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U.S. DEPARTMENT OF EDUCATION

PRESIDENT'S COMMISSION ON
EXCELLENCE IN SPECIAL EDUCATION

Wednesday,

February 27, 2002

Versaille Warwick Hotel

5701 Main Street

Houston, Texas

PANEL MEMBERS

TERRY BRANSTAD, CHAIRMAN

ADELA ACOSTA

WILLIAM BERDINE

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PAULA BUTTERFIELD

JAY CHAMBERS

ALAN COULTER

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- 1 JACK FLETCHER
- 2 DOUGLAS GILL
- 3 BRYAN HASSEL
- 4 DOUGLAS HUNTT
- 5 C. TODD JONES
- 6 C. REID LYON
- 7 ROBERT PASTERNAK
- 8 MICHAEL RIVAS
- 9 ED SONTAG
- 10 CHERIE TAKEMOTO
- 11 KATIE WRIGHT
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1 P R O C E E D I N G S

2 MR BRANSTAD: I'm pleased to call the
3 President's Commission on Excellence in Special Education
4 to order.

5 Thank you all, after the exciting rodeo and
6 performance last night, for getting up early and being
7 here at eight o'clock this morning.

8 The President's Commission on Excellence in
9 Special Education will benefit from the testimony of many
10 people considered to be experts in their field as it meets
11 in cities throughout the country. We value their research
12 and recommendations. And we've had an opportunity to hear
13 from some outstanding experts and have some very good
14 discussions.

15 We also appreciate the opinions and the
16 commentary from the public. That's why the Commission has
17 set aside this public comment period as part of our
18 deliberations and meeting.

19 Each of you who has signed up to speak is
20 invited to make remarks for three minutes. To allow the
21 opportunity for everyone to speak, we ask that you please
22 respect the time limit.

1 Please note that you will see a card held up
2 indicating how much time is left to speak. You will
3 receive a two-minute, a one-minute, and a 30-second
4 notice.

5 Having run for public office a number of times
6 and been in a lot of debates, I've had a lot of experience
7 dealing with this.

8 I know it's not easy, but hopefully these signs
9 will help you to be able to get the -- if your remarks are
10 such that you're not going to be able to get to some of
11 your important points, I guess you can see that you can
12 maybe make the adjustment to do that.

13 Because we want everyone to be able to make the
14 important points they want to make.

15 And we do look forward to hearing from you, and
16 we welcome all of you. And thank you for coming to
17 participate.

18 DR. PASTERNAK: Mr. Chairman, just before we
19 get started --

20 MR BRANSTAD: Yes, Bob.

21 DR. PASTERNAK: -- as you can all tell, I'm
22 having a little trouble getting my hat off this morning.

1 If anybody could help me with that, I'd appreciate it.

2 And I wanted to take a second and really
3 publicly thank, as the Federally designated official and
4 on behalf of the Commission, Beth Ann, you did an
5 incredible job organizing that last night.

6 (Applause.)

7 DR. PASTERNAK: You are an amazing woman. And
8 I just thought the Commission really needed to thank you,
9 because we all had a great time, and it was thanks to all
10 of your hard work.

11 So thank you, Mr. Chairman.

12 MR BRANSTAD: It was an outstanding rodeo and
13 performance. And some of the Commission members also had
14 outstanding performances last night, too.

15 (General laughter.)

16 MR BRANSTAD: And as far as I know, nobody in
17 this group fell off a horse or a bull or anything.

18 But Beth Ann, thank you very much for
19 organizing it and putting together a great event and
20 showing us the wonderful hospitality of Houston and Texas,
21 your home town, and it showed itself very proud.

22 Okay. I think we're ready to go. Todd, do you

1 have the list of --

2 MR. JONES: Actually, we're just going to go in
3 line.

4 MR BRANSTAD: Oh. We're just going to go in
5 line. Okay.

6 Well, then, we'll ask people to introduce
7 themselves at the podium.

8 And we'll get started. Thank you very much.

9 MS. FOLEY: Good morning. My name is Beth
10 Foley, and I'm with the National Association of State
11 Directors of Special Education. Additionally, NASDSE is a
12 part of a consortium called the CCD, the Consortium for
13 Citizens with Disabilities.

14 I'd really like to start off by thanking the
15 Administration for providing this opportunity for input as
16 to the effectiveness of IDEA and how the program can be
17 improved.

18 NASDSE's Board of Directors developed a
19 legislative agenda, which you all received prior to coming
20 here, focusing on nine different priorities. I'm going to
21 focus on two priorities at this time.

22 First of all, as we've been discussing for the

1 last couple of days, accountability for results. NASDSE
2 would like to ensure that accountability includes an equal
3 emphasis on student achievement, system performance, and
4 inputs and processes that ensure participation and
5 procedural safeguards.

6 Specifically, to redirect the resources and
7 efforts of the Department of Education and OCEP, the
8 Office of Special Education Programs, to provide states
9 with support to improve student outcomes rather than
10 focusing on the processes by which students are identified
11 and served.

12 And to the extent practical, establish systems
13 of accountability and performance standards based on
14 common data elements and definitions and collected in
15 common formats.

16 Also, to allow state waivers that provide
17 flexibility in the design and implementation of programs.

18 And finally, to focus Federal monitoring and
19 evaluation activities on improving student and system
20 outcomes and program quality.

21 And the second piece that I would like to
22 address, in order have a successful accountability system,

1 and to address the significant increases in the cost of
2 providing a free and appropriate public education, NASDSE
3 would like to highlight that we need to get up to the 40
4 percent for IDEA for Part B programs, as well as including
5 Section 619, the preschool and including Part C, early
6 intervention and Part D, discretionary programs.

7 An important piece of this funding is to
8 simplify the formula for distribution of state funds,
9 providing a breakdown of 80 percent flow-through to the
10 LEAs, the local education agencies, 5 percent for state
11 administrative expenditures, and up to 15 percent for
12 monitoring, technical assistance, program development, and
13 other support programs.

14 Finally, we'd like to talk about providing
15 funding to support a coordinated services model for
16 students with disabilities including other programs that
17 have a Federal obligation to provide educational and
18 noneducational services.

19 Again, thank you very much. And we've had a
20 really interesting time here. And I think you all are
21 doing a great job.

22 MR BRANSTAD: Thank you very much, Beth.

1 MR. TISCH: Hello. I am Rick Tisch, a council
2 member of the Texas Council for Developmental Disabilities
3 and the father of a Fourth Grade child with developmental
4 disabilities.

5 The Texas Council for Developmental
6 Disabilities, established by Federal law in the
7 Developmental Disabilities Assistance and Bill of Rights
8 Act, consists of a 30-member board appointed by the
9 Governor of Texas.

10 Our mission is to encourage policy change so
11 that people with disabilities have the opportunities to be
12 fully included in their communities and to exercise
13 control over their own lives.

14 As a parent and council member, I am concerned
15 about the way that special education rarely includes a
16 sound foundation for transition from school to adult life.

17 My own son will attend middle school in one
18 year, where, due to a lack of inclusive education at this
19 level, his opportunity to interact with students without
20 disabilities will possibly be much more limited.

21 I am concerned that this will have a negative
22 impact on his ability to be part of the general community.

1 My concern is even greater for the time when he
2 will eventually transition from school to life as an
3 adult, because although our education system invests much
4 time and effort in the education of special education
5 students, these same students often graduate to be
6 homebound and under the care of their families.

7 Accountability standards for schools currently
8 do not include the relationship between the education
9 students receive and how this curriculum, instruction, and
10 experience facilitate their success as adults in community
11 life, yet the goals of education are to prepare students
12 to reach their potential and to live as independently as
13 possible.

14 Right now transition services are not developed
15 and implemented to the degree necessary to reach the goal
16 of independence. This is partly because Federal
17 regulations to fund transition services are not being
18 widely implemented across a state.

19 When other state agencies will not provide or
20 pay for services designated in an IEP, these services are
21 generally just not provided.

22 School districts must be required to provide

1 increased inclusive opportunities at the middle and high
2 school levels. This is the best way to give students the
3 skills necessary to interact with members of their
4 community.

5 If students are going to live in the general
6 community, they must be given the opportunity to be part
7 of that community during their years of education.

8 Schools must be held accountable for student
9 outcomes. Accountability ratings of schools should
10 include the percentage of student goals reached as set out
11 in the student's transition plan.

12 The assessment should report on student status
13 within four years of leaving school either through
14 graduation, dropping out, or aging out of the school
15 system.

16 IDEA reauthorization must hold schools
17 accountable for services students need, and it must also
18 guarantee funding mechanisms to provide necessary
19 transition services.

20 Currently there is no accountability relating
21 to transition services, which would logically be provided
22 by other state agencies.

1 In Texas, these state agencies often do not
2 have the resources to offer services establishing
3 students' individualized transition plans, and the student
4 is forced to go without essential services.

