MARYLAND STATE ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON HUMAN RIGHTS
Civil Rights

Thursday, January 30, 1986
9:30 a.m. - 5:25 p.m.
The Omni International Hotel
101 West Fayette Street
Baltimore, Maryland

APPEARANCES:

Mrs. Lorretta Johnson, Chairperson

Members:

Dr. Joshua Muravchik
Mr. Gerald L. Stempler
Dr. H. DeWayne Whittington
Mr. K. Patrick Okura
Dr. Huong-Mai Tran
Dr. Chester L. Wickwire

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I N D E X

P R O C E E D I N G S

MRS. JOHNSON: Good morning, ladies and gentlemen. I am Lorretta Johnson, Advisory Committee Chairperson. Welcome to this community forum meeting of the Maryland Advisory Committee to the United States Commission on Civil Rights. We are very pleased to see everyone and we are about to begin.

Let's start with the introduction. Will the committee members please identify themselves beginning to my right.

MR. STEMPLER: My name is Gerald Stempler and I am from Rockville, Maryland.

DR. MURAVCHIK: My name is Joshua Muravchik and I am from Wheaton.

DR. WICKWIRE: I am Chester Wickwire from Towson.

DR. TRAN: My name is Huong-Mai Tran from Potomac, Maryland.

MR. OKURA: My name is Patrick Okura from Bethesda, Maryland.

MRS. JOHNSON: Persons from the mid-Atlantic Region office here today are Mr. John Binkley, who is the Regional

Office Director and Dr. Chun, Deputy Regional Office Director and Ed Darden, Civil Rights analyst who handles the State and the Region for us.

The focus of our meeting today is on an equity issue in the special educational programs and in the gifted and talented programs in the public schools in Maryland. To help us understand these complex issues, we have invited a number of distinguished panelists who will share with us their expert knowledge.

The forum is divided into four sessions. The first, second, and third are panel sessions that will give us an opportunity to examine the programs as they have been developed on the federal, state and school district levels. We will conclude the forum with a public input session beginning at 3:50 p.m. This session will feature five-minute statements from organizational representatives and other interested persons who wish to share their views that bear on this subject matter.

If you have not already done so, and would like to reserve time to participate in the public input session, please register with the staff person who will schedule time

for you if it is available.

As time permits, we will entertain questions from the audience. We hope that giving the audience an opportunity to question panelists will better involve you and include your concerns. Your questions for panelists should be noted on the forms which have been provided for this purpose. The forms are available on the material table at the rear or from a staff person. Staff will collect the forms and your questions will be read to the panelists, again time permitting. Unanswered questions will be forwarded to the appropriate participant for responses and subsequent to the form.

A court reporter is available to record the proceedings while the advisory committee will have a transcript of this meeting. We will also welcome any written materials that panelists or members of the audience wish to submit as part of the record.

The U.S. Committee on Civil Rights and its advisory committee are required by federal law to request that all persons must refrain from degrading or defaming any other individuals who provide information. Federal law also provides that anyone who presents information today has

the right not to be either reported or photographed by the press or any other media in this room. If you wish to exercise this right, please contact the Maryland Advisory Committee to the mid-Atlantic Region to let us know in order that this can be arranged.

At this point on the agenda, I must mention that the education subcommittee chairperson, Dr. Patsy Baker Blackshear, was unexpectedly called away on business and could not be with us today. She and the subcommittee have put in considerable effort to plan this forum. They are to be commended for their efforts.

One of the key members of the subcommittee has agreed to step in on short notice to substitute for their chairperson. He will complete the final portion of the pre-forum session and I would ask him to include an introduction of the subcommittee members as part of his preliminary remarks.

It is my pleasure to introduce Dr. Joshua Muravchik.

DR. MURAVCHIK: Thank you, Madam Chairlady. I am pinch-hitting, so I haven't figured out in advance what to say, but I don't think I need to say much. The advisory commission has been aware for sometime that there have been some complaints

and discussion in the public arena about programs for special ecuation for the talented and gifted in the public schools. With respect to the question of whether all groups in the population are receiving equal treatment or fulfillment of their rights for equal treatment, in having access to or being assigned to these programs, we decided to try to study the question in the State of Maryland of whether enrollment in programs for the talented and gifted and in special education programs reflected disproportionate numbers of groups, either racial, ethnic, gender or non-relevant handicapped condition; and if so, to see if we could learn something about the causes of that disproportion and to see if there were, in fact, incidents or evidence of discrimination or lack of equal treatment in determing the assignment of students to those programs to explore what the laws and other requirements are for assuring equal rights to all students in regard to access of those programs and to find out something about how they are working.

We decided that the most efficacious way we could do this was to conduct a rather ambiguous public hearing in which we have asked federal, state and local officials to

come and enlighten us, together with representatives of various citizens groups and private citizens who are welcome in our final session of the hearing with the thought that after hearing from this wide variety of witnesses, we might be able to prepare a kind of report which, I guess, in the jargon is called the briefing memorandum which would distill our findings about these issues and which would have the dual purpose of being directed to the U.S. Civil Rights Commission for consideration of the implication of what we have learned for federal policy and also be distributed throughout the State of Maryland to school officials and other interested people and groups so that some considerations could be given of specific situations in the State of Maryland that we have learned about.

We are very, very greatful to all of the witnesses who have agreed to come and share their knowledge with us, and we hope we make good use of what you have to teach us.

There are five members of the subcommittee and due to some unfortunate conflicts, two of them, our chairlady, Patsy Baker Blackshear, and DeWayne Whittington are not here, although I do think that we expect DeWayne. He has a drive

to make from the far reaches of the Eastern Shore. It is a three or four hour drive, and I think that the weather conditions may have slowed him down.

The other three members of the committee are Huong-Mai Tran, Dr. Chester Wickwire and me.

MRS. JOHNSON: We will call on our first panelist, Tom Irvin.

MR. IRVIN: I am pleased to have a chance to be here. Can you hear me okay?

I am really pleased to have a chance to meet with you today. I don't know where my compatriots are and I hope they show. One of the things that was in the materials we had was the absolute concern to not talk more than ten minutes to allow time for discussion.

MRS. JOHNSON: Mr. Irvin, for the record, would you give your title and name?

MR. IRVIN: I am the acting Deputy Director of the Office of Special Education Programs in the Department of Education.

MRS. JOHNSON: Thank you.

MR. IRVIN: I want to commend you all for having

this hearing, and I hope that you will have even greater participation. We have had hearings around the country. You never know from one to the next what it is going to be like. Sometimes they are packed and sometimes they are not, but I think it is really good for you to give people this opportunity.

I am going to talk -- you all sent out quite a number of questions. Some of those questions I can't answer. I don't have data enrollment, for example, in the State of Maryland and so forth, but I imagine your next speaker will probably be addressing this. It seemed appropriate since I am the only -- of the panel -- I am the only central office representative of the education establishment. I believe Mr. Nixon will be or he is here now, but I believe he is from the regional office, the Philadelphia regional office of OCR.

It seemed appropriate that I would address some of the questions by talking about the various federal laws. There are two major laws that do affect education of the handicapped. I will talk a little bit about how those laws are administered.

Some of you may know that there are two different -- it creates a very interesting phenomenon -- two different agencies or units within the Department of Education that have a role in carrying out federal laws for the handicapped. One is the Office for Civil Rights. In that role, that office is responsible for administering or ensuring compliance with Section 504 of the Rehabilitation Act of 1973. That is the main law that focuses in on handicapped, and that is all handicapped individuals. But, in addition, of course, they are concerned with Title 6 of the Civil Rights Act, Title 9 of the education amendments of 1972. Mr. Nixon, I assume, will be talking more about that in his role later.

I represent another arm. The broad name is the office of special education and rehabilitative services. We are the special education component in that. What we are involved with is administering a law that is called the Education for All Handicapped Children Act of 1975. A lot of people know it better as 94-142. It has created more flack than any other law has created in the country as far as an education law.

The thing I find that is very interesting and it

may show you some of the things we are faced with, here we have two separate laws passed two years apart, and yet, there are five areas of commonality between the regulations implemented in Section 504 and the 94-142 law. For example, both of them require that all handicapped children must, regardless of the severity of the handicap, must have available a free appropriate public education. They say that states and localities must as OCR refers to it; recipients must have in place procedures to identify, locate and evaluate all handicapped children.

Linked to that the third one is that those evaluation procedures must be adequate so there is not discrimination against the individual child who is being evaluated.

Fourth, is the concept of educational setting. We call it least restrictive environment. Every effort must be made to educate handicapped kids with non-handicapped kids. You cannot separate them, unless there is some real cause reason for doing it.

Finally, the whole concept of procedural safeguards, the general protection due process and so forth that are

guarantees under both of these acts.

Now, let me mention -- I am giving this kind of as a disclaimer, frankly. One question that was covered in the material that you all have asked about is, do we have statistics and do those statistics show over or under representation in special education programs by race, gender, handicap and so forth.. It is my understanding and Mr. Nixon can speak to this further, it is my understanding that the Office of Civil Rights does collect those kinds of data. They are on forms that they refer to as 101 and 102, just form numbers, where they do collect specific information every other year.

We generally do not collect information on race and gender. In fact, in addressing issues, the theme of this conference, when we address issues of equity or when we are concerned with problems of discrimination, we really think about handicap versus non-handicap. In other words, if carrying out our laws, our efforts are directed mainly at ensuring that handicapped children have an equal education opportunity along with non-handicapped children and, thus, that they are not discriminated against.

By the way, we do collect data and one of the major differences between what 504 and 94-142 is, we give money. As a condition, to get money, states let us know how many children they are serving and they meet certain conditions. So, the program is very large. It is about 1.3 billion dollars at the present time. Even under Gramm-Rudman, it is still a rather significant amount.

Let me talk about some individual protections, and I am going to talk mainly about 94-142, some individual protections that are in the law. One is in terms of evaluation that I have touched on. It is interesting that in the report language in the development of 94-142 that Congress made it very clear that they were concerned about such issues such as the misuse of identification procedures and methods that result in erroneous classification of students and the discriminatory treatment that results when you identify handicapping conditions. This was a major problem. It is interesting when you look back at the '70's, the mood of the country at that time, all of the kinds of laws that were passed, the year that this was passed, there were five different laws passed dealing with confidentiality

and protecting the rights of the individual.

The acts require specific safeguards and evaluations of handicapped children. In our regulations there is a section, a major part of the regulations that we have called protection and evaluation procedures. It is patterned, by the way, after Section 504. In fact, the draftsperson on that -- I happened to work with the draftsperson on that at the same time. They were one year ahead of us. We molded these two sections. So, if you lay them out side by side except for some subtle differences, it is interesting that they literally overlap.

What they do is set out a process approach for evaluating handicapped children in order to protect against discriminatory practices. For example, each child must be evaluated in all areas of suspected disability. You can't use a single instrument or single test or single procedure. There has to be a multi disciplinary team that evaluates that child. The placement decisions that are made, in order to make it, there are regs in both cases, you have to draw upon information from a variety of sources including apptitude and achievement tests, teacher recommendations,

physical conditions, social cultural backgrounds and adaptive behavior. The information from all the sources needs to be documented and it has got to be considered the placement decision. Then, I think what is very critical is that the decision that is finally made is made by a group of individuals who are knowledgeable about the child, about the evaluation procedures, and the options for placing that child. It has gotten away from major discriminatory problems that resulted in both of these laws where children would be placed in classes sometimes with almost no evaluation at all. The parents didn't even know that they were in the program. Sometimes they would go there and they never came out of the program. It was aimed at trying to correct some of those deficiencies.

Let me touch on a couple of the other protections in the act. There is a pervading theme throughout 94-142 that goes something like this, that handicapped children and their parents must be involved in all major decisions affecting the education of the child. Let me just give you the kinds of things that are there. In the law itself it says written prior notice must be given by an agency before

the agency proposes or refuses to either initiate or change the identification, evaluation or educational placement of the children or the provision of appropriate education for that child.

The regulation even goes further. It says before the first time you ever evaluate the child, you have to literally get consent, written parent consent before evaluating the child; and you also have to get written consent before you place the child in special education.

Another major area is that there have to be individual planning conferences involving the parents, and where appropriate, the child and school officials to write an individualized education program, an IEP for the child and that is almost an extension of the evaluation and the last step in the evaluation process.

Then annually, at least annually, you have to have another meeting to say what kind of progress has been made, do we need to revise the program that we have for those students. There is a requirement that you have to reevaluate the child at least every three years and more frequently if conditions warrant.

There is a provision that says the parents have a right to an independent educational evaluation paid for at public expense. If they don't like an evaluation that the local school system has provided, there are certain conditions on that, but even if the parents had to pay for the evaluation, the results would still have to be considered in whatever deliberation was going on.

Finally, if all else fails, there is a right to impartial due process hearing when the parents are not satisfied with the action that the school has taken. There are a lot of protections that are built in.

Let me shift now and talk on a couple of institutional kinds of things. One of the questions that you all had asked about was how do federal agencies coordinate their responsibilities. Well, I can speak more from -- it is a key issue in the education department because, as I have mentioned before, we have two separate units within the department who administer two separate laws that have overlapping provisions and target in on the same group of children. You can imagine what the concerns have been and what has, in fact, happened. So, a recipient in the

field can ask a policy question and send it to two arms of the department and get different answers on the same question; or we may go out and find the state of whatever in compliance and the Office of Civil Rights goes out in the same area and cites them for a violation. So, because of the concerns and those types of things, and the fact that in 1980 a lot of pressure was put on the new emerging Department of Education by outside groups like the Children's Defense Fund to say get your act together on some of these areas, we established a department-wide task force, a task force on equal educational opportunities for handicapped children, and one of the products that came out of that was a memorandum of understanding between our office, the Office of Special and Rehabilitative Services, and the Office of Civil Rights. Basically what it was doing is saying how will we work together to make sure that these laws are administered effectively and efficiently.

The original memorandum of understanding had six different areas. We were concerned with state plan review, policy development, monitoring complaints, data collection and technical assistance. Some five years later we have

come up with a moritorium on that memorandum of understanding because we need to fine tune it somewhat. We have been working for the last several months with representatives from the Office of Civil Rights. One area -- and it is also another question that you had -- one area that has been the most operative and is still operating under the MOU is the area of complaints.

Whenever we get a complaint, that is the office of special and rehabilitative services, if we get a complaint -- remember, we have got this overlap now -- when we get a complaint that alleges violation of Section 504, we are required under this memorandum of understanding to refer that complaint to the Office for Civil Rights for investigation. What we do is write back to the complainant, assign a number to it, and tell them what we have done and if they are concerned, they can write to the Office of Civil Rights. We also notify the State education agency of the action taken.

Since 1985 there is a surprisingly small number of complaints. There is only about 158 as of June of '85. They deal with all the issues we have just talked about, public education, safeguards, evaluation and placement,

educational setting and so on. For example, in evaluation, since that was one of the areas you mentioned, what it may be is the parent is concerned because in their vantage point there was an inappropriate evaluation or an incomplete evaluation and they placed the child without it having been done, so they complained about it. We refer it, the Office of Civil Rights goes out and does investigate it. Sometimes, OCR gets the complaints directly and because of the Adams Court Order, there are very explicit time limits to set on how these are carried out. By the way, that 168 does not even touch on all of the complaints that we receive or OCR receives on that the State receives. There are other complaints that deal with it. But I am talking about those that do have the overlap. We have agreed that we will handle those through the investigatory arm of the Office of Civil Rights.

