
Commission Meeting

of

SPEAKER'S COMMISSION ON EDUCATION: POLICIES, FACILITIES, AND REVENUE

"Focusing on special education in New Jersey"

LOCATION: Committee Room 6
State House Annex
Trenton, New Jersey

DATE: April 12, 2001
11:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Assembly Speaker Jack Collins, Chair
Assemblyman Alex DeCroce, Vice-Chair
Assemblywoman Charlotte Vandervalk
Assemblyman Joseph J. Roberts Jr.



ALSO PRESENT:

Theodore C. Settle
Office of Legislative Services
Commission Secretary

Haskell B. Berman
Christina O'Malley
Assembly Majority

Meeting Recorded and Transcribed by
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Commission Aides

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ASSEMBLY SPEAKER JACK COLLINS (Chairman): Good morning, everyone. Welcome to the meeting of the Speaker's Commission on Education. This is a meeting that will focus, as did our last one, on special education here in New Jersey, and we appreciate so many people coming here today. I will start by saying that the discussion today will take place between the Legislators and the six members of the panel. The public -- many of whom have called and said they would like to share their insights -- is more than welcome to do so in written testimony sent to me, Speaker Jack Collins, in the Assembly Majority Office, I guess, would be the best. If you just get it to Speaker Jack Collins in the State House, somebody will find me sometime.

What we have done, and for those who have been here before, I'm sorry to go through this, but I would like to always keep the focus on what we are about, and that is this. A while ago I thought it would be appropriate that we, some members of the Assembly, and there are seven of us -- a couple aren't here today for various reasons; I'll mention them -- that we would get firsthand direct from so many segments of the educational community and the society as a whole what is going on in education, particularly in some areas that we want to focus on.

We have had public hearings around the state, and we have determined that there are a number of major areas that we want to glean information on directly from people involved. The first of those segments is special education. We have already had one hearing directly relating to special education. We were honored to have Commissioner Gagliardi the day before he was sworn-- Oh, no, the day that he was approved by the Senate. We listened to him when he testified even though he wasn't really the Commissioner

yet, but it was very educational. We appreciated his concerns across the board in education, but particularly in special education.

Today, we're going in a somewhat different direction -- not just one person, but six, we think a cross section of individuals that we would like to hear from as to what's really going on out there. Now, our purpose in this Commission is not to usurp any of the other responsibilities of legislative committees or regulatory units or whatever, but to see firsthand what is going on and very possibly put together, at the end of this period, sometime in the fall, some real concepts regarding changes in -- from special education to testing to curriculum to one that will get a great deal of attention across the board, should we fund education in a different way.

So we thank all of you for being here, and I particularly thank the six individuals who are part of our panel today. And I would like to introduce them now, then I'll introduce my colleagues, and we'll begin.

First, we have a good friend, former colleague, Assemblyman Carmine DeSopo, but here today as the Superintendent of the Burlington County Special Services School District, and we appreciate having you here, Assemblyman. And you'll be an Assemblyman today. Don't let that confuse all that knowledge you have. All right.

We have Mrs. Maureen Babula, who is the Chair of the State Special Education Advisory Council. We thank you. And she's here none the worse for wear, looking calm. Maureen and I know what that means.

We have at the far end, and I'll stay this way, Ms. Rebecca Spar, Esq. She's an attorney practicing in Hackensack, and she's represented parents and children in several precedent-setting educational cases, including a most

recent decision rendered by the State Appellate Court. And we thank you for being here, counselor.

We have Barbara Gantwerk, who is the Deputy Commissioner (*sic*) in charge of Special Education within the Department of Education, and we thank you for being here.

And then we have Dr. Leonard Kelpsh, the Superintendent of Schools of Egg Harbor Township school system.

And with him -- Are you here, Eddie? -- Oh, there you are. I've almost done this without my glasses, and I got right to you, of all people, and-- And then we have Ed Armato, who is the Director of Special Education Services for the Egg Harbor Township School District.

I would like to point out, and I've mentioned this to Ms. Spar earlier, one of the bits of information that I got, as we were preparing for this, was the newspaper report of this most recent decision by the Appellate Division on Special Education -- the rights of the State, and of course, the rights of parents of special education children. As I mentioned to her when I read them, the story is pretty much the same, and we may -- we don't want to focus on it, unless necessary -- we may deal with the court case just in our conversations, but I couldn't help but think, and particularly in case members of the press do come in or out, whatever may happen here today. Because here's what we have. We have the same court case, two different reports. We have this one that says, "Court Orders State to Alter Parts of Special Education Regulation." No question. You state-- Same story. "Court Upholds State's Special Education Rules." So as we sit here in public discourse, you never know how it's going to be reported.

But we thank you for coming. We look forward to not just us questioning and you answering, but a discussion -- and even amongst yourselves -- we are here to be educated. And you are the experts.

What I would like to do now is take a moment to introduce my colleagues. To my left is the Vice-Chairman of the Speaker's Education Commission, Assemblyman Alex DeCroce from Morris County.

ASSEMBLYMAN DeCROCE: Good morning.

SPEAKER COLLINS: And two over from him -- we don't introduce staff, Christina (laughter) -- is Assemblywoman Charlotte Vandervalk from Bergen County. And we will also be joined by Assemblyman Joe Roberts, who was here and just left for a moment, from Camden County.

I live in Salem County, and we have three other members of our Commission: Assemblyman Peter Barnes, who is from Middlesex County, who is recovering from some surgery; Assemblywoman Nia Gill, from Essex County; and Assemblyman Kevin O'Toole, from Essex County. They will not be here today because of other commitments, but surely are interested. And we do have transcribing taking place.

Having said that, would anyone like to make an opening comment on the panel?

MAUREEN BABULA: I would. First of all, I would like to point out that--

SPEAKER COLLINS: If you could just pull that a little closer to you. Oh, that's it. (referring to PA microphone)

MS. BABULA: All right. Is that okay?

SPEAKER COLLINS: And put the red light on.

MS. BABULA: And put the red light on. Red light, green light, okay.

I would like to point out that, although I am Chair of the State's Special Education Advisory Council -- I sit there as a parent member -- I consider myself to be here as a parent. My son, Connor, who is 12 years old, has Down's syndrome, and is in the regular education fifth grade in my local school district, which is Harmony, in Warren County. Although I do not for one moment underestimate the seriousness of looking at the cost of special education, assessing what those costs are, and how they can be reasonably and fairly controlled, I believe that we must keep in mind at all times that when we talk special education we are not talking dollars isolated. We are talking children, and children's lives, and that every child, whether they have a disability or not, has the right to a free and appropriate education in the least restrictive environment.

I would ask you all to think of our educational system as a garden. A good gardener has many different kinds of plants in his garden or her garden. Some of them are very easy to grow and require no attention. Some of them grow so well that they require a special kind of attention. They need, perhaps, to be pruned, to direct it in certain ways. A third kind of plant is the plant that needs a lot of attention, the one the gardener considers the real challenge to grow. That plant receives a lot of support in order to flourish. But the gardener does not focus on one single plant in his garden, not on the hardest to grow or on the easiest to grow. The good gardener looks at his whole garden in terms of whether he has been successful or not.

I think we should look at our educational system as a whole system and that all our children should be successful, and they all must have the supports they need to do so. Certainly, we should not give them inappropriate supports, overly costly supports. They should have exactly what they need so that all our children, all our plants in our garden, will grow to the best of their ability and flourish. Thank you.

R E B E C C A S P A R, ESQ.: I don't get a red light. (referring to PA microphone)

SPEAKER COLLINS: Now you will.

MS. SPAR: Now I do, okay.

I wanted to echo one of the concerns that she expressed, and I think this is a constant problem that's brought to my attention -- is the inclusion in educating the children in the least restrictive environment and including them to the maximum extent possible with nondisabled peers. And I find that in New Jersey -- New Jersey has a poor reputation for being able to do that. When the parent or the school district decides that the child should be included, they often do not have the resources either among their staff or in the community to bring in consultation to be able to educate the student in their normal school that they would attend.

So what has happened is that the same children that were sent out to alternate schools when IDEA was enacted in 1974, in my experience those same kinds of-- The children with those same problems are still being sent out. And those are children who have significant physical handicaps, children with significant cognitive impairments, children with significant emotional or behavioral disabilities. And those children are, in general, still not being

educated in their neighborhood schools or in a public school with a lot of contact with their nondisabled peers.

And I thought that maybe today we could talk about -- because we have different perspectives here on what could be done to try to do that more effectively. Because I think it's, in part, a lack of resources in New Jersey where we can bring in consultants and ongoing training in the public schools and how to do that. At least in my experience, I've seen that as the problem.

SPEAKER COLLINS: Well, maybe-- Let me respond to Mrs. Babula's comment and yours, and maybe that will focus us on it and get some discussion. Let me go back to the garden. Well stated, but what was missing in the conclusion, though you mentioned it earlier in your remarks before you went to the garden, was the limitations that the gardener has. Yes, every gardener would like to do everything for his or her garden, every plant in it, and so on, but whether that limitation is the amount of water that can be used to irrigate the garden or fertilizer in the garden or, of course, sun, there are limitations. Can there be limitations in the garden of special education?

MS. BABULA: I think the limitations-- Am I off again? Do I have to keep doing this? (referring to PA microphone)

SPEAKER COLLINS: Well, yeah, you have to hit it each time, because here's what happens. This is the power of -- this is not my meeting room. See, I have the ability to cut you off whenever I want (laughter) when I hit a button. Now, I won't do that, but go right ahead.

MS. BABULA: I would say that the limitations limit the entire garden. If the garden is only a certain size, then that's going to limit the space in which all of the plants are going to grow. If the gardener has only a certain

amount of money, then he's going to have to put that money where he feels it will work the best. And it's quite possible that, for instance, if he could only purchase a certain amount of fertilizer, he's going to put that around the plants who need that the most to grow. It may be that all of the plants have to grow at a more limited basis than they would if the gardener had unlimited funding, but it certainly would be unfair of the gardener to choose to limit the growth of a certain few plants to benefit others. It should be a level garden.

SPEAKER COLLINS: Okay. Well, Assemblyman Roberts just walked in. He probably thinks he's in the Agriculture Committee meeting (laughter) so-- It's a South Jersey thing, Joe. Maybe we'll move off the garden.

Let me make a general comment of mine which will put this into some focus, and particularly for some of the challenges facing superintendents around the state, be they special superintendents or general education superintendents.

I've been here 16 years. I'm an educator by profession prior to retirement. Often -- and I take this as a compliment viewed as someone who is particularly committed to education and so on. And so often, and we're even alluding to it in the garden now about the cost of, in this case, special ed, but I'm willing to go to any other area of education, it comes-- Well, we're spending all this money on education, and where does it come from? And as I say, that will be a later hearing. But the biggest challenge, I think, we face -- those of us who are charged with not just educating children, but coming up with the wherewithal to do it is, we face this dilemma. And it's surely the one you touched on right away.