5 MR BRANSTAD: Rick --

6 MR. TISCH: I'm sorry.

7 MR BRANSTAD: -- I think we're about out of
8 time.

9 MR. TISCH: Okay. Thank you.

10 MR BRANSTAD: Thank you very much.

11 MS. SHARP: Hello. I'm Tammy Sharp. I'm a
12 parent of a five-year-old child with autism.

13 My focus today will be on preschool through
14 elementary age children with autism.

15 Public Law 94-142 ensured access to education
16 for all children with disabilities. The 1977 IDEA
17 Amendments became the primary catalyst for effective
18 assessment, teaching practices, and related instruction
19 materials for children with disabilities.

20 In states which have chosen to uphold the
21 principles of IDEA, IDEA has become a lifesaving gift to
22 the children with disabilities and their families. A few

1 of these states are Connecticut, Massachusetts, New York,
2 Maryland, and Wisconsin.

3 But in states such as Texas, where IDEA is
4 minimized or in some cases circumvented, best teaching
5 practices are not being implemented. Children are being
6 left behind. Children are not being developed to their
7 full potential.

8 One group of children being left behind are
9 young children with autism, who cannot learn by group
10 instruction.

11 Accountability standards for schools must
12 include a direct relationship between education and the
13 lifetime outcomes for children with disabilities.

14 Education must be defined as curriculum, method
15 of instruction, and social development. These factors
16 determine the success for any child.

17 For young children with autism, teaching
18 methods, curriculum, social development, better known as
19 best practices, the only intervention supported by current
20 research is applied behavior analysis. In your handouts
21 there is a partial list of research supporting this claim.

22 From the Surgeon General's Report on Mental

1 Health: Thirty years of research demonstrated the
2 efficiency of applied behavior analysis methods in
3 reducing inappropriate behavior and in increasing
4 communication, learning, and appropriate social behavior.

5 In a recent article in the Houston Chronicle,
6 it was cited that special education students are twice as
7 costly to educate as other students. But has anyone
8 looked at what the lifetime cost to the state and Federal
9 Government would be if children with disabilities are
10 denied the right to develop to their full potential?

11 For young children with autism, an education
12 developed by the principles of applied behavioral analysis
13 saves state and Federal Governments money over the course
14 of the child's life. And there's research attached to
15 your handouts that supports this claim.

16 I implore the Commission to recommend full
17 funding our special education programs, but fund them
18 responsibly.

19 Study the states that are successfully
20 implementing the principles of IDEA and require that all
21 states meet those standards in order to receive funding.

22 Thank you for your time and your attention.

1 And I appreciate the opportunity to express my concerns.

2 MR BRANSTAD: Thank you very much, Tammy.

3 MS. RALABATE: Good morning. My name is Pattie
4 Ralabate. I'm here representing the National Education
5 Association, the largest education association in the
6 country.

7 To fully appreciate NEA's priorities for IDEA's
8 reauthorization, which you received at your place this
9 morning, it's important to keep in mind that these
10 priorities came from the issues that our 2.7 million
11 members have shared with us.

12 Secondly, to fully appreciate these proposals,
13 I need to tell you a bit about myself.

14 Less than two months ago, I was in the middle
15 of my 25th year as a speech and language pathologist in
16 the Connecticut public schools.

17 My 30 years of experience have included work
18 with children with a wide variety of ages and disabling
19 conditions in suburban, rural, and urban districts.

20 I've participated in thousands of IEP meetings,
21 400 last year alone, and in various roles, as a
22 diagnostician, a service provider, an administrator, a

1 parent, and a foster parent.

2 My perspective is one that is fresh with the
3 faces of countless educators who support IDEA's notion
4 that all children deserve access and the opportunity to
5 achieve.

6 It was heartening to hear you describe the
7 educators you met yesterday as caring people with huge
8 hearts. The people I represent do care deeply about their
9 students, and they want to be effective.

10 As a result, NEA's six priorities have these
11 themes:

12 Standards for paperwork and class size and
13 caseload issues so that educators can spend more time
14 teaching.

15 Consistency in eligibility and identification
16 criteria.

17 Quality professional development for
18 prospective and practicing educators and service
19 providers, professional development that emphasizes
20 effective classroom-based practices and collaboration
21 skills.

22 Early intervention during preschool and early

1 elementary years.

2 Access to the general ed curriculum in a safe
3 environment in which to learn for all children.

4 And funding, because it does make a difference,
5 whether it's updated computers, an adequate supply of
6 qualified personnel, or the availability of support
7 services.

8 We hope you will consider our perspectives as
9 you develop your recommendations.

10 And I leave this last thought with you. The
11 message that this Commission sends will be critical in
12 aiming the spotlights and setting the tone for the
13 reauthorization of IDEA. Thousands of educators and
14 millions of children are counting on you.

15 We thank you for your hard work.

16 MR BRANSTAD: Pattie, thank you very much.

17 DR. SCHEVERMANN: Good morning. My name is
18 Brenda Schevermann. I'm here on behalf of the Council for
19 Children with Behavioral Disorders, which is a division of
20 the Council for Exceptional Children.

21 I've provided some written comments for you
22 that I hope you'll have time to read in your free time,

1 whatever that might be.

2 I'd just like to point out a couple of things
3 with regard to the education of children with emotional
4 and behavioral disorders.

5 You heard Dr. Vaughn talk about the three-tier
6 model of reading instruction and reading intervention.
7 We've actually been using a three-tier model of behavioral
8 interventions for preventing and managing challenging
9 behavior in the schools for several years now with great
10 success.

11 The model is essentially the same, in which at
12 the schoolwide or universal level, we apply preventative
13 strategies for all children.

14 However, we know that about 10 to 15 percent of
15 children will need more intensive services than are
16 available at the schoolwide level, at the universal level.

17 For these children we have secondary level
18 interventions. These interventions might include
19 strategies such as small group instruction in social
20 skills, individualized behavior management systems based
21 on functional behavioral assessment, mentoring, intensive
22 academic instruction, and so forth.

1 However, we know that about 3 to 5 percent of
2 children will not respond even to those secondary level
3 interventions. Those are children who need Level 3
4 interventions or what we call tertiary interventions.

5 These are the children for whom public school
6 services are almost always insufficient. These are the
7 children that need comprehensive and sustained services
8 from multiple agencies including mental health, including
9 substance abuse treatment, Juvenile Justice, case
10 management.

11 I refer you to the Surgeon General's 2000
12 report entitled "A National Action Agenda for Children's
13 Mental Health." The Surgeon General nicely described the
14 crisis that we face in children's mental health and the
15 lack of services that are available for these children.

16 One of the recommendations that we urge the
17 Commissioners to consider is, find ways to improve
18 interagency collaboration in the provision of services to
19 children at this tertiary or Level 3 level.

20 In your handout I've given you a bibliography
21 of research-based articles that document the effectiveness
22 of the strategies that I've mentioned today. CCBD stands

1 ready to help in any way that we can. This bibliography
2 just scratches the surface of what we know works with
3 children with emotional and behavioral disorders.

4 Thank you for your time.

5 MR BRANSTAD: Thank you, Brenda, for your
6 presentation.

7 MS. BRUSATORI: Good morning, Governor and
8 Commission members. My name is Kimberly Ann Brusatori,
9 and I am the parent of a mentally retarded son who is 18
10 years old.

11 The fact that a school district is faced with
12 funding shortfalls and has to deliver special education to
13 so many with so few dollars is, Governor and fellow
14 Committee members, in my opinion where your and my trouble
15 lies.

16 It's not in IDEA as it's written, but in the
17 lack of full funding that Congress has determined over the
18 last 28 years not to do.

19 How can anyone expect something to work if the
20 money is not given that is necessary in order for it to
21 succeed? You and I both know that it can't and it won't.

22 I ask this Commission to do the only thing that

1 will make IDEA work as it was initially meant to, fund it
2 to at least the 40 percent that was recently approved.

3 I realize that we are talking billions of
4 dollars, but I think savings will be realized once
5 lawsuits are reduced, teachers decide to stay in the
6 classrooms versus leaving because they are unable to
7 educate their students in appropriate settings using best
8 practice methods, making them a success.

9 I can envision millions of dollars in Social
10 Security and Medicaid being saved once we stop
11 undereducating children who have the potential to be more
12 by giving them one-on-one speech, OT, PT, and the
13 vocational settings that are necessary, by training
14 paraprofessionals, who educate our children 90 percent of
15 the time, and paying them above minimum wages, and by
16 adopting best practice models available such as ABA
17 training, because it works, versus not choosing it because
18 it's staff intensive.

19 Gentlemen, I don't think I have imparted any
20 knowledge you haven't heard before. I simply asked for
21 IDEA to be given a fair chance of succeeding by funding
22 the money necessary to make it successful.

1 Are our children worth it? They are to us.

2 Are they to you?

3 The findings of this Commission on the
4 reauthorization of IDEA will ultimately answer this
5 question.

6 I will pray for each of you that you will do
7 what is right and essential for the millions of children
8 and families who are depending on the decisions you will
9 be making.

10 May God bless America, where life, liberty, and
11 the pursuit of happiness will hopefully one day be
12 applicable to all.

13 By maximizing our children's potentials you
14 will be giving them these same opportunities for a
15 fruitful and meaningful life. Thank you.

