways to make
16 them better professionals. Certainly our resource
17 guide to the frame works has shown them new
18 activities, new approaches. They've appreciated
19 that. They've contributed to it. They're telling us
20 it's working. They're telling us what we need to do
21 to make it even better. That for me has been the
22 absolute key.

23

1 COMMISSIONER TAKEMOTO: Thanks.

2 CHAIRMAN BARTLETT: Commissioner Coulter.

3 COMMISSIONER COULTER: Well, I think it's
4 really important if we could kind of clear up some
5 terms. I'm a little confused. It could be because I
6 had too heavy a lunch or whatever. So I want to do
7 is I want to ask the three of you to see if we can
8 get some agreement between the three of you.

9 Paul, you mentioned that you felt as
10 though two percent of all children with disabilities
11 should be involved in the alternate assessment.
12 Martha, I thought I heard you say that states that
13 seem to be far along and making good progress have
14 about 20 percent of all kids with disabilities in
15 alternate assessment. And Daniel, I thought I heard
16 you say that approximately one percent of kids with
17 disabilities -- one percent of all kids, which gets
18 us at a different metric -- in Massachusetts actually
19 participate in alternate assessment.

20 So folks, what ought to -- Martha, I know
21 you're telling me what is. What ought to be the
22 percent of kids with disabilities involved in
23

1 alternate assessment? I'd like to hear three
2 answers, hopefully all the same number, but we'll
3 see.

4 DR. THURLOW: I would base my what ought to
5 be on data. So I think that we've seen in those
6 states that have very carefully defined who should be
7 in the alternate assessment, and they've defined that
8 relatively narrowly. It's not an assessment for
9 everybody. It really is for a relatively small group
10 of students. In those states we have seen
11 percentages of the total population -- total
12 population of students ranging from .6 percent up to
13 maybe two percent. That's the high end. I would say
14 two percent is the high end.

15 I translate that into a percentage of
16 students with disabilities, using a rough translation
17 of if there's about ten percent of the kids have
18 disabilities, then making that translation, it would
19 be anywhere from six to 20 percent of your students
20 with disabilities. So that's how I get there.

21 COMMISSIONER COULTER: Nice data based
22 answer. Thank you very much. Daniel, Paul.

23

1 MR. WIENER: I agree with Martha.

2 MR. MARCHAND: I'll push the envelope
3 further. I'll use students with mental retardation
4 as my base, recognizing that there will be other
5 types of students who will also be candidates for
6 alternate assessments, and using, for purposes of
7 this definition, somewhat old mental retardation
8 categorization.

9 We have over 600,000 students now with
10 that label in our schools. About 85 percent of them
11 have what we call mild mental retardation. It's a
12 serious disability but it's mild mental retardation
13 in comparison to moderate, severe and profound mental
14 retardation.

15 I would imagine and I hope that every
16 single one of those 85 percent of those students are
17 absorbing the regular curriculum through access and
18 are high candidates, if not complete candidates, for
19 regular assessments.

20 Then we get into that gray area for me, of
21 those students with moderate mental retardation and
22 where they are in terms of their academics and
23

1 whatever else they're learning, via the IEP, a number
2 of them should also be candidates, potentially
3 candidates for the regular assessment, which then
4 leaves those with severe, profound mental
5 retardation, those not likely to be dealing with
6 academics for the most part, as the greatest
7 potential candidates for the alternatives.

8 That gets you down to 90,000, 80,000
9 students countrywide. Then you add from there those
10 other disabilities, the severity of which would also
11 get you there. A personal view is attempting to
12 ratchet that down, again with the ultimate outcomes of
13 access to the curriculum and whatever so that we can
14 get down two percent of students with disabilities.

15 COMMISSIONER COULTER: So listening to the
16 three of you then, you're the lower estimate, two
17 percent, and Martha and Daniel, somewhere around --
18 six percent was actually your lowest number. It
19 could go up to as much as 20 percent. Okay.

20 We heard a lot of testimony -- am I done?

21 CHAIRMAN BARTLETT: You're done.

22 COMMISSIONER COULTER: Darn. All right.

23

1 Sorry.

2 CHAIRMAN BARTLETT: You asked for one
3 number from three people, and it took you five
4 minutes. So I can't help you. Secretary Pasternak.

5 COMMISSIONER PASTERNAK: Paul, I'm sorry
6 that I missed your testimony particularly, but I did
7 have a chance to read it. So I'd like to ask you,
8 and actually all of the panelists, what do you all
9 think that we should be trying to assess when we look
10 at the needs of kids with significant cognitive
11 impairments?

12 MR. MARCHAND: I would that the goal of
13 assessment parallels the goal of the ultimate outcome
14 which I spoke to, which is preparation to the max for
15 adult life. For some, that will mean, without a lot
16 of extraordinary effort, meaningful jobs, economic
17 independence, independent living. For others it will
18 mean that with some substantial level of supports
19 throughout their adult lives. And for others it will
20 mean substantial supports in the possibility that
21 employment will be marginal, if attainable, depending
22 on the skills, the jobs available in that community

23

1 and all other considerations.

2 How one creates that assessment, to look
3 at what I call the ultimate outcome. Are you ready
4 to live your life to the max as an adult, is the
5 place where I would go, and I would leave it to the
6 experts in the tool development to figure that out.

7 COMMISSIONER PASTERNAK: Conceptually then,
8 has it been your experience from the families that
9 you've talked that in many instances we don't expect
10 enough of students with cognitive impairments and in
11 fact we don't provide the kinds of rigorous
12 instruction that they might benefit from, if we in
13 fact did provide that kind of rigorous instruction?

14 MR. MARCHAND: It's my experience that
15 individuals with cognitive impairments probably have
16 the lowest of expectations among our citizenry and
17 among our educators. So yes, they would be the prime
18 candidates for what you talk about.

19 COMMISSIONER PASTERNAK: How do you help
20 us deal with the argument that if we try to provide
21 high school diplomas to those kids we are in fact
22 watering down the value of the high school diploma

23

1 that other students receive? What's your view about
2 what the Commission might do in terms of looking at
3 the issue of helping those students to achieve the
4 goal that you just articulated so eloquently, how do
5 we in fact try to make that happen by encouraging the
6 acquisition of the high school diploma for those
7 kids?

8 MR. MARCHAND: This is complicated. It
9 will certainly take up the rest of your time. As
10 you're aware, as Martha is aware and some other
11 commissioners are aware, there is an ongoing study of
12 that whole issue of high school diplomas and
13 cognitive impairment, spearheaded by the Kennedy
14 Foundation and the University of Maryland and the
15 University of Maine. Those models are in
16 development. I don't know that you want to wait for
17 that probably two year process to complete itself,
18 but I would certainly latch on, catch onto that and
19 then do whatever you can with the resources available
20 in your agency to move that faster, quicker and then
21 once it's done, get it out to the entire nation so
22 that whatever gains can come from that everybody can
23

1 succeed through it.

2 COMMISSIONER PASTERNAK: Anybody else on
3 that one?

4 DR. THURLOW: I would just like to make
5 sure that we keep those two systems separate as much
6 as we can in our thinking, because as I argue about
7 the importance of including all kids in the
8 accountability system, I'm talking about where we
9 hold educators, school systems, states accountable
10 for kids. And I think we have really significant
11 issues, as Paul mentioned, related to when we talk
12 about high school diploma. What we have out there in
13 the states right now is a big mess.

14 There is nothing equivalent in terms of
15 high school diplomas and what's happening for kids
16 with disabilities across the nation right now. So
17 it's an issue that does need to be studied and I
18 think we need to think really carefully about how we
19 approach that. But I want to make sure we keep those
20 two separate.

21 COMMISSIONER PASTERNAK: Okay. Paul,
22 lastly, would you be willing to reconsider your
23

1 comment about not changing the statute if we had,
2 based on the testimony that we heard earlier today,
3 we pretty much had consensus, at least on the issue
4 that this current statute requires participation of
5 students with disabilities, in state and district
6 mandated testing but not their inclusion in the
7 accountability system, if in fact that was
8 inadvertently omitted from the last three
9 authorizations, would you be willing to at least be
10 open to the possibility and prospect into it?

11 MR. MARCHAND: Yes, we'd be open. What I
12 was saying in terms of statute is all those things
13 that I've talked about led me to conclude that there
14 was no statutory tinkering needing to be done in
15 those areas. But that's an area that should and
16 could be considered.

17 COMMISSIONER PASTERNAK: Thank you very
18 much, Mr. Chairman.

19 CHAIRMAN BARTLETT: Commissioner Gordon.

20 COMMISSIONER GORDON: Thank you, Chairman.
21 I have two questions which are inter-related. Number
22 one, it sounds from your testimony, like you said,
23

1 creating these assessments is a very sophisticated
2 one, but that it potentially has a very positive
3 value for quality curriculum, quality of instruction.
4 Should we be investing substantially more at the
5 federal level in helping people to do that as
6 compared to helping them do paperwork and compliance
7 kinds of things? And then secondly, related to that,
8 what should be the role of the education people, one
9 we train them, establishing and helping us get
10 further along this road.

11 MR. MARCHAND: I try through repetition
12 make clear that the federal government needs to be
13 much more involved in training, technical assistance,
14 best practice dissemination, research activities and
15 everything else that surrounds this whole topic.
16 Clearly more needs to be done.

17 I've forgotten your second piece. I
18 apologize.

19 COMMISSIONER GORDON: What should be the
20 role of --

21 MR. MARCHAND: Higher ed.

22 COMMISSIONER GORDON: Education and

23

1 schools.

2 MR. MARCHAND: Well, we have a tremendous
3 need for in-service training of our school teachers
4 in special education with or without this issue.
5 This just piles onto the great need for in-service
6 for existing teachers, to catch up to this new stuff.
7 And then for the pre-service activity for the
8 training activity going on for new teacher
9 development, if we don't get it right while they're
10 doing pre-service, then we're just going to be stuck
11 catching up with in-service or lousy practice. So it
12 has to happen in both arenas.

13 DR. THURLOW: Ditto.

14 MR. WIENER: I certainly think if we value
15 alternate assessment, I think it's important and
16 indeed it's mandated there should be -- it should be
17 funded absolutely. And your second question which is
18 intriguing to me, because we've just begun a higher
19 education network of teachers to align the things
20 they teach to pre-service educators before they hit
21 the schools, incorporating the construct of alternate
22 assessment into what we're training them to do so

23

1 that their internships and their placements involve
2 the collection of work in portfolios that meet the
3 requirements of the alternate assessment. So we've
4 begun to do that and yes, we think it's important.