We want to do all we can, let's say, in a personal sense, and this is what I use for my four children. I wanted to give them every single thing I could give them, but I was limited by what? By, basically, economic constraints that allowed me to do certain things to my own children. When we moved to schools and children en masse, it's like, well, this is for the kids. Let's do it. I agree. But just as I have limitations in my own home, we as a society have limitations for the funding of education. And I'm talking broad education. And this to me without question, after we figure out somewhere and someone does, how we should pay for education, always underlying that in my judgment after 16 years in projecting whatever is going to happen in the future, is always going to be, well, what should we offer? Is it unlimited?

Now, that's just the challenge that I think is out there. You've touched on it, Maureen. And you've touched on it in-- And as I say, very well done. But I don't just want to just get hung up on "the money," but where should we go? What do you think? How do we go about it? We really would like the nuts and bolts, and we'll go from there.

Maureen wants to speak again, and then--

MS. BABULA: First of all, I want to get away from the garden now.

SPEAKER COLLINS: Yeah. We're out of the garden.

MS. BABULA: Yes. Because I will get stuck permanently in the manure, if we, you know, don't move on here. (laughter)

I think one of the things-- And again, I don't want to get caught up in costs either, but there's a big stumbling block when we get to discussions of cost. And I understand that's a hot item. There are articles in the paper all the

time. I mean, you people come up against it with parents of regular education children yelling, with school districts yelling, "Where is the money?" One of the biggest problems, I believe, we have is the lack of documentation. And I'm sure you haven't heard this before, but in 1996 the CEIFA Act was passed, which was supposed to require the Department of Ed to come up with the numbers on how many people are classified, what the classifications were, what they cost, where they were going, so that we had something upon which we could actually base decisions, as opposed to it being anecdotal information.

Every time it's-- Not every-- I will try my best not to use generalities, but understand I'm a parent and a generalist, so I almost can't help myself. We need to have clear numbers on what placements cost, what placements are being used, where are these kids going, where are they coming from. And without this, I think, to a large degree, the cost arguments cannot be resolved. That's just one person's opinion. I leave it open.

SPEAKER COLLINS: Mr. Superintendent, can they be resolved?

L E O N A R D K E L P S H, Ph.D.: I may be in the minority, but, you know, as I look statistically, we're very well-funded as a state. And then I look at where we are, as far as inclusion in some other practices, and we're probably the lowest in the nation or the least successful in the nation. So I think there's some disparity there. I think what's missing is, is a number of areas. And one of the things on my letter was professional development, teacher preparation. I think we have to start looking out of the box on some of the things that we're doing.

Because, you know, there are districts -- an example being the Special Services District from Burlington, who does some extraordinary things

at a very, very reasonable price, whereas other districts spend an inordinate amount of money, and we don't successfully mainstream our kids. So I think one of the things that I harken back to is how our staffs are prepared. And I've got to be frank with you, I spent 11 years as a special education teacher. I taught emotionally disturbed children, which was sort of a great segue into becoming a superintendent. But one of the things that I've always felt is that we haven't prepared people well enough, both on the special ed end and on the regular end, to deal with the kids that we currently deal with. So I think we then, as school districts, spend a lot of money reeducating the 100 professional hours, but it just doesn't go a long way to serve the needs of the kids.

As I look back on many special education teachers, I look into the classes, and I do somewhere between 300 and 350 observations a year, including special ed teachers. And what I see is often special educators who have smaller classes who just do it slower. And we don't set quite as high expectations for those kids as we set for other kids. And my problem is that they don't have the expertise to deal with the group of kids they are dealing with, whereas, in other situations, such as deaf ed, the kids who have some other significant problem, autistic kids, we're dealing with very highly trained professionals who really do have the skills to work with those type kids.

So there's this dichotomy. So teacher preparation is one of my concerns. And then we have this inclusion practice. And to be frank with you, I think if you took a poll statewide, there are very few teachers on the regular end of the business who feel that they're prepared to deal with inclusion kids. And then we take a group of inclusion kids, five, six, seven, and we already add them to classrooms that are generally packed, and now we have 22 regular ed

kids and seven special ed kids and two teachers running around who have had no training on how to work together and do collaborative kinds of things. And we expect the process to work. And generally, it doesn't, because neither group knows their boundaries and what they're responsible for, so we have some concerns in that area.

And I think one of the things we need to look at is class size, because I think that's a prime indicator of how kids do. The Tennessee study clearly indicated that as we go beneath 20 -- kids do more successfully in smaller classes. So I think we need to look at smaller class size and for the general and special ed population in the sense that if we're going to include kids, we can't have 30 kids in a class. We have to drop those numbers significantly. So that's just one individual's perspective, but I think we have to manage our money and think a little bit out of the box and how we're going to spend that money. Because after all my years in the business -- and I've been a superintendent for 13 years -- I don't think money necessarily equates to a great education. I think it's the people delivering those services and the skills we give them that equates to a pretty good education.

MS. SPAR: I wanted to--

SPEAKER COLLINS: I'll tell you what, you people use the microphones. I know I could be heard. (laughter) I won't-- Go right ahead.

MS. SPAR: I wanted to second what he said. I think that personnel development is one of the real problems in special education. And if you don't have personnel who can either do the special education, the regular education, the inclusion part of it, it's not going to work. It doesn't matter what kind of beautiful IEP you get or what kind of beautiful court decision you get.

Whatever you do, it's not going to work if the personnel don't know how and aren't trained. And the teacher training programs, because it starts really-- I mean, they come from the teacher training program, a college. So what is the college doing to prepare them to work in an inclusion framework or to work with the kids with the particular needs? And then when they get into the school district, what kind of supports are there?

I had a case last year that was a case including a severely challenged 13 year old. And when we won the case, and one of the parts of the decision was that the school district had to hire a consultant to come in and work with them on how to include this child, the school district could find no one in the State of New Jersey who could come in and serve as that consultant. They had to go to Pennsylvania -- who has fewer private schools, so more of their kids go in the public school -- to find a consultant to come in and work with them on how to include. I mean, they're not out there. So that resource is missing.

SPEAKER COLLINS: Commissioner (*sic*).

BARBARA GANTWERK: It's wonderful. We're all going to be in agreement today. (laughter) It's very unusual. And I want to say that the Department certainly agrees with the need to change our teacher preparation programs, and we look at it from two tracts. We say for too long special education has been going in a separate tract, regular education in another tract.

So we need to change the way our preservice programs are going so that, one, our special education teachers are knowledgeable about the core curriculum content standards. Because if we want to raise the expectations for what we teach our students with disabilities, then special education teachers need to know the content that is provided to all students -- that that is what

they should be teaching. The general education teachers need in their preservice, as well as their in-service, to know how to deal with students with disabilities, students with different learning abilities in their regular education classes.

Now, in the upcoming review of certification, both of those issues will be addressed, because I think everyone is in agreement that we need to do something to strengthen the training of the special ed teachers so that when they come out of the programs, they're not prepared solely to teach in a separate setting, which is what happens. If they're trained to teach in a separate setting, when they come into an inclusive education program, the district winds up providing the kinds of training.

We do a lot of training through our learning resource centers both for regular education teachers and general education teachers. We try to support that through grants that require collaboration between the colleges and the districts, so that we can both develop that capacity at the college level as well. We also have put into the Federal government a request for a grant that develops the capacity of the colleges to have special teams solely focusing on this issue of consultation and inclusion. The whole issue at every level relates to working together, as opposed to working separately.

The child study teams have to learn not to write an IEP that then sits in the drawer and nobody looks at, but how do they work with the classroom teacher so that the classroom teacher knows how to implement that. But it all deals with what we're talking about, getting special education and regular ed to work together more, as opposed to -- on separate levels.

MS. BABULA: Can I answer that? I can speak loud, too, is that okay? Loudly.

I would just again like to agree with what has been said and to let you know that the State Special Education Advisory Council has spent a significant amount of time discussing teacher preparation. And we have made written recommendations to DOE that when they change or look at their certification regs for teachers, that topics be included in the requirements for regular education teachers which will ensure that they are better able to deal with some of the issues of having children with special needs in their classroom, things like collaborative teaching, positive behavior supports, differentiated instruction.

On the other hand, it is also certainly clear that special education teachers do need to understand the core curriculum standards. I can tell you personally that the biggest obstacle I found to my child's inclusion was the fear on the part of regular education teachers that they would be unable to successfully teach him in their classrooms.

In only one case was it an unwillingness, a person who thought he just didn't belong there. But in every other case, those teachers truly believed that they did not have the education and the expertise to give my child what he needed. So, both on a generic level and on a personal level, I strongly believe that teacher preparation is one of the things that we absolutely have to look at to make special education work.

SPEAKER COLLINS: If I may, what did your district do to overcome that problem?

MS. BABULA: Interesting question. What we did was try to give those teachers as much support as possible, and there wasn't a lot around. I personally as a parent gave the teacher a lot of input on -- my child is just

another kid. You teach him like another kid. He's got blond hair, blue eyes, and happens to have Down's syndrome, but he doesn't have to have two heads. And I try to get a comfort level. We had a communication book, you know. I worked a lot with them.

It's a very small school district, and this is another thing I could talk about a lot -- about how we need to centralize services to make them available to small school districts. But the child study team also tried to work with that teacher, encourage the teachers to, at any moment, bring them in to talk about the topics. We tried, as far as we were able, to find some in-service programs which would help them, but we didn't cure it. What cured it was that after a few months, the teachers realized that it was okay and that they could, indeed, have Connor in their class with the supports, which we were providing. And he does have a full-time aide.

ASSEMBLYMAN DeCROCE: How many youngsters were in that class?

MS. BABULA: How many?

ASSEMBLYMAN DeCROCE: How many youngsters did you have in your district?

MS. BABULA: Approximately 18 children. That's the average size in Harmony. Connor is the first and only child with significant cognitive disabilities to have gone through. One of the things that was really missing that I think is a critical support is an inclusion facilitator. And that's to sort of go on to almost another subject -- is one of the supports that I think schools, especially school districts, really need. They need someone who is an expert on inclusion to help facilitate each child's placement.

ASSEMBLYWOMAN VANDERVALK: Can I just ask, and it's an interesting point, on the inclusion--

SPEAKER COLLINS: Hit your button, Charlotte. (referring to PA microphone)

ASSEMBLYWOMAN VANDERVALK: The inclusion facilitator -- do many or most schools have an inclusion facilitator?

MS. BABULA: No. As a matter of fact, my son is now going into the sixth grade, and because it's a different framework -- a middle school kind of thing -- I ask my child study team to go around the state and try to find places where middle school inclusion was being done successfully so they could learn, having no history of this before. I called Barbara's office. I called the Learning Resource Centers, and there wasn't an awful lot to choose from. Some of the larger school districts who are doing inclusions successfully have them.