16 MR BRANSTAD: Thank you, Kimberly.

17 MS. GOMEZ: I hope everybody can see me; I'm
18 kind of short.

19 Good morning, members of the President's
20 Committee on Excellence in Special Education.

21 My name is Maria Gomez, and I'm from Dallas,
22 Texas. I have a child, a young man that is going to turn

1 18 next July.

2 I really appreciate all of you for taking this
3 enormous task to make the necessary measurements to
4 correct how special education is being implemented,
5 because you have ahead of you a big responsibility.

6 First of all, I agree with some of you that
7 someone or somebody needs to responsible for
8 accountability, and to me one is TEA. TEA has been in
9 Texas, but it has not been strong enough to implement that
10 law.

11 TEA has sent a monitor to Dallas only because
12 of the enormous complaints. And by reviewing it, Dallas
13 was out of compliance for more than 15 years. Instead of
14 educating children, they were warehousing them.

15 Dallas was threatened by TEA to lose its
16 certification to educate children with disabilities.

17 The other party responsible is the
18 superintendent. That person is the head of the school
19 district. And third, the school board members, and then
20 follow the chain of command.

21 I've brought some suggestions to be considered
22 by this committee. The law is there, but it still needs

1 to be implemented.

2 Number 1: Prearranged ARDs of 50 minutes.

3 Parents are not being acknowledged as equal partners in
4 their children's education.

5 Number 2: Implementation of the IEP. There is
6 no implementation of the IEP or follow-up due to the lack
7 of interest from teachers, educators to implement the
8 educational plan, because every child has a different
9 need, and there is always a lack of training or resources
10 available.

11 And Number 3: LRE. Least restrictive
12 environment is a must for all students within special ed.

13 And Number 4: Inclusion. Inclusion for a lot
14 of special ed students is only an illusion, because it's
15 not there for them.

16 I appreciate if you pay attention to these
17 students, to implement inclusion so teachers can embrace
18 the students and teach these students.

19 I have more. The disproportion of Latino
20 students in special ed. The disproportionate number of
21 Latinos also classified as being disabled due to the
22 language barrier puts them at a disadvantage when there

1 are tests. Could a different kind of test be available to
2 eliminate these over-crowded classes, perhaps to place
3 these students in regular ed with the support of ELS?

4 Thank you so much. And I hope everybody can
5 take these recommendations and suggestions and really
6 implement those. Thank you.

7 MR BRANSTAD: Maria, thank you very much for
8 your presentation.

9 MS. HUCKABEE: Hello, ladies and gentlemen of
10 the Commission. My name is Helena Huckabee. I'm a
11 doctoral candidate in clinical child neuropsychology. I'm
12 currently a resident at Baylor College of Medicine.

13 In the past two years I have worked for Houston
14 and Katy Independent School Districts evaluating and
15 helping emotionally disturbed, learning disabled, and
16 other health impaired and autistic students.

17 The lack of counseling services available for
18 students in HISD in particular are poor. Counselors at
19 most schools are not available to counsel special ed
20 students because they are too busy creating class
21 schedules.

22 Few counselors are adequately trained to

1 address the emotional and learning needs of students in
2 order to keep them academically successful. Some schools
3 don't even have counselors.

4 Psychologists are stretched hopelessly thin.
5 Last year I was one of five psychologists, interns, or
6 practicum students who served 84 schools in HISD. I
7 responded weekly to students who were suicidal or
8 homicidal. I was not paid; I was not licensed.

9 Schools need more counselors with appropriate
10 training and more psychologists to meet students'
11 emotional needs that clearly impact their educational
12 functioning.

13 Educational services for autistic children in
14 Texas are shameful. As a professional, I feel disgusted
15 that there are so few trained staff in any Texas school
16 districts to meet the needs of this increasingly large
17 population.

18 Despite substantial research that children with
19 autism can learn and increase IQ levels by as much as 30
20 points, HISD does not offer teachers or classes that can
21 make this happen.

22 Parents are left to move to another state,

1 educate their children themselves, or train the teachers
2 how to teach their child simply to accomplish basic gains
3 in academic achievement.

4 I offer the following recommendations:

5 1: Preschool programs need to place children
6 with autism with students who do not have language or
7 social deficits. Autistic students must attend class with
8 students who are developing these cognitive skills or they
9 will not have the opportunity to learn to talk and make
10 friends.

11 Research shows that waiting till Kindergarten
12 reduces language skills in autistic children by
13 approximately 75 percent.

14 2: Autistic children should be included in
15 regular classes in most cases. Inclusion is frequently
16 not supported by administrators and staff.

17 In my experience, regular ed teachers are not
18 trained in special ed strategies to permit most special ed
19 students to be successful. Strategies to permit students
20 to be successful need to be endorsed in practice and not
21 just theory.

22 3: Applied behavior analysis is the discipline

1 of choice for teaching autistic children.

2 Most school personnel have a strong negative
3 bias toward ABA that is based on ignorance and fear. It
4 is the most effective teaching strategy available for
5 children with developmental disabilities, and most Texas
6 school districts don't use it. Why not? What kind of
7 standard is this?

8 School districts need to hire staff trained to
9 teach children with autism.

10 Thank you for your time.

11 MR BRANSTAD: Thank you very much, Helena.

12 MR. GREENSPAN: Good morning, members of the
13 Panel. I appreciate the opportunity to speak to you this
14 morning.

15 My name is Marcus Greenspan. I'm with the
16 Citizens Commission on Human Rights. I've provided some
17 handouts which I believe Mr. Jones has and will hand out
18 to you from Dr. Mary Ann Block and Dr. John Breeding.

19 Over the past two decades our nation created
20 laws requiring our public schools to include every child
21 in the educational process regardless of special needs or
22 disabilities.

1 Specific laws related to the American
2 Disabilities Act, Public Law 94-142, and the Individuals
3 with Disabilities Act, IDEA, not only mandate a free and
4 appropriate public education, FAPE, but also require a
5 mechanism called Child-Find, that educators aggressively
6 seek children with disabilities and provide individual
7 educational plans for those selected.

8 The spirit of this law is wonderful, designed
9 to care for those young people with real physical
10 disabilities such as visual or hearing impairment and
11 providing extra money for these services.

12 The problem is that these categories which
13 qualify for such Federal aid have been greatly expanded
14 over the years, well beyond the intent of the original
15 legislation.

16 The astounding truth is that now over half of
17 the qualifying children actually have no physically
18 detectable disability.

19 About 60 percent of the qualifying children are
20 selected on the basis of entirely subjective criterion
21 without any evidence of actual physical handicap, these
22 children qualifying in one of these categories, Attention

1 Deficit Hyperactivity Disorder, ADHD, serious emotional
2 disturbance or nonspecific learning disability.

3 These scientifically unproven so-called
4 disorders have become a major industry unto themselves.
5 Not only does their domination of our special education
6 system systematically drain our Federal education tax
7 dollars, but it is thoroughly ineffective.

8 Instead of meeting the challenge of teaching
9 children to read, for example, we exempt our educators
10 from the responsibility to teach.

11 In summary, the positive intention of investing
12 extra resource for children who really need it has been
13 perverted into a waste of money and energy.

14 The sad truth is we are spending as much of our
15 Federal education money on a child who fidgets, ADHD, as
16 we do on a child who is legally blind.

17 It is time to stop this nonsense and reclaim
18 the original intention and limitations of Public Law 94-
19 142 and IDEA. Let's take care of the children who really
20 need the extra special education resources and stop
21 pathologizing physically normal children and funding an
22 industry around such diagnoses.

1 Thank you very much.

2 MR BRANSTAD: Thank you, Marcus, for your
3 presentation.

4 MS. ZIEGLER: Good morning, Governor Branstad
5 and members of the Commission. Thank you for the
6 opportunity to provide comment this morning.

7 I'm Deborah Ziegler, the Assistant Executive
8 Director for the Council for Exceptional Children.

9 As you know, I've been present over the last
10 two days to listen to the conversation and the discussion.
11 And I commend the presenters, many of them who are
12 colleagues and members of the CEC, for their lifelong
13 commitment to children with disabilities and their
14 families and for their insightful presentations on Monday.

15 The follow-up discussion by the Commission
16 members also was very thoughtful and moving the agenda
17 forward.

18 Upon reflection of the above, I chose to talk
19 with you today about two issues, the first one, children
20 with learning disabilities, and the second one,
21 partnerships.

22 The Council for Exceptional Children is

1 comprised of 17 divisions. One of the divisions you have
2 already heard from this morning, our Council for Children
3 with Behavioral Disorders, Dr. Schevermann. And one of
4 our other divisions is the Division for Learning
5 Disabilities.

6 A couple of points on learning disabilities.
7 The nature of learning disability. We've talked about the
8 validity of the construct, and I won't talk more about
9 that. We certainly have a position on that, and I think
10 that was reiterated many times over the course of the
11 discussion on Monday.

12 Prevalence. It's difficult to know the true
13 prevalence rate of learning disabilities, partly because
14 of inadequate database. The few existing studies focus on
15 reading in the elementary grades, very few studies about
16 prevalence involve math and written expression.