5 COMMISSIONER PASTERNAK: Thank you.

6 CHAIRMAN BARTLETT: Governor Branstad.

7 GOVERNOR BRANSTAD: Martha Thurlow, in
8 your presentation you talked about how in trying to
9 align the alternate assessments that this is one of
10 the areas where it often hasn't been done very well
11 with educational standards. I'd like your thoughts
12 on who's done a good job and what are the best
13 practices out there in trying to come up with
14 alternative assessment systems that are aligned based
15 on educational standards and meet the needs of kids
16 with disabilities that can't -- so you have the
17 accountability, that haven't been able to be done
18 through the other processes.

19 DR. THURLOW: I'll start this anyway. I
20 think those states that have carefully thought about
21 the standards that underlie their regular
22 assessments, so they look at their state standards

23

1 and really carefully think about what are the essence
2 of those standards. As I said before, the first step
3 is really defining who the alternate assessment is
4 for. If you haven't done that carefully, then it's a
5 hard step to go to the next step to say what is the
6 essence of the standards for these students who will
7 be in the alternate assessment.

8 GOVERNOR BRANSTAD: In terms of the
9 alternative assessment these are kids with
10 significant cognitive disabilities, is that who we're
11 focusing on here primarily?

12 DR. THURLOW: I'd say mostly. Significant
13 complex disabilities. As Dan indicated, most of them
14 will be students with cognitive disabilities. There
15 may be some students who have significant physical
16 disabilities that make it impossible for them to
17 respond or take in information in the same way. But
18 primarily it's going to be students with cognitive
19 disabilities.

20 So we think about -- the states have
21 really looked carefully at their standards, probably
22 involved their general educators, their parents,

23

1 business people and have looked at those standards
2 very carefully to identify what is the essence of
3 those standards, what is sort of the broad general
4 meaning of those standards, the essence of those
5 standards that would apply to students with the most
6 significant disabilities.

7 MR. WIENER: I work in what I like to
8 characterize as a cave. I don't really come out of
9 it very often and when I do, I look around and I see
10 what my counterparts in other states are doing, and
11 it seems to me that they're having less trouble
12 aligning with standards as much as they are adding
13 onto it, some of the non-standards based performance
14 criteria, which Jerry Tindal spoke about this
15 morning, the functional applied academic skills, the
16 non-academic functional skills. There's a lot of
17 confusion about -- well, let me just say that in
18 Massachusetts we think that if the standard
19 assessment is measuring academic performance and
20 academic performance only in four subject areas,
21 that's what the alternate assessment should do as
22 well. It's an alternate to the standard test.

23

1 It's not a whole bunch of other stuff
2 that's individualized or specialized. It's the
3 general curriculum that we're assessing. A, they're
4 getting instruction based on the standards, and B,
5 how much they're learning of that material.

6 CHAIRMAN BARTLETT: Commissioner Hassel,
7 last question.

8 COMMISSIONER HASSEL: Dan, in your system
9 the IEP team sets goals for each student that's in
10 the alternate assessment program, and then the
11 student's success towards those goals counts in the
12 high stakes accountability system of your state, as I
13 understand it. Are you worried in that context that
14 IEP teams will set goals that aren't ambitious
15 enough, is that a problem or something that needs to
16 be addressed?

17 MR. WIENER: We actually don't count IEP
18 goals toward the statewide accountability. That's
19 not what we assess. We know that IEP goals are
20 tremendously variable. They're often not measurable.
21 They're often things like Dan will hand in his
22 homework on time 50 percent of the time, that sort of

23

1 thing, which have nothing to do with academics. In
2 other cases they are very clearly academic, but we've
3 said for our alternate assessment, you need to
4 identify a goal, an outcome for a student in a strand
5 of particular subject area that's challenging,
6 achievable and measurable, and show us the evidence
7 of whether or not that student was able or how well
8 that student was able to achieve that outcome. The
9 outcome is set by the team.

10 We're trying to incorporate that process.
11 Right now it seems like the IEP process is divorced
12 from that outcome setting that's standards based. We
13 need to bring them much more together so that the IEP
14 talks more about academic content at the level at
15 which the student can begin to address it. It's not
16 happening uniformly enough to do that on a statewide
17 basis yet.

18 CHAIRMAN BARTLETT: Thank you,
19 Commissioner. I want to thank this panel for a
20 really helpful presentation. We all really
21 appreciate it. Would you all join me with a round of
22 applause for all the witnesses today?

23

1 1

2 (Applause.)

3 CHAIRMAN BARTLETT: We in fact have
4 caucused, and amongst the seven of us we've had votes
5 for seven different witnesses for who would get the
6 concise bell. So I want to say that -- but then we
7 had another vote and several votes, and several
8 rounds until we got to a majority. And by majority
9 vote, but with unanimous favor, we've selected the
10 guy that shamelessly pandered and campaigned for that
11 bell, Marty Cavanaugh of Elk Grove, California.

12 Afterwards. I still have to use it for an
13 hour or so. So if you'll just hold off for just a
14 second.

15 We'll now proceed to the public hearing.
16 Todd, where are people going to speak from?

17 COMMISSIONER JONES: Folks, we're going to
18 moving the microphone up here to the -- the good man
19 who's coming to the front right now is going to be
20 moving the mike up. Chairman Bartlett is going to be
21 calling the names of the speaker and the speaker
22 who's on deck from the list.

1 Chairman, do you want to address the rule
2 sheet?

3 CHAIRMAN BARTLETT: I'll read the list.
4 We'll call on the first 20 people to have signed up.
5 They'll be invited to provide three minutes of
6 comments in order in which they registered. And then
7 at the conclusion of that, if Governor Branstad and
8 several of the commissioners are able to stay and
9 would like to stay, to hear from the alternative list
10 which as I understand about 12 other people, again
11 with three minutes.

12 In addition to your testimony here or in
13 lieu of, at your choice, written testimony may be
14 submitted to the Commission at the registration table
15 outside the hearing room or on the web site.

16 Individuals or organizations that have testified
17 previously will still be invited to testify or to
18 speak today, but we're going to put you at the end of
19 the alternate list so we make sure we hear from
20 everyone who hasn't spoken before. The one exception
21 to that, we have a fair number of people who have
22 identified themselves as within the organization

23

1 named Parent. We're going to take all of you just in
2 the order that you signed up, right off the bat, with
3 the permission of the task force.

4 Again, additional written comments are
5 always welcome. We're going to have a time limit,
6 the time cards up here for two minutes and one minute
7 and then 30 seconds. At the end of that, you get the
8 bell.

9 Dr. Esther Streed is the first witness,
10 and then followed by Joani S. Gent. Dr. Streed.

11 DR. STREED: Good afternoon. I'm a
12 parent. I'm in that big category. I'm the mother of
13 Angie and Renee. I'm also a professor of education
14 at Central College, yes, doing teacher preparation.
15 I'm a veteran volunteer on behalf of Children with
16 Disabilities and Their Families, including Chairman
17 Branstad, eight years on your developmental
18 disabilities council and five years on your special
19 ed advisory panel.

20 I'd like to welcome the rest of the task
21 force and the Commission to the fine state of Iowa,
22 and thank you for dedicating your time to improving
23

1 education for all citizens and all children in our
2 country, but especially those with educational
3 challenge.

4 I'm going to start by reading a piece of a
5 letter that I just got last week to you. It says:
6 "Dear Esther. Hi, how are you? Well, me, great. It
7 made my day when I got your address. I've wanted to
8 write to you for a long time. Well, me, I'm very
9 happy with my life. I got a great boyfriend and a new
10 house. I'm working at" blank "cafe. I have been
11 there for four years and I love it. It's like a
12 family. What do I do there? Well, I do dishes,
13 cleaning" -- I think she meant bussing -- "I get
14 weekends off sometimes. Sometimes I get called in
15 and I always go in. I never say no. And bosses like
16 workers like that, you know."

17 I'm going to call this young girl Ruth. I
18 met Ruth originally in my role as a home
19 interventionist in the 70's. Hard to believe I was
20 old enough to do that then. It took both of my hands
21 to get Ruth to hold any kind of an object. The
22 minute that I would release either one of my hands,

23

1 the object would fall to the floor, as would her
2 hands.

3 She was born the year that 94-142 was also
4 birthed. Also born that year was my only biological
5 baby, Angie, my blessing. And she's the one who has
6 guided my path in education. As my daughters, my
7 foster children, my students -- because I taught pre-
8 K through high school kids for 20 years -- my
9 enumerable friends and I have matured with the --
10 system, especially the system here in Iowa. We've
11 come to recognize some key concepts that I really
12 want to highlight for the Commission today.

13 In spite of Garrison Kieller's claim that
14 not all of our children -- in spite of his claim --
15 not all of our children can statistically be nor need
16 to be above average. Number two, accountability is
17 important. Ongoing evaluation and assessment is
18 vital to personal and professional growth.

19 The magic is in what's measured, how it's
20 measured and what we do with it. In spite of
21 multiple degrees including that ultimate -- one,
22 those assessments seemed really important at the time

23

1 but all of that for me has been overshadowed by my
2 attitude, sensitivity, creativity, civility and even
3 endurance, if I'm going to enhance this peaceful
4 world.

5 Number three, real value comes from
6 accountability that is meaningful, meaningful to the
7 person who's being measured. Yes, Iowa is the keeper
8 of the criterion based measurements. That's because
9 they give us a clear picture of where students are,
10 where they have been and where they are going.

11 I only have 30 seconds left? No, okay.
12 I'm confused.

13 Number four, caution. Large scale
14 accountability can too easily become myopic and
15 exclusive.

16 CHAIRMAN BARTLETT: Thank you, Dr. Streed.
17 You didn't have 30 seconds left, you had 30 seconds
18 when she first put the sign up.

19 DR. STREED: Oh, okay. I'm sorry.

20 CHAIRMAN BARTLETT: Thank you.

21 DR. STREED: Can I close with my student's
22 self-assessment?

1 CHAIRMAN BARTLETT: Sure.

2 DR. STREED: I think I said it at the very
3 beginning. She said, "Well, me, I'm very happy with
4 my life," and I think that's what we need to keep in
5 mind.

6 CHAIRMAN BARTLETT: Thanks.

7 DR. STREED: Thank you.

8 CHAIRMAN BARTLETT: Linda, perhaps you
9 could stand over here where the speakers can watch us
10 and watch you, too. But I know you'll have to
11 balance.

12 Joani Gent, followed by Tammy Gudenkauf.

13 MS. GENT: Thank you, Chairman and members
14 of the task force. My name is Joani Gent. I'm from
15 Ames, Iowa. I value the opportunity to speak to you
16 today in support of IDEA and renewed emphasis on the
17 implementation of the concepts of inclusion that is
18 in IDEA, with least restrictive environment.