Metuchen, for instance, has a full-time inclusion facilitator who goes from school to school to deal with a particular child -- particular child. Small school districts can't afford to do that. The special services of a special education advisory council has spoken often about making a recommendation for regionalized specialized staff. And one of the specialized staff we would like to see available on a regional basis would be an inclusion facilitator.

ASSEMBLYMAN DeCROCE: What's a person like that get paid that it's so hard to find these people?

MS. BABULA: I'm the generalist. I haven't a clue. I don't know.

ASSEMBLYMAN DeCROCE: The Department, tell us?

MS. GANTWERK: An inclusion facilitator, what would they be paid?

ASSEMBLYMAN DeCROCE: Yes.

MS. GANTWERK: I guess it would depend if they were a team person, if they were psychologists, learning consultants, they would get paid as that. If they were a special education teacher with that particular expertise, they would get paid on that scale, I would assume. We don't have--

E D A R M A T O: We have a program in Egg Harbor Township we've started. A couple of--

SPEAKER COLLINS: Hit the button, Ed. (referring to PA microphone)

MR. ARMATO: It's on.

SPEAKER COLLINS: Oh, okay.

MR. ARMATO: I'll speak up. Oh, I'm just--

SPEAKER COLLINS: You're even more softly spoken than I remember. (laughter)

MR. ARMATO: We had our arguments in class.

SPEAKER COLLINS: Tell them why?

MR. ARMATO: Because I was right. (laughter)

SPEAKER COLLINS: Well, what was our relationship?

MR. ARMATO: Oh, he was my professor for New Jersey School Law (laughter), and I learned a lot, really.

We have a program that I can talk about that we started last year in our school district talking about teacher preparation in the collaborative inclusive model. It was a cooperative learning project where we included those teachers, regular and special ed, and had a consultant come in and work with them in this model so that they would know about different learning styles of

students. And we also hired a facilitator who worked with -- as a special ed facilitator, who was a special ed teacher, who worked as an in-class support teacher earlier than that. So she would go in and model lessons utilizing the cooperative learning approach with regular and special education students in the classroom.

And it was part of a star school application with looping and another process where the school had two projects going on at one time. And they applied for the status of star school and one of the ten star schools and was accepted and was named last year the Swift School in Egg Harbor Township. And that was part of the program, and it's still working. And we moved it into two other elementary schools at this time, and we have facilitators in each school working with regular and special education students in the classroom in a collaborative manner. And this has done one thing. And we can go back to the child study team part of it. This has done one thing. It has reduced the number of referrals in those schools. And that was our main concern and that was our thrust throughout this period of time.

ASSEMBLYMAN DeCROCE: What-- I'm sorry.

ASSEMBLYWOMAN VANDERVALK: Excuse me, Mr. Chairman?

SPEAKER COLLINS: You may jump in whenever you want, Assemblywoman.

ASSEMBLYWOMAN VANDERVALK: What you just said, does that mean that was a cost-saving move for the school district, that they were able to handle it within, as opposed to sending the child elsewhere? Is that-- I'm not sure what you were saying.

DR. KELPSH: One of the reasons we brought the project together and we dealt with cooperative learning was because what we found out and what we believe is, we're just reacting to the problem, in that, you know, the kids go through the system, and all of a sudden we decide that they're special ed. And that the proactive approach would be to provide the services to the kids before they become special ed. Now, obviously, there's kids who come to us handicapped, but there's kids who fall behind academically, and all of a sudden after two years, they become special ed. This was a proactive approach to decrease our referrals.

And what happened because of the approaches was that the teachers were essentially given cooperative learning, different learning styles, multiple intelligence, and so on, and so forth, they were able to modify their teaching practices to meet the needs of the kids. And that's a really easy out for regular teachers. If the kids don't fall within the norm that we expected them, they classify. And it's an easy process to go through to get their kids classified and out of their room, because a lot of teachers -- and I've been in this business a long time -- they want the norm. They don't want to make exceptions and do things differently to meet all the needs of the kids. So one of the easy outs is to classify.

So what we try to do is try to get -- be proactive in our approaches before the kids get to the system. And I think that that -- as I look back in special ed, I think it's great to have the two- to five-year-old programs, but it would be even greater if we could provide some of these services to a greater majority of kids. Because everything we know about brain research says those first few years are extraordinary for kids and how they develop, but we don't

offer services to parents. And then it comes down to the disadvantages that they face.

My child-- I have a two-year-old, and he's had some extraordinary experiences. He comes to school with a wealth of abilities, a wealth of experiences. He's been to San Diego and Houston. He goes everywhere. He's experienced a whole lot of things. But then we have other kids who come from disadvantaged situations who don't have those experiences. And what we know about the brain is that it learns through experiences and are hooked to experiences. And so we're getting these kids who are unprepared to deal in a school setting, one, emotionally, because they're going home and they don't have the services provided to them. They don't have people to read with them. They don't have people to nurture them, because they're doing other things. They're holding two and three jobs. And then they're competing against kids who have had all of these significant advantages.

And then I think we also forget one big thing, and that is what we know about the brain is like we sit there and take our five-year-old and we're disappointed that they can't read. But from what we know about brain research is, they're not hardwired to read until they are seven, but yet we promote that they should be reading at five. And we don't make those differentiated decisions based upon what we know -- how the brain functions and operates.

So there's a lot of things that we do wrong in the business, and I'll give you a good example. We bring in our elementary kids at 9:15 in the morning. We bring our high school kids in at 7:30. The only reason we do it is because of school sports. But what we know is, high school kids aren't functioning at 7:30 in the morning. They're not functioning until 9:30 in the

morning, because they're supposed to have nine hours of sleep versus eight hours of sleep, so we should be doing the reverse. So our high school kids are losing two and three periods a day because we have a model that says kids have to play sports at 3:00, because we can't afford to put in lights.

ASSEMBLYWOMAN VANDERVALK: Mr. Speaker, if I may? You've both used the phrase decrease the referrals, and that's what I don't understand. Decrease the referrals to what?

MR. ARMATO: The child study team.

DR. KELPSH: Okay. To the child study team.

ASSEMBLYWOMAN VANDERVALK: Okay.

DR. KELPSH: So these kids are getting services before they actually need child study team services.

MS. SPAR: Does that reduce your special ed expenditures? I think that was-- No?

DR. KELPSH: No. Because essentially you're still providing services to a group of kids that haven't grown inordinately. But we're focusing -- instead of spending the money on a special ed teacher, we would rather spend the money on a cooperating teacher who facilitates -- really does the things that the child study team originally were supposed to do, because the model was that the child study teams would go in and provide support services to teaching members, parents, so on, and so forth. They never do that. All they do is do paperwork. So those wonderful resources and learning -- LDs, psychologists, they never deal with staff. All they deal with is paperwork and classification. So now you have to come up with another model that provides services to teachers that the child study teams were originally supposed to provide.

ASSEMBLYMAN DeCROCE: But don't those of you who are administrators-- Isn't there something to flag the system, if you see too many youngsters being classified, to look into it to find out why that's being done.

DR. KELPSH: Absolutely.

ASSEMBLYMAN DeCROCE: Because I can tell you, I know in a couple of cases where youngsters were classified just to get them the hell out of the teachers' classes.

DR. KELPSH: Absolutely. Absolutely. And then that's where you, I think, have to be proactive in your approaches: one, provide more early experiences for these kids; and two, going back to staff training, you have to provide these teachers with diverse methods. They have to know about the manic instruction, brain research, cooperative learning, multiple intelligences. They're coming out of schools without these. When we hire district staff, and we do quite a bit-- We're growing at about 450 kids a year. So last year we brought in 90 new teachers. They have to give us eight days of staff development before they sign their contract. But that's bad, and it's bad in the sense that these kids should be coming out with those experiences. I shouldn't have to provide it to them during the summer. So when you talk to them about cooperative learning, well, we've heard of it, but we really don't know how to implement. And to me, that's distressing, because one of the -- the number one things we know that work with special ed kids is collaborative, cooperative learning, but we have--

ASSEMBLYMAN DeCROCE: But you guys are the educators. If the colleges don't know this, somebody should be telling you, whether it's the Department or people in the business, professionals.

DR. KELPSH: Well, we tell them that, but you also have to, I think, understand the teachers in college. And there's like two tracts. It's the college professors who have never had any practical experience dealing with kids, and then there's guys, like myself and Mr. Collins, who are professionals in the business who actually do adjunct work. So there's this-- I think the best thing to say about colleges is when I ask my kids in my classes, and I teach on the graduate level, where was their worst course, inevitably they always say in college. So it doesn't tell me that I'm dealing with a group of individuals who know how to teach to begin with, but they're teaching my kids how to teach.

MS. SPAR: I think that Barbara mentioned early on, one of the things that the special ed department was doing was trying to build the expertise in some of the colleges to go out and build expertise in the school districts. Because this is something that is not done that much in New Jersey, and is done quite extensively in other states, and it saves money. It saves the local school district money. And how they do that is that the university -- like I worked with somebody from the University of Minnesota who's been doing this for 20 years. He gets regular research grants from the Federal government. His responsibility is to contract with school districts. And he goes out and works with them over a six-to-nine month period on how to include particular children. He builds-- The whole system is set up so that he builds the expertise in that school district so that they then -- they will have an inclusion person or someone who is going to carry that on. And the next time they have a child with those needs, they won't have to bring in outside consultants. And they have built their own expertise with that.

We have a little bit of that in New Jersey. We have the UAP, University Affiliated Program, with Karen Melzer, but that's it, to my knowledge -- is that it does that kind of a long-range consultation with school districts. So--

ASSEMBLYMAN DeCROCE: Why don't we have more, Commissioner (*sic*)? I would assume that there is a lot of money out there for youngsters that have disabilities.

MS. GANTWERK: More programs with the colleges?

ASSEMBLYMAN DeCROCE: Yes.

MS. GANTWERK: Well, we've really increased that a lot. We now have grants that we've given out to districts, and the focus was to include more students with disabilities and develop the capacity in districts to do so. But in order to do this, they had to join with some college, and we had regional programs, like special services or regional day schools -- those places that have special expertise in working with students. We said, join with them and they can provide the training to you, so that you can keep the students in your districts but with the expertise.

So we have a number-- I know Atlantic County Special Services. I don't know if Burlington has one of those or not. I'm not sure. I know that one of our regional day schools is joined with the districts providing the training, providing services. We also work with the Division of Developmental Disabilities and have a major inclusion project where we picked districts. And through joint support, we have the colleges working, and we're providing inclusion facilitators to those districts.