17 A best estimate is that at least 6 percent of
18 the general population in Grades K through 12 requires the
19 learning disability label and special education.

20 Whereas logic and some research indicate that
21 high quality classroom instruction can reduce the
22 prevalence of learning disabilities, the 6 percent

1 prevalence figure presumes the existence of such classroom
2 instruction.

3 Identification. IQ-Achievement Discrepancy.
4 IQ-Achievement Discrepancy continues to be a controversial
5 component of the identification of learning disabilities.

6 Questions have been raised, for example, about
7 IQ tests as valid indicators of intelligence, about
8 certain statistical methods for calculating the size of an
9 IQ-Achievement Discrepancy, and about whether discrepancy
10 scores predict future learning and discriminate between
11 low achieving students with and without IQ-achievement
12 discrepancies.

13 On the other hand, ability-achievement
14 discrepancies appear inherent to the contemporary
15 construct of LD in terms of unexpected underachievement,
16 particularly when they are used as a necessary, but not
17 sufficient, criteria.

18 We heard many of the alternative methods of
19 identification. And certainly the work of Sharon Vaughn
20 is leading us in the proactive discussion of what might be
21 next on the horizon as we identify children with learning
22 disabilities.

1 OCEP has embraced the issue of learning
2 disabilities and has convened a number of activities
3 around this critical challenge for the field.

4 As you know, there was an LD Summit and a
5 consensus group that Sharon Vaughn talked to us about.

6 VOICE: Deborah.

7 MS. ZIEGLER: Finish. Okay.

8 Two recommendations we would encourage from the
9 Council for Exceptional Children is one that OCEP continue
10 its work on these issues to look at research evidence that
11 will help us move forward in determining perhaps a new
12 method of identification of children.

13 And that, as we move forward, partnerships
14 among all of the associations, of the parents, of the
15 practitioners be brought to this table and hear about
16 those consensus statements that have come from that group.

17 Thank you for the opportunity. CEC stands
18 ready to help in any way that we possibly can.

19 MR BRANSTAD: Deborah, thank you for your
20 presentation.

21 MS. WINKLER: Good morning. My name is Sarah
22 Winkler. I am the immediate past president of the Alief

1 ISD Board of Trustees, and I'm a member of the Texas
2 Association of School Boards Board of Trustees
3 representing District IV, which is the Houston area.

4 Thank you so much for allowing us the
5 opportunity to speak to you today.

6 Since this Commission was designed to get
7 feedback from practitioners and education officials and
8 will submit recommendations to President Bush, we have a
9 few good suggestions we would like you to take back to the
10 White House.

11 Originally our TASB vice president, Bonnie
12 Longnion, was going to submit testimony on behalf of TASB.
13 She couldn't be here today due to illness.

14 So I have provided you a written copy of the
15 Texas Association of School Boards testimony in the folder
16 that says Alief ISD on the front. And they are submitting
17 that testimony on behalf of the 1,045 public school
18 districts in the state of Texas.

19 The most critical issue facing our school
20 district and that is preventing us from providing a
21 quality education for our special education students is
22 the mounting critical shortage of special education

1 teachers.

2 Our district statistics are as follows: We
3 have 5,225 students with special needs; we have 318
4 special education teachers; 14 of those are currently
5 filled by long-term substitutes; nine of those are
6 specialized positions, including teachers of students with
7 emotional disturbances, autism, and students with mental
8 retardation.

9 Twenty-one teachers have probationary
10 certification from Prairie View A&M or Region IV. We also
11 have 6-1/2 vacant speech and language pathologist
12 positions, and when those are filled by contract
13 employees, they charge the district up to \$50 an hour.

14 Last year we lost 64 special education
15 teachers, and we also lost 37 LSSPs, which are the school
16 psychologists and diagnosticians.

17 As you can see from those figures, we have a
18 significant problem attracting and retaining qualified
19 teachers, even though we offer very competitive salaries.

20 Obviously if we had higher salaries, better
21 benefits, and better incentives, that would allow us to
22 attract and retain more teachers.

1 Unfortunately, our funds are very limited.
2 Texas has a \$1.50 tax rate cap on maintenance and
3 operation fees funds; our current M&O rate is \$1.465. A 1
4 percent salary increase is \$1.7 million; that's a 2-1/2-
5 cent tax increase.

6 As you can see, a 2 percent increase puts us
7 over the statutory limit, so we are unable to give salary
8 increases at this time with our local funds.

9 So we would like IDEA to amend and assist us in
10 recruiting teachers and also to increase the Federal
11 contribution immediately to the 40 percent and hopefully
12 over time fully fund IDEA as it was originally intended.

13 Also, we also would like to talk to you about
14 the paperwork overload and complicated legal requirements
15 of IDEA.

16 Our special education teachers spend 30 percent
17 of their time on paperwork and in IEP related meetings,
18 and therefore they are not in the classroom working with
19 our students. This is the prime source of job stress and
20 burnout. Many of our teachers cite this as the reason
21 that they are moving to non-special education positions or
22 leaving the profession entirely.

1 A law degree shouldn't be required to
2 understand IDEA requirements. And I thought it would be
3 easier just to show you this handout. It shows you the
4 process that you have to go through to discipline a
5 student with special disabilities.

6 And so as you can see, this is complicated.

7 MR BRANSTAD: Ma'am.

8 MS. WINKLER: We appreciate your time.

9 MR BRANSTAD: Thank you. Unfortunately, we're
10 out of time. But Sarah, thank you for your presentation.

11 MS. TURNER: Thank you for the opportunity to
12 speak this morning.

13 I'm Randi Turner. I am an advocate for people
14 who are deaf and hard-of-hearing. I work for the State
15 Commission here in Texas for the deaf and hard-of-hearing.
16 There are two points I wanted to talk about.

17 I know a 14-year-old girl just outside of Fort
18 Worth that has to write her questions on a piece of paper
19 and hand them to her interpreter so they can be read to
20 the teacher because the interpreter is not qualified.

21 The IDEA does not have a definition for what a
22 qualified interpreter is. The Americans with Disabilities

1 Act does. I would like to see the IDEA amended and take
2 on that definition. At least it would be a start.

3 And require schools as well as the State
4 Education Agency to ensure that those are the types of
5 interpreters that are used, someone that can interpret
6 expressively and receptively, using any necessary
7 vocabulary for that specific situation, and be able to not
8 just move their hands in the air, but also read what the
9 child says.

10 The other point I wanted to talk about was the
11 procedural requirements.

12 I have seen a push that Congress reduce the
13 procedural requirements in IDEA for school districts.
14 This is one of the few ways that parents have to ensure or
15 to follow up to track to see if schools are doing what
16 they should be doing. I would like to ask that that not
17 happen, that the requirements stay as they are.

18 I know it's a lot of paperwork. It's probably
19 also a lot of paperwork for the Immigration and
20 Naturalization Services, the IRS, as well as the
21 Securities and Exchange Commission, but we would never ask
22 them to reduce their procedural requirements. Congress

1 would most likely laugh at us.

2 So I ask that you do the same thing and leave
3 those requirements in place for school districts. Thank
4 you.

5 MR BRANSTAD: Thank you very much, Randi.

6 DR. SCHEINBAUM: My name is Karen Scheinbaum.
7 I'm a practicing physician in Houston.

8 Two years ago, when it became apparent that my
9 two-year-old daughter suffers from severe classic autism,
10 I began a relentless search for appropriate treatment that
11 would enable her to reach her maximum potential.

12 I soon discovered that effective methods of
13 treatment are not available through the public education
14 system in my state, despite the fact that they are
15 recommended by the Surgeon General and included as free
16 and appropriate public education in many other states such
17 as Maryland, Maine, California, Connecticut, New York, New
18 Jersey, and Illinois.

19 I was even told in confidence by other
20 physicians, psychiatrists in MHMRA, that if my child needs
21 early intensive behavior intervention, ABA, I ought to
22 pack up my children and move out of state.

1 As my child became more self-injurious, daily
2 covering herself with bruises and eating dangerous
3 inedible objects like broken glass and dirty diapers, I
4 understood that as a physician her life was truly in
5 danger.

6 When I was unable to find private ABA therapy
7 for the child, I felt obligated to leave my medical
8 practice and provide ABA training for the child myself.

9 I have some photos for you to examine
10 demonstrating my child covered with bruises.

11 Please examine these photos and tell me why the
12 State of Texas has simply chosen to ignore best practices
13 and research which is so overwhelmingly convincing that
14 structured, intensive behavioral oriented therapy is the
15 only method successful in educating children like mine in
16 their interpretation of FAPE, why is it my state can just
17 say no and refuse to give my child educational therapy
18 that will prevent her from being a danger to herself?

19 Because that methodology is considered a
20 Cadillac, and they're only required to provide my child a
21 Pinto.

22 How can the service which children with autism

1 need be offered as free and appropriate public education
2 in other states and not considered appropriate in the
3 State of Texas?

4 Why is it when I go to my ARD meetings armed
5 with videotapes and data sheets demonstrating my child's
6 success at her privately funded ABA program, the school
7 system shows up with legal counsel and tells me openly
8 that they want to be prepared in case I decide to go to
9 due process?