19 Just 40 miles north of you, as you sit
20 here today, there's a small school district called
21 Gilbert, and within that elementary school's walls my
22 12 year old daughter is preparing to leave school, as

23

1 is her best friend Amy. They're both wrapping up
2 their school days with Amy probably packing a lot of
3 homework into her backpack on her own, whereas my
4 Morgan is receiving help. She has friends who are
5 helping to tape messages onto her voice output system
6 so that we at home can understand what happened that
7 day at school with her.

8 She has teachers who are writing in her
9 notebook of correspondence that goes between home and
10 school. And her one on one aide is probably making
11 sure her library books and homework sheets and papers
12 which includes notes and pictures and friends are
13 packed into her backpack.

14 Like Amy, most of my Morgan's friends are
15 typically developing children. Morgan is not. They
16 read and they write and they use materials designed
17 for sixth graders. She instead listens and learns
18 about those same materials but experiences simplified
19 approaches to learning the concepts through the help
20 of her special ed teacher and her one on one aide.

21 I describe Morgan and our school district
22 to you today because I want to tell you how this

23

1 least restrictive environment for her has also been a
2 very successful inclusive education for that entire
3 building of 450 children. Through her education
4 she's contributed to the other children's learning.
5 In her friend Amy's words, "It's good to have Morgan
6 with us. We tend to judge people on how they dress
7 and act, but Morgan doesn't do that."

8 Of all the possible judges of Morgan's
9 inclusion, the two potentially harshest have to be
10 her younger siblings, but Jeb and Ada, Jeb even being
11 just a year younger than her, are her greatest
12 champions. They've never questioned or doubted her
13 right to be in that building with their neighbors,
14 their Sunday school classmates, sharing educational
15 experiences.

16 With Morgan being seen first as a student
17 in that building, it's contributed both to her
18 education and theirs. They have learned not only --
19 she's comfortable in contributing to them just as
20 they are with her. In fact, they designed lists to
21 plan who can be her partner on projects and her
22 helper, so both in academic and social areas. She's
23

1 learned about maps and oceans and heat and cold
2 sources. She's also learned about respect, and she's
3 not alone. Amy told me, "Ask anyone in sixth grade,
4 we've all learned that different people have
5 different things we need to work on. We're not all
6 the same and that's okay. We all know we're the same
7 on the inside." Thank you.

8 CHAIRMAN BARTLETT: Thank you so much.
9 Tammy Gudenkauf, followed by Sonja Kerr.

10 MS. GUDENKAUF: Good afternoon. Thank you
11 for your time and attention today.

12 This is my daughter Emily's third year in
13 the public schools of Iowa. Currently she is in a
14 great full inclusion program. She is making
15 incredible progress, cognitively, physically and
16 socially.

17 I also see some really great positive
18 effects on the normal kids in the room. The same
19 cannot be said for the two years previously. Emily
20 has been physically, verbally and emotionally abused
21 and neglected in school. Her very life was placed in
22 jeopardy by a drug overdose.

23

1 Emily has been denied used of her
2 augmentative communication device in the special ed
3 classroom because the teacher thought it was
4 developmentally inappropriate for the other children.
5 It took Emily too long to talk. A teacher has told
6 me in an IEP meeting with much of the IEP team
7 present that she did not want my daughter in her
8 room.

9 I attempted to follow appropriate channels
10 as defined by the school administration to no avail.
11 I reported these incidents to the best that I could
12 understand the process. I have to date received no
13 results in the area of accountability.

14 Who is accountable for special education
15 in our schools? Emily has spent two years in self-
16 contained classrooms without many social
17 opportunities and with limited cognitive or physical
18 progress. But now she is in full inclusion with
19 similar supports as was required to keep her in a
20 self-contained classroom, but with much improved
21 treatment both physically and emotionally. The
22 quality of Emily's education would be further

23

1 enhanced almost to the level of her normal peers if
2 her AEA support people had more reasonable case
3 loads.

4 For example, Emily's vision itinerate who
5 has proven excellent at finding ways to teach her and
6 adapt to her needs has at least three times the
7 maximum case load recommended by national standards.
8 Along with improved accountability, IDEA must be
9 fully funded to the promise of 40 percent that the
10 federal government gave so many years ago when the
11 law was passed.

12 We need to be certain these funds support
13 our AEAs and schools. These funds must get to our
14 kids through the services and supports required to
15 help our children become contributing members of our
16 society. Because my daughter is in a good program
17 now I am able to leave her at school today while I
18 participate here. How many parents were unable to be
19 here today because their child is not safe in school?

20 CHAIRMAN BARTLETT: Thank you, Ms.
21 Gudenkauf. Next witness is Sonja Kerr, followed by
22 Kelley Sunderlin.

23

1 MS. KERR: Good afternoon. My name is
2 Sonja Kerr. I'm a private attorney from Minnesota.
3 Thank you for the opportunity to speak briefly today.

4 I'm here today on behalf of the Council of
5 Parents, Attorneys and Advocates, COPAA. COPAA is a
6 national non-profit organization which has as its
7 purpose the enforcement of IDEA through adequate
8 legal representation and imparting knowledge of the
9 laws to students and parents.

10 We are going to submit our comments in
11 writing, but we have three key suggestions that I
12 want to highlight today.

13 First of all, we are all aware of the
14 monitoring work group and we applaud the monitoring
15 work group. We would encourage the Commission to take
16 a look at some independent systemic compliance
17 mechanisms. Those could include private funding,
18 providing funding for the National Council on
19 Disability to conduct comprehensive reviews of the
20 state of IDEA compliance on a regular basis. It
21 could include developing explicit criteria for what
22 constitutes non-compliance with IDEA, and defining

23

1 consequences for non-compliance. It should include
2 contracting with independent entities in each state
3 to respond to parent concerns and to help teachers
4 understand those concerns.

5 For example, state control and
6 responsibility for IDEA would be enhanced by
7 establishing within each state's Attorney General's
8 office a division to act upon such complaints. In
9 this day and age it is sad that you can call an
10 Attorney General in almost any state to complain
11 about a car, about a lemon law, about how your health
12 insurance is being handled, but if your child's
13 education is at stake, the Attorney Generals in most
14 states do not touch those situations.

15 COPAA endorses the findings of the
16 January, 2000 National Council of Disabilities
17 report. We do not believe that litigation by parents
18 can or should be the primary method for assuring
19 compliance or accountability for IDEA. However, we
20 do believe that parents should have improved access
21 to legal representation.

22 One idea is that Congress should fund in
23

1 house ombudsmen in large metropolitan districts. We
2 know that large metropolitan districts have
3 difficulties. We understand that there are going to
4 be cracks in every systems, and not every parent has
5 the resources or the ability to solve those problems
6 without an attorney. So we would recommend in house
7 ombudsmen.

8 Finally, we would request a competent and
9 impartial administrative hearing system throughout
10 the country through a study of due process systems
11 throughout the country which has never been done. We
12 have specific ideas for that which we will forward to
13 you in terms of a code that COPAA has endorsed.

14 Thank you.

15 CHAIRMAN BARTLETT: Thank you, Ms. Kerr.
16 Kelley Sunderlin, followed by Jule Reynolds.

17 MS. SUNDERLIN: My name is Kelley
18 Sunderlin. I'm the mother of two disabled boys,
19 Victor, 14 and Elijah, seven. We live in Blaine,
20 Minnesota, and I've come here today because
21 accountability and compliance with IDEA is hard to
22 come by in my experience.

23

1 When I first began to navigate the special
2 education system I thought the problem was mine. I
3 thought that maybe I wasn't knowledgeable enough. I
4 soon learned that the problem is that the IDEA exists
5 on paper, but no one is enforcing it.

6 A year ago January 18th, 2001 I signed a
7 settlement agreement for Elijah, my seven year old.
8 A key part of that was to make sure that Elijah who
9 has autism received applied behavioral analysis
10 therapy. In March I learned that staff were not
11 trained in ABA, and implementation wasn't happening.
12 Elijah was repeatedly injured at school during this
13 time, and staff told me that the IEP team could not
14 decide ESY for Elijah, only administrators could.

15 A hearing officer ruled for me in part,
16 but the district appealed to the state and it was
17 reversed. It's not part of a lawsuit in Federal
18 Court. In the past few weeks the district has forced
19 another hearing to get out of the settlement
20 agreement since it was not being implemented. They
21 won, of course. So as far as accountability, I don't
22 see it.

23

1 We had a deal; the school broke it. And
2 the state of Minnesota helps them out of it. With my
3 son Victor, the same lack of compliance occurred. No
4 one told me I could contest the district's decision
5 to refuse to classify Victor in special education.
6 Victor has a learning disability. Two states,
7 Illinois and Indiana, classified him but Minnesota
8 will not.

9 I received no notice of rights for Victor
10 until after two years, after we asked for a hearing
11 to get Victor qualified, the school wrote an IEP for
12 him with no reading services. They said Victor does
13 not need any. They believe it's acceptable for my
14 eighth grade son to be reading on a fourth grade
15 reading level. Reading is central to Victor's
16 success in life.

17 I've never seen the test that the school
18 district presented to the hearing officer or the
19 teacher's subjective judgments. Accountability will
20 not happen unless you, the federal government, make
21 it happen. Should I have to spend thousands to get
22 Victor a tutor when I'm already paying taxes? Should

23

1 I have to worry if Elijah is physically safe at
2 school?

3 Licensed and training teachers are the
4 key. We knew research-wise Victor can be taught to
5 read. We know research-wise Elijah can improve
6 through ABA but my district won't use these
7 approaches because a distinct way to teach Elijah,
8 ABA means you have to track and measure progress and
9 my district and my state do not wish to measure
10 Elijah and Victor's progress because if they did, the
11 progress they described to hearing officers as
12 better, as improved is but a sham.

13 CHAIRMAN BARTLETT: Thank you, Ms.
14 Sunderlin. Jule Reynolds, followed by Kevin Pochl.

15 MS. REYNOLDS: Thank you. My name is Jule
16 Reynolds, and my children attended Des Moines public
17 schools. Thank you for the opportunity of input on
18 re-authorization.

19 I started with parent involvement, parent
20 participation in the state and local level. Frank
21 Vance, our special education director back in the
22 1980's included me as a stakeholder as we were

23

1 examining early childhood services in Iowa. He
2 developed a statewide parent-teacher partnership that
3 still flourishes today called PEC.

4 As a mom of a young child with multiple
5 disabilities, I was impressed with the team work and
6 commitment of the DE staff. The most important
7 outcomes from those initiatives for me was the
8 possibilities of partnerships with families. How do
9 we measure the success of our involvement as families
10 under the provisions of IDEA?