MR. MURAVCHIK: Excuse me. Did you say since 1985?

MR. IRVIN: Since 1980. From 1980 to '85 there were 168 of those complaints.

I have just one other point and I am very happy to talk on it or stop. The one other area that you did have, I

was going to squeeze this in. Two of your other speakers who are not here were very long-winded, and one of them is not showing up, and I was glad I was the first speaker, because I wouldn't stand a chance if he got here.

MRS. JOHNSON: Is he here?

MR. IRVIN: No. This won't take but a second. The point is another question that you all have, how do you monitor compliance with this? We have a fairly extensive monitoring effort. It is interesting that it does rather dramatically differ from what the Office of Civil Rights does, but I will touch on some of the comparisons. We have been evolving in our monitoring since the law was passed in 1975. In the early years, we would go out with a very large team, stay for a week, visit a whole host of school districts, and what we were doing was trying to find out do the states -- see, this is an enormous, very complex law -- do the states and do the local districts in those states really have the procedures and the policies in place. It wasn't even, are they implemented; do they even have them? So, in the early days it was, do they have them and if not, how can we help them through technical assistance to get those procedures

in place? Now, we are moving at a much more efficient vein because things have moved along quite a bit. So now, we have two kinds of things, the whole procedural, looking at the procedures and methods and policies that a state has, we do that off-site now, or we call it pre-site. Before we even go out, we review a whole host of records and procedures where the State sends the materials to us. We go back over that State plan. We look at their monitoring documents that they use and so forth. From that, if we have any areas that we feel are discrepant, we can handle this by phone or we require them to send it in and we handle it by phone and letter, but there is no reason to go on site for that kind of thing.

By the way, the purpose of what we are doing and it's kind of a different kind of concept in monitoring, it is not really a, I gotcha approach. What we are really doing are trying to weed and collect enough information and data to try to make sure that the State and its LEA's are in compliance with the various requirements of the act. In addition to the off-site, we do on-site to about a third of the states each year. These are reaching visits. In other

words, roughly every third year we will visit every state.

What these are, and now we are only down to three areas that we look at. One is state education agency monitoring, how are they carrying it out. The second is general supervision, a major requirement because the law says that all programs for the handicapped within the State, no matter what public agency is administering, must be under the general supervision of the special education unit within the State Department of Education. Then we have a third one that is a problematic area, this thing of least restrictive environment of handicapped children being educated with non-handicapped children.

Let me touch on one of those, as I close, and that is, for example, when we look at monitoring, the state's monitoring, we do go on-site to a series of LEA's -- not that many, maybe five or ten -- in the state schools, the state residential programs, the mentally retarded, or the state schools for the deaf or blind, and so forth. We do a record review while we are there. The thing that is important is that we are not doing that to monitor the LEA. We are doing that to find out if the State Department of

Education -- in other words, we are not going to the local district to monitor that district. We are going to make sure that the State Department of Education's monitoring procedures are in place well enough so that they have found problems. They have got a method to find problems. And, in addition, if they find one, do they have a procedure that is active that requires the local school district to report back to the state in some kind of corrective action plan. Now, that is different from OCR. If OCR went into Baltimore, they would issue a letter of finding to Baltimore, not just to the State Department of Education. Whereas, if we came into Baltimore and we were concerned, our letter of finding would go to the State Department of Education. If we do find a problem in a district, we certainly don't ignore the problem. What we do is raise that -- and we call it a voluntary implementation plan. That is more euphemistic than saying a corrective action plan. So, in requiring a voluntary implementation plan from the state, we would say, you need to correct the problem in Baltimore, for example. Let us know that you have done it and give us the documentation of how it was done. If we feel that was a

problem because the State Department of Education's procedures have not been carried out properly, then we would ask for whatever corrective action to solve it with respect to that.

The only thing that I will mention that I thought you might be interested in is whenever we go out on-site, usually the first or second night of our visit we hold a public hearing. We will notify every advocate association and parent advocate groups and so on in the state. Some of those meetings are very large and some of them have been very emotional. We are doing it mainly to gather data. A point that we do make rather clear when we do that, however, is that we are not there -- we are there gathering information on problems that are system wide. In other words, we are not there to talk about an individual parent's problem. There is a different mechanism to do that. But if they are trying to say there is a problem in Charles County about how kids get evaluated, or no children are entitled in that particular district to physical therapy, occupational therapy, kids are not being evaluated right and so forth, those are broader things that we can look at. But it is not really to address individual parent concerns.

I am going to stop. If you have any questions, I will certainly try to answer them.

MRS JOHNSON: We can wait until the other panelists are finished.

Mr. Ted Nixon? He is not here. We will entertain questions for the panel.

MR. STEMPLER: I have a few questions I'd like to ask you. What happens when you go to a particular state and the state disagrees with the federal government either on interpretation of compliance or in any way? How do you settle your differences between the state and the federal government?

MR. IRVIN: There is really kind of a negotiation process. Some of the problems are very clear enough and typically, they are obvious enough that the state typically does not disagree with us on points. In the event that they do, sometimes there are judgement calls and we do work them out, but for the most part -- remember I said, we collect data and information. Usually, when we have done our homework right, there should not be a question. Sometimes there really is because, frankly, sometimes we get fuzzy in

what we have asked for in return. Then they say, hey, we gave that to you; why are you asking that again. Sometimes that will take dialogue back and forth, but ultimately it is resolved. Sometimes it is resolved in favor of the state and sometimes it is not. Our issue -- the important thing that we are really after in terms of capacity building, for example, it is not so much to say you are out of compliance, but rather, how can we get you in compliance. That is a key attitudinal approach that I think we are trying. It is like, if we try to get to the stage of withholding funds and so forth, that is cutting off your nose to spite your face. Sometimes, it does get necessary and we have had to threaten it, but the idea is to bring about compliant behavior.

MR. STEMPLER: I would like to ask you another question about parent complaint. Do parent complaints frequently get to you before they get to the state or do parent complaints -- are they dissatisfied with how the state wants to resolve their problem and then ultimately get to you? How is that resolved?

MR. IRVIN: What happens, sometimes understandably

parents don't know the channels and there are no absolute channels. So, typically on complaints, there is a procedure that the State of Maryland, for example, and other states have. They have to have a complaint management process in effect. What that is, if the parents complain within sixty days, the state has to investigate the complaint and so on and so forth. If either the parents or the local school district is not satisfied with the state's decision, they can appeal to the Department of Education, the Secretary of Education to appeal that particular point. Sometimes what happens is parents write us directly. When that happens, what we do and if it is not when -- whether we are or are not referring to OCR, we will call the State Department of Education. We would alert Dick Stankey (phonetic), for example, to say we have gotten this complaint. We would follow up with a letter if we are not referring it. Even if we are referring it, we have an obligation, an ethical obligation to alert the state. We have gotten our wrists slapped, for example, understandably by some state departments of education where we have referred it to OCR and OCR has gone in and the state had almost resolved the matter until

OCR came in and then it blew the whole thing -- it wasn't just OCR's fault or anything like that. I mean, it was the communication problem that we started by not having called the state. So we try to make the point of calling the state. Sometimes they do call or write to us directly. Our primary constituency is always the State Department of Education. Generally, we don't ever go directly to them. In other words, if someone called, we would ask the state to call Charles County or Garrett County or whatever to check into the matter and let us know what the status is. From that, we would do whatever follow-up is necessary, but we try to turn it back to the State Department.

MR. STEMPLER: So, what you are saying is that the federal government is the court of last resort for parents, state, or whatever.

MR. IRVIN: That is generally, I would say generally true. See, the other thing that is interesting is the issue of whether you file a complaint. This is a confusing area that continues to be confusing, is whether a parent simply files a complaint saying, Dear State Department of Education, my kid is being discriminated against; or

whether they go to the school district and say, I feel my child should have more therapy than you are giving him. I want a due process hearing. See, the word complaint is even used there and Section 615 of the Act says a parent may complain. If a parent complains to the local school district, you must give them an opportunity to hold an impartial due process hearing on matters like free appropriate education.

The issue there sometimes will be that the school district is saying we think two half hour sessions of therapy a week is enough, and the parent says I want three. So, it becomes that kind of issue. Or the parents say, I feel my kid should be transported. The district says, we don't think so. So, those kind of things go on and they are individual and they're free appropriate public education issues.

Still, there is this overlay of being able to file a complaint generally with the State Department of Education. Other kinds of complaints that would come in, by the way, is where the parent or some private citizen would say the school district is misusing its funds. See, that is a basic kind of complaint that is really not an appropriate public education issue. The state must investigate

that and report it and attempt to resolve it within a sixty day term.

MRS. JOHNSON: Mr. Irvin, you mentioned a little about the budget of OCR. You didn't talk about any part of the law having a funding source.

MR. IRVIN: I am sorry. I probably got to the one half and didn't get to the other. Under 94-142 when it was first passed, I used to go around and say at the time it is really a civil rights law. 94-142 is not a civil rights law. It is a funding law. If the State of Maryland wants to receive these funds, they agree to meet a number of conditions. Those conditions have to be very similar to what civil rights kinds of conditions are under Section 504. But to give you an example, from 1975 until 1984 the State of New Mexico for political reasons elected not to participate under 94-104. They didn't meet our requirements. They still had to meet the 504 requirements, but they did not have to meet our requirements.

The Office for Civil Rights in particular, Section 504, does not give money. What happened is almost the reverse. If someone is out of compliance, there is the

possibility of having funds withheld. Whereas, we give money and there are certain remedies built in where we can either withhold from the state as a whole or order the state to withhold from a different district. By the way, we have done that. It has been linked with the Office for Civil Rights, but we have done that on pure race discrimination issues years ago. I remember when we used to talk about the Ferndale Factory in Michigan. For some reason, that reason was discriminating against minorities. Even though there were not minority handicapped, no federal funds could go into that district. Those funds would just be withheld until we said to the State of Michigan, your allotment is so much less the amount that Ferndale would have gotten.

DR. MURAVCHIK: Mr. Irvin, the complaints that you receive are complaints that you are aware of. Is it more often the case that parents are complaining about having their children assigned to special education programs where the parents don't believe that the child ought to be in a special education program, or is it more often the reverse when the parent believes that the child ought to be getting more special services than the child is getting?

MR. IRVIN: To be honest with you, we get it both ways. Sometimes parents feel like the children should not go in special education at all. A lot of times, it is the reverse of that. One of the things that we go into that really is a problem is the whole issue of labeling and types of children that are involved.

For example, in the early years of the law back in 1977 there were almost a million, 900 some thousand children in the nation who had the label mentally retarded. That number is down to only about 700,000. There was been a drop in that. Each state may call kids whatever, as long as they fall in this general grouping. Correspondingly, children who are labeled for classification purposes as learning disabled, that number has gone up in astronomical rates. So, as this has gone down, this has gone up. It is not literally a cause and effect thing because there are too many more of these children. Some of them are the milder handicapped who do need some help and the assistance they are getting is what they need, but the problem is also it -- is less onerous to say, I am a learning disabled child than to say a mentally disabled child. So, I think

that phenomena does happen, the concern about the kind of program the kid is in. Sometimes we get a parent of a handicapped child who wants the kid to be much more involved in regular school activities than sometimes may be possible or they want the child separated. In other words, sometimes they want -- that raises the very interesting phenomena, when they want that done. But there is a whole range of kinds of things that parents do. Surprisingly, there are not that many who say I do not want my child in special education.

DR. MURAVCHIK: You have told us a fair amount about monitoring procedures, both your own and on the state level. With respect to the issue of how children get assigned to special education classes, is there also a program in your office or elsewhere of general evaluation of the effectiveness of the special education programs?

MR. IRVIN: We do that. We have got a lot more to do, but we do do that through evaluation studies and so forth. I cannot give you data on that now. As a matter of fact, one part of the state plan in each of the states is that they have to have evaluation procedures for evaluating the effectiveness of programs. We, in turn,

attempt to do that ourselves and sometimes there are third-party evaluators that do look at things. Sometimes the evaluation -- the individualized education program which is written on each child is also kind of an evaluation mechanism. One of the problems in the past was the kids were being placed -- it didn't make any sense. The kid would simply go in that program. I have gone in when I was traveling around the country, go into programs for the mentally retarded. It was just almost shocking. The kids in those cases, sometimes the teacher didn't even know how to work with the kids. It was really surprising. I think now with better teacher training and so on, some of that is now corrected. But the purpose of the individualized education program or the IEP, as we call it, does several things. First off, the parent is involved, when we sit down and say, okay, we have evaluated your child and what kind of program do you think we should be involved with. So, it is interaction both with the parents and the school people saying, what kind of service -- not where you place him -- what kind of service do you need. After you arrive at all that, you can say, okay, he needs some help with reading and

he needs this and he needs that, or he does need a speech therapist. Then you may talk about where you are going to place him. Built into that are objectives that say, can we tell if that kid is making progress, and that is the reason there is an annual review in that process, at least an annual review, to say, are you making progress.

Again, the horror stories in the past is, the kids would be misplaced. A hard of hearing child would be placed in a school for the deaf. He would come out two years later as a deaf child. The same kid, he may have had hearing, but he picked up the behaviors of the deaf and so forth. So, trying to make sure those kind of kids are not separated unless it is absolutely essential to build in the various safeguards and so forth. Those kinds of things are being done.

The evaluations -- we are trying to look, for example, a major initiative that our office is involved with now is the transition. I mean, now we have got the kids in school. We don't get complaints -- when the law was first passed they were saying that children not in school at all, they are getting no education. We don't get complaints in

that area anymore. Kids are getting an education. Most of them have IEP's that is appropriate and so forth. Now the question is, what happens to the kids once they reach seventeen, eighteen, nineteen, twenty, twenty-one. The transition from there into the world of work. So, to try to get -- again, it is an evaluation type study, but to get some data on those kids, we have a longitudinal study that is going on looking at kids, a large group of children involving some 4,000 -- like 400 districts. There must be some four or 5,000 children looking at to say what has happened to those children, are they able to make it from the world of school to the world of working and so forth.

That is a good point. The final test is, did it make a difference? So, I think in every effort that we are seeing, it is a very long term.

MR. OKURA: Along the same lines of evaluation, is there any effort made by your office to evaluate the training of teachers to handle these special youngsters? Do you evaluate them, classify them, get them into the program supposedly -- if the system itself does not have the properly trained personnel to provide any kind of special

education, then --

MR. IRVIN: Well, you are raising a good point because one of the problems right now is -- not only nationally, but I think I read it in the paper in Maryland -- there is a growing teacher shortage that is going to have an impact. Now, in every state as a part of the requirement of the act, teachers have to meet state standards. In other words, the concept of qualified means that they do meet state standards. To meet state standards, it means they have to be -- to have gone through a program, a higher education program that does meet those standards. There is a requirement for ongoing in-service training and so on. It is not large. It is about $50,000,000, 50 to $60,000,000 we have for training that we give grants to colleges and universities around the country for the training. That is one of the oldest programs. That was even prior to the Kennedy days, for training special educators, training related services folks and so on. I don't want to suggest that's all the money that goes in because it isn't. There are funds that come from the State and so forth, but those kind of efforts are built in. Probably a part of those --

to give you an example, we have just gone through, I think we got 800 applications in recently from colleges and universities for training special education folks. We funded 200 of them. It is a very, very small number of ones in proportion that came in. I don't want to be quoted absolutely on those figures, but there is an enormous difference between the number that applied and the number that got funded. You are looking at even qualitative aspects there.