Next year, we've selected the districts with the highest rates of separateness, so to speak. They have the most kids in separate placements. And we've made money available to them. They write a grant to us. And part of that is we will also be providing facilitators to work with them, and again, connecting our colleges. We meet with the colleges, and we're trying to have impact. Some of the colleges are moving in that direction, at any rate. I mean, I know Montclair has a joint training program where they have their regular ed teachers and special education teachers together. Trenton State (*sic*) also has that program.

So we meet with them and are trying to do it. I think once the certification changes, they will meet those new requirements and have that capacity. But we're trying to build that capacity all the time, because it is critical. We shouldn't have to go out of state all the time.

C A R M I N E D e S O P O, Ed.D.: Mr. Speaker, members of the Commission.

SPEAKER COLLINS: Assemblyman, go right ahead.

DR. DeSOPO: I really have to commend you for taking the time, especially on a Thursday, Holy Thursday, to be here and to listen to us. It demonstrates your commitment to try to help children. And I agree with most of the things that have been said here, but if I can just give you a little different perspective. I've been in this field for about-- I switched from regular education. I was a classroom teacher in the city of Paterson in some of the toughest schools. And in '66, when I received my master's degree, I switched to a special ed teacher, because the person down the hall could not control the kids. So I had 35 kids plus her kids from the special education class. So I

decided to actually teach a special education class. So I've been able to see special education evolve. And we need an historical perspective, because we're here because of things that have happened two years, five years ago, ten years ago, and right down the line.

So I did teach special education, and I did teach at the college. As a matter of fact, one year also I taught at the Laboratory School at the college. They used to have these lab schools for special education kids associated with the colleges, but I think when the funding dried up, some of those schools were closed. Before starting a model program in Burlington County at the vocation school, something that took me away from my passion, which was coaching and championship teams, to come down in Burlington County in 1968 to start the first mainstream program in the vocational school before it was fashionable, before people were talking about mainstreaming or integration or inclusion. Because I strongly believe that we got to use our head, and we got to look at kids and say some of these kids are not going to college. We have to be realistic. A lot of our kids are not going to go to college. And what are we doing to prepare them for occupations so they can be independent adults so we can prepare them for occupations to be productive members of our society and to pay taxes?

So that's always been my focus, since 1968, to develop programs that will meet the needs of these kids so they can grow into fully, healthy individuals with good, positive self-esteem. And of course, back in 1972, when we started the Burlington County Special Services School District, I was very honored to be the superintendent to start that school district until today. So some people may say that you've gone from one extreme to the other. That

you've gone from a pilot program where Dan Ringleheim (phonetic spelling), who was the person in charge of special education, was in the movie which was made by the EIC and circulated nationally saying this is the prototype of future programing. But that was for only a handful of kids that were selected by me, that could be integrated into the vocational school after working with Trenton State College (*sic*) and being an adjunct.

And we worked-- I trained the teachers for a whole year. And we even worked on dual certification, special ed and vocational education, before we actually put one kid in the shop. So it's -- at an early date, we understood how critical it is not to make mistakes, because we're dealing with kids. You know, sometimes people, in the name of some kind of theory, you know, they want to say, "Well, we got to put this kid in here. We got to do over here. Well, if he fails over here, then he can go here," and so forth, as opposed to really taking the time and develop the strong continuum of the least restrictive environment, because not all kids-- One of the things that I've learned in my 35 years in special ed and many of the years in regular education is that there isn't one program that will meet the needs of all the kids. One size doesn't fit all.

And we have to keep it in mind that our obligation at this global level, at the State level, is to make sure that there's opportunities out there. That there are good, sound programs in the least -- and to continue in the least restrictive environment that are cost efficient -- that are cost efficient, and that there is a mechanism in place where we can come up with programs that are cost efficient. That there is an economy of scale. See, what's happening in special education is that it's so disjointed. Think about it. I mean, in regular education

it's very simple to some extent. And what we need to do is to simplify to get a good handle, a good structure in special education.

In regular education, you're talking basically elementary school, maybe junior high school and high school. In special education, it's so individualized. First of all, you're starting off with a state that has so many school districts, everybody has local autonomy, so you're starting off already in a state that has so many local school districts. Then you're starting with so many different categories. Then you're saying, well, some of these kids have to be included. And my only concern is that it's done the right way.

As a matter of fact, we have a grant. One of the other things that we're doing at the County Special Services School District, we have another district under our administration, which is called an Educational Services Unit. And when you're looking at the overall structure, the engine that will facilitate the continuum of the least restrictive environment-- You need an engine. The State Department can't do it. They don't have the personnel. And primarily, their focus -- and they're getting a lot of heat from the Feds, you know -- it's this mandate and this rule and regulation and this monitoring and this kind of things, and so forth, which drives many, many people crazy, because they got to meet the expectations of the Feds and all these other kinds of things.

I think that's one of the reasons that I took a great joy of participating only a month ago to go to an alumni reunion dance at my school. Four hundred special ed kids and then their dates, almost 1000 kids were there. And to come back and to say, you know, "I'm working here, and I have two or three people working for me," and to have a school district that 90 percent of the kids when they graduate go to jobs and occupations, then there's other kids,

that 10 percent, that maybe 5 percent or 6 percent of those kids would always need supervision no matter-- How intense is the program? No matter if you're paying \$90,000 or \$100,000 for that one kid or \$10,000-- And I don't want to play God -- then I tell people that never to play God with the kids -- try to do everything possible to make the kid grow to his fullest potential.

But let's face it. You know, you've been a coach. You know that there's certain kids that when they're freshman and they're six-foot-two and they still can't catch the ball -- and you don't want to cut that kid off the team, because he can't dribble, because you can see that the human development that he's still growing, especially if it's a cephalo-caudal development from here to the extremities, from the inside to the extremities, that once he gains full control of his finger dexterity manipulation and then he grows another two or three inches, I mean, he's going to destroy the other kid on the team who's still five-seven and will always be five-seven, and he's trying to play a forward on the team. When that kid in another year or two, if you work with him and give him all the necessary drills and exercise, and so forth, that person will reach his full potential, and he may grow to be six-six, six-seven and be a star. And a star is a star. You can find a star anywhere, even at Rowan College you can find a star.

But the point that I'm trying to make is that we need to focus on programs and opportunities and structures and accountability. There isn't enough talk about those kinds of things. And then eventually you will also have your cost efficiency in there. You know, I have nothing but great admiration and respect for parents. If it weren't for parents-- When I first started, we were strongly allied. People don't know, but it wasn't always like this, when you're

talking about 35 years ago. But if it wasn't for parents fighting for their kids, fighting for the rights for the kids to get a good education and to educate the public-- And this is what we perceive our role, too. This is why we have a marching band that marched for the President twice and took them to Europe -- is to send a message that these kids, most of these kids, 90-some percent of these kids, can be educated. They can grow. They can learn. And we just got to be smart and develop opportunities and to make sure that the programs lead to the ultimate goal, which is to make sure that the kid can learn a job, can learn an occupation. They buy houses. They buy cars. They got jobs. They have kids.

I am so-- What a legacy, as I'm getting to retire, to look back and see thousands of kids that have graduated two jobs, two occupations, and now let the other guys talk about maybe this testing or this particular thing or this assessment, this monitoring. We focus all our energy -- everybody is excited in our school districts, in the special services school districts. The parents are completely united. They want to see these kids grow. And also, they have a great deal of respect for the taxpayers, a great deal of respect, because they're taxpayers, too.

But we know also, unfortunately, that anywhere, whether you're going to have a lot of kids in any school district -- 10 percent of the kids that will demand 90 percent of the administration time and resources and kids. So we have to be concerned of the side effects, the aftereffects, and we have to take more time. Whenever we rush into something and say what is the intent of this particular thing, are we accomplishing it after you move in that direction three and four years-- I think inclusion -- it's a tremendous development. It's great.

A lot of these kids should not be pulled out. This is why we have a grant for 20 school districts to go in there and train. I felt 35 years ago that we ought to go and train regular teachers, because I'm trying to mainstream the kids in there and they were resisting. But, of course, they all had to take courses.

ASSEMBLYMAN DeCROCE: Who's they? Who was resisting?

DR. DeSOPO: The teachers. The teachers were resisting. I'm talking about when I started the program, because they all had to sign up for courses that I was teaching out of Trenton State College. Because in vocational school at that time, in order to qualify to be a teacher, all you needed was six years of bona fide full-time experience in that field. But then you had to take a college course of certification, and I was teaching those courses so that they could have a full understanding of the nature and the needs of these kids and parents and everybody else.

The other mistakes that we might be going down the line as inclusion is that a lot of the education now is being relegated to paraprofessional. Not that they're not great, you know and-- We're putting another teacher assistant there, another teacher assistant and so forth, when these kids, they deserve the very best.

ASSEMBLYMAN ROBERTS: Carmine, if I could, before we talk about that, you touched on in terms of the number of school districts and cost efficiency, and something that Maureen said triggered this thought in my mind as well. I would appreciate your thoughts about-- Your comment was about the centralized services that can benefit some of the smaller districts.

MS. BABULA: And I'm just waiting until he finishes, because I have a lot to say in response that's directly relevant to that.

ASSEMBLYMAN ROBERTS: Okay. Let me frame my question so that you can all be as responsive as I know you can be. I happen to think that we have too many small -- too many school districts in New Jersey. That the process is too fragmented. We've created an environment that makes it difficult to achieve the high standards that we want to achieve in a cost-effective manner. I'm particularly interested in those things that have been tried in certain parts of the state that have allowed at the county level, or at the regional level, or at the state level, to have services provided that have saved money, that have maintained our high standards. What are other states doing that we can replicate here in New Jersey, because I think that we've got a long way to go in terms of providing services at a level beyond the local level.

Commissioner, when we talked a couple of weeks ago, when the Commissioner was in, I made some comments about the county superintendents playing a more active role in this area. So you all have confronted this issue from a variety of different perspectives, and I think we need to do more, and I'd like your thoughts about what that would be specifically.

MS. BABULA: May I jump in?

SPEAKER COLLINS: Please do.

MS. BABULA: I have a great deal of respect for the special services school districts and the work they have done. And I do agree that there must be a continuum of opportunities, a continuum of placements available for our children.

Mr.-- Mr., is that appropriate here? (referring to Carmine DeSopo)

SPEAKER COLLINS: You can call him coach. He likes that.

MS. BABULA: Okay, Coach. (laughter) You're right that parents worked for many, many years, because there was no continuum, because there was only one place for a child with special needs to go, and that was out of district. And the parents who have worked so hard before me succeeded in assuring that we now have a continuum -- a list of placements from most restrictive environment to full inclusion in the regular education school district for our children. And certainly, the placement has to be made with great care.