11 We look at the progress of our kids and
12 with the acceptance from their peers. IDEA paints an
13 entire picture of my child for school programming.
14 Good evaluations are the key in developing a plan for
15 student success. The older my child gets, the more
16 important it is that we build on what he is capable
17 of and not just what he cannot master.

18 It is even more important that the players
19 that paint this portrait are looking at him from many
20 angles. Challenges with multiple disabilities can
21 hide true abilities and their talents. We must focus
22 on the importance of good transition planning as IDEA
23

1 describes it. Because unlike my other child, no one
2 was asking my boy what do you want to be when you
3 grow up? Thank you for asking him now through IDEA.

4 The IEP process is working. Recently I
5 heard a public health doctor say all kids will be
6 successful at something. Let us guide them through
7 the IEP process to set their goals to be successful
8 and welcomed into our community. She said don't
9 allow their success to be measured by street drugs
10 they sell or the fights that they win or the adults
11 that they offend. I believe a young person would
12 rather choose to be successful in the classroom than
13 to be successful on the streets.

14 LRE, IDEA calls for continuum of services
15 and access to the general curriculum. Parents and
16 students knock on the doors of our neighborhood
17 schools 25 years ago and they let us in. Today's
18 students are opening the same books and have access
19 to the same curriculum and they, too, are finding
20 success, tying challenging curriculums to positive
21 behaviors is raising the bar for kids who thrive
22 there. Most kids may not find success in the same

1 way other kids do, but they are capable of gleaning
2 those things to impact their lives.

3 My boy appreciates the opportunity to be
4 in computer club after school because the computer
5 club is more than about learning about computers.
6 That club is about connecting with slang that other
7 kids use. It's about understanding sarcasm that comes
8 from in group support. Keep access to that
9 extracurricular activity. I also think kids with
10 disabilities are lessons within themselves.

11 Kids are turned on right now with reality
12 TV. This is called reality school. This is called
13 community. This is how our kids learn, behave, win,
14 lose and achieve. The social studies lessons that
15 come from diversity is a lesson that could be learned
16 only from experiencing it, not by reading about it or
17 being lectured about it.

18 CHAIRMAN BARTLETT: Thank you, Ms.
19 Reynolds. Kevin Pachl.

20 MR. PACHL: Thank you. Our daughter Sara
21 is ten years old and has intractable epilepsy and
22 other developmental disabilities including autism.

23

1 She is a very medically fragile child. Sara
2 currently attends school in -- ISD Number 11 in
3 Minnesota.

4 Our family has had numerous problems with
5 the -- central special education administration.
6 Every important service we need for Sara has been a
7 struggle. The first issue was physical therapy. The
8 district would only provide Sara one-half hour of
9 indirect PT and we asked to have that time switched
10 to one-half hour of direct PT per week.

11 We found out that the district had an
12 illegal PT policy so we filed for a due process
13 hearing. In a very rare move, the district's law
14 firm typed up an order of judgment against themselves
15 and asked that the hearing officer rule against them.
16 He did. By the way, the school district still has an
17 illegal PT policy.

18 The second problem was Sara's right to
19 attend her neighborhood school. When Sara
20 transitioned from her pre-school program to
21 kindergarten we were never told that she could be
22 educated in her neighborhood school with the
23

1 necessary support and services. This was contrary to
2 the district's own least restrictive environment
3 policy at the time.

4 Sara's neighborhood school was Hoover
5 Elementary but the district administration instead
6 sent Sara to Hamilton Elementary, a center based
7 cluster site for kindergarten. We as parents did not
8 even know we could have input into Sara's placement.
9 We did not know our rights at the time. We did,
10 however, make a written request to the special
11 education department asking that Sara be moved to
12 Hoover. Without any team meeting the director of
13 special education wrote back and stated that the
14 center based program at Hamilton was the best for
15 Sara.

16 We decided to protest the process used by
17 the district as inconsistent with the way the IEP
18 process is supposed to work. I filed a complaint
19 with the Minnesota Department of Children, Families
20 and Learning on two issues. The first issue, Sara's
21 right to go to Hoover, her neighborhood school. The
22 second issue was that the director of special
23

1 education made the decision, not Sara's team. In the
2 end our state agency found that the IEP team in my
3 district was broken and non-compliant.

4 Sara finally got to go to Hoover, but the
5 team process is still broken, corrupt and non-
6 compliant. We asked for an assistive technology
7 evaluation in writing to see if there was any
8 technology that could help her communicate, being she
9 is basically non-verbal. The district delayed
10 evaluating her for over a year and then did a shoddy
11 evaluation. For some reason they did not even try a
12 single augmentative communication device, even though
13 communication was a reason for an AT evaluation.

14 At the beginning of a hearing the district
15 agreed to accept and pay for an independent education
16 evaluation which was done at -- center, but for some
17 reason the district refused to hold an IEP meeting
18 until after the hearing. The hearing officer
19 mentioned more than once that an IEP meeting could
20 certainly be held during the course of a hearing to
21 solve the problem, being they agreed to our private
22 evaluation.

23

1 Finally, they scheduled an IEP meeting on
2 the very last day of the hearing. This just happened
3 to be on the same day I was testifying which meant
4 that I could not attend the IEP meeting. I believe
5 this scheduling was an intentional effort to exclude
6 me from meetings, but fortunately Sara has two
7 parents, so Sara's mom went to the IEP meeting --

8 CHAIRMAN BARTLETT: Mr. Pachl, if you
9 could summarize, please, or conclude.

10 MR. PACHL: Basically the school district
11 -- my daughter needed a \$600 device. They spent over
12 \$100,000 in attorney fees, filed -- we won the due
13 process hearing. They appealed. We won the second
14 level. Now they're appealing to Federal Court,
15 spending over \$100,000 on a \$600 device.

16 CHAIRMAN BARTLETT: Thank you. If you
17 could submit the entire testimony for our record, we
18 would very much like to have it.

19 MR. PACHL: Okay.

20 CHAIRMAN BARTLETT: Thank you, sir. Kristi
21 Sandford, followed by Deb Samson.

22 MS. SANDFORD: Good afternoon, everyone.

23

1 Mr. Chairman, thank you for you and the Commission
2 for allowing me to speak today to you.

3 My name is Kris Sandford and I'm from
4 Blaine, Minnesota. We are in a large metropolitan
5 school district. I have a son, Aaron who is 19 years
6 old. Aaron has Downs Syndrome and he is medically
7 fragile. Aaron has been in special ed since infancy
8 but I did not get a copy of my procedural and
9 safeguards form until he was 17 years old.

10 It seems to me that giving people written
11 information about their rights is central to
12 accountability. How can I exercise my rights without
13 knowing them?

14 Let's talk about exercising my rights. I
15 filed two complaints to my state agency, findings of
16 non-compliance both times. Help for my kid? No.
17 One complaint followed a due process hearing. My
18 state agency sat on that for months. They found non-
19 compliance and gave me no remedy. None.

20 I have had two hearing decisions, one said
21 my kid gets comp ed for one year, but the district
22 gets to decide what that is. If I don't like the
23

1 remedy to be decided by the district, my choice is to
2 go to a hearing. The second hearing, the district
3 stipulated they denied Aaron's speech and language
4 services. I said enough is enough. Give me the
5 money and I will make sure Aaron gets what he needs.

6 The hearing officer said no, I can't do
7 that. So here is 45 more hours of comp ed. So now
8 my son is 19. He has not been educated. He has a
9 year and 95 hours of comp ed and no education.

10 Accountability? Two hearings, two complaints and
11 many hours of trying later, I am still looking for
12 accountability. Thank you very much for your time.

13 CHAIRMAN BARTLETT: Thank you, Ms.

14 Sandford. Deb Samson, followed by Lori Reynolds.

15 MS. SAMSON: Good afternoon. My name is
16 Deb Samson, I'm from Nevada, Iowa and thank you,
17 Chairman Branstad and Commission for offering us this
18 opportunity today.

19 My family journey into the world of
20 disability began with the birth of our son Rick in
21 1968. He is medically considered a quadriplegic and
22 uses an electric wheelchair. Since he was born in

23

1 1968, it was prior to 94-142, and so our resource was
2 the UAP 140 miles from home where we went for OT, PT,
3 speech, nutrition, education and everything else that
4 kind of met his needs in his very young life. It
5 required that we leave him there for extended periods
6 of time, and it included his entire kindergarten
7 year.

8 Once he'd been gone for a year and we were
9 so unhappy with that situation, we approached our
10 neighborhood school principal and said can Rick go to
11 school here, and our principal's response, yes, he's
12 a child. We can meet his needs.

13 He began school there and we alternated
14 back and forth between the UAP and home for a period
15 of time. I just think of the contrast, and I'm
16 telling you that in a historical perspective to
17 remind us that the early intervention services that
18 provide those very same services, we traveled 140
19 miles one way, are now provided in homes and what a
20 benefit that is to families. I have often wondered
21 what kind of a difference it would have meant to our
22 family if he had been born in that area instead.

23

1 Anyway, our beginning in school was very
2 good. He was felt very welcomed and everything else.
3 However, there was a problem in fifth grade, and we
4 read in the paper -- and this was after the passage
5 of the law -- that they were going to send him to
6 another district to school.

7 Through a series of interventions and
8 filing complaints and what have you, the upshot was
9 when he was going to enter the fifth grade year, we
10 got a letter the day before that said he will catch
11 the bus to another system, even though we had filed a
12 complaint and the state provisions were in effect.

13 The Department of Education had to
14 intervene for us and get a permanent injunction
15 against the school for Rick to be able to attend.
16 However, when we took him to the school, the
17 principal was standing on the steps and said I cannot
18 let him in. I say that story because I want to talk
19 about how I do believe IDEA is a civil rights issue
20 as well as providing education for children.

21 Rick benefitted -- that was the worst time
22 in school. The good time was that Rick graduated in
23

1 1987 with a regular diploma from that very same
2 school. 13 days after graduation he moved into an
3 independent living center, the first developmental
4 milestone he had met on time in his entire life,
5 leaving home. And it was all because of the
6 transition planning that was very vital to his
7 success and it was the people in the school that
8 showed Roger and I that life could be different.

9 And in changing Rick's life they also
10 altered ours immeasurably since Rick is living on his
11 own. He is happy living down here in Des Moines on
12 his with attendant care meeting the needs that he
13 has. He is not competitively employed but he does
14 volunteer work. He continues to take classes at a
15 community college, and he considers himself
16 successful and so do I. Thank you.