How good is the kind of staff that is trained? Do they have the kind of training that is necessary? How are they going to use the funds and what differences are they going to make? There is some evaluation there, but some of it right now, moving into the teacher shortage, we may reach a point where we are going to have to look at new ways to be able to provide services. I don't know what is going to come if we keep on with the reduction in the number.

MRS. JOHNSON: Mr. Irvin, are the rates of complaints in the enforcement act higher or lower than the rates of other states in the region?

MR. IRVIN: I'm sorry. I don't have the answer on that. We do not do that kind of analysis. We, I guess, had done it at one time by region, but I don't have those data with me. We had done it by state.

MRS. JOHNSON: Let me ask you one other thing. In your presentation you talked twice about monitoring. You talked about two different kinds of monitoring. In 1975 you went out in large teams and visited the local school districts, and then you talked about the pre-site where you just read information. Which has been most effective in getting the data and implementing the law?

MR. IRVIN: Remember in the pre-site or off-site. That doesn't mean that we still don't go on-site.

MRS. JOHNSON: Well, you said --

MR. IRVIN: That is what I was saying, that we found -- in fact, I guess some of the states were saying, why don't you read that before you come out? Why are you coming out and asking us? We just sent that to you. So, the idea was, well, we can sit down and read it. Is it there or isn't it there?

So, I would say, it is probably -- since the

program is now some eight or nine years old, we have reached a point where that could be done just as well off-site as it could on-site. When we go out, once we are there, as I say, it is talking with individual teachers or administrators are looking at the files to see, again, as you look at the other end of the pipeline, is the state doing an effective job of that kind of collection, information collection on-site. I think I have mentioned that even though we have this cyclical kind of thing where we go out roughly every three years, if situations occur we will go on-site to a state. We were in a situation not too long ago where it looked like a particular state was not going to serve children, that it said it was serving. There again, we were getting so many complaints from this particular state that we had no choice. It was a systemic matter. It was a pattern of practice that we had to go in and investigate that. We are working with that state to resolve the matter, but when those things come up, we have to go in and do that.

MR. STEMPLER: Mr. Irvin, the education by state differs a great deal, the quality of education, many are the same, many far exceed the other. How can you apply the laws

consistently with differing education systems; or by applying the law, do all states come out the same?

MR. IRVIN: Well, if you remember that a lot of what is in the law dealing with process procedures are not absolutes. We were in a very interesting situation recently where the Office of Management and Budget was asking us questions about why is there so much variability -- let's even go further with that, why is there such a variation from state to state in type of handicapping conditions. The law allows enough latitude within the state so that it is not impossible that you could be in state X receiving special education in a particular disability like mentally retarded and go to the next state and you wouldn't be eligible. It is a very interesting phenomenon.

If you go beyond the labels, learning disabled, mentally retarded and so on, but say is the child handicapped in some other way, he may get a service as a handicapped child, but it may not be within the same rubric, with the same label that he was getting within the preceding --

MR. STEMPLER: What you are saying is that the federal government is not evaluating the quality of the

state programs, just are they complying with these prosystems, procedures, the paperwork?

MRS. JOHNSON: That is right.

MR. IRVIN: Probably it is more the procedure. When you get into qualitative dimensions, we attempt through technical assistance and training and so forth to try to upgrade certain things, but you are right. The bottom line is within a general kind of framework, do you have procedures in place to identify children? Are you applying those procedures? That is the commonality from state to state. They all have to have them and they have to meet certain general standards.

Now, if in statewide let's say a speech therapist has to have a second year or two years beyond the undergraduate to be a speech therapist and another state says five is okay, we don't get involved in that.

MRS. JOHNSON: All right, that closes that up.

MR. BINKLEY: Madam Chairperson, may I ask a few questions, please?

You made reference to the community hearings you hold at the time you go around the country. Do you publish

results from those so we may have access to them?

MR. IRVIN: It is not because I am Fed, but I can't answer yes or no. The reason I can't say that is because we don't publish it, per se. For example, when we would publish regulations and we would hold public hearings, the results are available for the public but the summary of those appears in the final regulations. So in that case, as far as the results, the public hearings that we do when we go on monitoring, we do not typically publish them.

MR. BINKLEY: You mentioned that parents don't always know the channels of relief. Are you aware of any effort by the federal government or state agencies to have general informational programs to inform the public?

MR. IRVIN: Oh, yes, and the one thing they will let me say -- it sounds too bureaucratic to say there is channels. It is like in the legislative history they wanted -- and I am telling this from a different vantage point to make clear that the parent did not have to exhaust administrative remedies before they could go to court, as an example. So, what I am saying is that for whatever reason they want to come to us that is okay; but what we do,

another arm of our office funds an enormous number of parent education projects where we are involved very actively where we work with advocates and parents and so forth, with groups like Closer Look and so on, is the child being served right -- what I am saying there are channels and then there are not channels.

MRS. JOHNSON: We have two more questions.

DR. TRAN: You might have partly answered my question. I was interested in the complaint procedure you mentioned earlier that parents might not know where to complain and they complain to different offices. I wanted to ask whether there was anything in your office or in the law that would meet that need to inform parents.

MR. IRVIN: I am sorry?

DR. TRAN: Inform parents about how to complain or where to complain.

MR. IRVIN: Again, as I was mentioning, we do try -- you would be surprised. In fact, I don't know about the State of Maryland. I know in some states there are parents who are as knowledgeable about the law as any of us are. They have their training networks and so on, plus we fund a

fairly large amount of money where we will have parent training centers around the country. There is a lot of networking that is going on. There was supposed to have been a White House reception as an example just yesterday, and except for the space program it was called off. As a part of time, we had parents coming in from all over the country to meet with us and so forth. We do try to do that. There is always going to be some slippage, though. So, what I would say is, we could not turn down a complaint simply because it came to us and it should have gone to the state. We would still say, hey, we have gotten this complaint, but the point is, we would then say Maryland, we have gotten this complaint from Garrett County; could you look into it and see what the problem is and let us know. Then we would write back to the parent and tell them what we have done.

DR. TRAN: These programs, are they administered directly by you through the states?

MR. IRVIN: No, it is really -- it runs that we give grants to the state and technical assistance. As I say, grants totaling some 1.3 or 4 billon dollars, and then we provide technical assistance as necessary. Then we do have

the requirement, the third or the last purpose in the act is to assess and assure the effectiveness of states in carrying out their responsibilities under the law. That is why we come back to monitoring and so forth.

DR. WICKWIRE: I'd like to ask a question. I think it is probably pretty elemental, but would you say something more about how inclusive is your definition of handicapped and also, I'd be interested to know what you feel is the kind of handicap you most encounter. You have indicated some differences, things are going up. I'd be interested to hear that.

MR. IRVIN: Well, the law itself says the term handicap means mentally retarded, deaf, blind, physically handicapped and so forth. It goes through almost nine or ten different types of handicap. We, for practical reasons, have expanded that somewhat. We will talk about multi handicap or deaf-blind. Deaf-blind is covered in another part of the law, but it is included right here. It ends up being a very specific population. So, when we then take what the law, itself, says and then translate that into regs, we would say is a handicapped person is a person who

has been evaluated meeting these requirements I talked about and found to need special education in related services.

We do leave a fair degree of latitude up to the state. What we did is take generally nationally accepted definitions of each disability. In other words, mentally retarded means subaverage intelligence and so many standard deviations below and so forth. Each of those definitions we did -- that's why this process is good. The public hearing process is good and participation becomes very valuable. The first draft of the regulations, we went to the field and the people had an opportunity to comment and comment and comment and comment on those. You might not like what was there, but you couldn't say you didn't have a chance to influence it, which is very important.

DR. WICKWIRE: Would you say something about the kind of handicapping you encountered more than others.

MR. IRVIN: The largest area is the area of learning disabled. In 1976-'77, there were 797,000 learning disabled kids. This last year there 1,000,811. Significant growth.

Now, the second largest area is the speech impaired, and that has continued to go up. I am sorry. That has

dropped down too. That was running 33, 34 percent in 1976-'77. That is, percent of the total handicapped. That made up about one-third. Now it is down to about 28 or 29 percent. Mentally retarded is 969,000 in '76-'77, and it's down from the '83-'83 school year to 750,000. The total number of children is about 4.3 million in all of those disabilities, but we have even the category of other health impaired.

At one time for autistic children we included under the definition of seriously emotionally disturbed. The National Autistic Society said that is not appropriate because they have a developmental problem and not a regular emotional problem. That subdivision has been moved under the category of other health impaired.

MR. OKURA: Do you have a category of emotionally disturbed?

MR. IRVIN: Yes. Seriously and emotionally disturbed.

MRS. JOHNSON: I'm going to have to cut off the questions. We will take a ten-minute break.

Thank you, Mr. Irvin.

MR. IRVIN: Thank you.

(At 10:45 a mid-morning recess was taken.)

MRS. JOHNSON: We will begin now. The panelists will describe state programs, their problems and successes, and enrollment statistics by race, gender, ethnicity and handicapping condition. We will begin with you, Mr. Steinke.

MR. STEINKE: Thank you, Madam Chairman, and members of the Advisory Committee. I appreciate the opportunity on behalf of the Division of Special Education to speak with the committee here today. My remarks will be limited to the topics that you mentioned and listed for us and also I'd be happy to answer any questions that you might have regarding my remarks.

You heard from Tom Irvin this morning a fairly comprehensive examination of federal law and I will not belabor that point. I would like, however, to bring out and perhaps highlight certain areas of it and how it dovetails with state law in the area of special education.

I am the Director of the Division of Special Education for the Maryland State Department of Education. Special education programs for handicapped children in Maryland have a fairly long and distinguished history. In

researching for my remarks today, I found that the programs in Maryland for deaf children and blind children began in Maryland in the mid 1800's, and with the establishment of programs for deaf children and blind children. The state history shows us that in approximately 1929 the State of Maryland established laws and set aside appropriations at the state level for the establishment and creation of programs for handicapped children. As a matter of interest, the appropriations for a classroom, supported classroom for handicapped kids was approximately $2,000 in 1929 and statewide the information shows that there was approximately 10,000 children receiving special education programs in Maryland.

The first classroom that we were able to identify was established in Cumberland, Maryland. In the growth of programs for handicapped kids, if you take the 10,000 number of 1929 and look at today's enrollment figures of handicapped children throughout the state, we are talking at this stage, '84-'85 school year, approximately 90,000 children who are handicapped.

Mr. Irvin mentioned earlier the importance of 1974.

At the national level and in the State of Maryland, the early 1970's was a very critical time. In Maryland there was -- this is not unlike other states -- there was a state lawsuit brought by the Maryland Association of Retarded Citizens of Maryland against the State of Maryland which claimed in part that children were being discriminated against and prevented from attending special education programs or public education programs on the basis of their handicap. A decree was issued in that lawsuit in 1974 in the Circuit Court of Baltimore County and, in fact, the court did find that in instances Maryland had been preventing handicapped children from attending what was described as appropriate public education programs. The State was directed to cease that practice and also to redo and examined its standards for special education programs. At that very moment the Maryland General Assembly was passing a very sweeping state law which is now codified in the Maryland Public School Laws of Maryland which establishes a very clear direction to the state and local school systems in providing special education programs for handicapped children. That is Title 8 of the Public School Laws of the State of Maryland.

At that very moment the federal law, Congress was passing education for all handicapped children act. As Mr. Irvin mentioned earlier, public law 94-142, and, quite frankly, to sum up, that law in three simple words, we are talking additional access, access, access for handicapped children to special education programs.

In part, the absolute rise in numbers of handicapped children that have been identified and are receiving services in Maryland, as acros's this country, can be attributed to that federal action.

Mr. Irvin also mentioned that another part of 94-142 was to establish a state grant program. Maryland today does receive approximately $21,000,000 for the education of handicapped children. This is an amount approximately of $200 per child which is available to local school systems and certain state operated programs to provide -- to augment services to children.

In addition to the federal funds that the state receives, there has been an absolute explosion in the amount of money available to handicapped children for special education programs in the state. You might be interested to

know that the last fiscal year the State of Maryland identified over $285,000,000 for the education of handicapped children. That includes funds that are what we call in the State of Maryland basic cost funds, the amount of money that the states and counties put up or contribute to the education of non-handicapped children, as well as excess cost funds. The excess cost funds are additional funds that the states and the counties has assigned to handicapped children for their additional services.

The state contribution to this is approximately $102,000,000. The local contribution is approximately $162,000,000. The programs in Maryland are, of course, operated within the public school systems. Each public school system is required to maintain a full range of services for children, including instruction as well as related services. Related services are services such as psychological services, audiology, occupational therapy, physical therapy services, assessment and diagnostic services.

We also provide services to handicapped school age children in Maryland's Juvenile Service institutions. These are the institutions, child correction institutions that are

operated within the State. We also provide services through the Department of Health and Mental Hygiene to children in residential services under the Department of Health and Mental Hygiene, such as the Mental Retardation Administration or the Mental Hygiene Administration. These administrations operate programs such as the Rosewood Center program in Baltimore County, the Great Oaks Center program in Montgomery County and the Holly Center program on the Eastern Shore in Wicomico County. These are programs where youngsters who have residential needs also with education is provided either on the grounds of those facilities or they go daily into the public schools.

One interesting note that you might be concerned with is Maryland is one of six states in the union that has a mandate to provide services to children, handicapped children from birth. The federal laws for 94-142 mandate services from three years of age. Maryland, as I said, is one of six states that has services from birth, and we have a very active Child Find to identify youngsters as quickly as possible and to provide them levels of services and services in accordance with their needs.

One of the questions that the committee is concerned about is the Child Find and evaluation activities. Mr. Irvin this morning did do a good job of describing those. Permit me, however, just to elucidate on certain aspects as they relate to Maryland. Federal and state laws have a very affirmative requirement that all children -- the states and the counties must operate a Child Find activity. There is a very powerful requirement that we operate a system of public awareness within the school systems to identify all children who are potentially handicapped and to provide educational screening for those children. That is the first step, screening. The screening requirements are established in state regulations. These regulations require that a child suspected of being handicapped or a child having a learning problem may be referred to a screening system by either a parent or a teacher. That the child is to be screened in a number of areas including visual areas, auditory areas, language, and the language requirement is that the youngster's primary language be the mode of examination. Of course, academic areas also as appropriate are examined for problems.

If, in fact, following this process, there is a feeling that the child may be handicapped, the youngster is referred to a multi-disciplinary team which in Maryland is referred to as the Admission Review and Dismissal Committee. Once again, it was established in the regulations. This committee is made up of knowledgeable individuals, individuals who have knowledge of the child, who have knowledge of the disability area, and, of course, the parents are to participate in this committee determination. This committee determines what areas the child should receive individualized assessments and evaluations. They could be areas of reading and math and spelling, written and oral language, perceptual functioning and also speech and any physical factors that may impact on the youngster's ability to learn. This information is received by that team and examined within the context of that team. The multi-disciplinary team's obligation is to examine this information with the parent and to make a determination as to whether or not the child has one of eleven disabilities and, if so, to what extent that disability is affecting the child's ability to learn.