10 Why is it that the school is spending more on
11 legal defense against parents like me than spending on
12 training teachers appropriate behavioral methodologies?

13 I request Congressional legislation to change
14 aspects of IDEA to provide for equal application of IDEA
15 across all states and to require states like Texas, the
16 President's home state, to rise to the level of education
17 offered by other states like California, New Jersey, and
18 Maryland.

19 Thank you very much.

20 MR BRANSTAD: Unfortunately, we're out of time.
21 Dr. Scheinbaum, thank you very much for your presentation.

22 MS. STEED: Members of the Commission, good

1 morning. My name is Missy Steed. I am the Director of
2 Development of Family to Family Network. Family to Family
3 is a statewide parent organization here in Texas based in
4 Houston.

5 My son, Ryan, is ten years old. As a result of
6 a congenital neuromuscular disorder, Ryan has multiple
7 disabilities. He uses a power wheelchair and an
8 alternative communication device called a Dynovox.

9 Ryan has attended Houston Independent schools
10 since he was three years old. He has been at both ends of
11 the spectrum.

12 He attended a segregated alternative school
13 within the district for preschool.

14 We attempted to enroll Ryan in our neighborhood
15 school for Kindergarten, but were redirected to a
16 segregated orthopedic classroom at another HISD school.

17 He hated being in segregated classrooms. He
18 cried all the time.

19 The principal at the school where Ryan was
20 attending Kindergarten felt that Ryan was too disabled to
21 be in the classroom with other children who had
22 disabilities.

1 While he was in Kindergarten, my husband and I
2 continued to work hard to get Ryan into our neighborhood
3 school.

4 The principal at our home school agreed to put
5 Ryan in a regular education classroom with a
6 paraprofessional for First Grade.

7 I conducted disability awareness presentations
8 to the other students and to the staff to help them to
9 have a better understanding of Ryan.

10 From day one at his home school, Ryan was a
11 different child. He is no longer crying because of
12 absolute boredom. Today he is a very happy Fourth Grader
13 who has had the same opportunities that are afforded any
14 child who steps into the school's doors.

15 And I'm also the PTO president on my campus
16 this year.

17 Ryan will be transitioning to another school
18 for Fifth Grade next year, and preparations for a smooth
19 transition are already in progress.

20 While Ryan has enjoyed access to the general
21 education curriculum in elementary school, we are
22 concerned that as he progresses to middle school and high

1 school that those opportunities will be taken away from
2 him.

3 I strongly suggest that the Commission look at
4 the inclusive education setting data of the secondary
5 schools taken out of the elementary setting to see what
6 those numbers really are in the State of Texas.

7 The biggest benefits of the last authorization
8 of IDEA is the statement of students' rights to have
9 access to general curriculum, the strengthening of
10 parental roles, the addition of regular education teachers
11 on the IEP team, and the requirement for the team to
12 consider assistive technology.

13 The educational services and opportunities that
14 a student with disabilities receives should not depend on
15 the knowledge of a student's parents or the Zip Code that
16 a parent or student lives in.

17 And equitable system needs to be devised so
18 that parents have access to affordable legal services if
19 due process is needed.

20 I strongly urge that Congress fully mandate and
21 implement the law that is currently here, and they should
22 ensure that the civil rights of a minority group of

1 students are Federally mandated so that across the country
2 that happens, and they should fully fund IDEA.

3 Ryan is a very lucky little boy. The impact
4 that the staff has made on my son's life is immeasurable.
5 And I appreciate the opportunity to share his story.
6 Thank you.

7 MR BRANSTAD: Melissa, thank you very much for
8 your presentation.

9 MS. ROBBINS: Good morning. My name is Martha
10 Robbins.

11 And first let me say thank you to those of you
12 who complimented my daughter, Anna Rose, on her behavior
13 while she was here on Monday. I brought her here on a
14 field trip, the first of her self-advocacy, and she made
15 me very proud.

16 Anna had three questions and one comment.
17 First, she wanted to know why the President wasn't here
18 since his name is on your flag.

19 (General laughter.)

20 MS. ROBBINS: Second, she wanted to know why
21 she couldn't eat lunch in the cool room next door that had
22 all the good caffeine kind of Cokes in it.

1 And third, she wanted to know what you could do
2 to help her write language like everybody else.

3 Her comment was also about your flag. She said
4 to tell your flag designer that the blue part was okay,
5 but the bird had to go, and they had left out the stars
6 and forgot the red and white stripes. That's vintage Anna
7 Rose, and she is different.

8 I have only a few brief comments for you. And
9 this is very uncharacteristic of me. But after spending a
10 few hours in this room with all of you, I decided to
11 follow your lead.

12 This has been an uncharacteristic discussion.
13 I encourage you to continue this no-nonsense dialogue
14 about valuable children. I want you to value my child.

15 Relevant and meaningful are two words that I
16 rarely use when I describe IDEA committees. You have
17 given a hardened cynical parent a reason to hope that
18 change is possible. That is different.

19 I hope that if you remember nothing else from
20 any parent you will remember that we have been waiting for
21 this type of frank, honest, and courageous discussion. It
22 took me several hours to realize it, but when I sat down

1 to write a tediously long epistle detailing why things had
2 to change, I could do no better than you had already. And
3 that is different.

4 Most of your panel said things that I believe
5 and I have longed to hear in IDEA, and I do not need to
6 repeat them, I do not need to retell a million stories to
7 support them.

8 And I think you understand how many children
9 that you hold. You do not need for me to tell you another
10 horror story.

11 You said yesterday you wanted to be sure to
12 focus on the big picture and to keep from being distracted
13 by the little things.

14 You have identified the big things, and they
15 all fell together into one elephant, and that is outcomes.

16 Okay. Thank you.

17 MR BRANSTAD: Martha, thank you very much. We
18 know you had a lot more to say, as many of the other
19 presenters did.

20 MS. ROBBINS: Actually, just about 30 seconds
21 more, but that's okay.

22 (General laughter.)

1 MR BRANSTAD: We appreciate your spirit, and,
2 also, we appreciate the quality of your comments, as well.

3 MS. ROBBINS: Thank you.

4 MR. BISHOP: Good morning. My name is Don
5 Bishop.

6 I come here this morning wearing three separate
7 hats. The first hat I wear is that of a parent of a
8 learning disabled student who is now 28 years old.

9 And the perspective that that gives me is, I
10 saw how the school system operated prior to 94-142, and
11 I've seen 94-142 grow into IDEA. So at least I have a
12 historical comparison to the old system, and I've watched
13 how this system has grown.

14 The second hat which I wear is that of an
15 attorney. For the last six years I have represented
16 children with disabilities and their parents in special
17 education law.

18 My written presentation this morning is on
19 behalf of the Learning Disabilities Association of
20 America.

21 Now, having said that, I want to emphasize one
22 fact. I want to emphasize several facts, but one

1 particularly.

2 In 1980, LDA -- that's the Learning
3 Disabilities Association -- went to Congress and helped
4 Congress get the funding for the study by NICHD. We have
5 40,000 members.

6 The heart of my presentation is the need for
7 absolute research, research in not only how to identify a
8 learning disability, but how to remediate.

9 If we had one thing that we wanted, it would be
10 to train teachers to recognize learning disabilities. You
11 have special education here. The term is not special
12 education. It is not a separate category.

13 IDEA refers to specialized instruction for a
14 person with disabilities. It just simply means that you
15 need a different type of instruction for some people with
16 disabilities. There is not a category called Special
17 Education.

18 I call your attention the bottom of page 2 of
19 the LDA presentation, about the research that's needed in
20 the area of reading.

21 In regard to the question of discrepancy
22 formula, we have no particular position on the discrepancy

1 formula. It is an excellent diagnostic tool. That is,
2 WICAR [phonetic] and the achievement tests are excellent
3 diagnostic tools, but they should not necessarily be the
4 one criterion for eligibility.

5 So our argument or our presentation here today
6 is, research, research, teacher training, teacher
7 training, and the continuation of the present system.

8 We do not think the present system, IDEA, is
9 particularly bad. Where the problem lies is the
10 implementation of the present system, not the system
11 itself.

12 So we urge research, knowledge, and a
13 continuation of the current system.

14 Thank you.

15 MR BRANSTAD: Thank you very much, Mr. Bishop.

16 MS. LAMBERT: Hello. My names is Kay Lambert,
17 and I work for the Texas Protection and Advocacy Agency.

18 I have worked in the area of special education
19 policy for over 17 years and worked with hundreds of
20 families.

21 What I want to talk about today in my brief
22 time is to ask that your final recommendations include a

1 recognition of what I consider to be the most vulnerable
2 children in the system, and those are the children with
3 significant disabilities who live in institutional
4 settings such as intermediate care facilities for the
5 mentally retarded, nursing homes, a variety of care and
6 treatment centers, and unfortunately, in Texas, State
7 schools for the mentally retarded.