17 CHAIRMAN BARTLETT: Thank you, Ms. Samson.
18 Lori Reynolds, followed by Delores Ratcliff.

19 MS. REYNOLDS: Thank you for having this.
20 I am here as a parent of Doug. When Doug was born he
21 was a normal little boy. He drank a bottle, he wet
22 his pants, he did everything on time until about the

23

1 age of two when we realized Doug didn't talk. We
2 immediately contacted our AEA and they provided
3 immediate services in home until he was age three.
4 Then he was bused to a special ed program that was
5 about 20 miles away, but it worked.

6 Because of what they did for him at an
7 early age, Doug is now included in a regular
8 education program and he is barely successful. The
9 piece I haven't told you about is Doug has an
10 invisible disability. He has mental health
11 challenges, many of them. He has anxiety, he has
12 panic disorder, his a oppositional defiant disorder,
13 he has behaviors. As of late he likes matches.

14 So because of this little boy I had to
15 learn a whole lot about special ed, IDEA and all
16 kinds of educational resources for him. What I'm
17 asking you guys to do is under IDEA there is a piece
18 that's called parent training. Because of that
19 parent training I learned so much. I now help
20 families across the state, as well as my own son.
21 When my family is in crisis I know who to call, I
22 know how to get ahold of them, and I have contact

23

1 people.

2 I can call a team meeting at any time.
3 They always meet. I can call any person on our team
4 and say we're in a crisis and put something together
5 and they'll help do it. That's because of the
6 parent involvement piece. That's because I got
7 involved and I learned. I've gone to conferences all
8 over. Without that piece and without the full funding
9 for that piece, parents don't know and then they
10 angry. When you have a child with special mental
11 health needs, our kids are kids that people don't
12 like necessarily, and they would like to throw them
13 away. So those parents especially need to be able to
14 get the training.

15 So I'm asking you to please fund IDEA 100
16 percent at the 40 percent rate so we can all have
17 training and we can help kids with all disabilities
18 including mental health needs. Thank you.

19 CHAIRMAN BARTLETT: Thank you, Ms.
20 Reynolds. Delores Ratcliff, followed by Dennis
21 Dykstra.

22 MS. RATCLIFF: Hello, my name is Delores
23

1 Ratcliff. Thank you for allowing us to have public
2 comment. I'm speaking today for the National
3 Learning Disabilities Association of America.

4 I am a national board member and a co-
5 chair of the advocacy committee. I'm also a board
6 member of our state of Iowa LDA and have served as
7 past president. Our membership is approximately
8 50,000 strong across the United States and Puerto
9 Rico. We're a voice for millions of children with
10 learning disabilities in schools across our country.
11 Our organization is made up of parents, professionals
12 and adults with learning disabilities.

13 We've talked here today of accountability
14 for systems and students, and standards based
15 education. The Learning Disabilities Association of
16 America firmly believes in high expectations for all
17 students. We believe that standards based education
18 defines student expectations more clearly and
19 provides all students with access to more uniform
20 curriculum.

21 We also support the idea that curriculum
22 is no longer simply presented to students and that
23

1 greater focuses on measuring what is actually
2 learned.

3 LDA does not believe that standards should
4 be used to hold against students with learning
5 disabilities, to hold them back until they can meet
6 standards without the use of accommodations for
7 learning weaknesses. Accountability through high
8 stakes testing, without appropriate accommodations,
9 and using only a single test score instead of
10 professional judgment is hurting our children with
11 learning disabilities.

12 Three weeks ago I attended the LDA
13 International Conference in Denver, Colorado. While
14 there, I held a sobbing mother whose promising young
15 son with a learning disability was trying to pass a
16 state high stakes test. He entered high school as a
17 freshman with strengths in athletics and music.
18 Because of studying for this high stakes test this
19 year, however, he dropped all extracurricular
20 activities, attends extra sessions nights and
21 weekends, doesn't go out with his friends anymore and
22 has rubbed his eyebrows off with stress. This is

23

1 accountability gone astray.

2 I also would like to talk about the
3 accountability and No Child Left Behind for the LDA
4 of America, that wants to extend to children who are
5 in the juvenile justice system. Recently funds were
6 cut for assessment for these youth. It is estimated
7 that 75 percent of incarcerated children have
8 learning disabilities. They need to be afforded the
9 opportunity for an education that includes
10 evaluations for learning disabilities that result in
11 appropriate instructional interventions. We can't
12 afford to leave these children behind, too. Thank
13 you very much.

14 CHAIRMAN BARTLETT: Thank you, Ms.
15 Ratcliff. Dennis Dykstra, followed by Glenda Davis.

16 MR. DYKSTRA: My name is Dennis Dykstra
17 and I'm a consultant with the Department of Education
18 here in Iowa, specifically with the Bureau of the
19 Children and Family and Community Services and that
20 is the agency that has the general supervision
21 responsibility for all IDEA programs here in Iowa.

22 Integral to any dialogue on accountability

23

1 systems is a discussion on adequate funding for
2 special education services. First, I'd like to read
3 into the record a brief letter from Iowa's Office of
4 the Governor.

5 "Dear Governor Branstad, Thank you for
6 your leadership as Chair of the President's
7 Commission on Excellence in Special Education. We
8 are proud to have an Iowan serving in this capacity
9 and are hopeful that you will provide a strong voice
10 for quality education for children with disabilities.
11 Please convey to President Bush our belief that the
12 most important action the federal government could
13 take to insure the ability of states to deliver
14 quality special education services is to live up to
15 the promise made in 1975, to fund 40 percent of the
16 cost of special education."

17 "For Iowa that commitment would mean
18 \$215.7 million for the 2000-2001 school year.
19 Unfortunately, the state actually receives only \$45.4
20 million, less than 25 percent of the promised amount.
21 It is time the federal government lived up to its
22 commitment made back in 1975 to fully fund quality

23

1 education for all children. Thank you for your
2 continued advocacy for improving education for people
3 with special needs." And that's signed sincerely,
4 Thomas J. Vilsack, Governor, and Sally J. Pederson,
5 Lieutenant Governor.

6 As progress is being made towards the 40
7 percent target, attention must be paid simultaneously
8 to funding provisions in IDEA, in particular, the
9 maintenance of effort provision.

10 Both states and LEAs have maintenance of
11 effort requirements that prohibit them from reducing
12 their funding levels from the previous year.
13 However, a provision in IDEA allows LEAs to treat as
14 local funds up to 20 percent of their annual increase
15 in federal Part B dollars, and count this as part of
16 their state and local contribution.

17 OSEP's current interpretation of this
18 provision prevents LEAs and Iowa's intermediate
19 education agencies from taking full advantage of this
20 intended flexibility in meeting the maintenance of
21 effort requirement.

22 By treating a percentage of the increase
23

1 in federal Part B funds as local funds, an LEA will
2 be able to meet the maintenance of effort requirement
3 even though the LEA reduces the amount of their state
4 and local funds. Unfortunately, OSEP's current
5 interpretation of this provision allows for a one
6 time only reduction in state and local funds as any
7 further annual increase in Part B funds will be
8 needed to backfill that one time reduction.

9 It is Iowa's assertion that OSEP's current
10 interpretation does not support the intent of
11 Congress to meet their 40 percent target of funding
12 special education. If this interpretation cannot be
13 revisited or modified, then Congress needs to modify
14 the maintenance of effort and treat as local
15 provision as large IDEA annual increases continue to
16 be appropriate.

17 CHAIRMAN BARTLETT: Thank you, Mr. Dykstra.
18 If you could submit the balance or your entire
19 testimony for the record, we would appreciate it.

20 Glenda Davis, followed by Beth Rydberg.

21 MS. DAVIS: My name is Glenda Davis. I'm
22 with the Parent Training and Information Center in
23

1 Nebraska. That would be that really fine state on
2 the other side of the Missouri River.

3 CHAIRMAN BARTLETT: Is that the one with
4 the football team?

5 MS. DAVIS: Oh, please. Yes, it is. I
6 want to thank the Commission for giving me the
7 opportunity to speak on behalf of parents from
8 Nebraska.

9 IDEA is a good law and should not be
10 diluted. The many children in special education in
11 Nebraska and across the United States need to be
12 protected and provided with a free and appropriate
13 public education. IDEA is the frame work to make this
14 happen.

15 I have a few suggestions and
16 recommendations and concerns. School personnel
17 including special and regular educators,
18 administrators and support staff need more training,
19 more support and adequate compensation. The best
20 interests and highlighted individual needs of each
21 child must always be the first and only priority for
22 all members of an IEP team.

23

1 Parents and school personnel need to fully
2 understand the meaning and the importance of team
3 work when planning for the future of a child. All
4 team members must be treated with respect, dignity
5 and as equals. The issues of behavior, suspension
6 and expulsion must be clarified, not weakened, and
7 the law must be used as it was intended to keep
8 children in the least restrictive educational
9 environment and not out of school.

10 Positive behavior intervention must be in
11 place whenever and wherever necessary, and I'm
12 referring to a frequent incident. Police must never
13 be called to school for a seven year old.

14 Issues of non-compliance must be
15 addressed. The burden placed on parents to insure
16 compliance must be alleviated. Keep IDEA intact,
17 give it a chance and you will not leave any child
18 behind. Thank you.

19 CHAIRMAN BARTLETT: Thank you, Ms. Davis.
20 Beth Rydberg, followed by Jim Behle.

21 MS. RYDBERG: Good afternoon. I speak to
22 you this afternoon as a mom of twins with multiple
23

1 disabilities. I have also worked as a professional
2 advocate, but today I lay that down and I talk to you
3 strictly as being a mom.

4 My sons have received special education
5 services for the last 12 years. The first day my
6 three year old sons climbed on that big yellow bus I
7 testified at a meeting very similar to this in the
8 Iowa legislature, telling why it was so important
9 that my children receive services.

10 I listened to more seasoned parents talk
11 of the battles that they had won just to get their
12 children into the building. Little did I know that
13 my involvement in school was going to be more than
14 baking chocolate chip cookies.

15 Through the years I've worked with
16 extraordinary teams and horrible teams. I refer to
17 them as the get-its and the not get-its. We were
18 fortunate in kindergarten to have a principal that
19 got it. She said, you know, I think they would get
20 so much more out of a regular education program;
21 let's do it. We did it, and not many other people
22 were, not many people got-it, why we were doing it.

23

1 Some teachers thought we were there just
2 to socialize. Some didn't understand why after
3 modifying materials, they still couldn't be like the
4 rest of the kids. But we went on, and I began to see
5 the importance of supporting support staff.

6 I made sure planning time to modify
7 materials was written into both of my boys' IEPs. I
8 served as a parent representation on the committee
9 that made recommendations for the national standards
10 to prepare educators. We made sure teachers in
11 general ed and special ed had time to collaborate and
12 it was written into their daily plans in the IEP.