If, in fact, there is a determination that the child has a disability and that from the information gathered, the child has -- that this is impacting on the child's ability to learn, then the obligation of the ARD Committee is to establish -- to develop an individualized education program. That program is also governed by both state and federal laws and sets out a number of elements that have to be considered. There has to be goals established for that child. There have to be objectives established for that child. These objectives have to be measurable. They have to relate to the educational deficit. The services that the child is to be receiving have to be established, clearly written within the written document. Of course, parents have to participate in its development, and they are to approve it.

A child may not be placed in special education without the consent of the parent and the participation of the parent. I want to hasten to add one other comment with regard to this. A child may not be evaluated. Initial evaluations may not be conducted on a child without prior notice to the parent and informed consent of the parent.

Each system must maintain documentation of how they accomplish that requirement.

This means that a parent must receive in writing a description of any assessments or evaluations the school wishes to conduct, why the school wishes to conduct them, and who, in fact, will be conducting these evaluations. If they do not agree with this, they do not have to provide consent.

If they do agree, the evaluations proceed and these evaluations are examined fully by the team of specialists with the parent, and the parents also have under the regulations the ability to secure third-party evaluations to the extent that they feel that the evaluations done by the school system or by a state operated program is inaccurate or improper. They would have the ability to challenge that evaluation and also to secure a third-party evaluation, often times at public expense.

We have got to the point where youngsters received -- that an IEP has been developed. I would like to make mention that this IEP has a term of one year and that annually that IEP is to be examined through this team with the parents

to determine its effectiveness, to determine its appropriateness, and to make any modifications or changes that are to take place within that IEP document. So, that's the situation with IEP's.

On a three-year basis and no less than three years, a full and complete evaluation is to take place with the child. That is, going through the entire examination process again, of course, with the parents present.

I would like to mention that within our state regulations we have a non-discrimination policy, and it might be helpful for your record and for your information for me to just read that. It is not very long. LEA's may not assess or assign children to special education programs and services on the basis of national origin, race, sex, linguistic, religious, or cultural background. That is the official non-discrimination policy within the state regulations for special education.

In addition, agencies must assure at a minimum that tests and evaluation materials meet certain standards. These are spelled out very clearly. Number 1, that the youngster is tested in the youngster's native language or

other mode of communication is used, if necessary. Two, the tests are validated for the purpose for which they are used. It is a formal process. That the administration, by trained personnel and in conformance with prescribed procedures -- the training of what we call in Maryland a qualified examiner -- is present and examines the youngster using these validated tests. The fourth is that they are designed to determine educational needs and not merely what we refer to as a measure of intelligence. They have to be specific to the area of disability.

The tests or examination procedures are to assure that a child with a sensory impairment or a physical difficulty is properly assessed and that these difficulties do not hamper the measurement of a child's educational performance or ability. So, we have to compensate for a youngster who has a physical disability.

Another requirement is that no single procedure is used. You may not use either a single procedure or a single test. It must be a number of tests and documents and procedures. And that the evaluation must be made by a team of people, what we refer to in federal law and, of

course, in Maryland as a multi-disciplinary team who have knowledge of the youngster and of the area of disability. These are the requirements.

We mentioned earlier about the Child Find activity, and I will just mention that we do have an active Child Find requirement for youngsters in Maryland from birth to age twenty-one -- through age twenty-one. So, we have actively been working in the Child Find area since before 94-142 was promulgated.

Let me just make mention of one area, a growing area in Maryland and one of great interest to not only special education, to other branches of our department, and that is children with a limited English proficiency. In the whole assessment and evaluation process, this is an area of growing interest. The State maintains a data collection system in special education. For every child that is identified or receives an evaluation, we attempt to collect and are requiring now that school systems advise us if the youngster has a primary language other than English. So that we are beginning to actively collect that information at the state level, along with other information that we will

talk about in a few moments. In addition, Maryland has now for several years in the special education division maintained a directory of bilingual specialists for special education related purposes. These are people throughout the State and in Northern Virginia and D.C. who are proficient in English and other language and who a school system can call upon through our directory service if, in fact, they have a youngster whose language is other than English and they need assistance in conducting assessments or evaluations or working with the parents on identification or IEP planning. We have maintained this directory and we have a specialist who works with that very actively within the school system and parents.

Let me discuss with you for a moment some of the statistics that I know you are interested in, and may help you in your work. I would like to first say that there are eleven handicapping conditions. I will go slowly through the statistics. I'd like to take the State's prevalence of children and compare it to what we are able to determine from the federal prevalence of handicapping conditions.

I would like to start with the national prevalence

of mentally retarded children. This is the percent of all handicapped children who are mentally retarded. At the national level, there is an identification prevalence of 16.4 percent. At the state level, Maryland level, we have a prevalence of 7.8 percent. In the area of hearing impaired, the national figure is 1.6 percent; the Maryland figure 1.6 percent. Speech and language, as we have talked about earlier, the national prevalence is 25.9 percent; the state, 27.9 percent. Emotional disturbance, severe emotional disturbance, national 8.5 percent; state, 4.5 percent.

MR. STEMPLER: What is that category, again?

MR. STEINKE: Severe emotional disturbance.

Specific learning disabilities, the national figure 42.2 percent; the state figure 51 percent. The next is vision, national .7 percent; the state figure, .9 percent. Orthopedically impaired children, the national figure 1.3 percent; the state figure .9 percent. Other health impaired, national figure 1.6 percent; state figure 1 percent. Deaf-blind, national .4 percent; state .1 percent. And multi-handicapped children, national 1.7 percent; state 4 percent.

MR. OKURA: What was the national figure?

MR. STEINKE: On multi-handicapped, 1.7 percent; and the state 4 percent.

MR. STEMPLER: What was vision?

MR. STEINKE: The vision was .7 percent national; .9 percent state.

Of the school aged population in Maryland, figures demonstrate that last year we were serving public school enrollment 672,553 youngsters. The handicapped portion of that I am working with is 89,955, approximately 90,000. That represents a little over 11 percent of the population.

I was asked to give some racial composition of the special education handicapped children. I have some of that information.

DR. MURAVCHIK: Excuse me, Mr. Steinke. You said the total student body was 672,000 and some odd?

MR. STEINKE: 553.

DR. MURAVCHIK: And the total number being served by the programs in special ed is 89,000?

MR. STEINKE: Approximately, yes, sir.

DR. MURAVCHIK: So, it is more like 13 percent.

MR. OKURA: It is more than eleven.

MR. STEINKE: Well, we have in the regular school population school age children, say five through seventeen, eighteen. In the handicapped population when we start talking about pre-schoolers who are not part of this 672,000, we have preschool children zero to five. In the general population we start with kindergarten kids. So actually, they are counted.

MR. OKURA: This 90,000 includes zero all the way up?

MR. STEINKE: Yes, it also includes children who are in state correctional facilities. When we start adding up the children who are -- when I say children, I am saying school aged individuals who are in the State's correctional facilities, school aged individuals in the Juvenile Services facilities, school aged children in the Mental Retardation Administration facilities, and then there is another group of children. Those are the main groups. If you add all of these groups up, we start talking about a public school enrollment, it tends to skew those figures.

We have information on the public school enrollment.

By race, composition 32 percent black -- and these are rounded off figures -- 64 percent white, 4 percent other. That information, the way it is collected in the department, is Hispanic youngsters, American Indian youngsters and Asian youngsters.

In special education we have approximately -- once again, rounding off -- slightly less than 60 percent white in special education, approximately 38 percent black and the balance in other category.

The gender statistic for handicapped children shows that there is a representation of approximately 66 percent of the handicapped population are males, 34 percent females.

The current enforcement activities -- I refer to them as such -- in the State of Maryland, regarding not only all aspects of special education, are multiple. We, of course, are subject as a state, a recipient of federal funds, to federal oversight and Mr. Irvin spoke earlier of that activity. We, as one of our requirements, must maintain a thorough system of monitoring an evaluation of all public agencies providing services to handicapped kids. We have maintained for a number of years a monitoring and evaluation

system which has a number of parts to it. I would like to just briefly go over these. First, we do this every three years, every public school system and public agency receives a complete site visit and evaluation examination on a three year cycle. We do eight school systems a year and a number of state operated programs. Complete reports are written on each of these site visits and a corrective action plan is established where needed.

The M&E system includes a complete examination of policies and procedures regarding all of these aspects including the ones that the committee has demonstrated an interest in today. It also includes an individual case review of a significant number -- statistically significant number of children's records which are examined by a team of specialists who are trained in the areas of federal and state regulations and in evaluation procedures. There is a complete standard examination done which involves examination of all notice requirements that have gone to parents, examination of time lines for services, examination of the presence of evaluation material, examination of IEP's to determine whether or not they meet state rules and

regulations and whether or not they are examined properly on an annual basis.

We also in Maryland maintain a complaint management system. Under federal regulations, we have established a complaint management system which requires us to, upon receipt of complaint, to investigate it and resolve it within sixty days. We also maintain a very active and efficient, in my judgment, due process or hearing procedure. In Maryland, that is a two-part process. A parent with a complaint or disagreement with a school system can go to a local hearing before an independent hearing officer who may not be a member of the public agency, he may not be an employee of a local school system. They must be an independent individual selected from a list of individuals maintained by the school system. That is subject to examination.

MRS. JOHNSON: Mr. Steinke, I am sorry to interrupt you, but I'm going to have to bring you to a conclusion so the other panelists will have time.

MR. STEINKE: I am sorry. We have a number of training activities in the State of Maryland that go directly towards the areas of assessment and examination. As I say,

we can discuss those some other time.

MRS. JOHNSON: Okay. Maybe in our question period.

Mrs. Cole, would you identify yourself?

MRS. COLE: Yes. I am Lynn Cole. I am Chief of Learning and Improvement Section and a specialist in gifted and talented education. Let me apologize for my voice, at least it's not the flu. I may have to stop from time to time.

I am delighted to be here today and am probably one your only panelists that will take my ten minutes, but would love to entertain questions afterwards.

I have tried to prepare remarks that will flow in somewhat of a narrative, but will answer the bulk of your questions. Please feel free to stop me at any point. I did try to prepare my remarks to be brief and to the point.

The first thing I need to do to inform you is to set the proper stage for gifted and talented especially in the context of special education which is also an issue here today, is that we have legislation that encourages school systems to provide programs for gifted and talented students rather than mandates them to do that. The nature of the

legislation places the department in a role of supporting and providing leadership to our local school system, a different role than we had discussions about with special education.

The funds based on that are not allocated to school systems on a per student basis. We don't have state funds going to school systems to support programs for gifted students. They are supported by their local boards. We do have state funds that support our directly administered summer centers program for gifted students. That is right out of our department. And I have funds that I do conduct training activities in various statewide activities, innovative grants to levels, those kinds of things, modest funds that support those kind of leadership efforts.

A school system, therefore, in our state has the freedom to determine what kind of program is developed to meet the needs of their students to best manage the resources they have to offer that program. The department tries to guide the program development for expansion to meet the findings of research and what we know to be the state of the art within this area.

With regard to the issue of minority representation in the gifted and talented programs, identification procedures would include multiple indicators which you have heard this morning as that term has been used elsewhere, both formal and informal measures, subjective and objective measures. For example, tests that are more culture freer than others -- there are no cultural free tests, but those tend to be more so than others -- scales, denominations, observation measures, things that will help to minimize the influence of a deprived environment, language barriers, various things that we know minority students typically have as barriers when we are looking at gifted and talented children.

We try to include the sources of indicators of abilities for those students to be as broad as possible to include themselves, nomination of themselves, their parents, their peers, the significant other persons in the student's life that might be able to give a more diverse look at that student. The intent, of course, is to uncover abilities that may be hidden due to various factors.

Probably the most effective element that you can have in an identification procedure for minority students is

the ability to have a trial placement and to have an environment that nurtures the potential that we are looking for.

Intelligence testing is so complex in itself, it continues to be a very controversial issue. We are making it even more complex when we are talking about students that have something that is hidden, a potential that we are trying to identify, not necessarily an achievement. If we were just identifying achievement, we would miss many students who have the ability to become achievers, but it makes the process much harder in that we are trying to identify potential.

So, there is really a technical problem with the whole state of the art or the whole field of education suffers with in intelligence and its entirety under the best of circumstances.

What we are trying to do is to seek out various sources of information and indicators of some exceptional potential for students that may or may not be manifested in achievements, but that a program could nurture so that that child would develop to his full potential that they were

intended to have.

Our challenge, therefore, is to always be inclusive of children rather than exclusive, and yet at the same time, continue to have gifted and talented say what it means. These are children of exceptional ability that have a program that meets a need that the regular curriculum is not able to meet. To have that, there needs to be a system for a graceful and frequent withdraw for entry into the program, depending on the development of that student from time to time.

I have left in front of Mr. Okura some criteria for excellence that I would like to share with you. It is one of the most powerful documents, I think, that the State Department has with regard to gifted and talented programs, and I would like to refer you to page 6. This document is one of the ways we guide the locals in lieu of being able to mandate. We have great good will across the State in terms of providing gifted programs for students and complying with what we know to be standards that would make a program successful and to carry excellence with it.

I would like to focus on a couple of the criteria

that I may have eluded to and give you more specific examples. 1.1 on page 6, for instance, the process for identifying students at several stages: a broad base screening of the total population is conducted to ensure that all potentially gifted and talented students have an opportunity to be considered.

Further down, I think 1.13: there needs to be a focus on the appropriate program. You cannot identify students that have potential, but maybe lack achievement at that point, and also not diversify the kind of program you put them in. It needs to be a program that nurtures their development until they have -- until they have leaped beyond the gap that may have been incurred for them and become true achievers in our traditional sense of recognizing them.

On page 7, 1.5, I believe most directly speaks to this issue. Multiple indicators of giftedness through a variety of procedures and for many independent sources, typically we don't see the whole child in our classroom. We find that more and more to be true in a child who may have something in their environment or that is a barrier

to our traditional achievement oriented behavior. 1.8, instruments and procedures that are used to be as non-biased as possible with respect to race, culture, economic conditions, religion, national origin, sex, or handicapping condition.

I don't want to belabor the use and I would encourage you to read them later. I think you will find they speak to our efforts and do help guide programs in directions that will achieve excellence for all students.

Some of the things that we have done in this state are continually focusing on this issue, get opportunities such as statewide conference meetings with local school systems leadership, grants for piloting and disseminating innovative promises and practices. Here in our audience today we have two of the most outstanding programs that carry national notoriety. They have broken ground in this issue. Jane Hammel from Prince George's County, Donnelly Gregory from Montgomery County, both of those women are in leadership positions with programs that we have helped support through grant funds and are trying to disseminate. They have made excellent headway toward identifying minority students and being able to provide a nurturing environment

for them.

Statistics that you asked for: gathering statistics on gifted and talented students in general is very difficult for us. We are never sure how accurate that information is. We get to then identify those students by male and female, handicapping condition or minority status, it becomes even more difficult. Let me share with you what we have been able to glean from across the state.