8 These are the children who always get left
9 behind.

10 If you are able to design a system that does
11 not leave them behind, it should serve everybody well.

12 In Texas we know of at least 1,300 of these
13 children. There are likely significantly more. But it's
14 one group of children that the Child-Find efforts tend to
15 always miss.

16 Many of these children who are school-aged
17 receive their educational services at the facility. LRE
18 is not even discussed, much less seriously considered.

19 The physical space in which they receive their
20 programming is often a patient bedroom. They have
21 inadequate teaching materials, minimum staff, and few real
22 educational opportunities.

1 Why does this happen? In part it's because the
2 arrangement best suits both parties. School districts
3 often don't want these children because they are expensive
4 to serve, and their parents do not pay taxes in that
5 district.

6 The facility is often understaffed and would
7 just as soon not have to get children up, dressed, and
8 ready to catch a bus first thing in the morning. The
9 people who lose are the children.

10 In Texas, our Charter School Law allows those
11 facilities to apply for charter school status. If
12 granted, the school district does not even have any
13 responsibility for these children, and a new child can be
14 admitted to the facility without even having notify the
15 local school district.

16 The children who do get to go into the local
17 district for services tend to be segregated, not just with
18 other special ed kids, but often with other children from
19 the same facility in a separate classroom or a portable
20 building that has been put on the grounds of a school
21 campus.

22 And as was pointed out at this meeting

1 yesterday about life skills classes, those kids who do get
2 to go to a special education class are often put in those
3 dead-end life skills classes where, as you discussed
4 yesterday, I believe, there are no outcomes, there is no
5 accountability, and there is very little going on in terms
6 of meaningful instruction.

7 This system continues in part because these
8 children typically have no one that represents in the
9 process. Surrogate parent requirements are not being
10 followed. If the children have surrogates at all, they
11 are likely to be one person who has been appointed to
12 represent every child at the facility and does not even
13 know the individual child.

14 I'm a personal proponent of outcome and focus-
15 based monitoring. But if that's the direction you choose
16 to go, you must require measurable quantitative outcomes
17 for all children, including these.

18 If the system is one that focuses its
19 monitoring efforts on districts known to be problematic,
20 you have to be sure that the data on these children --

21 MR BRANSTAD: Kay, we're out of time.

22 MS. LAMBERT: Sorry.

1 MR BRANSTAD: Kay, thank you very much. Kay,
2 thank you for your presentation.

3 MS. PAULICHINO: Good morning. Thank you for
4 this opportunity.

5 My name is Jean Paulichino, and I am an
6 occupational therapist. I participate in the IDEA
7 Partnerships Project as a member of the ASPIRE cadre,
8 representing the American Occupational Therapy
9 Association.

10 I hope the Commission is aware of the IDEA
11 partnerships. This is a unique collaborative initiative
12 sponsored by OCEP.

13 The training and resources developed by the
14 partnerships educate stakeholders about evidence-based
15 practices for instructing and supporting children with
16 disabilities.

17 The partnership activities facilitate
18 collaboration among educators, administrators, parents,
19 and policy holders.

20 However, the project does not include a
21 structure or funding for disseminating information, and
22 the impact is not what it could be. I encourage you to

1 learn more about this project and support its continued
2 development.

3 This is my twelfth year as an Administrator of
4 Related Services at Harris County Department of Education
5 here in the Houston area.

6 I have brought you a few copies this morning of
7 a small volume of stories about the children and families
8 we serve, and I'll leave that with your staff.

9 As in the research you heard yesterday, Related
10 Services disciplines are also moving from a discrepancy or
11 disablement model in assessment and intervention.

12 Occupational therapists, physical therapists,
13 and other providers are learning to identify barriers to
14 learning and participation regardless of disability
15 category. We're getting better at working
16 collaboratively with teachers and are providing our
17 services in learning environments.

18 But as members of campus level teams, we need
19 your help with successfully transitioning students from
20 school to work.

21 An OT at a local high school told me a story
22 recently about a 16-year-old male student who was mildly

1 retarded. He was included in general ed classes, but had
2 trouble with reading, writing, and behavior.

3 As part of his transition plan, this young man
4 told his IEP team that he wanted to be a bouncer at a
5 nightclub when he finished school.

6 The OT involved felt his choice should be taken
7 seriously. This was a great opportunity to work on work
8 behaviors and interpersonal behaviors that he would need
9 to hold such a job.

10 But the other members of the team dismissed it
11 out of hand and proceeded with one more year of a
12 developmentally based academic instructional program.

13 Despite the work of Iseldike [phonetic] and
14 others, IDEA does not articulate for IEP teams exactly
15 what children with disabilities who are not going to
16 college should be able to do when they exit public
17 schools.

18 We need guidelines with targeted behaviors and
19 skills for holding a job, living independently, and
20 participating in society, and examples of models that get
21 results.

22 As a component of any accountability

1 recommendation, I urge you to include provisions that
2 address this important issue. Thank you.

3 MR BRANSTAD: Jean, thank you very much for
4 your presentation.

5 MS. GARCIA: Good morning. My name is Heather
6 Garcia. This is Katie, a new member in the special
7 education process in Texas. As she is only one year old,
8 my experience with the school district is limited to ECI.

9 But I just wanted to take a few minutes of your
10 time to tell you how much my family has appreciated the
11 services that are available.

12 She wants to give her 2 cents. She doesn't
13 like the therapy.

14 We receive physical therapy, OT, speech
15 therapy, vision services through ECI.

16 We didn't know in advance that Katie would have
17 Downs Syndrome, and we're really excited to be contacted
18 proactively by ECI and followed up with and to know that
19 there was such comforting services available to our family
20 to help her to succeed in school.

21 So when I heard that they were revisiting the
22 Plan C, I just wanted to come down and tell you how much

1 we appreciate what there is available. Thank you.

2 MR BRANSTAD: Thank you very much, Heather, and
3 Katie, too. Thank you, Katie.

4 KATIE: Bye.

5 (General laughter.)

6 MR BRANSTAD: Bye.

7 MS. WALLEN: My name is Gay Wallen. I am the
8 mother of a gifted and autistic 13-year-old boy. We
9 passed out earlier a handout for you guys.

10 I'm here today to tell you about my experiences
11 with the special education process in Texas.

12 School concerns centered on our son's
13 behaviors. He did attend Lewisville Independent School
14 District, but after seven years utilizing the programs
15 offered, the ARD committee was still fumbling for
16 solutions.

17 Our son's grades, self-esteem, and behaviors
18 were in decline. We were concerned about permanent harm
19 and feared for his future.

20 We therefore moved him to a private school last
21 year. This private school provides services targeted at
22 our son's disability.

1 We are happy to report he is improving, and we
2 can now dream that he might be a productive member of our
3 society.

4 In public school he was getting truly left
5 further and further behind his peers.

6 As taxpayers, we felt we were due a free
7 appropriate public education, so we asked for private
8 school reimbursement from the school district. They
9 summarily dismissed this request even though just the
10 salary of our son's full-time ineffective aid provided by
11 the district was \$16,000, while the cost of his private
12 school was only 14,000.

13 We went through the mediation process, which
14 was a waste of time and money since the district would not
15 negotiate in good faith.

16 We went through a due process hearing, won the
17 judgment in our favor, and the school district appealed to
18 Federal Court.

19 School districts do not just give up and pay
20 parents when they lose a judgment. They typically appeal.
21 They have almost unlimited resources to fight parents.
22 They cook the data, they are very experienced in the legal

1 process, and they hire high-priced, savvy attorneys to
2 pull legal shenanigans, and they want to win at all costs.

3 Our school district has also threatened us with
4 financial ruin if we go forward with the Federal appeal.

5 So far we have spent a substantial portion of
6 our retirement savings on legal fees -- most parents could
7 not afford these types of legal bills -- leading us to
8 determine that access to FAPE is not for everyone.

9 In spite of a favorable judgment in October, to
10 date we have yet to receive one penny of reimbursement.

11 We have filed a complaint with the Texas
12 Education Agency. We fully expect the school district to
13 ignore State pressure to comply with the judge's order and
14 for them to file an injunction on the State of Texas.

15 Here are a few of my observations. School
16 districts have professional special education meeting
17 attenders that go to ARDS to assure the documentation is
18 completed, to minimize district costs, and protect the
19 district's interests in case of legal action, not to help
20 children.

21 Parents have to prove that the school is
22 harming their child. This is extremely difficult to do,

1 because the district controls all access to this child
2 while at school and controls the ARD documentation.

3 When we tried to get an independent
4 verification at our expense of our son's behavior status
5 by outside professionals, the district refused our
6 request.

7 Parents really have no say in the ARD process.
8 School districts often hold the real ARD in a pre-ARD
9 meeting attended by just district employees, where they
10 hash out the strategies and make the actual decisions
11 about how your child's education will be handled.

12 All right. Thanks. Appreciate it.

13 MR BRANSTAD: Thank you very much, Gay, for
14 your presentation.

15 I want to thank all of our presenters this
16 morning. And I realize it's pretty hard, when you have a
17 lot to say, to try to condense into that limited period of
18 time. But in order to be fair to everyone, we tried to
19 limit it to that exact amount.