13 My sons have an extraordinary program that
14 with the help of assistive technology has helped them
15 actually be a part of a general education program not
16 just sitting in the back of the room. I can't stress
17 how their team has worked from the top on down to
18 make this work, and the results have been astounding.

19 Last fall we received a call from school -
20 - and excuse my tears, but it's a call every parent
21 dreads. The principal said your child is in my
22 office. He says he'd like to die. We listened to
23

1 that and the team listened to that and we made a lot
2 of changes in the way that they were receiving their
3 services.

4 We worked hard at changing what wasn't
5 working in his program. We made sure that people
6 were trained in new technology that could be used the
7 first day of school this year, not December. He
8 doesn't talk about wanting to die anymore. He's been
9 elected head of his Boy Scout patrol. Friday he
10 leaves for Washington D.C. on a field trip with his
11 class.

12 My heart is in my throat, but he believes
13 he's capable and so does his brother. But you know,
14 every child doesn't have a team that's willing to
15 step up and truly design an individualized
16 educational program. Every child doesn't have
17 parents that are able to comprehend the educational
18 laws, the standards, even the language that they're
19 written in. And every child doesn't have parents
20 that have the time to do battle, and at times we have
21 to admit we have to do battle for our children.

22 IDEA gives us the frame work to help make
23

1 our children capable to contribute as much as they
2 are able to the world around them. Children
3 shouldn't have to feel like they want to die, that
4 their life is worthless before we get what it means
5 to be educated in an appropriate way.

6 CHAIRMAN BARTLETT: Thank you, Ms.
7 Rydberg. Jim Behle, followed by Pauline Sampson.

8 MR. BEHLE: Good afternoon. I'm Jim
9 Behle. I'm the associate superintendent with the
10 Iowa City schools in Iowa. I'm today representing
11 the Urban Education Network, which includes eight of
12 the largest school districts in the state of Iowa
13 that serve our students and children in Iowa.

14 I'm going to focus most today on
15 implementation at the local education agency, because
16 I think many of your questions this morning talked
17 about how policy can affect that implementation.

18 First I would say, I bring the perspective
19 both of special ed and general education, one of the
20 reasons my colleagues asked me to speak today.

21 First, I want to emphasize, let's continue the
22 implementation of IDEA, '97. We're fortunate in our

23

1 district that when we did a major curriculum review
2 of our special education programs that took place in
3 96-97 at the same time as IDEA '97 was passed and
4 implemented, and that helped us greatly so that we
5 could focus our program not only what we saw as
6 individual needs in our district but also upon the
7 rules and regulations of IDEA '97.

8 We need more time to implement many of
9 those. As an example, our program is very similar to
10 that explained in the Elk Grove Unified school
11 district. We're making great progress in
12 implementing standards and benchmarks with our
13 student in IEPs. However, we need more time to
14 monitor that to extend those benchmarks and to make
15 sure that we're doing a good job.

16 We assess 98 percent of our students on
17 the standardized assessments in our district. We
18 still need time to develop alternative assessments
19 and we need to support the technical expertise and
20 the time to be able to do that so we can measure not
21 only performance but progress of our students.

22 We do collect data, but we also need time
23

1 to work with our staff, our principals and our
2 teachers on how to use that data so that it is not
3 just a number, as was explained earlier, but
4 something that can truly impact student achievement
5 in our district.

6 So the time line is critical in any
7 implementation. We still feel we need time and
8 assistance in implementing IDEA '97.

9 Quickly, some other things I would point
10 out, that I support some of the other things that
11 were mentioned earlier today, particularly the models
12 as described earlier in the Elk Grove school
13 district. I think special education needs to be a
14 continuum of supports and services, not viewed as a
15 separate program to place students in.

16 We need the flexibility to blend our
17 funding resources so that we can front end the
18 services as was discussed earlier, and that as we
19 call our model the student needs model, that it
20 focuses on that. We need funding for early
21 intervention so that we can catch students earlier
22 and work with them.

23

1 You've heard a lot of testimony on having
2 well trained teachers; that's critical and you've
3 already, as you indicated, have heard that in the
4 past. Our teachers tell us they leave the profession
5 because of the paperwork, the legalistic environment
6 and the reduced time for instruction. So I would ask
7 you to address those in your recommendations.

8 Balanced process and outcomes, and
9 specifically what we want there is that as you ask us
10 to do more things with accountability, which we're
11 more than willing to do, that we balance that with
12 the amount of paperwork and the process that teachers
13 are required to do. Thank you.

14 CHAIRMAN BARTLETT: Thank you, Mr. Behle,
15 if you'd submit your entire testimony for the record.
16 I want to call Pauline Sampson, followed by Frances
17 Wilke.

18 One of the other commissioners and I do
19 have to leave in order to catch a flight, but
20 Governor Branstad and other members of the commission
21 have agreed to stay on for the second half. It
22 appears that we'll be able to hear from the entire
23

1 individuals that signed up as alternates and we
2 appreciate that. Everyone's testimony will be made a
3 part of the record.

4 I want to say, as a guy from Texas, I very
5 much appreciate the Iowa hospitality today. If any
6 of you see Uncle Loris and Aunt Shirley from
7 Kingsley, I would appreciate you saying -- tell them
8 their nephew is looking pretty good. And I do want
9 to say on behalf of President Bush and Secretary Page
10 and all of us who work on this issue, we very much
11 appreciate the expertise and the information that you
12 provided. Thank you very much. Governor.

13 MS. SAMPSON: I'm Dr. Pauline Sampson.
14 I'm representing a local education agency about 30
15 miles north of here. I'm the director of special ed.
16 I have 550 students out of about 4,800. I wanted to
17 start out my speech, but I want to give a person
18 credit for this.

19 Heidi Hays Jacobs has worked with a lot of
20 different districts on instructional strategies that
21 are most effective. She starts out all of her
22 sessions -- and I think some of the parents will have

23

1 attested this already -- by placing a chair in front
2 of the group, and asks everybody to visualize a
3 student in this chair, that none of our policies or
4 our decisions will forget that there is a student in
5 this chair.

6 In Iowa we're very proud of our students
7 and our education. We're also very proud of our
8 local autonomy. Sometimes that presents its
9 challenges as we work with standards. In our
10 district we work very hard to include a full
11 continuum of services; however, without the full
12 federal funding at the 40 percent, we are constantly
13 coming back to our local taxpayers to make up for
14 that difference. We will do that and we do that in
15 Ames. However, with the tightening budgets across
16 the state and in other places, I worry that we will
17 not be able to continue with that same practice.

18 I'm advocating for early intervention and
19 prevention, for commingling dollars and for any
20 accountability. We already have the data. We test
21 exclusively all the time in Iowa. We have it for our
22 special ed students. We include 98 percent of our

23

1 special ed students in those assessments. We are
2 working on the alternate assessments. We started it
3 three years ago in our district when it was the law,
4 and the state department came through this year to
5 give us help.

6 So we're doing that. So we ask for any
7 new accountability measures to be looked at
8 carefully, that we don't forget that there's a
9 student in this chair that it impacts. We want to
10 include the best for all kids, and I want to
11 encourage parents to come to the district and ask for
12 that support. We go to the parents and we constantly
13 look for customer satisfaction; we'll continue that.
14 We will continue looking at student achievement. I
15 know where 551 of my students are the last three
16 years, in reading, in math, in writing. And also
17 will soon learn science. But we can't forget that
18 they have social needs as well, be part of a learning
19 community, and we must include that.

20 So again I would like to see that we
21 actively pursue full funding so that we can continue
22 having the best education for our children here in
23

1 Iowa. Thank you.

2 GOVERNOR BRANSTAD: Thank you very much.

3 Frances Wilke.

4 MS. WILKE: Thank you very much for coming
5 today. I wanted to tell you that I really would like
6 to encourage you to get the federal government to
7 ante up the 40 percent that's due to us. It is so
8 critical that all children have the choice and the
9 continuum of the spectrum of education that they
10 need.

11 My son is at the very profound level, and
12 he now lives at Woodward Resource Center, and it is
13 the right place for him, but it is not the right
14 place for so many other children. He's getting what
15 he needs because I've been a good advocate in working
16 together with the school system. Some parents just
17 don't have -- don't have the skills, time or
18 understanding.

19 Please don't give us a dog that won't
20 hunt. Thanks.

21 GOVERNOR BRANSTAD: Thank you very much.

22 Jeff Grimes.

1 MR. GRIMES: My name is Jeff Grimes. I
2 work for an education agency that serves central
3 Iowa. I'm a school psychologist by profession and
4 would want to represent myself also as a person
5 deeply committed to excellence in education for
6 children with disabilities.

7 The main point that I wish to make is that
8 accountability is a function of the design of the
9 special education system and its perceived purpose.
10 The Education of the Handicapped Act called upon Iowa
11 and other states and local agencies to initially
12 implement a child find system. Iowa got very good at
13 that child find system and became aware that the
14 results were not what they needed to be.

15 In 1980 Iowa began a review of the special
16 education process. State leaders supported this
17 process, William Lepley and later Ted Stillwell, the
18 director of education, operating under the leadership
19 of Governor Terry Branstad, carried out this process.
20 Six years of implementation of an alternate service
21 delivery system were put into place preceding the
22 development of an alternative set of rules for
23

1 special education.

2 In 1995 Iowa's rules governing special
3 education were changed. Those rules in the revised
4 system placed an emphasis on systematic problem
5 solving. What I distributed to the panel was
6 excerpts from two rules. One, defining systematic
7 problem solving and on the opposite page, a
8 definition and identification of general education
9 interventions.

10 In order to implement this, in order to
11 implement these practices which focus on prevention,
12 early intervention and remediation, it requires the
13 participation of not just administrators and teachers
14 but also school psychologists, social workers,
15 occupational and physical therapists and other
16 support services.

17 The focus of the rules includes the rights
18 of parents and children, a focus on intervention and
19 a focus on the results of the special education
20 system. Iowa, like Elk Grove, California, has
21 implemented a comprehensive statewide system to
22 operate in a different manner and to put results as

23

1 the centerpiece and not the process and the details
2 of the special education services.

3 GOVERNOR BRANSTAD: You've run out of time.
4 So if you can just wrap it up.

5 MR. GRIMES: I will in thanking the
6 Commission for the opportunity to address them.

7 GOVERNOR BRANSTAD: Thank you very much.
8 David Egner. Is David here?

9 MR. EGNER: I'm David Egner. I'm with the
10 Council for Exceptional Children. I just wanted to
11 comment and say from what's been discussed today, the
12 discussion concerning the extent to which the No
13 Child Left Behind Act applies to special education
14 students, Council for Exceptional Children's
15 interpretation is that it does apply and we would
16 support efforts to clarify that linkage in terms of
17 accountability system for holding systems accountable
18 for results.