First of all, a broader statistic than just minority is that we have approximately 59,800 students being identified and being served in gifted programs across the state. That represents approximately 8 percent of our population. Of that population that have been identified as served in gited and talented programs, American Indian represents a fairly insignificant percentage of that, .075. Our Asian population represents approximately 5 percent, black population approximately 10 percent, white population approximately 62 percent and our Hispanic approximately 1 percent. Although that misses the mark in terms of what we would like, we do feel somewhat confident that nationally Maryland does measure up in many times better than what other

states are able to accomplish and identify in minority students.

In our summer centers program --

DR. MURAVCHIK: Excuse me. Could you give us those figures a little more slowly?

MRS. COLE: Sure. I'm sorry. I am looking at them. I forget that you are not. Let me take American Indian, .075 percent. Less than 1 percent. Now this is the percentage of our identified and served population of gifted and talented students. Asian 5 percent, black 10 percent, white 62 percent, Hispanic 1 percent.

DR. MURAVCHIK: Where are the other 20 percent?

DR. WHITTINGTON: You have about 78, 79 percent. You are missing about 20 percent.

MRS. COLE: I wasn't when I left the office.

MR. OKURA: This is a breakdown of the so-called 59,000 that you mentioned?

MRS. COLE: That is right. I do have all the five groups represented, and I don't have my backup data with me, but I will be happy to supply that to you at a later time.

In our summer centers population where we have much

more control over our program administration and selection, we are very happy to report that we are 46 percent of our students that are in those programs being minority students. But, again, we can directly administer that program, can establish our own selection committees that review those students. There is much more control.

MR. OKURA: What is that program called?

MRS. COLE: Our Maryland Summer Centers Program. We have residential and non-residential centers across the state that focus on a variety of disciplinaries and try to geographically represent the state in each center's enrollment.

DR. MURAVCHIK: Geographically represent the state?

MRS. COLE: Yes. Because it is a state program, we feel an obligation that students from across the state try to be fairly represented. Because we have that commitment and have the ability to control it from an administrative point of view, we can do that more easily than a school system can when we are reporting school system data from across the state.

MR. OKURA: Can the high percentage be accounted

by the program being primarily for minority students?

MRS. COLE: No, it is not a program primarily for minority students. However, we are able to set our target for enrolling X number of students across geographical areas, and because of that, it tends to get us a higher minority percentage and a greater representation of what our state's population is.

DR. WICKWIRE: Is the school population a talented and gifted population?

MRS. COLE: The school population is not a gifted population.

DR. WICKWIRE: No, just the total population.

MR. GRANT: The state, itself.

DR. WICKWIRE: Yes.

MR. GRANT: No, we do not have those figures.

MRS. JOHNSON: Let me ask the committee members to wait until everybody completes their presentation so that we can then ask questions.

MRS. COLE: Those are the end of my remarks.

MRS. JOHNSON: I am sorry. I kind of cut you off.

MRS. COLE: That is okay. It was time.

MRS. JOHNSON: Mr. Grant?

MR. GRANT: I won't take too long because I think the questions will bring out more of the information that you may want from us.

My name is Woodrow Grant. I direct the Office of Equal Opportunity which is part of the Office of the State Superintendent of Schools. Our basic role there insofar as the twenty-four school districts are concerned is that of assisting them, providing them with technical assistance in problem areas incident to desegregation.

We deal then with issues, civil rights issues as they relate to race, gender, disability, national origin. We are a federally funded unit of eight people, Title 4 funds, in fact. We are fighting for our lives right now.

One of your questions asked, does the public view this proportionate enrollment as a civil rights issue. The answer to that question is yes. That view, however, varies in levels of intelligence. Educators, black and minority educators are basically the most intelligent people in black or white communities who can speak or talk to you about the issues because in many instances they are closest to it.

Many of us are parents. I happen to have a disabled child.

The other part of that intelligence lies with people in the middle class who have an interest in protected class issues and are involved in some way in school programs. Minorities are increasingly suspicious of methods for grouping or instructions in schools. We found through our work at the Department of Education that some resegregation is occurring, and that much of that is due to the grouping or instruction practices in the various school systems across the State of Maryland. We have found that through our cursory observations that there is a disproportionate number of black males in special education programs in our schools across the state.

The unfortunate thing about all of this is we do not have the kind of data base that strengthens our argument as we go about this business. We are in the process now, however, of putting together -- we have a task force in our department that is working on an instrument that would collect the kinds of information that we are talking about this morning on a fairly comprehensive format. So that we can make sense of it, make some decisions as to what it is

we need to do to rectify some of the intentional and/or unintentional discriminatory practices that still occur in our school systems.

You talked about -- you questioned the underlying reasons for disproportionate representation. Well, I can only say that it is fairly simple. Racism, sexism, and cultural bias. We spend most of our time in rectifying incidents of discrimination by providing staff development opportunities for administrators and teachers. In our Maryland Professional Development Academy we run an institute during the summer where we take twenty-five to thirty principals off in the woods someplace and for five to six days we try and enable them to appreciate the need to look beyond the cognitive issues in the instructional life of a child, to look at those affected areas. For instance, we have found as a result of the affected schools we searched that teacher expectation has a direct bearing on the achievement of a student. We then involve the administrators and teachers in experiences enabling them to appreciate the need to be more sensitive to their interactions with kids, to straighten up the inclination and thinking about kids because they are

in one ethnic group or another or because they are one gender or another, because they are possibly non able-bodied or they are black.

One of the real problems that we have had in Maryland over the years -- and I am sorry Ted Nixon isn't here today -- has been our relationship with the Region 3 Office of the Civil Rights in Philadelphia. Problematic is the communications that exist between us and them. For instance, if, in fact, they have decided to do a compliance review in Maryland and I understand that they try and plan thirteen annually here, they never let us know where they are going. So, consequently, we cannot accompany and assist what it is they have to do. We in Maryland are more familiar with the situations of discrimination that are prevalent or present, if that is the fact. We then appreciate -- would appreciate their coming in and allowing us to assist them in their preparing for the on-site review. What happens is, invariably, they will go in where there is an authentic, legitimate case of discrimination and due to one reason or another, kind of whitewash the situation. They will leave. They will write their letter of findings and that, of course,

negates any further action from our state facilities. That shuts us down.

One of the reasons that I think the minority public is becoming more and more suspicious of what we are doing is that we have identified problems, the disproportionate problems, a number of years ago where special education programs are concerned, and while in some instances folks are not assigning kids intentionally because they are black or female or disabled or some other ethnic group, and then there are cases where they do intentionally do those kinds of things, then there is reason for us to believe that OCR, working with the Maryland State Department of Education particularly our staff, together can assist the federal government in the data collection that we need to help the other part of our public to understand what the problem is; to realize that minority parents who are continually banging on the principal's desk aren't doing it simply because -- they are doing it because there is good reason to do that. They do feel, in fact, that their children are being mistreated, that they are not getting an equitable chance at benefiting from the State's instructional program.

We do not handle complaints of discrimination directly in the Department of Education. The State has an appellate process which, of course, begins in the local school district where a parent, if they feel that their child should have been in a gifted and talented program or should have been in a special ed program, can complain then to the principals of the individual schools who then takes it through the administrative process at the local school district which ultimately winds up in front of the Board of Education, the local Board of Education. If the parent or interested party gets no satisfaction there, they then can appeal to the State Board of Education. Based on a certifying process by the Attorney General's office, the State Board will receive the complaint and hear the complaint based on its merits and if the complaint specifically deals with issues of race, gender, disability or ethnicity discrimination, national origin discrimination, then our staff is called in to assist in looking at the issues involved.

The greatest problem that we see in being unable to rectify a number of problems that we have identified over the years of discrimination is that we have not been able to

-- and I will reiterate this -- we have not been able to collect the kind of data we have needed. There are some real good reasons for that. School systems, school districts across this nation have been inundated by the Office of Civil Rights with requests for information and then, because of a sense of duty, those school districts have -- such as those of ours in Maryland -- have responded to the information requests and time after time a simple request for information becomes averted in that OCR, for one reason or another, uses or does not use what is given them to assist us in resolving the problems that we have. We have moved to develop our own instrumentation for collecting data. Dr. Whittington is a part of that effort, and we are hopeful that next September we will be in the process of collecting the kind of information in one place that Lynn and Dick have mentioned this morning so that we can say that civil rights issues are involved in the disproportionate treatment of children in the public schools of Maryland if, in fact, that is the case. If that is not the case, we will be able to show, based on the data we have before us.

MRS. JOHNSON: Thank you.

MR. CHESTNUTT: I am Bill Chestnutt and I am here representing the State Advisory Committee for Special Education, and I accepted Mr. Darden's invitation to sit on the panel until I saw the expertise of the other panel members and the complexity of the questions being asked and I almost declined. I will be your resident non-expert on this panel. I also decided I would stay with it because I happen to wear another hat that may be of value to you and that is that I have been a high school principal in the State of Maryland for a hundred or so years and thought maybe I could help you from that regard.

I think you should probably feel good and other commissions like you from the standpoint that in the last twenty years it seems to me that one of the more positive things that has happened across the country and in our state are such things as advisory committees which have been created through the efforts from committees and commissions such as yourselves, and we do serve as a watchdog for the public, and in our particular case, we do have publicity and if you care to see it, we do represent -- we are seventeen people who represent everything from public, non-public,

higher education personnel, teachers, consumers, advocates of the special education programs in our state. We serve three-year terms and rotate so that we don't have complete -- we don't have the possibility of everybody being out of office at one time and that kind of thing. So, we do by mandate have to meet at least four times a year and when we do meet at the State Department across the street over here, we do review all or at least have the ability to and we do review all of the policy proposals from the department or division, all legislative proposals and all regulations put out by the Special Education Department. We do have input into the division planning priorities and with all of us representing all of the different groups that have an interest in special education, you can imagine none of us are shy. So, we do have lots of input into what priorities we think they should devote their energies to and such things as least restrictive environments. That gets lots of attention. The learning disabled project, which is now twenty-two counties, training for both the division staff and education personnel in the counties, as has already been eluded to. There is such a thing that I am

familiar with called the Principal's Academy where each summer there are a variety of subjects taken up and one of them is special education rules and regulations. I don't know how many principals at this point have gone through that academy, but it has been in existence now, I would say, five or six years at least or so, about thirty principals per session. Obviously, there has been a lot of us go through there including myself.

One of the things that is beginning to happen, and I hope we will continue to see growth in that area, and hopefully the Advisory Board has been instrumental in are some cooperative programs among the divisions in the State Department and the one that I will mention to you is the alternative program for students in the Maryland public schools which is presently being -- is a program that is presently in progress.

We also as a board have access to all the due process hearings which all of us, of course, coming from all parts of the State, that is one of the efforts they make, that is one of the efforts they make, to get all of the geographical areas of the state represented. So, I think most

of us at least have interest in the due process hearings from our part of the State.

I also would like to emphasize more from my hat as principal than as State Chairperson of the Advisory Committee, I would like to state it seems to me that special education serves a function that I have not heard anybody say yet this morning, which is to provide individualized attention for students. It is my personal judgment that in most cases if the youngsters didn't get this individualized attention and work in something like special education programs where they would get this kind of attention, we would have more dropouts than we have. I guess one of my worries as a school administrator are the kids that don't get the services and I lose far too many kids each year because in my judgment we don't have some specialized programs for them of this kind or some other.

I think to review very briefly the fact that a person is put into special education, is a person who is the chairperson of that ARD Committee, is this multiple criteria. Students are brought up either by parents, typically, either a parent comes in because his or her daughter is having --

son or daughter is having problems in school and/or teachers bring these youngsters to our attention. There is a screening committee made up of in-school people, out-of-school people, who review the case and then decide if it looks as though it is a serious enough case, does it involve testing of various kinds and we can get into that question later -- and all this has evolved over the years and we are getting more and more skilled and we are getting more and more technical. At this point we have some rather technical guidelines on who qualifies and where the discrepancy is and how severe the discrepancy has to be in order to get special education services.

I guess another area that I would like to see some progress in as a school administrator and maybe as the chairperson would be in our vocational programs with the special education youngsters, and I am pleased to learn in my role in the Special Education Department that the new Perkins Act is providing money in this regard so that we now have money provided for special education youngsters in vocational programs which I think is a great step forward and I am hopeful to see lots of progress on that.

In the gifted and talented area, again just as a principal, we are -- I come from a county that does participate in that, and if you have any questions about that, I would answer what I can.

At this point, my expert remarks are complete.

MRS. JOHNSON: We are going to take twenty minutes off our lunchtime and have questions and answers from the panelists. We are twenty minutes behind schedule.

DR. WHITTINGTON: Mr. Chestnutt, could I infer from one of your statements that one of the reasons students are placed in special education is because it provides funding -- special education provides funding and if you did not have the funding for special education, these students would not receive any kind of services. Therefore, you place them in special ed?

MR. CHESTNUTT: I hope that is not the reason I place them in special ed. We have youngsters who need individualized attention, and if they qualify under the criteria that has been established by the State, they do get special education services. We have other youngsters who don't qualify, who don't get specialized services, and I

probably don't lose 2 percent of my special education youngsters to education a year, and I lose lots of other youngsters. So, I guess I am an advocate for special education services, and I wish it were expanded. I think it could cover more youngsters than it now covers.

DR. WHITTINGTON: What was happening to those youngsters before special education funding became available to most school systems?

MR. CHESTNUTT: I would suspect a great proportion of them dropped out at sixteen. Of course, our accounting procedures have gotten better over the years. Many of them may have dropped out previous to sixteen, but it wasn't too long ago that we were only attending to 50, 60, 65 percent of our school age youngsters at high school age, and we are now up to 85 percent.

MR. STEMPLER: Mr. Chestnutt, you spoke about that you are losing some other children because you don't have the special education program. Could you tell us why you are losing them, what kind of numbers and what kind of special education programs you are talking about?

MR. CHESTNUTT: There would be as many reasons as

there are in the world, but in the area that I find is probably one of the most serious are for those youngsters, typically we use the IQ range of seventy and below to qualify for special education, as an example. I have seen that drop over the years, by the way. That is one of the few things that has decreased rather than progressed, unfortunately. Right now the typical high school program is probably set up for the average and above average youngster in a lot of our high schools. So, we have that segment of population who fall between about seventy and ninety IQ that makes up a sizable portion of our student bodies, our typical student bodies. We really, as a state, have not -- we can say our vocational programs might hit some of those areas, but they are set up primarily for the average and above average youngster. They are more technical or more sophisticated, so in my mind, that is a segment of youngsters that we don't really have sufficent services for.

MR. STEMPLER: Is there any reason why we don't have services for them or why the State hasn't provided it, any particular reason? Why are they falling through the cracks?

MR. CHESTNUTT: Like lots of other groups, I guess, they are not very verbal. They are not very aggressive. They don't have spokespeople for them. I realize that is really off the subject.

DR. MURAVCHIK: Were you saying that you spent some time on the subject of your wanting to get additional statistical information?

MR. GRANT: Yes.

DR. MURAVCHIK: Did I understand that you believe that getting this information will enable you to tell whether or not discrimination exists?

MR. GRANT: Well, if you think in terms of the address impact theory, the pattern of what the information tells you will indicate whether, in fact, kids are being adversely impacted in school systems from one program to the next. We don't have that kind of finite program data and we do in fact need it.

DR. MURAVCHIK: I didn't understand, in the absence of that, why you are so emphatic in saying that racism, sexism, cultural bias and discrimination, segregation are all at work here.