20 But I think this has been very, very helpful.
21 And I want to express my personal appreciation to each of
22 you.

1 It's not easy to get up in front of a group
2 like this with a limited time frame. But I think you all
3 did a very commendable job, and I think we can see how
4 deeply you feel about this very, very important issue.

5 Want to take a little bit of a break here,
6 Todd?

7 MR. JONES: Well, actually, we need to take the
8 break right before the Secretary is coming out to give the
9 camera crews time to set up some lights.

10 MR BRANSTAD: Okay.

11 MR. JONES: But this is the period where
12 comments from --

13 MR BRANSTAD: Right. At this point -- Cherie,
14 I think we're open to discussion from the panel members at
15 this point, from the Commission.

16 MS. TAKEMOTO: Are you recognizing me?

17 MR BRANSTAD: Yes.

18 MS. TAKEMOTO: Okay. Thank you, Mr. Chairman.

19 MR BRANSTAD: You are recognized.

20 MS. TAKEMOTO: I also believe, since some
21 children with disabilities do not have verbal language,
22 folks who came today but did not speak are trying to send

1 us a message. And I just want to know if you are
2 interested in nonverbal communication.

3 How many people here are family members? Can
4 you stand up, please?

5 (Pause.)

6 MS. TAKEMOTO: Thank you for coming and making
7 sure that you're keeping us honest here.

8 How many here are related services personnel?
9 Stand up, please, if you care to.

10 (Pause.)

11 MS. TAKEMOTO: Thank you for all you do for our
12 children.

13 How many of you are teachers? Stand up,
14 please.

15 (Pause.)

16 MS. TAKEMOTO: Hurray.

17 Administrators?

18 (Pause.)

19 MS. TAKEMOTO: Right. Advocates?

20 (Pause.)

21 MS. TAKEMOTO: Thank you, Bob.

22 And who else is here?

1 VOICE: Lawyers.

2 MS. TAKEMOTO: And lawyers.

3 Thank you very much for all you do to care
4 about students with disabilities.

5 MR BRANSTAD: Okay. Michael is next. Michael.

6 MR. RIVAS: As a parent myself and a
7 Commissioner, I would like to, first of all, commend the
8 Commission for allowing this type of panel that we had
9 this morning. And I would like to encourage more of this
10 in future meetings.

11 I think we need to keep some sort of a balance
12 from the professional, scientific side as well as the
13 parent and teacher side.

14 And I think it's very important. And I thank
15 everybody for coming out this morning. I know some people
16 had to go through some trials this morning just get here
17 at eight o'clock in the morning.

18 But that's basically what I wanted to say.

19 Thank you.

20 MR BRANSTAD: Adela.

21 MS. ACOSTA: Once again, I want to thank the
22 Chairman of this Commission for this great opportunity.

1 I want to thank the parents and the public who
2 spoke this morning for touching inside of me a very deep
3 and very special place.

4 I think that we in our work have had two full
5 days of opportunity to hear from scientists and other
6 presenters, other witnesses.

7 But when you hear it from the mouths of the
8 babes, when you hear it from the mouths of parents and
9 children and their families, it really speaks to the heart
10 of what we have been summoned here to do, which is to
11 leave no child behind. And I want to thank you.

12 As I get on the plane today, Houston will
13 always have a special place in my heart.

14 MR BRANSTAD: Steve Bartlett.

15 MR. BARTLETT: Thank you. I thought that
16 public hearing was quite helpful, and I think we'll
17 continue to do that. It was really helpful.

18 Trying to think through relating what the
19 speakers said this morning to what we heard in the last
20 two days, a couple of observations.

21 First, we spent a lot of time, as we should
22 have, on the assessment and the whole approach to learning

1 disabilities and specifically reading, and I think that's
2 good.

3 I would observe, Todd, as we begin to sort of
4 formulate some approaches and prepare our report, that we
5 always want to be sure that we don't lose sight of the
6 fact that there's a whole range of other disabilities
7 other than LD.

8 And while we should focus on some of the
9 research we have on LD, we don't want to do that to the
10 exclusion of others and try to make the LD model fit to
11 the other disabilities.

12 Second is, I think particularly from the
13 speakers this morning, is that it is important that we
14 steel ourselves to make sure that we not only not lose the
15 IEP process, the strength of the IEP process, but we set
16 out to strengthen it.

17 Because in many cases of some of the stories
18 that we hear, the IEP, as imperfect as it is, it's kind of
19 the last thing that catches mistakes in the system.

20 So while I think the Commission is -- in our
21 report we'll be pretty heavy on outcome measurements, in
22 the aggregate, the maps of every school district in New

1 York, the individual child is still sort of caught by the
2 IEP.

3 Now, the third, though, is that that is not to
4 say that we shouldn't set out ways to both strengthen the
5 IEP and also to reduce the paperwork.

6 Because we heard a lot of comments, this
7 morning particularly and elsewhere, that a lot of the
8 paperwork of the IEP and the complications in part lead to
9 the adversarial nature that IEPs can be, and that in large
10 part leads to the shortage of professionals at the
11 schoolhouse level. And it's that shortage that oftentimes
12 is the problem.

13 And then, last is one that it seems to me would
14 be very helpful, but one that we haven't necessarily
15 talked about, but we've talked around it.

16 And that is the provision to school districts
17 of the real resources. We heard the term, full funding, a
18 lot this morning.

19 But the real resources that the Federal
20 Government can, I think, provide in much larger measure to
21 the school districts are the resources of technical
22 assistance, of collaborations, of teams of professionals

1 that actually know what the best practices are.

2 So to descend upon or at least to come to
3 literally fulfill the truth of the words of, I'm from the
4 Government, I'm here to help you, and be able to have the
5 Department bring a team of professionals to a school
6 district with some real help, and that is with
7 collaborative ideas on how to strengthen their program.

8 So those would be my observations.

9 MR BRANSTAD: Doug Gill.

10 DR. GILL: Thanks, Chairman. I just want to
11 say that I think the public input sessions that we have
12 are very valuable, as well.

13 And I hope we'll continue to provide time to do
14 that, because I think it serves to remind us of how
15 multidimensional special education really is. I don't
16 think it's an either/or question. It is both art and
17 science and I think requires even applications of both of
18 those.

19 So I appreciate the fact that we've had an
20 opportunity to explore both of those dimensions in the
21 three days we've been here at Houston.

22 And I think that sets a good tone for the

1 remainder of the meetings as well as the remainder of our
2 task force meetings and deliberations, as well.

3 I think we hear some themes that are really
4 important to us. And it I guess solidifies and reinforces
5 for me when I hear both of those same themes emerge from
6 both the artistic side of special education as well as the
7 scientific side of special education.

8 MR BRANSTAD: Doug Hunt.

9 DR. HUNTT: Thank you, Mr. Chairman. I agree
10 that the public comment was excellent.

11 And I really appreciated Katie being here this
12 morning. I think a picture is worth more than a thousand
13 words. Although they only had three minutes to speak, I
14 think Katie reminds of exactly why we're here. And I
15 really appreciated her being here today.

16 I did have one comment, one observation. The
17 issue that came up regarding definition of interpreters,
18 licensure of interpreters, and whether ADA would be
19 applicable for IDEA, could we get a position paper on that
20 from someone regarding -- from the hearing impairment
21 community as to whether that's viable?

22 MR. JONES: Yes.

1 DR. HUNTT: Thank you.

2 MR. JONES: Yes. We'll ask them.

3 MR BRANSTAD: Katie Wright.

4 DR. WRIGHT: Thank you, Mr. Chairman. I'm the
5 other Katie. We had that little Katie, the young Katie;
6 I'm the old Katie.

7 (General laughter.)

8 DR. WRIGHT: My remarks are directed to the
9 presenters this morning. And I want to say that this mix
10 of practitioners and parents and advocates is really
11 helpful. It's wonderful to see these groups working
12 together for our children.

13 Today's presentation will help me personally so
14 much in my deliberations. Because this is a daunting
15 task. It's a task that I take on willingly. I'm not
16 complaining about it. But what you did this morning, the
17 presentations will help me so much in this task.

18 I wanted to tell you that the presentations
19 this morning have really given me some more soul about
20 this, if you understand what I'm saying. I have soul
21 about this, I am passionate about it. And your
22 presentations have touched my heart and my soul and my

1 passion.

2 It's encouraging to me to see professionals
3 here working together, making presentations.

4 And what you did this morning will help me to
5 speak up, stand up, and keep on speaking up and standing
6 up and to make me do my very best on this Commission and
7 to take it very seriously, not to show and tell here, not
8 to show what knowledge that I have, but to really try to
9 learn.

10 And what you did this morning really touched my
11 knowledge base and my heart and soul. And I'm sincere
12 about that. And your presentations will help me to do my
13 very, very best on this Commission. Thank you.

14 MR BRANSTAD: Thank you.

15 Bob Pasternack.

16 DR. PASTERNAK: Thank you, Mr. Chairman.

17 I just wanted to thank all the parents and
18 other fine people who spoke this morning and just make a
19 couple of brief comments.