However -- and my child was for a while in a special services school district, I will tell you, in Warren County -- the self-contained classroom does not need to be in a self-contained building. The self-contained classroom with the most extensive supports you can imagine can still be and in many places is in the child's local area school district or in one very close. I will tell you that Warren County Special Services School District has no building. It has a few offices. It has no building. Every single one of its classrooms for children -- some of the most involved children -- are in local school districts. There is one in my own Harmony Township School, which is operated by the Special Services School District.

I read the brief notes from Commissioner Gagliardi's comments to you at your last meeting, and I noted the suggestion that the county superintendents do some regionalization work. I had never thought of that, but I have always thought that that would be the ideal work for the special services school district. That the biggest problem for all of the proliferating small school districts is that they individually cannot afford good support personnel. I watched my school scrounge for PTs, for OTs, to look in vein for an inclusion facilitator. And I've often thought, what if the Warren County Special Services

School District provided itinerant LDTCs, itinerant PTs, OTs, itinerant inclusion facilitators, and therefore, made it much more economically feasible for the individual school districts to provide those and made them available.

I just see the role of special services as helping the local schools to support the most involved children in the least restrictive environment with the supports they need and helping the schools provide those supports. I must say, though, I do not and cannot see the need for self-contained, isolated buildings for any children.

I also happen to chair, by virtue of being a family member, the New Jersey Developmental Disabilities Council, where we work very, very hard on the idea of community inclusion for all people with disabilities. And that never means without the appropriate supports. And sometimes those supports can be very, very severe, extreme, whatever. But with appropriate supports, I cannot think of reasons why, as we work on developing those for children and for adults, we need to do it in isolated settings.

DR. DeSOPO: Let me quickly say that I do agree with you on the concept of regionalization or centralizing services. As a matter of fact, a few years ago, I introduced a bill. It hasn't gone very far, but I really believe that we need to have something -- some support system in almost every county. And whether they call these particular satellites or districts, whether you call them county special services school district, educational services unit jointure, when you put them all together, they cover the whole state. But they should be regional delivery systems.

And for example, some of the things that we are already doing, we started an educational services unit. And it's within our jurisdiction. We're

doing all the transportation in the county, coordinating transportation in lieu of the--

SPEAKER COLLINS: Is this for special education students?

DR. DeSOPO: That's right.

SPEAKER COLLINS: Not just those in your school?

DR. DeSOPO: That's right. All the county.

SPEAKER COLLINS: All over Burlington County.

DR. DeSOPO: All to about-- There's about 160 bus routes, that they're going to private schools like all the way down to Salem County and Ocean County.

SPEAKER COLLINS: All the way down to Salem, huh?

DR. DeSOPO: Oh, yeah.

SPEAKER COLLINS: All the way down there?

DR. DeSOPO: Yeah.

SPEAKER COLLINS: Little old Salem County.

DR. DeSOPO: All the way down there -- below the Mason-Dixon Line.

SPEAKER COLLINS: Carmine, who used to do that, let's say, in Hainesport? Who did it before you?

DR. DeSOPO: We only had like two little small regions, but we have 44 school districts, but not all of them were represented. So one of the things that we did four or five years ago, they abolished the regions, and they simply said all of us are going to be united in one agency.

SPEAKER COLLINS: But who made that decision?

DR. DeSOPO: Superintendents. We all got together.

SPEAKER COLLINS: All the superintendents.

DR. DeSOPO: All the superintendents. And then we--

SPEAKER COLLINS: Now, the special education in Florence, the student in Florence who's going to be transported somewhere within the county, your school district oversees that?

DR. DeSOPO: Not only special education, but all nonpublic schools.

SPEAKER COLLINS: So courtesy busing, so to speak?

DR. DeSOPO: So, if they want to go to Notre Dame -- the school down in your county, the high school--

SPEAKER COLLINS: Gloucester Catholic.

DR. DeSOPO: --All Saints, Holy Cross--

SPEAKER COLLINS: Okay.

DR. DeSOPO: --we do all the transportation to all of these schools.

SPEAKER COLLINS: Now, let me just focus on that.

DR. DeSOPO: Some of the other service--

SPEAKER COLLINS: Right, stay right there. You got your-- Hold it. Hold it. I'm still the Speaker.

DR. DeSOPO: Okay.

SPEAKER COLLINS: No. Let me ask a question. I'm a little confused. When you say we, the special services?

DR. DeSOPO: That's right.

SPEAKER COLLINS: All right. You are overseeing all of the school transportation--

DR. DeSOPO: To all the nonpublic schools.

SPEAKER COLLINS: --of, let's say for our purposes, nongeneral public school students in Burlington County. The superintendents within the county all agreed to let you do that?

DR. DeSOPO: Yes.

SPEAKER COLLINS: Now, did that need the support from the State of New Jersey?

DR. DeSOPO: We just did it.

ASSEMBLYMAN DeCROCE: Who pays for it?

DR. DeSOPO: Local school districts. There's a fee. But because of the economy of scale, they're saving so much money. Some of the other services--

SPEAKER COLLINS: But the fee--

DR. DeSOPO: --are related services -- supplemental trust at 18, staff development, all kinds continuously. We have like a little convention center.

ASSEMBLYMAN ROBERTS: Let's stay on transportation for a second.

DR. DeSOPO: Okay.

ASSEMBLYMAN ROBERTS: You, in a sense, are the master vendor. The money that they spend or the money that they would pay--

DR. DeSOPO: That's right. And they don't have the headaches.

ASSEMBLYMAN ROBERTS: How many other counties do we know are doing that or something like it?

DR. DeSOPO: There's other counties' special services school districts, right now, that are doing transportation also?

SPEAKER COLLINS: Anybody jump in.

MS. SPAR: I think Bergen County does it.

SPEAKER COLLINS: Bergen does it.

DR. KELPSH: We don't do it in Atlantic County because of just the sheer size. I have 129 buses, three-tiered, which means those buses-- The 129 buses make three separate runs. It would be virtually impossible. But the other side of it is, we would certainly go for special ed routes being done, because we just can't find the vendors, and we're limited. So we have to ship kids to Vineland and up to Tuckerton, and that would be a great idea for our county, because we're so spread out. We do our special ed runs.

SPEAKER COLLINS: Is Sonny McCullough the mayor of your town?

DR. KELPSH: Yes.

SPEAKER COLLINS: You guys have a lot-- Not because of Sonny, that came out wrong. Let me get this for the transcript. He'll see it. Fine mayor. But I always had to focus in, because when I hear Egg Harbor Township, I think of Egg Harbor City, I think of this. I know-- And you guys really have some challenges coming.

DR. KELPSH: Yeah, we do.

SPEAKER COLLINS: Good luck. And not because of Mayor McCullough.

DR. KELPSH: That idea of special ed transportation would really benefit us, because we spend so much money and effort and time just

transporting our regular population, because we're so spread out, that a jointure would really be beneficial.

SPEAKER COLLINS: If I could, and not to cut you off, Assemblyman Roberts, but he brought up the county superintendent and so on. Here it was done by the initiative of the school superintendents, but would it be -- just a general question -- would that be something that we might want to mention to the Commissioner to have county superintendents take over that whole responsibility as one of their initiatives along the line of what Assemblyman Roberts has said on this topic and many others? Any feelings on that?

DR. DeSOPO: I do want to say that the county -- that the State Department of Education was involved.

SPEAKER COLLINS: Right.

DR. DeSOPO: As a matter of fact, the person that was the county superintendent at that time, Doug Groff, an assistant commissioner, he worked very closely with us and with the State to implement this particular thing. So the State Department has tried to push these things as much as possible.

One more quick comment, if I may? And I respect your expertise and knowledge of the youngsters that you have in your area. And for you to conclude that all kids need to be in that one size fits all--

MS. BABULA: That's not what I said.

DR. DeSOPO: --type of thing or that nobody-- For example, there should be no private school, because they should not have-- They have independent separate buildings or county special service school districts. And this is where I am saying to you that based on my experience of so many, many

years and traveling the state and the nation-- As a matter of fact, we used-- Our programs have been used as a model program. When you see schools where 95 percent of the kids are on drugs, adjudicated, that if you turn your back, and they'll stab you, or two kids overdose just like this and so forth, you will want to say, "Oh, no, don't put that kid next to my youngster here in Warren County in this classroom."

SPEAKER COLLINS: If I may jump in, and I wasn't going to go to that.

DR. DeSOPO: And the only other concept that I wanted to mention is that we firmly believe that in our school district, in special services school district, that it is a place that should be looked at as an option in the continuum of a least restrictive environment. And in many instances, these kids -- they find protection, they find themselves. And the moment that they feel that they're capable -- some of those kids -- of handling a mainstream situation-- We mainstream, every year, over 90-some kids. That if it wasn't for us, those kids would have been destroyed totally, because if they had to stay in the same environment, which has created some of the problems for them--

SPEAKER COLLINS: Carmine, how many students in your school?

DR. DeSOPO: One thousand, three hundred.

SPEAKER COLLINS: And you just said, so roughly 100 on mainstream.

DR. DeSOPO: Yeah, but we have them from preschool.

SPEAKER COLLINS: Right. I understand. That's what I'm going to say.

Have you ever been to his school, Maureen?

DR. DeSOPO: We have a couple hundred kids that leave our school district -- 100 are mainstreamed every year.

SPEAKER COLLINS: That's what I meant.

DR. DeSOPO: And about 100 kids are graduated to jobs and employment.

SPEAKER COLLINS: I understand.

Have you ever been to his school?

MS. BABULA: No, I haven't. I would simply like to say I respect his passion. He and I are going to disagree, and we will never be able to resolve it here.

SPEAKER COLLINS: Well, they are two passionate people, and we're going to move off this topic.

MS. BABULA: Right.

SPEAKER COLLINS: Which leads me to a question I would like to ask directly, which could overlap this discussion. First off, in my judgment of someone who was "an educator," that doesn't mean that there's any expertise in me, but that I was one, and being familiar with Dr. DeSopo's school district, having been there and saw it, in my layman's educational background, there is no way that some of those children could be, in my judgment, mainstreamed in normal school settings, because of the special challenges that they have, and some of them in the physical sense and emotional sense and so on. So I think there's an opportunity, surely, for that type school involved in a total educational program.

On the other hand, fully understanding and the successes that I have seen through, very honestly, a number of my friends who are special educators, there's definitely, it seems to me, not just room, but we should continue, along the lines we have, only making them better, which leads me to this. And I think it would be helpful to the Commission.

If you, anyone who would like to, and I would surely like some of the legal perspective, and I have a particular question, because a friend of mine in special ed asked. I'll lay out the groundwork and then ask the particular question, because maybe they're tied together. When a classification takes place or the development of an IEP, as we go through this, would someone, not in all the detail, but give us how it goes about? A teacher sees a child with a problem, and we move right along from there. To get to the point of whether we do it with Maureen's way, whether it's in Warren County or a populous county like Essex, stop there or go to a special services district, which are cropping up all over in Gloucester County, because you have a beautiful new facility to do it, would someone tell us how we go about that?