MR. GRANT: Yes. In very subtle ways, very subtle ways. The teacher expectation student achievement phenomenon, we know that there are at least fifteen interactions that occur in classrooms on any given day between a teacher and student. These interactions can either say to that child, you are worth something, you can learn, you do have the wherewithal to learn, or it says just the opposite of that.

DR. WHITTINGTON: Even though the data isn't available to the extent that you would want it, since you have been at the State Department, the patterns do indicate that there is a greater proportionate number of black males put in special education classes just from observances rather than the hard data to support that?

MR. GRANT: Yes., We are involved in a number of the on-site review teams in the program areas that the department is required to do every three years, and through observation you can see that kind of expursion of kids in any given school system. It has in some cases created civil rights compliance with some of our districts where re-segregation has been cited by the OCR, and when we go in to assist our school districts in resolving the problem, we

find that it is because of disproportionate representation of black and Hispanic males particularly in special education kind of programs.

DR. MURAVCHIK: But is there any evidence that this has anything to do with discrimination?

MR. GRANT: This is why the data -- what I am saying, what we are proposing is that we follow kids, we follow children, develop a continum through a data path to tell us just that: are the children being discriminated against because they are XY or Z? Is it intentional? Or is it that the person facilitating that instructional process simply isn't mindful of what it is they are doing to turn the kid off?

DR. MURAVCHIK: But you start out with the assumption that discrimination is taking place, that it is something --

MR. GRANT: Yes, it is.

DR. MURAVCHIK: Irrespective of evidence?

MR. GRANT: Irrespective of evidence?

DR. MURAVCHIK: Yes.

MR. GRANT: Irrespective of hard data.

DR. MURAVCHIK: Even if you had hard data about proportions, are you saying that the proportion of black males in special education programs is greater than the proportion of black males in the public school student body as a whole, one still doesn't know what the reason for that is.

MR. GRANT: One does not know what all the reasons are. You are right. We have surmised from our experiences in working with teachers, with administrators that all too often it is based on issues of race, gender, ethnicity. Okay? The research that I keep continuing to refer to, the effective school research lists out about thirteen indices on which it states firmly that all teachers base their expectations of children, whether they can or cannot learn, they lead the list of race and ethnicity.

DR. WICKWIRE: May I ask a question to follow-up? I wonder whether other members of the panel -- I would like their reaction to what Mr. Grant has said about discrimination in terms of what he sees, although there isn't the hard data, whether that is something you want to respond to, but I would be interested in knowing whether you agree with him or not in terms of discrimination.

MRS. COLE: I will be brief. I don't want to say I agree or disagree, but I would like to have an opportunity to say I have found all but 11 percent of my numbers.

I am in a similar position with Mr. Grant in that we just don't have adequate data to know what is going on. I understand your remarks. We cannot assume that a discrepancy is necessarily based on discrimination, although at the same time we have lots of evidence in educational research that would lead us to say that is one conclusion we should check out. I am not pleased that the State represents about 31 percent of our state, our black students, and I am not please -- my 10 percent is still -- let me tell you why I had the wrong numbers. We know that there is about 59,800 students served in gifted programs, but our school system leadership was only able to report by racial numbers about 47,800 of those students. We know that we have programs, but we don't know if they are male, female, or what race they are. There is a gap there in terms of our total numbers, that I do have information about by race and total number of students in gifted programs.

You asked me to reflect on that. Is that 10 percent

because those students are being discriminated against? I would say certainly in the case of gifted and talented education, I would not necessarily leap to that conclusion anymore than I would in any other area. Again, the complexities of our technical knowledge about how to find potential and test intelligence is extremely limited. Intelligence is a phenomenally broad and complex thing, and to say that we can test it with pencil and paper is really quite naive.

Then, when you lay another complexity on that, especially with minority students where we are probably looking at hidden potential, not necessarily identified achievement, we have added even more complexities to that. So, I don't really want to be in the posture of having to agree or disagree with my colleague, but rather say that in all our programs we would certainly like our enrollment to be representative of what the state's population is for that minority group. We are all aware of that and mindful of that.

I have great respect for my colleagues in the state that do provide leadership with respect to the gifted

and talented programs. We know that we are trying our level best to find those students. We simply have a lag in how we do that, that I believe the whole state of the art and the whole nation suffers, not just in Maryland and not just gifted and talented students.

DR. WICKWIRE: I'm going to question Mr. Steinke with that.

MR. STEINKE: Well, we have had in the state and areas of special education a data system that was automated for sometime. We do collect, as I was able to display for you today, information regarding the number of kids by handicapping condition and what-not. I would say that if we take a look at the representation that our machinery tells us we have males versus females, that the gender question, of course, is one that on a national level -- not just Maryland -- we reflect the national phenomonon here -- that has led researchers in the direction of why that differs.

We take a look at the pre-school populations and the very young children that we, in Maryland, have an opportunity to work with. We are talking about -- and we don't have specific data on the racial makeup of that group.

I think we could provide it if we looked at a particular age group. We are talking about youngsters who are children of high risk populations where certainly economic status or standing which is reflective of pre-natal care certainly has a bearing on the probability or the incident rate of handicapping condition. So, there, I suspect that we might find a higher incident rate of handicapping conditions among youngsters which is probably reflective more of an economic situation as coming from high risk populations, especially in urban and very rural areas.

Woody has access to information and through his work specific responsibilities of the department that I in my function simply do not have access to. We have the information and, of course, that information is available to people and through his role of working with the superintendent's office in areas germane to this, he may have observations or knowledge that I simply don't have on that topic.

DR. WHITTINGTON: I want to tie in two questions. One, you said that you could not accompany the OCR office, Ted Nixon's office. My other question would be, do you

accompany the State Department of Special Education office when they monitor the local education programs, and to tie in with what he has said, have there been occurrences where local education agency persons or parents have complained about the over representation of blacks or other minorities in special education?

MR. GRANT: Are you asking me, DeWayne?

DR. WHITTINGTON: Yes.

MR. GRANT: We do not accompany them, no.

DR. WHITTINGTON: Why is that since part of their responsibility is to monitor those kinds of things which would represent racial discrimination or over population of races, especially in special education?

MR. GRANT: You are asking me why we do not accompany them? Because we have been included as a part of the team makeup.

MRS. JOHNSON: Mr. Steinke, do you want to answer that? I have another question that is different.

MR. STEINKE: I am going to have to go on my recollection because we do manage complaints and we have files on complaints. I am not aware of a complaint -- and

this is more than an inquiry, it would be a complaint -- that goes to the question of over representation of minority children or on an individual child basis that my child is not handicapped and they are saying my child is handicapped and I want to challenge that. That is not the nature of the complaints that we generally get. The complaints that we generally get are procedural complaints regarding a misstep in the regional safeguards or a complaint regarding the level dispute concerning the level of placement or type of placement. We simply don't get the complaints of the nature that you are describing.

MRS. JOHNSON: My question is, you gave the State of Maryland law for the severely learning disability at 51 percent.

MR. STEINKE: That is correct.

MRS. JOHNSON: My involvement in the school system in the whole classification of some populations of students that are in special ed, whether it be all day or part of the day have been left out. Where does that population of pupils fit into this percentage of people who are being served by the special ed division?

MR. STEINKE: The numbers that I have provided you are children who have been identified as handicapped, special education children. Whether they are getting what we call in Maryland a Level 1 service, which is consultation -- I am a special education teacher. Lynn is a special education teacher. I would work with Lynn to assist a child, that child is included in these figures as well as children in resource rooms, a program where the child would go for an hour, two hours a day, self-contained classroom where the intensity level is needed for the child, all the way up to children in residential placements.

MRS. JOHNSON: So the severe learning disabled --

MR. STEINKE: Is in this group.

MRS. JOHNSON: -- (continuing) is in this group.

MR. STEINKE: Yes, ma'am.

MRS. JOHNSON: Whether you have a mild disability or not.

MR. STEINKE: Absolutely. If they are handicapped, according to the procedures we have talked about, and they are receiving special education service, they are in this group, whether it is from the very indirect service to the

most intense residential service. They are all part of this group.

MRS. JOHNSON: Severe and profoundly handicapped?

MR. STEINKE: Yes, as well as mild. They are all part of this.

DR. TRAN: Do you have any statistics at all on the limited English speaking children that are handicapped?

MR. STEINKE: We are now collecting that information. As I mentioned to you, we have had a complete re-do in special education -- re-do is not a very good word -- we have had a renovation of our data systems which is known as the Special Services Information System, SSIS, and one of the items that we have placed in there this year is we are attempting to collect information regarding youngsters whose language is other than English. We hope -- we are collecting that information right now. If you ask me for statistics on that, I could not give it to you at this moment. There are education programs other than special education programs in the state who work specifically with children whose language is limited English proficiency and there are statistics in the department on that, on those youngsters. I did have some

numbers here. In 1983, October, in twenty-three school systems that had programs for youngsters, we are talking in the neighborhood of 7,556 kids that were either in -- now, these are not handicapped kids. These are children who are identified as having limited English proficiency in 1983. That is not actually in our division, but we work -- as we do the testing and try to figure out better ways of examining children's needs and what-not, we work with other people in the department who have knowledge in this area. We have had joint workshops for specialists in school systems around this area, and that is how we have some knowledge of that. But, specifically, we are now collecting information about children who are handicapped and who have a limited English proficiency.

MR. OKURA: I think the dilemma that we find ourselves in is that there is enough basic research that points out some of the things that Mr. Grant has eluded to and as specifically stated, in terms of the subtle aspects of discrimination, that you can't measure in hard data.

MR. GRANT: Absolutely.

MR. OKURA: And we all know that. We wouldn't need

this kind of an advisory committee or that kind of advisory committee if everybody was treated equally. We know that. There is enough hard evidence in research that points those things out. But the fact is that so much of this -- so much of this discrimination is a matter of attitude. We can meet all of the standards that are set up by the federal governmental agency and say we meet this standard, we meet this standard, and so on. However, if that child is placed in an environment that meets all those standards but a teacher or whoever is running that program, the whole attitude of that person and how he provides that kind of instruction, that kind of message, if one is a minority, you just feel it. You don't have to have hard data. You know that that person feels that way about you because you happen to be different.

I have gone through seventy years of life with that kind of an attitude. I have attained a certain -- I am a clinical psychologist who is under the original gifted children program at Stanford back in the '20's and was part of that -- I was the subject of all of that. Yet, we all know and I think when you have to base all of your decisions on strictly hard data, we are never going to be able to solve

this problem of discrimination, whether it's racial, sexist or cultural or whatever because I think we need to speak in terms of people's attitudes toward other people that are different.

MR. GRANT: I agree with you 100 percent on that, and I will be quite honest with you, I think that advisory committees such as this, you are wasting your time traveling around the state looking for hard data to determine what an attitude is in any given part of the state. You are wasting your time and the taxpayers money. Schools, unfortunately, in the last thirty years have undergone tremendous upheaval. We were given the total burden for desegregating society for this nation, for this republic. And at every turn, when we decided a strategy, we were met with resistance from some other part of the public. Now, the latest thing that we really are grappling with is this whole issue of trying to say to folks, hey, the affective side of education has to do with attitudes, and we can't measure those attitudes. That is why when we are talking about discrimination, we are talking about the address impact theory. I can't get into your head and decide whether or not

you are discriminating positively or negatively against a person or child. I can't do that. But your patterns of behavior do say to me that you are leaning in one direction or the other. I am saying to you all today that since 1980, racism, sexism and cultural bias is alive and well in this nation and in this state. One hundred incidents of Klan recruitment in 100 different high schools in this state as evidence to us just three years ago active recruitment. The subordination that Jewish individuals are now having to deal with, not only in public education, but in post-secondary education also, has to do with the attitudinal instances of behavior.

I will stop with that.

MRS. JOHNSON: Mr. Binkley?

MR. BINKLEY: You referred in your comments that the OCR has been doing reviews without your knowledge, and I think you said also to whitewash the results. How long has the OCR been doing that, to your knowledge?

MR. GRANT: For at least ten years.

MR. CHESTNUTT: I was going to recommend someone to all of us, maybe, after a career in this field I am always

looking at a person who hates racism as much as anybody else and discrimination. He happens to be the Chairman of the Department of Communication and Speech at Howard University and his name is Orlando Taylor. Orlando Taylor has done a lot of research in that area and I would recommend him to anybody who would like to say how we still discriminate by testing, how we discriminate unintentionally because we come from different cultures and don't speak each other's language, and I think there is a lot of discrimination that is completely unintentional. Yes, there is still some intentional and probably always will be. I would love to be able to see the day that it isn't, but probably I won't live to see it.

I think there is a whole other area that is something that we need to address as a nation, and that is the idea that teachers as a group probably don't know how to deal with someone who is not motivated. We have used the term poor self concept, but I happen to be in a school right now where my kids have a poor self concept happened to be white and they are dropping out and getting into problems just as much as when I have had a school where most of my kids were

black. They are coming out of an environment where they don't have a motivation to learn, they don't have a motivation to succeed. Everything they see around them is countered to that, and I think somehow we need to get our teachers of America skilled in those areas of trying to motivate kids who are unmotivated, regardless of their IQ and race.

MRS. JOHNSON: You will be our last speaker before we break for lunch.

MR. DARDEN: I would just like to ask Mr. Grant and Mr. Steinke if as a result of Dr. Whittington's question that you see a need for collaborating and if you intend to pursue that with respect to monitoring?

MR. GRANT: The thought occurred to me.

MR. STEINKE: Me too.

MRS. JOHNSON: Just one other thing. I had a question and I would like to ask Mr. Chestnutt and I will certainly end it.

As a practicing principal, do you see a competition for funding between the special ed program and the regular or general program that is going on in the schools?

MR. CHESTNUTT: From my perspective, I don't see that, but I am not at the right level to really reply to that.

MRS. JOHNSON: What about you, Mr. Steinke? Do you deal with the funding that goes through regular channels and for special ed students?

MR. STEINKE: There happens to be right now a task force looking at special education funding in the state, and the last meeting of the task force invited superintendents of schools to come in and speak with it about funding issues and funding problems that they see. Out of their comments was that special education -- education for handicapped kids is an entitlement program. Federal law, state law says that you must affirmatively identify children and you must give them genuine opportunities for appropriate programs and you must provide them services that they need on an individual basis. That is a very clear statement.

Across the country -- and I don't have this information for Maryland -- but there are youngsters who do not meet the requirements that we are carefully monitoring here, the eleven handicapping conditions. They may not be

severely emotionally disturbed. They may not be mentally retarded, but do they need some sort of tailored individual programs? Yes, they do. Maryland is looking at that, and I think we are probably a little ways away from identifying needs -- identifying the kinds of kids that Bill was talking about and we all know about and that we provide services for them. Money is definitely a problem.

Let's take a look at Baltimore City. I don't mean to speak for Baltimore City. Not all of the children are handicapped. They have children who fall in the area of disruptive troubled youth. They don't meet the criteria for handicapping conditions. They may need an individually tailored education program for their children.

So, I would say, taking the spirit of the superintendents' comments, that we need funds. Special education is important and we are providing it, and often times other aspects of the program don't grow as quickly as special education has because of the funding situation. From the General Assembly is a major proposal from the Governor now pending in special education. We are hoping that does well.

MRS. JOHNSON: Thank you.

On behalf of the committee, I would like to thank the panelists for their enlightening presentation, and we will break for lunch. We will reconvene at 1:30 for the second half of the program.