20 One is that I believe that parents are the true
21 experts on their kids, know more about their kids than
22 anybody else. And I think that was evidenced here this

1 morning by the passion and the incredible eloquence that
2 was brought to us.

3 And I just wanted to remind all of the parents
4 and others that are here that our new Director of the
5 Office of Special Education Programs is here with us this
6 morning. She is sitting over there against the window
7 very quietly.

8 She is the parent of a daughter with Downs
9 Syndrome. And I think you would enjoy having an
10 opportunity to visit with her during the break if you so
11 desire.

12 Next, I wanted to respond to the important
13 comment that Commissioner Bartlett made.

14 Low incidence should not be a low priority for
15 this Commission, nor for our office.

16 And I think some of the issues that were
17 mentioned around best practices or promising practices for
18 serving children with autism and pervasive developmental
19 disorders, as an example, point to some of the many
20 challenges that we face.

21 I mean, just the array of issues that were
22 brought before us this morning I think gives you a sense

1 of some of the things that we really struggle with on a
2 daily basis.

3 Finally, I just wanted to remind all the people
4 that are here in the audience that the Commission is not
5 synonymous with the reauthorization of the IDEA, which is
6 an effort that we have spent a great deal of time and
7 energy at the Office of Special Education and
8 Rehabilitative Services.

9 And just wanted to let you know that we've
10 published a notice in the Federal Register.

11 And because of the time constraints and the
12 fact that, you know, we didn't really give people the
13 amount of time that I'm sure they could have used very
14 well, to give you my email address. And please feel free
15 to send your comments to us at the Department of
16 Education.

17 It's robert.pasternack@ed.gov, and I can give
18 you that out in the hall if you so desire.

19 But in case you would like to just send those
20 comments to us or anything else that you didn't have a
21 chance to present this morning, to encourage you to keep
22 that dialogue going and to help us as we try to make the

1 IDEA better so that we can achieve the President's goal of
2 excellence in special education.

3 Thank you, Mr. Chairman.

4 MR BRANSTAD: Do you want to repeat that again?
5 It's robert.pasternack --

6 DR. PASTERNAK: Right. It's
7 robert.pasternack --

8 MR BRANSTAD: Pasternack?

9 DR. PASTERNAK: P-A-S-T-E-R-N-A-C-K.

10 MR BRANSTAD: By the time this thing is over, I
11 will hopefully have it right.

12 DR. PASTERNAK: Not a problem, Governor. By
13 the time this thing is over, we'll have a lot of things
14 right, I hope.

15 (General laughter.)

16 DR. PASTERNAK: @ed.gov.

17 MR BRANSTAD: Okay. Thank you very much,
18 Robert Pasternack.

19 DR. PASTERNAK: Thank you, Governor Branstad.

20 MR BRANSTAD: Okay. Dave Gordon, and then Tom
21 Fleming. Dave Gordon.

22 MR. GORDON: I just wanted to comment briefly I

1 appreciated all the comments. I particularly appreciated
2 some of the comments on services for children with autism.
3 This is a growing issue in my school district.

4 In our state we are fortunate to have just had
5 created a new research center for autism in my town, at
6 the University of California-Davis.

7 So I'd like to see our Commission take a
8 further look into research, the nature of services, and
9 costs around this growing need. Thank you.

10 MR BRANSTAD: Tom Fleming.

11 DR. FLEMING: Thank you very much, Governor.

12 I, too, was very moved by the parents
13 themselves coming to share with us what is going on in
14 their lives and with their children.

15 I spent, as many of the Commissioners know,
16 many years with a mixed kind of description of children,
17 either mentally handicapped or emotionally impaired, but
18 the common factor was they were all locked up because of
19 behavior.

20 And so just hearing how that these parents are
21 helping and staying there and being where their children
22 are, I just really felt it from the standpoint of

1 profession.

2 I felt it much more deeply because of having a
3 handicapped son who is 23 now and has suffered with asthma
4 almost from birth, knowing how much the commitment is.
5 When the doctors want to give up, when everyone seems to
6 want to give up, we as parents are still there.

7 And so I just commend them and encourage them,
8 because there is light at the end of the tunnel if you
9 just never give up.

10 MR BRANSTAD: Okay. I'm going to give Todd an
11 opportunity to make a comment here.

12 MR. JONES: If there aren't any other comments,
13 I was going to make a couple of logistical notes, and then
14 it's time for a brief break.

15 What we're going to do now is take a break.
16 It's going to be time to set up some lights for the
17 Secretary's speech.

18 At 9:45 the Secretary will be speaking.
19 Following that we're going to do the photo line again.
20 The photos from our previous meeting didn't turn out, and
21 so we're going to be doing the photo up here.

22 VOICE: We're going to keep doing this until we

1 get it done right.

2 MR. JONES: That's right.

3 The other thing is, we're going to have a
4 couple of brief meetings for two of the task forces. One
5 is a ten o'clock in the Tapestry Room; the other is at
6 10:15 in the Presidential Room.

7 The first one is with the accountability
8 systems group, which is Bartlett, Coulter, Gordon, Hassel,
9 and Takemoto and any ex-officios who would like to attend.

10 The second one is professional development.
11 That's in the Presidential Room. And that's Butterfield,
12 Bartlett, Fleming, and Hunt. And that will be to talk
13 about our internal prep for the hearings next week and the
14 week after that in Denver and Des Moines.

15 Are there any other task force chairmen that
16 would like to have a brief meeting? We have oodles of
17 rooms and time afterward.

18 DR. GILL: If we have time, I'd like to do
19 Finance.

20 MR. JONES: Finance?

21 VOICE: We'd like to meet.

22 MR. JONES: Okay. Would 10:30 and 10:45 be a

1 problem? Okay. We'll do it in the same series of rooms
2 again.

3 So at 10:30 it would be Tapestry; that will be
4 the Finance Task Force, which is Gill, Butterfield,
5 Chambers, Gordon, and Hassel.

6 And at 10:45, assessment and identification,
7 which is Fletcher, Acosta, Rivas, and Wright, at least as
8 far as -- there are actually more people to those, but --

9 MR BRANSTAD: What floor are those on?

10 MR. JONES: They're both on this floor, and
11 they're, I believe, right around the corner.

12 MR BRANSTAD: Any other announcements or any
13 other questions?

14 (No response.)

15 MR BRANSTAD: We're going to recess until 9:45.
16 Reconvene here at 9:45. Thank you.

17 (Whereupon, a short recess was taken.)

18 MR BRANSTAD: We were privileged at the first
19 meeting of the President's Commission on Excellence in
20 Special Education to have the Secretary of Education, Rod
21 Paige, speak to us.

22 And we're pleased to have been here in Houston

1 the last 2-1/2 days, and we've had a wonderful time.
2 We've heard from some very knowledge experts; we've had
3 some great discussions within the members of the
4 Commission.

5 We've had an opportunity to visit the schools
6 and learn about what's happening in the schools here in
7 the Houston Independent School District in the area of
8 special education.

9 And this morning we've had a chance to hear
10 some very passionate remarks from the public and parents.

11 And I'm very pleased and very honored to
12 introduce again -- and I think this shows his commitment
13 and interest in this very important issue -- the Secretary
14 of Education, Rod Paige.

15 (Applause.)

16 SECRETARY PAIGE: It really is an enormous
17 pleasure and privilege as well to have the opportunity to
18 address the Commission again, because it gives me the
19 opportunity to say to you, Thank you for your service to
20 America, and to America's children primarily.

21 And also to thank the public for coming and
22 sharing their thoughts and hearing an important discussion

1 about the future of Federal policy as it relates to
2 providing opportunities for our young people with
3 disabilities.

4 The President has given us an enormous charge.
5 He has asked America to commit itself to a quality
6 education for all of its children.

7 No society has ever had such a responsibility,
8 accepted such a responsibility.

9 And when we say, All of its children, clearly
10 that means that we've got to do something about children
11 with disabilities.

12 So we are so pleased to have you give quality
13 thought to it and to take information from all sources and
14 advise us. And I can assure you that we're going to rely
15 heavily on your work, on your important work.

16 So, thank you on behalf of the Department of
17 Education family. Thank you so much.

18 (Applause.)

19 MR BRANSTAD: I want to thank Secretary Paige
20 for his generosity of his time and commitment to this
21 process and to thank all of you for your attention and
22 involvement here the last 2-1/2 days.

1 We do have the subcommittees that have been
2 announced already.

3 Is there any other business to be performed
4 before we adjourn?

5 (No response.)

6 MR BRANSTAD: If none, I'll declare this
7 meeting adjourned. Thank you very much.

8 (Whereupon, at 10:15 a.m., the hearing was
9 adjourned.)

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C E R T I F I C A T E

MEETING OF: President's Commission on Excellence
in Special Education
LOCATION: Houston, Texas
DATE: February 27, 2002

I do hereby certify that the foregoing pages,
numbers 445 through 517, inclusive, are the true,
accurate, and complete transcript prepared from the verbal
recording made by electronic recording by Sue J. Brindley
before the U.S. Department of Education.

03/12/2002

Pamela A. Smith
(Transcriber) (Date)