And Rebecca, if you could answer this question directly. It's come to my attention that when this -- when the IEP hearing takes place, that the members of the child study team will be there. I assume a representative from the school district, as we're talking with the parent. And then it's been brought to my attention that a regular classroom teacher must be there, but not the teacher of the student.

MS. SPAR: That's not my understanding.

SPEAKER COLLINS: Right. Now, is it to be the teacher of the student?

MS. SPAR: If the student has a teacher--

SPEAKER COLLINS: Or any regular teacher?

MS. SPAR: If the student has a teacher or is expected to have a particular teacher, that teacher is to be at the meeting. If they're not expected to have a regular education teacher at all, they don't need to be included in the meeting.

SPEAKER COLLINS: Right. But if they're to be related to this teacher or in this teacher's classroom now, should not that teacher be there?

MS. SPAR: Yes.

SPEAKER COLLINS: Not just, hey, Ted, you're open this period, go down to the IEP hearing because you teach a grade. Now, is he -- maybe he should not be called to be there, but is there anything against him being there?

MS. GANTWERK: We specifically say the child's teacher. Now, if the child doesn't have a teacher, let's say they're a preschool child coming into the district--

SPEAKER COLLINS: Okay.

MS. GANTWERK: --then we say it has to be someone with knowledge of the curriculum and the school and the school program.

SPEAKER COLLINS: But not necessarily the student in that case? Not necessarily knowledge of that particular student?

MS. GANTWERK: Exactly.

SPEAKER COLLINS: All right. But, if I may just be specific, I am supposed to ask this a long time ago to call your office, and I have the moment. (laughter) And this friend of mine, she said, "Did you find out for me yet?" She's a special education teacher, and she just asked me the question. Because

in her school, they said, "Okay, we're having an IEP. You're a regular classroom teacher. You go down and sit in on it." That's not what our purpose is. I thought it was ridiculous, but I-- Okay. All right.

MS. GANTWERK: Yeah.

SPEAKER COLLINS: Now, how about that whole scenario? We have a child. We want to take a look at them. Would someone jump in and walk us through it, right on up to Maureen's position or Carmine's position, or whatever else?

MR. ARMATO: All right. I'll put my two cents in this time.

SPEAKER COLLINS: You often did, Ed, and it will come back, because the transcript shows it.

MR. ARMATO: Okay.

SPEAKER COLLINS: Know you were often wrong, that's why you got a D-plus on my course. (laughter)

MR. ARMATO: Okay. We'll talk about this later.

A child is having difficulty in a regular ed classroom. A teacher generally tries to make some adaptations -- will go to a pupil assistance committee or an IR and S team for help, early intervention, pre-referral intervention, meaning before the child study team. At that point, the pack or an IR and S team is supposed to look at the student, look at past results in testing, talk to the teacher, and then prescribe some strategies with which to work with that student to see if they can make some progress.

The teacher goes back and utilizes these strategies in the ideal model, comes back again and says, "I've tried everything in a four-to-six week period. Still it's not working. They're still falling behind. They're not reading

on level. They're not able to do their homework. They're having problems in the classrooms. They're acting out. Help me." It goes then to referral to the child study team. Which at that point, the child study team takes a 20-day period after the referral comes to them. I get the referral from the principal, sign off on it, check that everything is there within that referral, and send it to the child study team.

The child study team then looks at all the information again, talks to the teacher, talks to the pack team, sees what has happened, looks at the testing, calls the parents in at an evaluation planning meeting, and at that point, they decide whether to go for evaluation of that student or not, and that takes the parents' consent after it's explained to them explicitly what is going to happen. Are they going to get a learning evaluation, a psychological evaluation? There's going to be a social history done of the family and of the student's development from early development to where the student is now. At that point, the parent signs off and goes--

The child is then evaluated in those three areas: psychological, the learning eval, and then the family history. A 90-day period can go by if that is needed. Most times we like to see it done in a much more expeditious manner. The parent is then called back in for an eligibility conference, and at that point, whether the eligibility is eligible for special ed and related services or not eligible, that decision is made at that time. Now, the parent can either consent to going ahead with the IP conference or waiting 15 days and then coming back and reconvening, at that time, the teacher of the student who referred, a special ed teacher that has the program; the IEP team, meaning the learning consultants,

the psychologist, and the social worker; the parent, and anyone the parent may want to be there at that meeting to discuss that program.

At that time then the full continuum of services of what we can provide as a special ed program in our district is presented to the parent, what we have. And the IEP team decides as an entity what is the specialized program that's going to happen with this student.

The default placement is regular education. Regular education with support. Regular education with pull-out, LRC, learning resource center. After that, it's then self-contained or out of district placement, wherever that continuum takes whatever happened in that evaluation talking about that child, knowing where his strengths lie, where the weaknesses lie. And at that point, the decision is made. If the parent doesn't agree, then they can go due process or mediation. And the same with the evaluation team.

SPEAKER COLLINS: And when we talked about due process, it would lead to the determination by an administrative law judge. Would anyone here -- counselor, you're welcome to, but you might want to sit this one out -- would anyone here like to comment on the capabilities of our administrative law judges, in general, with regard to expertise and knowledge of what's going on in schools and special education challenges and so on? Because, to be honest with you, we have heard some horror stories about what decisions are being made.

And while I'm thinking of horror stories -- I don't mean the word horror -- to focus on the stories that catch our attention going back to where we started a long time ago in the garden, but we're not going to stay there. It's come to my attention that we have this. One of the many challenges of the cost,

as we're trying to tie all these things together, that recently advertised on the Internet was a child, special education child, whose family lives in the Netherlands -- wanted to know if anyone from New Jersey would sponsor this child to go into a New Jersey school. Someone says, "I'll sponsor it."

This child then comes to New Jersey -- boom -- is put into a school district in a -- not in the mainstream, but put into a school district that requires special attention into the tens and tens of thousands of dollars. Is that something that we want as part of the system, let alone the determination by administrative law judges of where we would be or anything else you'd like to talk about? I'd like to go maybe another 45 minutes. So, if you have a plan, you want to start focusing in on that in 45 minutes to slide in.

And as I said, we want to be broad ranging here, but if anyone wants to comment on administrative law judges or that particular case that I just mentioned--

Commissioner.

MS. GANTWERK: I would like to speak to the administrative law judges, because I do read all the decisions as they come out, just because I want to see what's going on. I would say they're fine decisions. And people say they're terrible, typically when they lose, and then they become the worst decision that's ever been written. And while some of them moan my question, there are some that people would question. But on the whole, I think the administrative law judges are familiar with the special education law. They hear these special education cases repeatedly. They're not pulling in law judges -- usually different ones all the time. So I think we have a very good system of due process, recognizing that some cases are going to be disliked. Well, actually

all of them will be disliked by half the people who brought them to the administrative law judges. I just wanted to say that about the due process system that we have.

MS. SPAR: I think on the ALJs, and I'm not speaking about their qualities or their abilities, but they are very hampered by their lack of resources. They do not have like in Newark, for example, the Office of Administrative Law does not have an updated library. When you do your posthearing briefs at OAL, you have to give them copies of the cases, because they do not have access to the cases there. They have virtually no support kind of staff. So they have to do any research, any of the work themselves. They tend to-- The same ALJs tend to take the special education cases.

Now, I'm not involved in the assignments, but it's my impression that certain judges like it and certain ones don't, but they do not have a lot of training in special education. They gain on-the-job experience as they take the cases, but I know I had a case once where I was bringing a Section 504 of the Rehabilitation Act claim, which they also handled, and it was a special education child. They did not even have access to the statute or the regulations that carried out Section 504. I had to give the ALJ copies so he knew what the law was.

ASSEMBLYMAN DeCROCE: That's Federal law. They can obtain that anytime they want.

MS. SPAR: Pardon?

ASSEMBLYMAN DeCROCE: That's Federal law. It's Federal law. They have an obligation to go out and get that Federal law if they have a case before them, in my opinion, and review it.

MS. SPAR: Well, I think it's a matter of the resources, their budgets, and keeping up their library, and so on. It's not maintained. When the budget crunch went through, this is my understanding. So I'm just-- I'm saying it does have an impact on their ability to try the cases.

The example you gave sounds like a residence issue, whether the person, the student, was a resident of the particular school district.

SPEAKER COLLINS: Well, what happened is this person said, "Oh, yeah, I'll let them live with me," -- not having any connection at all -- live with me and then put into the school district. Are you comfortable with that?

MS. SPAR: Well, no. I think that's contrary to the residence law.

SPEAKER COLLINS: Oh, okay. I see what you're saying.

MS. SPAR: You can't come here for the purpose of getting an education in New Jersey. So I don't know what-- Did the ALJ say it was okay?

SPEAKER COLLINS: I don't know that it went there, but your response is helpful to us to respond to the person who brought it to our attention.

MS. SPAR: Right.

SPEAKER COLLINS: Commissioner.

MS. GANTWERK: I think there are rules with the residency. And for someone else to take a student in, they have to have custody of that child. A parent must give up custody of their child, not just say go live with Aunt Sophie.

SPEAKER COLLINS: Okay. That's very helpful.

DR. KELPSH: If I could, I'd like to--

SPEAKER COLLINS: Mr. Superintendent, go right ahead.

DR. KELPSH: The whole IEP referral process, I think it's cumbersome. I think it's extremely expensive to run. I think we divert personnel. We practically shut our district down from May to June in special ed, because the time needed for teachers to write these 14-to-22 page IEPs, the coverage for those people, then the coverage for the regular teacher to attend the process, very cumbersome. And then right up to the conference with the parents, the implementation of the IEP, I think we have to find a way to streamline that. Because I think what we're doing is, we're diverting services for kids. I mean, I'm taking out my special ed teachers for two and three weeks to write IEPs on 14 kids.

SPEAKER COLLINS: Well, you have the moment. These three people are the three most powerful people in the Legislature -- this one and those two down there -- so why don't you tell us how to do it.

DR. KELPSH: I'm not sure how to do it.

SPEAKER COLLINS: Yeah. I could understand that. It's a challenge.

DR. KELPSH: And I think what we have to look at is, you know, first of all, I think parents should obviously be involved in the process. But then we've expanded it to so many people attending the initial referral and the IEP conference, that now we're subjugating the process by -- like I'll give you an example. A phys ed teacher in the high school can attend the IEP conference for the child on the high school. Now, that doesn't tell me that that person is directly related to all the academics that the kid's going to do, but it meets the mandates of the law.

SPEAKER COLLINS: And that was sort of my other question. Right.