(Luncheon recess taken.)

AFTERNOON SESSION

MRS. JOHNSON: In the interest of time, we are going to get started.

Good afternoon, ladies and gentlemen. I am Lorretta Johnson, Advisory Committee Chairperson. Welcome to the community forum meeting of the Maryland Advisory Committee to the United States Commission on Civil Rights. We are very pleased to see everyone.

Let's start with the introduction. Will the Advisory Committee members please identify themselves, beginning to my right. There is nobody to my left.

DR. MURAVCHIK: I am Joshua Muravchik. I am from Wheaton.

MR. OKURA: I am K. Patrick Okura from Bethesda, Maryland.

MRS. JOHNSON: The rest of our committee persons are on their way back. We all had problems with getting lunch, but because of time, we wanted to start.

Persons from the mid-Atlantic Region office here today are Regional Manager, Mr. John Binkley, who is the Regional Office Director, and Kee-Tek Chung, our Deputy

Regional Office Director, and Ed Darden, the Civil Rights Analyst who handles the State in the Regional Office.

The focus of our meeting today is on an equity issue in the special education program and the gifted and talented programs in public schools in Maryland. To help us understand these complex issues, we have invited a number of distinguished panelists who share with us their expert knowledge. The forum is divided into four sessions. The first, second, and third are panel sessions that will give us an opportunity to examine the programs as they have been developed on the federal, state and school district levels. We will conclude the forum with a public input section beginning at 3:50 p.m. This session will feature five-minute statements from organizational representatives and other interested persons who wish to share their views that bear on the subject matter. If you have not already done so, we would like to reserve time to time to participate in the public input section. Please register with a staff person who will schedule time for you if it is available.

As time permits, we will entertain questions from the audience. We hope that by giving the audience an

opportunity to question panelists, that we will better involve you and include your concerns. Your questions for the panelists should be noted on the forms which have been provided for this purpose. The forms are available on the material table at the rear or from a staff person. Staff will collect the forms and your questions will be read to the panelists, again, time permitting. An unanswered question will be forwarded to the appropriate participant for response subsequent to the form.

A court reporter is available to record the proceedings. While the Advisory Committee will have a transcript of the meeting, we will also welcome any written materials that panelists and members of the audience wish to submit as part of the record. The U.S. Commission on Civil Rights and its Advisory Committee are required by federal law to request that all persons must refrain from degrading or defaming any other individual who provides information. Federal law also provides that anyone who presents information today has the right not be either recorded or photographed by the press or other media in the room. If you wish to exercise that right, please contact the Maryland Advisory

Committee of mid-Atlantic Region to let us know in order that this can be arranged.

At this point on the agenda, I must mention that Education Committee Chairperson Dr. Patsy Baker Blackshear was unexpectedly called away on business and could not be with us today. She and the subcommittee have put in considerable effort to plan this forum. They are to be commended for their efforts. One of the key members of the subcommittee has agreed to step in on short notice to substitute for their chairperson. He will complete the final portion of the pre-forum session, and I would ask him to include an introduction of the subcommittee members as part of his preliminary remarks. It is my pleasure to introduce to you Joshua Muravchik.

DR. MURAVCHIK: I don't know that I need to repeat what I said this morning except that we are very grateful to all of these witnesses, to each one of you, for coming out here and sharing with us what you know and what we are trying to learn about, about the issues of equity in programs for the talented and gifted and special education programs. We are focused today on the question that has been

raised by some analysts that statistical portions of students in programs for special education, talented and gifted are not precisely reflective of the proportions of the various demographic groups of the student body population, and the concern that this suggests, about whether or not all different demographic groups in the student body population are receiving equal treatment or whether all students are receiving equal treatment, irrespective of whatever demographic group they may belong to in being assigned to programs for the talented and gifted or just special education programs.

We thank you very much for coming here and we are eager to learn from you.

MRS. JOHNSON: Our second panel topic is local perspectives and actions and we have five school district superintendents or their representatives who will discuss their local experiences in response to equity issues in special education programs and the gifted and talented programs. I will call on Superintendent Alice G. Pinderhughes.

MRS. PINDERHUGHES: Dr. Rice, I asked to be first because I have a board meeting at 4:30 and I think you understand that problem.

DR. RICE: You have my sympathy.

MRS. PINDERHUGHES: Thank you. Good afternoon, Madam Chairman and members of the Commission.

When we in the Baltimore City Public School System have to address matters of equity in the special education and gifted and talented programs, we try very hard to think about individual children. Two days ago we were the custodians of one hundred eleven six hundred thousand individual children, 79 percent non-white, 20 percent white and 1 percent primarily Asian or Hispanic. Many of these youngsters have needs which are not readily met by ordinary teachers using ordinary curriculum guides in ordinary classrooms. We try to address the learning requirements of each of our young people providing for all of the modalities, all the perceptuals, variations, all the talents. We are consistent in our efforts to improve our ability to identify the children whose learning patterns are not consistent with the majority. More and more we are successful in our drive to provide effective services and move minimally disabled boys and girls out of special classes, returning them to the regular classroom.

Like the rest of you, our procedures are governed primarily by federal law, 94-142 and Maryland's COMAR. These statutes direct us to provide for the learning needs of each of the students within our boundaries. In a system which has several times engaged in a self-scrutiny regarding the issues of racial balance, we find ourselves for the most part operating within sensible guidelines. No local law dictates the operation of our gifted and talented program, but our Board of School Commissioners considers GATE a valuable asset to the City's educational agencies -- GATE, which is what we call our gifted and talented program. GATE came to Baltimore in 1974 as a part of the desegregation effort. Today the directors of the city schools see the program as a resource available to every talented child.

In Baltimore 6 1/2 percent of our elementary students qualify for the gifted and talented programs. This matches the national recommended proportion. In grades three thru six 853, 45 percent, and 1,042 girls, 55 percent make up our student population, knowing that pre-adolescent girls mature intellectually earlier than boys, the numbers appear reasonably well balanced.

Racially, GATE classes are 56 percent black, 42 percent white and 2 percent other, which is, of course, Asian and Hispanic. Although some would question the balance, we would refer to two factors. First, we have a swelling number of able young white professional parents returning to the City to rear and educate children. These bright elementary students are a growing proportion of our applicant pool. Their parents believe in the vitality of the City, and they apply eagerly for placements.

Second, we have neighborhoods in which GATE curricula are not valued. We know that the growing awareness of gifted programs will extend the projects into new areas in the next few years. Of the 18,640 students in our special education programs, 78 percent are black, 20 percent are white, and 2 percent are American Indian, Hispanic or Asian. This is proportinately reflective of the composition of our student population. Boys represent 67 percent of the special education enrollment. Girls are 33 percent. This, of course, has to do with developmental patterns. Among the disabling conditions, the greatest number, 56 percent are learning disabled. Twenty-eight percent are speech impaired. Seven

percent are mentally retarded. Three percent are emotionally disturbed. Two percent are multi-handicapped. And .6 percent are visually impaired. Fewer than 1 percent have orthopedic, hearing, or other health problems.

Nationally, special education students comprise 11 to 13 percent of the total enrollment. In Baltimore, special students are 16 percent of the urban student body. We have several explanations of an apparently slightly higher proportion receiving service. First, the national total mostly reflecting suburban or rural sites will never match the statistics of urban centers. They are different in needs and nature. Second, we are continuing to refine our identification processes so that developmental slow learners do not get misdiagnosed into learning disabled classes. We are using diagnostic and prescriptive instruction to refine our practices.

The public tends to applaud our GATE students taking pride in the swift intelligence of our smallest pupils. The program has worked smoothly for more than a decade producing confident children who can move comfortably into advanced academic middle schools, honor courses, and

city-wide high schools where entrance is confined to talented applicants.

Perceptions of special education programs vary in accordance with the needs of the beholder. Those who want special help for ineligible students are critical. Those who are offered special help, but reject it are critical. However, the focus of displeasure is program or procedure or instruction, not racial or gender configurations. Students move into GATE on the basis of the WICK intelligence scale, a test known in urban population.

If a parent or teacher thinks a child should move into a GATE, despite contrary test evidence, the student is given a six-week trial transfer. Most of their children succeed. Complaints are addressed by a committee which includes a parent, the GATE center principal, and an assistant principal, the GATE supervisor and a psychologist.

In special education, the local office of compliance handles requests from parents and advocacy groups. This office investigates and recommends resolutions of problems. After a hearing, the school system has a short time to implement rulings. Ultimately, we can be taken to court if

we err too grievously. The State monitors this compliance every three years, checking each school's documentation.

The Maryland State Department of Education is the coordinator of many aspects of GATE within the State. The agency trains, documents and supports. MSDE deals with civil rights complaints, reporting to the plaintiff and the state authorities. In GATE, teachers identify giftedness by using various tools. We depend upon the Kensuli-Hartman (phonetic) scale which considers three characteristics, nine motivation and creativity. A second identification tool includes the California Achievement Percentile Scores on vocabulary, reading comprehension, computation, mathematic concepts, and report card grades. Student placement is an ongoing process based on multiple criteria. Before moving students into special education programs, we look at the child's failure to thrive in our regular setting. When we cannot account for the student's problems in ordinary ways, we begin to suspect learning disabilities. We may try tutoring or diagnostic and prescriptive teaching, but when all easy diagnoses prove false, we may begin the screening process.

The funding of the special education programs is not a matter of choice. We comply with the constraints of the law. However, if we had more funds, we could certainly provide more options for gifted children, regular children and learning disabled children. Perhaps our greatest challenge in the special education program in Baltimore is related to staff. This year we have maintained approximately forty-five staff vacancies, teachers and support specialists. Some appear to be revolving doors. Teachers are hired, leave, and new teachers are hired and leave. Our staff suggests that we need more applicants, better applicants and steady, robust support for our new teachers. More money would allow us to give the helping hand which would better sustain our young staff.

I am pleased to be a part of today's panel. My message to you has to do with equity of a most profound sort. We intend to give every individual child the differentiated program which will best serve to develop the boy's ability and the girl's talent. Years ago Dr. John Walton of Johns Hopkins declared that we educators had a proud record of research. Our task today is less to frame questions than to act

on answers. We, in Baltimore, are working conscientiously each day to act on these answers.

Thank you, Madam Chairperson.

MRS. JOHNSON: Thank you. We will go through the whole panel.

Mr. Fountain?

DR. FOUNTAIN: Thank you very much, Madam Chairman. I am Hiawatha Fountain and I am representing Dr. Cody to the best of my ability. I am not the superintendent of schools. I will give you a brief overview of the particular subject.

I would say Dr. Gregory, who is coming on next, would be the expert on gifted and talented and most of what I could say to you about gifted and talented could be much better said by Dr. Gregory.

The Montgomery County Public School System is a system of 93,129 students, 14,856 of which are black, 64,916 white, 5,347 Hispanic, 8,863 Asian and 147 American Indian. These data are collected from our December 1985 count.

The Montgomery County Public School System is in a growth mode. For awhile we had bottomed out and our growth came sooner than we had anticipated. The number of students

in special education, we have 11,010 students as of December 1985 in special education. Of that 2,674 are black, 7,351 are white. Five hundred thirty-two Hispanic and 424 Asian and 29 American Indian.

Students into special education, of course, as the Superintendent just said, we abide by the federal laws and state COMAR and the Board's policies which are all consistent with the federal law and in may instances go beyond the federal law in a positive way.

Before a student enters special education, the student is worked with through an educational management team. The educational management team is most times chaired by the building principal. If, after many different kinds of attempts have been tried with the student, the local school feel that they can no longer program adequately for the child in the regular school setting, they then call for a meeting with parent permission and parent involvement at the school level called the School Admissions, Dismissal and Review Committee. At that time, the discussion is carried out about what is the best possible way to serve this youngster. If the youngster, after being tested by the appropriate people

and assessed by the appropriate people, is found to be in need of special education services, then it is determined by that disciplinary team what services should be offered to the child. We have some concerns in a couple of areas. Those areas are the areas of learning disabilities, the area of speech, and the area of emotionally handicapped. Those are the areas where we have been working over the past several years, with the introduction in the school system now of some additional programs for alternative -- to meet the alternative needs of students. Between the area of regular education and special education, we feel that many of the students who may have been identified as special education will no longer be identified as such. In addition to that, I think the Maryland basic competency on reading, writing, and mathematics and citizenship has allowed and afforded all of us an opportunity to re-double our efforts to make sure that students achieve and accomplish at their best, at the maximum of their potential.

In addition to that, in Montgomery County we have a set of special education initiatives and among those initiatives that the Board approved this year, one of them

is specific to look at the possibility of over-identification of certain youngsters in special education and to make concerted efforts to lower that over the next several years.

I will stop there and entertain questions.

MRS. JOHNSON: Dr. Fountain, we are going to go through the whole panel and then come back for questions.

Dr. Rice, would you identify yourself?

DR. RICE: I am the Superintendent of Schools in Anne Arundel County, Maryland.

Anne Arundel County has a student population of 63,618 students which about 16 percent are minority. Our minority population in Anne Arundel County has grown to a little more than 2 1/2 percent in the last two years. We have 119 school facilities that include thirty secondary schools, seventy-four elementary and twelve special schools and centers.

Our gifted and talented program is one of differentiated instruction within the regular school day and students are identified on the basis of four criteria. Two of those involve the standardized test, cognitive abilities test, the standard score on that, and the second is

the California Achievement Test and Percentile Rankings. Then a very important part of it is the student grades and the teacher recommendations.

Placement decisions are made by a school based selection committee and subject specific curriculum guides are written for the gifted student so that we can provide a county-wide consistency.

The secondary program is basically an advanced placement program. There are opportunities at both elementary and secondary levels for non-academic programs which I will elude to here in a minute. Many of our secondary people take advantage of those because they do have transportation.

In addition to the elementary and secondary instructional program, we have what I just referred to as an adjunct program, and these programs are offered in many ways. There are offerings in the evenings, weekends, after school hours and, of course, during the summer and involve many of our community resources.

At the elementary level about 1400 students are served in the gifted and talented program and of that number a little over 200 would be classified as minority.

Approximately 5,000 students are enrolled at the secondary level in the gifted and talented, and there is an overall 7 percent representation by minorities. And in the adjunct program the minority representation is 10 1/2 percent. We think there are several factors that contribute to a disproportionate representation in the gifted and talented program, and one of those has already been identified. And we don't believe that we are doing a good enough job to have early identification of these youngsters and have made some changes in the last three years to see if we can do a better job of identifying at a early age.

There are also some socio-economic conditions. The home interest transportation, and then just a general encouragement of minorities to become involved in those programs. Several of adjunct programs are competitive in that you have to be more -- first of all, you have to qualify for gifted and talented. Secondly, there is a selection process after that because of limited space from the people who are sponsoring those programs.

I think we need to continue to develop this expertise within our teachers and also teach strategies at an early age

that provide for higher level thinking and comprehensive skills.

I would also note that we do have a complaint procedure or an appeal procedure for parents and students to follow if they believe that the selection criteria was not equitably applied to them, and it appears that the due process right for those individuals is working for the cases in which they perceive to file a complaint. I have no way of knowing, of course, the number that might be dissatisfied, but I do have the confidence to go ahead with that appeal procedure.