19 We continue to have concerns over how then
20 you balance that with the individualized nature of
21 goals in the IEP which is the foundation we believe
22 of the law, and the extent to which any efforts to

23

1 look at accountability by this Commission could
2 factor into the equation the individualized nature of
3 the IEP for children and not confuse standards based
4 reform as in any way limiting the ability of an IEP
5 team to individualize goals for children which we
6 think must be protected in any accountability system.

7 Beyond that, that's the extent of my
8 comments for today. Thank you very much for this
9 opportunity.

10 GOVERNOR BRANSTAD: Great. Thank you very
11 much for being very succinct. Sharon Schultz.

12 Incidentally, I think we have ten more
13 presenters after Sharon. Thank you all for your
14 patience. It's very obvious to me we have a lot of
15 people that care very deeply about this subject, and
16 have some strong feelings and we appreciate your
17 commitment on this very important issue. I also want
18 to thank the panel. Some of them had to leave because
19 of the plane connections. But you ahead, please.
20 Thank you, Sharon.

21 MS. SCHULTZ: Thank you very much, and
22 thank you, Commissioners. I am Sharon Schultz from
23

1 Muncie, Indiana. Just a little bit of background and
2 where I'm coming from is that I was teaching in that
3 self-contained classroom prior to 94-142. I then was
4 a district administrator, director of special
5 education and I'd like to also add, one due process
6 hearing in six and a half years and it was a leftover
7 from the previous administrator.

8 I've gone on to now teach at the
9 university and I'm also a private consultant. I'm
10 speaking to you as a practitioner and as a member of
11 the National Education Association. I submitted a
12 paper which deals with a couple issues, which at the
13 association, of course, we are concerned, And that
14 is if we're going to talk about accountability
15 systems, a couple of the underlying pieces are the
16 incredible paperwork that kind of gets in the way.

17 I have colleagues that look at IEP forms
18 from five to 33 pages, and also the issue of case
19 load. I also came specifically as a practitioner to
20 address three issues that have been addressed today,
21 so I'll be very quick with this.

22 One is that if we're going to talk about
23

1 accountability systems, the issue of multiple
2 measures has to be attended to, and only just
3 multiple measures as it now exists in IDEA in
4 reference to eligibility, but also multiple measures
5 and tying that directly to the academic standards in
6 the states where students are in school.

7 The second one that I wanted to talk about
8 was the issue of the need for quality professional
9 development. Researchers in my experience has proven
10 to be true, that researchers have said that up to
11 approximately 70 percent of a teacher's time is spent
12 in assessing, formative assessment and summative
13 assessment of students. However, less than 50
14 percent of the current in-service teachers have a
15 strong fundamental background in authentic assessment
16 and matching those assessments to instruction and
17 student standards. So with that, and also in the
18 area of professional development, the issue of how do
19 we tie academic standards to present levels of
20 educational performance and goals and objectives for
21 children.

22 The third issue, which I found as I moved
23

1 to the university, is the strong need to involve the
2 university in preparation of our pre-professional
3 teachers. I work currently with both general
4 education majors and special education majors, and I
5 think that Indiana is making some progress because of
6 a mandate by our Standards Board, that all general
7 educators have a strong background in working with
8 kids with disabilities. I would like to see that
9 happen in some extent on the national level, that we
10 really strongly emphasize that all educators have the
11 continuum from working with children with
12 disabilities to the children with gifts and talents.
13 Thank you for your time.

14 GOVERNOR BRANSTAD: Thank you very much,
15 Ms. Schultz. Thank you. L.D. Widewa.

16 MS. WIDEWA: First of all, I'd like to say
17 that I'm the Iowa and United States Autism
18 Ambassador. I'm the president and founder of Autism
19 Awakening, the Autism Council for worldwide, as well
20 as the Autism First Steps Action plan. There's a
21 reason why I tell you that today.

22 I have authored over 19 pieces of autism
23

1 legislation as well as 87 to 100 platform statements
2 for autism. The reason why I bring that up is
3 because several of those platform statements were on
4 education. We addressed not only education issues,
5 health issues and many other issues.

6 I'm not going to spend a lot of time on it
7 today. I'll instead submit it. But I'd like to say
8 that I do support, and so do all the ambassadors
9 around the world, not just the U.S. ambassadors that
10 are here today, but there's approximately over 80 of
11 us and 40 United States ambassadors. We support you
12 fully funding the IDEA.

13 These children truly need it, and not just
14 children with autism but all disabilities need that.
15 I have to say that my daughter is a classic example
16 of how 40 to 48 percent of children with autism can
17 fall into the cracks.

18 My daughter was absolutely totally
19 profound at 22 months old. I know looking at her
20 today that's hard for you to imagine. But when I'm
21 in Washington I'd be more than happy to submit
22 pictures or videos that you can look at so you could
23

1 see my daughter before. She received no education.
2 She received no type of treatment at all. As a
3 matter of fact, we were told to come back when she
4 was six years old. We were told that there was a
5 possibility she would end up in an institution. To me
6 that was very sad.

7 I love my little girl, and you cannot
8 imagine what it's like when you lose those words.
9 They're so precious and they're so dear, when your
10 child can come up to you and just put those arms
11 around you and say I love you, mommy. And then when
12 you lose them, it's so devastating.

13 But I want to spend the rest of my time
14 today, because I want you to hear what me as a parent
15 has done for my child. I want you to see the benefit
16 of early intervention firsthand, of what this could
17 do. And I don't mean early intervention at five or
18 six years old, I mean at two years old, three years
19 old and older.

20 I want you to understand that at 22 months
21 old she could not do this. She was gone to us. Can
22 you say hi to the President's Commission?

23

1 CHILD: I can. Hi.

2 MS. WIDEWA: Say how are you. Can you say
3 how are you?

4 CHILD: I can't.

5 MS. WIDEWA: What do you say? What can you
6 say?

7 CHILD: Silly.

8 MS. WIDEWA: Can you say I love you,
9 mommy?

10 CHILD: Yes.

11 MS. WIDEWA: As you can see, my daughter
12 can talk today. That's what some of these children
13 can get if you help them. I'm an exception to the
14 rule. I got lucky. I worked with experts from
15 around the world. I got the best of the best, and I
16 didn't give up. But some of these parents, they
17 don't understand those crucial first steps. They
18 don't --

19 GOVERNOR BRANSTAD: She's better with the
20 microphone than some of us are.

21 MS. WIDEWA: That's the difference, what
22 early intervention can do. We had to take her out of
23

1 state. We did not get that in Iowa.

2 CHILD: Mom, it's my turn.

3 MS. WIDEWA: Now I want to go to Chuckie
4 Cheese's.

5 We found out about the diet, vitamins and
6 minerals used with autism. We found out about how
7 they talk in pictures and everything and we taught
8 our daughter on a daily basis. But these guys can do
9 this in school for some of these kids, too. I'm not
10 going to say she doesn't still have autism. But I can
11 say my daughter has made a great difference.

12 GOVERNOR BRANSTAD: Thank you very much.

13 MS. WIDEWA: To finalize, because I
14 realize I'm already over my time, but I appreciate
15 you taking the time to see my daughter. These kids,
16 they deserve this. They deserve this and the parents
17 deserve to hear these children's words or to have the
18 augmentation devices that they don't get and they
19 deserve to know those crucial first steps. In autism
20 we put together that autism action plan that took
21 every profession and broke it down into the crucial
22 first steps, not only that the professional needed to

23

1 know but what the parents needed to know from that
2 professional. We even went out and made all the
3 handouts for them.

4 So in that we ask please help these kids
5 and fully fund IDEA. And I'll see you in Washington.

6 GOVERNOR BRANSTAD: Thank you very much.
7 Cindy Laughead. She's left? Okay. Mardi Deluhery.

8 MS. DELUHERY: I'm Mardi Deluhery and I am
9 the parent of a daughter who receives special
10 education services from 1980 until 2002, and I'm also
11 with the Parent Educator Connection. Saying that,
12 we're overtime --

13 GOVERNOR BRANSTAD: And your husband was
14 here this morning, right?

15 MS. DELUHERY: He was here this morning,
16 yes, he was and he is very interested in these
17 issues. He wasn't able to stay the whole day but he
18 is interested in these issues.

19 My interest is in least restrictive
20 environment. I think I'm going to be very brief
21 because lots of other people have made that point
22 very well, so I'm not going to tell you all my
23

1 stories. But just urge you to resist any request
2 there might be to dilute that. It's been important
3 to all our children. Thank you.

4 GOVERNOR BRANSTAD: Thank you very much.
5 Martin Ikeda.

6 MR. IKEDA: Marty Ikeda from Heartland AEA
7 11. I'm the coordinator of research and special
8 projects. In thinking about Leave No Child Behind on
9 the graphic that the Commission is looking at, the
10 top graphic has the situation in which we're
11 currently living, in which the general education is
12 separate from special education, and we have students
13 who general education meets their needs and special
14 education meets their needs, and kids in the middle,
15 they're what we call in the sea of ineligibility,
16 what Dr. McNulty, Gerald earlier today said floating
17 around down there.

18 We saw an example from Elk Grove of a
19 system that's depicted in the bottom graph, where
20 we're bridging the gap for students, where we have
21 general education interventions, as Mr. Grimes talked
22 about, in the Iowa law to support students before
23

1 they fall behind, to help them move forward.

2 In this bottom graphic we have the
3 intensity of the problem. As the problem gets more
4 intense, the amount of resources needed to solve the
5 problem get more intense, kids get into special
6 education.

7 We have some data from about ten percent
8 of schools in Heartland area education agency that
9 when students receive general education interventions
10 about 20 percent of students do not need to go onto
11 entitlement. About another 40 percent of students
12 continue on in general education without needing
13 special education entitlement. And about 25 percent
14 of students, after good intervention from general
15 education, with support from itinerant staff like
16 school psychologists and education consultants, go up
17 into special education.

18 But what's different in this system is, if
19 you turn the page over, this table has the numbers of
20 and types of assessments that were conducted at
21 Heartland AEA from 1995 to 2002. For 8,189 students
22 in that time frame who were being explored for
23

1 initial special education eligibility, there were
2 16,700-some odd evaluations given. But notice the
3 distribution. Over 50 percent were functional
4 academic assessment data that teachers can use to
5 write measurable IEP goals and monitor the student's
6 progress.

7 One of the staple tools in IDEA, measures
8 of cognitive achievement, in those last seven years a
9 total of 15 have been given at Heartland AEA, and
10 similar numbers are reflected in the re-evaluation
11 data as well.