DR. KELPSH: But again, the IEP-- I think as we look at regionalization maybe we should have a regional IEP that everyone uses that is streamlined, that doesn't take 14 hours to complete. Do we need to look at, and this is a biggie, do we need to look at extending our school year to have that process handled? So an example being we take three, four, five days, and we do staff development and IEP development, and I'm not taking time away from my kids. That may be another way to handle it. So the whole process has become cumbersome and expensive.

SPEAKER COLLINS: Why, in your opinion, just to hone in on comments you've made, that the initial IEP meeting has grown and grown and grown, why do you think that is?

DR. KELPSH: I think some of it probably has to do with Federal regs. When I first started out in the business, it was the child study team worker, the special ed teacher, and the parent.

SPEAKER COLLINS: Well, why has it grown, Commissioner?

MS. GANTWERK: Because of the Federal regulations required.

SPEAKER COLLINS: And why are they so expansive, do you think? Just a thought.

MS. GANTWERK: Why did they get more expansive?

SPEAKER COLLINS: And why as we--

MS. GANTWERK: I guess if you say in a perfect world where there were no problems, the more people who get together to discuss the child's issues and plan their education is a positive thing. So they looked at who is typically

involved. So they said, "Well, we should have the regular ed teacher now." We never had them before, but now the new focus, through the Federal law, was regular education curriculum. When you say a child is special ed, it doesn't mean, okay, I've stamped their forehead, they go on the bus, they go to a special ed place, and they get a special ed curriculum. It just means they need an organized set of services and resources to learn the regular ed curriculum. So we should have the general ed teacher there who knows the regular ed curriculum.

I mean, they've also said, obviously, we need the person, at least somebody at some point who was knowledgeable in the evaluation. We've reduced it actually, because we used to require the entire child study team to participate in every meeting. The child study team, by the way, is a New Jersey issue, not a Federal. They don't have the concept, so we still require one member of the child study team. And they also require someone representing the school district. We've combined that and said, well, that could be another person who's already there. But the Federal requirements are very clear. They're looking at them, too.

SPEAKER COLLINS: I understand.

MS. SPAR: But the Federal requirements are: You have the parent, you have the case manager, who can also be the one for the district who can make decisions about resources, so that can be one person. You have to have a regular education teacher if the child is going to be in any regular education--

MS. GANTWERK: Or considered for it.

MS. SPAR: --or considered for it. And you have a special education teacher, assuming the child has one. Now, the child, if they want to, can also come to the meeting. Those are the required people.

In my experience, the district adds all kinds of extra people. Instead of having the case manager also be the one that can speak for the district, as far as resources, some districts have the director of special services, they have, you know, a couple of members of the child study team. I mean, we have all of these professionals which are overwhelming to the parents, and they have to cost a lot of money.

SPEAKER COLLINS: Well, let me ask this before Ed was shaking his head no. Well, let me ask you this. That's all right. Let me ask you this: Why do you think the district has all those people there?

MS. SPAR: I think in some districts they are not willing to have the case manager make decisions at that meeting, and so--

SPEAKER COLLINS: Under their bureaucracy. Okay.

MS. SPAR: Right. Right. So they add all kinds of administrative, either special services and principals and superintendents, so you have all of these administrators, yeah.

SPEAKER COLLINS: Ed, obviously, it doesn't happen in your district that way?

MR. ARMATO: No. Generally, we require the case managers to make decisions, which sometimes they don't like to do it. So I'm getting a call on the phone. But initially, when you go to the initial evaluation planning meeting, it is generally the whole team at an initial. After that, then the case manager can control the meeting with the parent and the special ed and regular

ed teacher. So we've tried to streamline that from the State level and what-- So it is working for that, but the time that it consumes with-- If you could do maybe six to eight in a day, say an annual review conference at this time of year, a regular ed teacher, a special ed teacher, the case manager, the parent, and whomever they would like to have, then you have to have substitutes for those teachers coming in for all those meetings.

SPEAKER COLLINS: I understand. But how else, not even the specifics, how else could you do it? See, here's what happens on our side. And this is why, later in the year, when we start talking about testing-- I've said this continually and I'll say it now, and we will be talking about it. This is-- Since education is money, the biggest spending amount in New Jersey on any issue, that it ebbs and flows. And my own theory is, we haven't heard a lot of "We need standards. We need measurements," and so on, the last couple of years, in my judgment, personal judgment is, because the economy has been good and everybody has calmed down for a while. When the economy takes a dip, then it's, "You know, what am I getting for my dollar?" So what happens, and to defend the Federal regs, that-- You put the money in and the people will say, "Well, how do we know it's going?" Well, then we have to go through all these little-- You know, that's what it's all about.

And to be honest with you, in my 16 years in the Legislature, my view would be that's the reality of the way it's going to continue, too. That's our world, when we're increasing the amount of money that goes to schools, that people are saying, "Well, are you measuring?" Well, how else do you measure it other than have either the State, the county, or whatever involved. It doesn't mean that it's the best system, but it is a system in the reality of people saying,

“Well, you know, I pay all this money in school tax. What am I getting,” and so on.

You want to say something, please do.

DR. KELPSH: It’s money, but it’s really contact time with kids. The idea is that you have this special teacher who has learned these skills to work with these kids. And suddenly, you’re pulling them out for extended periods of time. And we all know that contact time matters, time on tasks. If you pull these people out, you’re defeating the purpose of why you have special ed teachers in there to begin with. Because let’s be frank, subs at the very best are in no way a substitute in any way, shape, or form for a specialized teacher. So I think it comes down to, well, how do you do it? You either do it in the summers and change the focus that it’s not being done in May and June and pay people during the summers to do it, or you do it at night.

I think you have to begin to also accommodate parents. It’s not the easiest thing also for parents. I mean, you’re expecting a parent to show up at 10:00, give time off task from their job, whatever else they’re doing, and you’re going to pull them into a setting, surround them by six individuals who they’re frightened of to begin with, intimidated. I think you also have to accommodate parents, when’s the best opportunity to do it, and then in what kind of surroundings. And, yeah, we need all those people there, but I’ve got to tell you, it’s a very intimidating process for parents. I mean, they look up, they see Ed Armato, a psychologist, a classroom teacher. A lot of these parents on initial classifications are dealing with the fact that they’ve suddenly been told that their kid is special. And that in itself is an extraordinary thing to happen to them, and then be confronted by this group of individuals.

So I think we also have to look at it from a parent perspective. How can we accommodate their needs a little bit, and do it in off-hour times or during the summers or in more relaxed settings, with certainly less-experienced people, such as my child study team director standing around glaring at a parent. I think we have to come up with alternatives.

SPEAKER COLLINS: I'm sure that is, and of course, I can't make a judgment, because I didn't know her when she first went in, but I think the parent who's going to speak now is quite comfortable facing the child study team. (laughter)

Maureen, go right ahead.

MS. BABULA: Well, there's a couple points I'd like to make. I think what you're saying about people's time being an issue is a problem. Whenever I've gone into an IEP, I know that everyone there has been pulled out of what they should be doing. One of the things I have written into my son's IEP is that there must be planning time allowed in his regular and special education teacher's schedule so that they may work on his issues. I think something along those lines has to be done here.

I would also tell you that as there are good legislators and bad ones, and good parents of children with special needs and nut cases of parents with special needs, there are also -- and naturally you can figure out where I go -- there are also good and bad child study teams. And I hear, in my role as an information and referral person, from a great many parents who have been completely and totally intimidated by child study teams. And I don't think some of these child study teams do it by accident. They do it because they have

decided where they want that child placed, what they want the program to look like, and they want the parent to sign on the dotted line.

Having said that, there's another whole reason to have a lot of people there. The law says that the parent may ask to have whoever he or she wants in that meeting for the IEP. The law also says that the IEP is not to be written ahead of time. It is to be developed at the meeting, not presented as a fait accompli.

Now, my IEP meeting is coming up, and they'll be about eight people there. They'll be there because I want them there, because I want to see what the PT says about including his therapeutic work within the regular classroom, how we would do that. I want to hear the same thing from his OT and his speech teacher. He's having a few behavioral problems. I want to talk to the psychologist about how to deal with those in the IEP. So, quite frankly, me, the parent, I'm the person populating that room, because according to the law, we need to be developing the program then. And how can I or anyone else do that without talking to the people who are going to be the developers and the implementors of the program? So I don't know how you make it smaller, except in the simplest kind of case. It's no answer.

DR. DeSOPO: It's your fault. (laughter)

SPEAKER COLLINS: I picked that up, Assemblyman.

MS. GANTWERK: I just say we do-- I just want to say we do have a State IEP form that we have developed to try to make it simpler, because it was really difficult for every district to have their own. So we have one that's out there now that districts can use that meets all of the requirements. And we hope that that will make it easier.

MS. SPAR: I think that child study teams could use some training in how to run a problem-solving meeting and do it as expeditiously as possible. Because there's a lot of times in an IEP meeting when the district comes in with a preformed idea of what they're going to do, and they spend two to three hours or three or four meetings trying to persuade the parent of the error of their ways or vice versa, or they come in with nothing, and they spend a lot of time. So, you know, you can move through, I think, if you used a problem-solving approach, you could move through those meetings much faster.

ASSEMBLYMAN DeCROCE: In defense of some of the parents, I would just say that I would think that at times they are somewhat intimidated by a group of professionals getting together to tell them what their youngster needs, when, in fact, they don't have that ability, and they're not professional enough in their own categories to try to make those decisions, and, in fact, may not even realize that they have a youngster that has a sincere problem. So they take the word of the teams. And if they say this youngster should be classified, go along with that at that time. Very few people who take an active interest, such as you have, and frankly my own wife, in my case, wherein we stepped in -- she stepped in, in order to make sure that our youngster was being given proper evaluations.

MS. SPAR: Right. I wanted to mention on the referral process, because you went through and spoke about it. The referral would come from the teacher. It's also possible that the referral will come from the parent to the teacher or to the case manager or someone in the administration. And that is a case where it's not necessary under the law that there be these prereferral mechanisms. I mean, if that child is really suffering and needs special

education, one can go through that evaluation process immediately and get those services to the child. So you don't have to use the prereferral time period if you know it's not going to work. And sometimes you do know it's not going to work.

MS. GANTWERK: Right. We do require in districts-- When a parent makes a referral or a teacher makes a referral, you have 20 days to meet with the parent and decide whether or not a referral to the child study team is necessary. At that meeting, you may say, look, we think we can do some things in class, or we'd like to try this until you agree not to take it to an evaluation at this point. But you do have to meet with the parent within a certain number of days and make that decision.

MS. SPAR: And this is really the area where it's often -- the parent is never informed of their rights. When they come to that initial meeting, it's called usually a pack meeting or something of that nature, and they are very rarely, in my experience, told that if you don't agree with this and you want to appeal this, you can file a complaint investigation, file for mediation, file a due process. And so the parent, you know, accepts when the professional says, your child may not have a problem and let's wait on this. And they may wait for years before they finally--

ASSEMBLYMAN DeCROCE: Did any of you ever experience a situation wherein the child study team member left because their contractual obligation with the school district says they only have to work until 2:00 in the afternoon?

MS. SPAR: Oh, they left. Oh, yeah. That's an ongoing problem for IEP meetings. They have to be over by 3:00.

ASSEMBLYMAN DeCROCE: See, that's an area where I think the Department and we have to step in. I don't know how we do that. I'm not a lawyer, but I'll work with the professionals and yourselves to try to accommodate that, as we can.

MS. SPAR: Right. Because the law says reasonable time for the meetings, and it's a very rare district that will schedule them after--

ASSEMBLYMAN DeCROCE: It happened to us.

MS. SPAR: --3:00 or 4:00.

MS. GANTWERK: The other thing is that upon a request for referral, when the parent first makes that request, they are to be given the prize, what we call it, the parental rights document. So they should have it at the very first time someone is suggesting that the student may be evaluated. And that goes through their rights, and we have it in 10 languages now and it's up on the Internet. If a teacher just says, "I think this child is having a problem, and I'm going to ask some other people for help," I think we should be careful that we don't automatically put that into special education land and say that the parent should be told they have a right to object.

A teacher all the time can say, "You know, this kid isn't doing too well in reading. I think there's a committee here that may--" They're not thinking the child is disabled. They're thinking the child isn't doing well in reading, and they're going to look at all of the resources within regular education that they have. That's different from saying, "I think your child may be handicapped, and we need to meet on it." But we would encourage districts to utilize the resources that they have to deal with educational problems when they

first come up. And the first thought wouldn't be the child's having an educational problem, and they're probably disabled.

SPEAKER COLLINS: If I may, with some limited time we have left, I'd like to, again, the last time I'll say it -- not go back to the garden -- but get this question which will help me, and I think us, in our next hearing, which is next Thursday when we have some members of Congress coming in with regard to the funding of special education, since we were talking about Federal regs and so on. And this is a question that I ask -- and I sort of already sort of got an inkling from you, Dr. Kelpsh -- but here it is, and maybe we'll wrap up on this and wherever the tentacles take us.

Is there or-- Let me put it this way. Let me put the emphasis on us. A great deal of money is spent in education in New Jersey money, and a great deal in special education. We're always looking to "do all we can for our children, but also worried about the cost of education, because it comes from taxes." Should it cross my mind that if the Federal Government were to give us our full funding and coupled with-- Now, their full funding is -- only takes it to 40 percent. And if we were, as the State of New Jersey, to, say, pass a law that anything over a certain amount of money above the normal educational dollar would be picked up by the State, not the local taxpayer--

So what we have now is the Federal Government sending more money, the State of New Jersey, which is really all of us, but at least moving it off the local property taxpayer spending more money. Is it conceivable that when determinations are made as the classification of children that local districts would be kinder and gentler and say, "Ah, well, this child has a little problem. Let's put that one in there. Let's do this." And what we would end

up with is even a more expensive program beyond the boundaries of where it is now and where it could be going. That's my question. Take it wherever you want, and it will be the last one of the day.

Maureen.

MS. BABULA: To me, the clue is accountability. When you were talking about the boy from the Netherlands, if that couple did indeed get custody, then that child would qualify in the area of extraordinary costs. In Union County, I know that there's a big issue, because the ladies' correctional institute is there, and children with special needs of the ladies in that institute, because the ladies live in Union County, and those expenses are expected to be paid by Union Township. This is cruel and unusual punishment.

Clearly, something needs to be done to help take the onus off the districts. One of the other things that happens is the better a program in a district is, the more likely people are to educate their children with their feet. This is particularly true of programs for children with significant involvements. The programs for children with autism, once they're discovered by parents with autism, tend to be packed, because people will move to those districts.

I really believe that the State does need to help support the local districts with extraordinary costs. But two things absolutely have to happen: There must be a method of making sure that that money follows the child. It must not go into any kind of a general fund, where it cannot be guaranteed that the money you're giving is following the child who needs the services and providing those services.

ASSEMBLYWOMAN VANDERVALK: I understand that that does not happen now, is that correct?

MS. BABULA: That's true. It does not happen. The money-- The State money does not follow the child of necessity, and that has to happen. The other thing that has to happen is that there has to be a method of accountability by the local school district. I don't feel that supporting all of the extraordinary costs is a good idea, because it may well lead to an excess of out of school, expensive placements. It's too easy to take money when you have it and support a child out of district, when if you had to pay part of it, maybe you would look a lot more carefully at the expense of that placement and look at possibly more appropriate ones, possibly out of district, but also possibly in district. The State's got to help, but there's got to be accountability, and that money has got to follow the child.

DR. KELPSH: I have a couple ideas. One is, as I taught special ed, I never remember getting kids declassified. I think that that is a big concern of mine. And that it's the old notion if you're in the blue jay group in kindergarten, you'll remain in the blue jay group for the rest of your life. And that's essentially what happens in special ed, suddenly, until high school, where magically they're declassified. And I don't understand that concept at all. So I think we need to come up with mechanisms and be more proactive in our approaches to declassify youngsters. And that may be incentive based. Let's provide these services, get these kids functioning to a certain level, and get them back into their regular programs.

I also like the fact, and is something that we need to think about, is regionalization of certain services. An example being, maybe a center for autism in each of the counties, or a group of individuals who do nothing except PT-OT that we can utilize as a district resource, because we certainly don't have

those services available to us. So I think because of economy of scale and with the specialization that we could offer, we would be able to provide some extraordinary services and still have a lot of control over it if it was not private. And I think that if we look at the money that we spend in private schools, I'd rather put that money towards institutions or places like special services school districts, but that are again specialized.

So there are two of the ideas that I think that we really need to look at to keep the cost down. Because I believe if we are totally funded, that you would see an enormous increase in special education, and it would just go right out of the roof, even with the accountability towards it. Because I don't think that there is any way to come up with an accountability, because there's always a way around the system. And we all know that.

And I would just like to mention one last thing, and it's the last thing I'm going to say is, the whole assessment process for our special ed kids is the most ludicrous thing that I have ever dealt with in my entire life. I mean, we're taking special ed kids who are functioning two, three, and four levels beneath grade level, and then we're testing them on the grade level tests. So I have like a child who is functioning on the second-grade level, who it is not written in their IEP who must take to get the test, and then we're assessing them. And I've got to tell you, I've sat in on these situations. It's the most horribly frustrating things for kids. You talk about lowering self-esteem, demeaning the child. I think it's just a horrible process.

ASSEMBLYMAN DeCROCE: How do we change that?

DR. KELPSH: I would not test special ed kids in the fourth, eighth, or eleventh grade area. I've got to tell you, because--

SPEAKER COLLINS: Commissioner, do you have position on that, Commissioner?

DR. KELPSH: --I positively, absolutely don't believe that it serves our purposes.

DR. DeSOPO: I agree with Len. I agree with Len.

DR. KELPSH: You know, we test these kids. We do IEPs. We know where they're functioning. In my mind, that's enough. I mean these kids get tested all the time, get analyzed up and down the wazoo, and then we're going to test them in fourth, eighth, and eleventh grade again. I think it's ruthless.

SPEAKER COLLINS: Commissioner?

MS. GANTWERK: Well, first of all, the Federal law requires that all students with disabilities--

SPEAKER COLLINS: And we are State Legislators here, right?

MS. GANTWERK: --and we follow the Federal law that students participate in the State assessments. Now, if the student cannot at all participate-- We have to distinguish between a student is not going to do well, because some regular ed kids don't do well. Not doing well is not the reason you don't participate in the assessment. You don't participate in the assessment because you can't do any of it, because you've never been exposed to any of the things in there.

Now, those students may be exempted through the IEP process, and we are in the process now of developing an alternate assessment for those students with disabilities whose disabilities are so severe that they are really not participating in the core curriculum content standards at all. So a district will

have the opportunity to make a decision whether the student can participate in the regular assessment or needs to participate in the alternate assessment.

But that is the Federal law, and I think one of the things that we have to remember is, if we're talking about accountability, we have to be accountable for how our special education students do as well. We can't say we're interested in knowing only how our regular ed kids are doing regarding our core curriculum content standards. We may need to improve our special education programs. Well, let's see where. Let's see what students are doing well or how they're doing. We've had plenty of special education students pass the test.

There are times when parents and teams argue, and I'll tell you where it makes a big difference. One IEP team -- the team said, "Okay, we'll exempt your kid from the HSPT." Of course, the teams feel thankful they can exempt anybody from the IEP, the HSPT, everybody would like to exempt their kid. And the parents said, no, I don't want my kid exempt. I want my kid actually to take the test, and I would like them to do well. I would maybe like them to pass. And they said, "You don't want your kid to take this horrible test. It's so hard. It's so long. You know, other kids, they get -- they sweat and they're upset." And she said, no, I want my kid to take the test.

Well, the point is the district -- in the vernacular we used caved -- they gave in and they said, all right, we'll give it to you. You want the kids to pass the test. But what they did immediately afterwards was change the kid's program. Because the program that the student had been taking was special ed math. Now they put the student in an HSPT preparation level class. The idea of being, if we set a little higher standard, then we teach to a higher standard,

but it does not mean that every student must participate. And a student who can't do anything on that test should not be sitting for the whole time. We even allow it, if the student can do a little bit, let them sit for 10 minutes and then they can leave, if that's all they can do. But it's an IEP team decision. It's one area in which we've done well in New Jersey, at least in having some higher participation rates, because we need to look and see how these students are doing.

DR. KELPSH: And I'm sure that that's exactly what the State would say, but I can tell you that the Federal law is flawed. It doesn't make sense for our kids. And, yes, kids are exempted, but it's very few and far in between. And I got to tell you, being on the local level and seeing the kids, there aren't many parents volunteering for their kids to take standardized tests in any way, shape, or form. And it's horrible for special ed kids to have to sit through that process.

MS. GANTWERK: You don't have to-- We shouldn't say special ed kids, because we have special ed students who can do very well and some students who can't. And maybe we need not to paint with a broad brush, but we need to get better at helping districts making good decisions. And maybe with the alternate assessment, it will make clearer which students you can exempt and have participate in a more appropriate test.

DR. KELPSH: We would never agree on this, so--

SPEAKER COLLINS: Well, no, no, no. See, you took it away from me. I was going to say, on this point of agreement-- (laughter)

Let me just say that on behalf of the Commission, we really thank the six of you for coming here today and enlightening us. We have a lot of

thoughts that I'm sure are going through all of our minds. We will try and put something together eventually, as we go through this entire process.

We thank you all. I also thank staff, particularly Ted Settle. I thank the transcriber who will get us all of your words of wisdom and allow us to grow. Thank you all, and thank you, Commission members.

Meeting adjourned.

(MEETING CONCLUDED)