12 My closing comment to you would be, as you
13 look at IDEA, examine models like this in which we're
14 trying to get teachers better data upon which to make
15 their decisions, because accountability is not just
16 about statewide tests, it's about helping teachers
17 make better decisions in the classroom. Thank you.

18 GOVERNOR BRANSTAD: Thank you very much.
19 We did get an opportunity to hear from Sharon Vaughn
20 and a couple of others, Dan Reshley who used to be at
21 Iowa State. Both made presentations to the full
22 Commission when we were in Houston, very similar to
23

1 the actual experience that you just related to us
2 from the Heartland AEA. We've heard also from Elk
3 Grove in California. And I think this is an area
4 that we are really seriously looking at. So we
5 appreciate you giving us some actual data that goes
6 along with the research that we heard in Houston.

7 Next is Alecia Rahn.

8 MS. RAHN: My name is Alecia Rahn, and I
9 thank you for this opportunity. I'm a school
10 psychologist that serves two rural school districts
11 just outside of Des Moines. I serve kindergarten
12 through 12th grade students, both general ed and
13 special education.

14 I spend my time doing a variety of things
15 but I wanted to give an example of how I use data in
16 my every day practice. Jerry Tindal this morning
17 talked about classroom based assessment and I want to
18 talk about the system we use for early
19 identification. For kindergarten through third grade
20 we use benchmark assessments for reading. So three
21 times a year we ask students to read out loud for a
22 minute using curriculum based measurement. We do

23

1 this in fall, winter and spring for each of those
2 grade levels.

3 Curriculum based measurements are short
4 duration fluency measures where students just read
5 aloud for one minute. Those data are available
6 immediately. We sit down with our principals and our
7 teachers and we're able to make decisions about how
8 the students are doing. So for example, in second
9 grade we know by the end of fall we want them to read
10 50 words per minute, at the end of winter we want
11 them to read 70 words per minute and at the end of
12 spring we want them to read 90 words per minute.

13 We can look at those scores immediately to
14 see how those students compared to those benchmarks.
15 If they're not, we can say, hey, we need a smaller
16 group, some more intensive interventions. Let's give
17 them some of that intervention and then follow them
18 with progress monitoring data. We can continue to
19 look at that data over time to make decisions about,
20 well, they're making progress; we can continue. Or
21 they're not; let's make a phase change and do
22 something different.

23

1 So I can use the data in a variety of
2 different ways. If those students make slow progress
3 or they need intensive intervention that's not
4 available in general education, we can consider
5 special education entitlement. And I use the data to
6 answer the three questions that I gave in front of
7 you. One would be about what is their rate of
8 progress; is it expected or is it slower? And we can
9 compare that to either their class median or another
10 identified standard.

11 I can then look at the conversion
12 evidence, again to answer those three questions for
13 entitlement. Also during special education we answer
14 those three questions at annual reviews and three
15 year re-evaluations.

16 So in conclusion, we use data to make a
17 variety of decisions in our schools every day. I've
18 seen my teachers and my administrators very excited
19 about using that data because they've seen the value
20 of it. Those data help us to insure that we do leave
21 no child behind. Thank you.

22 GOVERNOR BRANSTAD: Thank you, Alecia.

23

1 Tim Blakeslee.

2 MR. BLAKESLEE: I'm Tim Blakeslee. I'm a
3 special education teacher in a school district about
4 one hop away from here, north of Des Moines.

5 I've been kind of teaming with these two
6 over here. I happen to be a special education teacher
7 with a day off today, by some fluke, so I'm not
8 skipping school to be here.

9 I've been asked just to be here to talk
10 about from a teacher's perspective how kind of that
11 alternative delivery system can affect kids and how
12 using assessment to link to interventions and to
13 eligibility, possibly into accountability kind of
14 works. So I presented to you is two kids that came
15 to my school district this school year.

16 My school district has about 65 percent
17 free and reduced lunch, so we're a pretty
18 impoverished group. We have some special needs. I
19 think that's partially helped us to embrace our AEA
20 and embrace data and accountability.

21 In front of you, we have a high turnover
22 rate, as I said, so these are two students who just
23

1 came -- third graders who came into my district year
2 from another school district. On the case scenario,
3 the first student is Victoria. She came in as a
4 third grader reading about 30 words per minute in
5 third grade material. As Alecia talked about, that's
6 not anywhere near the benchmark where we would like
7 to see third graders.

8 So instead of panicking and saying this
9 kid has to be in special ed immediately, we looked at
10 those three questions. Where is she at right now,
11 how she compared to the benchmark and another
12 question would be, what kinds of instructional needs
13 does she have?

14 We took those needs, placed her along with
15 general ed material with some alternative materials
16 and put her in a smaller group for part of the day.
17 As you can see, for the first part of the data there,
18 she made really, really nice growth, about two and a
19 half words per week in second grade material. So we
20 looked at that, her parents were kind of on board
21 with us the whole time, but at parents conference
22 time we're thinking she's making really great growth.

23

1 We didn't have to talk about special
2 education at all. What we did talk about, now we can
3 move her up into an actual higher group, but we want
4 to keep kind of doing the things that we're doing.
5 At that time we moved her up and monitoring her
6 progress in third grade material and she has
7 continued to make really nice gains towards meeting
8 her benchmark and I can see her being in general
9 education in a year or two totally.

10 The other student, to kind of further the
11 point, is Josh. He also came in towards the fall of
12 this year. He's a student that probably was reading
13 about 15 words per minute in third grade material
14 when we got him.

15 Needless to say, again we said, what can
16 we do? But we didn't say let's do special ed right
17 away. We looked at where is he at, was does he need?
18 We actually placed him in a group of second graders
19 who were at a lower level, put him in more first
20 grade material and as you can see, his rate of
21 progress wasn't where we wanted him to be. So at
22 that point we talked about special ed. We used that
23

1 ongoing data to say, yes, he would be eligible but
2 also to directly tie into what his goals are going to
3 be for his IEP.

4 So what I'd say is problem solving frame
5 work can work, that ongoing data and assessment for
6 me as a teacher is very, very useful. I'd promote
7 that. And it's also very good to communicate to
8 parents in an ongoing fashion. Thank you.

9 GOVERNOR BRANSTAD: Thank you, Tim. Thank
10 you very much. Katherine Fromm. Is Katherine Fromm
11 here?

12 Richard Owens, Richard T. Owens. Okay.
13 Katy Behneas.

14 MS. BEHNEAS: Good afternoon. I'll be
15 very brief. I'm Katy Behneas. I'm assistant vice
16 president for Government Relations for the Easter
17 Seals National Office, and I'm also here on behalf of
18 the consortium for Citizens with Disabilities. What
19 a great --

20 GOVERNOR BRANSTAD: And a native of Des
21 Moines.

22 MS. BEHNEAS: And I'm a native of Des
23

1 Moines. I appreciate the opportunity to see my
2 parents. They appreciate the opportunity, too.

3 I wanted to say what a great day and what
4 wonderful testimony. I would ask that child find be
5 part of your discussion about accountability. As one
6 of the moms earlier said, finding little kids sooner
7 rather than later will be helpful to all of us.

8 Also many states are developing school
9 readiness standards for kids before they enter
10 kindergarten, and how those affect children with
11 disabilities again would be something to look at.

12 Again, thank you for the opportunity to be
13 here in Des Moines. I hope all of you will come back
14 sometime, especially during state fair time where you
15 can see what's really special about this place.
16 Thank you, again.

17 COMMISSIONER TAKEMOTO: Can I ask just one
18 question?

19 GOVERNOR BRANSTAD: Sure, go ahead and ask
20 questions.

21 COMMISSIONER TAKEMOTO: You still have
22 part of your three minutes. Tell me more about the
23

1 school readiness standards, what you were talking
2 about. I know what they are but tell me what you're
3 talking about when you say incorporate students with
4 disabilities into them.

5 MS. BEHNEAS: I'll give you one specific
6 example. Illinois is working on pre-K standards for
7 three and four year olds, about what three and four
8 year olds should do before -- skills that they should
9 acquire before they go to kindergarten. As the
10 development of those standards, what modifications do
11 children with disabilities need to be able to meet
12 those standards or participate in those kinds of
13 activities.

14 So kids should have certain social skills
15 or pre-reading skills, that those aren't used, A, to
16 preclude kids with disabilities from participating,
17 but that there are also accommodations available for
18 children so that they can in fact be on that journey
19 for school readiness. Does that make sense?

20 COMMISSIONER TAKEMOTO: So school
21 readiness programs should look at kids with
22 disabilities as part -- as what they're serving and
23

1 not -- and make those accommodations in school
2 readiness programs.

3 MS. BEHNEAS: Exactly.

4 COMMISSIONER TAKEMOTO: As the standards.

5 MS. BEHNEAS: Exactly.

6 COMMISSIONER TAKEMOTO: Thanks.

7 GOVERNOR BRANSTAD: Is there anybody else
8 that wants to make a presentation? I believe in a
9 very open system. So if there's somebody else that
10 wants to make a brief presentation, I want to give
11 you that opportunity now. That's our last one that
12 I've got on my list.

13 I want to introduce Stephanie Lee, the
14 director of the office of special education programs
15 for the U.S. Department of Education. Stephanie,
16 thank you for being here.

17 17

18 (Applause.)

19 GOVERNOR BRANSTAD: I want to thank all
20 the staff that helped with this, and the panel
21 members for coming here and for listening. I also
22 want to thank all of you in the audience. I think

23

1 everybody has treated each other with respect and
2 dignity and we know this is a very important issue
3 that we're dealing with. The President has given us a
4 very important and difficult assignment. He doesn't
5 want any child left behind, and that's especially
6 true for children with disabilities. We've heard
7 some really heart rendering stories about the
8 struggles that parents and families have had and the
9 progress that's been made.

10 I just want to assure you that we want to
11 build on that. We want to use the knowledge, the
12 expertise we've heard on what's been learned in the
13 last 25 years, to try to make it better. I think
14 we've got a great group of people that is committed
15 to this, and we do appreciate all of you that have
16 come to listen and to present and to be part of this.
17 This process will go on. There's several more
18 hearings and then meetings of the full Commission
19 that will be held regionally around the country.

20 Our goal is to be able to make our report
21 and recommendation sometime around the 1st of July to
22 the President. But I personally am very pleased and
23

1 honored that this hearing for the accountability task
2 force was held here in Des Moines, Iowa. And I want
3 to thank all of you for being a part of it. Thank
4 you very much.

5 (Whereupon, the hearing was adjourned
6 at 3:25 p.m.)

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