Again, as mentioned before, we do have a funding problem which is slowing down our ability to expand the gifted and talented program. Last year we were able to increase the number of gifted and talented persons at the secondary level by twenty-nine, and this year we have also again made a similar request for twenty-nine gifted and talented teachers which would be concentrated on the middle and junior high levels since the programs there seem to be impinging upon some of our other regular instruction programs and we think we need to alleviate that problem.

We turn to special education. All of our local references concerning referral, assessment and placement in special programs are outlined in our Board policies and our administrative regulations which, of course, attract COMAR and public law 94-142 and other appropriate federal legislation.

There are 7,514 students enrolled in special education programs during our last school year; of that number 1,660 were minorities. It is also interesting for us to note that our local statistics indicate that a slow but steady decline since 1981 of minority student enrollment of our special education programs.

Again, we have some programs and means by which we attempt to get some external monitoring in our special education programs and do try to get our citizens advisory committees and our special education advisory committees involved in monitoring with us. One of the areas that is pointed out to them is the balance of minority and majority students.

We go through a prescribed admissions review and dismissal procedure followed through a committee process

within the school. It seems to be working very well. We have also developed some initiatives on learning disabled students and are attempting to expand that program so that we can perhaps alleviate the stress and pressure of educators wanting to refer students to special education classes when, in fact, it may be a very specific problem and not one that would require full special education services. We think that we can provide those services at less expense to us and we will also end up with students who can better stay in our mainstream.

Some of our future challenges, of course, we would like to figure out some way to alleviate all of the time consuming paperwork that goes along with both of these programs, but particularly special education programs. Anything that this committee could do to help us with that, I am sure, would give us more time to teach youngsters. I have already mentioned before, but I think one of our continuing challenges is to get an early identification of the highly abled gifted and talented students, that we spread that word. We have got several community organizations that we are working with, organizations that are very active

in the minority community, such as the Alliance of Black Ministers, the Ministerial Alliance, getting them to attempt to identify those people and also encouraging them to contact our office, and we make materials available through their association and through their churches. There are other groups that we work with, but that is one that we think has worked for us in many cases.

Another challenge for us is to try to reduce the number of youngsters. In areas where we have a lot of parent's interest, those classes tend to jump up very quickly, and we are thinking that we need to keep those numbers as small as we do in our handicapped classes. In some cases we are not able to do that and I think that discourages both majority and minority parents who are participating in some of those programs.

We are also looking to find better qualified teachers on both of these programs and find some problems in locating and hiring special education teachers in those categories. Of course, in the gifted and talented with some of our adjunct programs, we are able to use people in the community along with teachers to help us out there.

One other program that Mrs. Pinderhughes did not mention, but I know is very active in her county and we have watched that with a great interest, and that is a four-year-old program in attempting to identify youngsters very early. We think that is a very critical part of our program, to identify youngsters early and give them the choice of participating. We might reduce their chances of having problems when they enter our regular instructional program, and if we can do that, we think the chances of them, first of all, being recommended for special education in the handicapped kind of programs will be reduced because those youngsters will be on a learning stage that will not cause the frustration in the classroom when they are trying to work with large numbers of students. That, again, goes along with the early identification and doing a better job of identifying it. That is a difficult program for us to fund, but developmentally, it makes a lot of sense to us, and I think it will give a minority youngster the chance to compete without being labeled early in his school experience. We want them to have a very sound and a very exciting experience early in their school years from both the handicapped program

and from the gifted program. I think we will eliminate many of our problems as we move into the school system.

MRS. JOHNSON: Thank you, Dr. Rice.

Mrs. Williams?

MRS. WILLIAMS: We are here today to represent Worcester County. We are a very small county. We have a total of 5,112 students, twelve schools. Our population breakdown, 66.3 white, 33.4 black, 3 percent other.

I work in the gifted program in our county. Those students who are identified as gifted and talented at our elementary or our middle schools are placed in heterogenously grouped classrooms. Our class size is about twenty or twenty-one. So, the teachers in those classrooms are expected to alter their curriculum to meet the needs of our gifted students. In addition, for one period each day our gifted students go to a very special class where there is a teacher trained to work with them during that period. This is an extension of our regular program.

Our county does have identified procedures for screening our students and then finally identifying them as gifted and talented. This is done at the school level. Each

school has a committee of teachers and administrators that work with procedures, and there is a three-phase program there where they screen the total school population, look at students who have met certain criteria, and then finally to identify them as gifted and talented. Those students, in turn, are channeled into our special enrichment classes as well as into the regular classes. But our enrichment classes are not just for those students that are considered gifted and talented. Other students who express an interest in participating can participate in these special classes.

At our high school level we have leveled academic courses, level 1 being basic skills; level 4 being for those college courses. These courses are open to all of our students regardless of their ability. Our guidance counselors work with our students to explain the expectations in the course. It is up to the student and their parent to make the final decision about what elective course they will take. All of our academic courses are leveled 1 through 4.

Many of the programs that we offer during the school day and after school, we do not label as those courses

being for gifted and talented. We have olympics of the mind, legal intern programs, special foreign language programs for elementary schools. All of these programs are open to anyone. We encourage anyone who is interested to participate.

In our screening and identification, we feel because of the various instruments we use with minimal placement on achievement and IQ scores that we are able to identify those minority students who would have not normally be identified. Once again, even the students who are identified, all of our courses are open for any of our students to participate.

There is also grievous procedures for parents if they do not agree with our identification procedures.

MRS. SIMON: I am Kathy Simon, also representing Dr. Rufo (phonetic).

For the last six or seven years I have been facilitator of the Maryland Learning Disabilities Project. That is really what I am most familiar with. Now, Worcester County has local special education procedures approved by the local Board of Education. These, of course, follow federal law, public law No. 94-142 and the Maryland special ed

COMAR, 1380.501. In our county, system-wide since 1952 we have been following the Maryland project procedures.

The focus is on team decision making and qualitative analysis. At every step in the process parental concent is obtained. Recently in the county we have tried to step up our pre-referral procedures by requiring a classroom to conference with the parent, discussing the problems and that there might be a referral made to special education. We are also asking the principals to conference with the classroom teachers concerning a referral, and trying to reinforce the need to try all modifications and alternatives within regulations before we go to the referral step.

Anyone can make a referral for special education. Usually the classroom teacher, frequently it is the parent, guidance counselor and also a child sometimes is picked up during the early I.D. screening within regular education which is done before children enter kindergarten, extensively in kindergarten and then first and third grades as they enter newly into the system.

When a referral is made through the L.D. project -- particularly what the L.D. project has done is make more

specific the laws. We place great emphasis on the screening process where we look at the student from at least four different perspectives. We have, of course, the referral concerns. We do an observation in the classroom by someone other than the child's teacher. We check the school records from previous history regarding attendance and grades. We also interview the parents regarding their social behavioral characteristics that they see at home, family data and medical, birth or developmental history.

After this information is collected, the ARD team sits down and examines this information carefully and when you put it altogether, you can get a pretty good idea of the student's strengths and weaknesses and whether there would be a need to do a full pre-placement evaluation. If the ARD team determines that that is needed, then a minimum of two assessments are always done. It could be more than that, but a minimum. For early learning disability, of course, it is a cognitive assessment by a certfied school psychologist and an educational assessment.

In Worcester County before the L.D. project, we were doing an individual psychological kind of assessment,

but that is one thing that we also strongly have in the L.D. procedures, using an individual intelligence test at the level of WESGAR (phonetic) and in most cases it is the WESGAR or the new KAVC.

The federal guidelines state that there must be severe discrepancy for learning disabilities and in the project we tried to help teams determine what this should be. So, we do follow the guidelines of the L.D. project for the numerical comparisons only. But, more importantly, we also consider all of the special judgments and all of the other information that has been gathered in determining a learning disability or a handicapping condition. In order for a child to be placed in special ed, there has to be a handicapping condition or there has to be a need for special education, and this is determined by the ARD team.

When a student is placed into special education, sixty days after the initial placement -- this is reviewed again by the ARD team -- and then every year the placement is reviewed. Usually we do some checking of current levels of the student every year, but every three years we do a reassessment again to reevaluate the student.

Through our work in the L.D. project and working with the ARD team, we have identified and devoted a chapter in our handbook to distractors involving either students or individuals on the team or group distractors or agency distractors, factors that can impede our decision-making. So, hopefully we have trained teams all over the State when we do our dog and pony show on these distractors, so hopefully by becoming aware of some of these influences, we can better improve our teamwork and decision-making.

Also in Worcester County the majority of our kids are part-time students. Eighty-one percent of the special ed students are served in levels 1 through 3 which would be they spend three hours or less in special ed, so they are not segregated from the rest of the student body for any major period of time.

Due process procedures, of course, in law are available to parents and they are monitored by the State every three years. I think we have been satisfactory or better than that the last couple of times -- I am not sure of the specifics, but I know last year we were, because I was involved in that closely.

We also monitor ourselves and we frequently will review decisions of the ARD team at the central office level and everything is pretty much handled at the central office level with special ed since we are a small system. We frequently review the qualified examiner's reports. Right now we are involved in a program evaluation with the State Department. We haven't exactly zeroed in on our precise evaluation question, but it looks like it is heading in the direction of looking more at regular ed and what we can do to help regular ed teachers with special ed kids who are in their classrooms and maybe with slow learners who are not. Our work in the L.D. project with the other facilitators, we are looking a lot more at alternative programming so that -- because right now what it really is is special ed is sometimes the only help for a kid. So, that is kind of the direction we are moving in, ways to involve regular ed more.

MRS. JOHNSON: Thank you. Panel members?

DR. MURAVCHIK: I have two questions, one for Dr. Rice and one Dr. Fountain.

Dr. Rice, I have tried to jot down the figures as you were giving some statistics. You said that 16 percent

of your student enrollment are minority group members? It was interesting when you gave us the figures for enrollment in the talented and gifted programs, if I got them, you said at the elementary level there were 200 out of 1600 enrollees for minority members.

DR. RICE: Fourteen.

DR. MURAVCHIK: I thought you said 200 minority group and 1400 non-minority.

DR. RICE: No.

DR. MURAVCHIK: Two hundred out of a total of 1400?

DR. RICE: Yes.

DR. MURAVCHIK: That makes just about 16 percent on the nose, so that in your elementary school talented and gifted program, it would appear that the minority group enrollment was almost in perfect proportion with the minority group enrollment in the total student body, and yet in your high school talented and gifted, you said that only 7 percent of those were minority group members. So, there is apparently a vast fall from 16 percent to 7 percent minority group members from the minority group level to

high school. Have you given any thought to what accounts for that?

DR. RICE: First of all, you are very perceptive. Secondly, those are accurate figures and I think they reflect the intense effort that has been placed on trying to identify these students and get students and families involved in gifted and talented programs. The philosophy has been that we can do a better job of doing that at an early age, and we have also been able to develop some programs that are more assessible to students. The basic part of the secondary program is in advanced placement classes. They are jumping into a different kind of competitive program, and I don't think we have had the minority youngsters ready to participate in that in the same numbers that we could at the elementary level and phasing them out.

I think it is more a reflection of just phasing in and keeping that involvement going.

DR. MURAVCHIK: So, if I understand you, your anticipation is that in the next several years as the effects are felt of the enrollment of more effective programs that identify talented students at the younger grades, that you

expect the proportion of minority students in the high school level programs to be increasing? Is that what you are saying?

DR. RICE: If we don't do something else to screw it up, yes. That is what we are aiming for and we are hoping for to happen. I mentioned if we don't foul it up some way, one of the things that we have done, for example, for the high schools, we pay for all the advanced testing and we encourage students to take those testings. I think last year there were 25 percent of all the students in the State of Maryland who took advanced placement tests came from Anne Arundel County, and we only have like 10 percent of the students in the State. Now, this year the Board is not paying for those. Whether that becomes a factor, that is the kind of change I cannot predict. But our goal is that we will get the youngsters identified in elementary and we will retain them through the programs and adjust programs in the secondary as they come through. I think we have a good chance of retaining those numbers.

DR. MURAVCHIK: I have a question for Mr. Fountain. Unless you want to pursue the same question.

DR. WHITTINGTON: I just want to follow-up on that

same question. Dr. Rice, if I am hearing what you say correctly, the academics in the elementary school are not as demanding as the ones are in secondary school. Are you saying that they are more --

DR. RICE: I think just the competition of being in an advanced placement class and that being the basic opportunity, that is the biggest opportunity they have. There is a different kind of academic competition there than identifying youngsters at a lower level and moving them in through an integrated better program. I am not talking about integrated in terms of race, but integrating in terms of the instructional program. If we can identify those youngsters and bring them along, better than we can of just dumping them into a high school and into advanced placement classes. First of all, that scares kids away in the beginning. It is an academic rigor and they in many cases would rather just go ahead and take the regular classes and get an A than to go into the advanced placement and perhaps get a B. So, we have to overcome that part of it too.

I don't classify the elementary as less rigorous.

DR. WHITTINGTON: In the two years that you have

been there, has the minority participation increased at the secondary level?

DR. RICE: A little bit, but not much.

DR. MURAVCHIK: Mr. Fountain, I believe you said near the end of your remarks that you had identified over representation of some groups in special ed programs and that the county planned to make special efforts to try to overcome that; is that what you said?

DR. FOUNTAIN: Let me define what I mean by that. The percentage of minorities, if the percentage of minorities in the county, if the percentage of that particular handicap condition exceeds the percentage of minorities in that particular category, we get concerned about it, and that is what I meant by the statement.

DR. MURAVCHIK: One of the things we are interested in here is if there are disproportionate numbers of various demographic groups in special ed programs as well as other kind of programs, to try to find out what might be the cause of that and whether the cause of that is some error being committed by the school system or whether it is not because there are other kinds of imaginable causes for it. I am

trying to understand whether in view of the Montgomery County that the presence of certain demographic groups in proportions different than the total population does itself assume to be a problem that needs to be corrected; and if so, don't you run the danger then of ending up in the position where you are going to be denying some black students or some male students special assistance because you are aiming for a demographic balance in your special ed classes, or where you are going to be taking some white students or female students and tend to want to put them into special ed programs even if the students don't need it because you are trying to achieve a demographic balance in special ed programs?

DR. FOUNTAIN: Well the scenario that you have painted is a very interesting one, and I don't know how to even answer that because I don't think that that is indeed the case either in the State of Maryland, in the County of Montgomery, or in the nation. There seems to be a lot of circumstances which cause students to be in special education, not the least of which is the fact that we still have not overcome the barriers that exist in both race and

economics in this country and we still have not rung the bell as far as pre-natal care and all the other kinds of things which go into this very complex question that you are asking me about.

To bring it closer to home as far as Montgomery County is concerned, what we have done, we have been looking at that issue of why is that certain categories of special education tend to have more students in it than others. I guess when we get to that other problem, we will deal with it, but we haven't had that problem that you are talking about, the what-if problem. What we are looking out now in Montgomery County is the issue of whether the percentage of black students in the main in certain categories of special education is at a real figure or are we doing something that we should not be doing or are we not doing something that we ought to be doing. We are noticing, for instance, you heard the young woman from Worcester County, we were also a part of the State pattern in the L.D. project, because we have a tremendous number of students in the L.D. category, black and white students in the L.D. category. If you look nationally at the statistics on L.D., you will

find that in some places almost a -- there is some relationship, it seems to be, between what used to be MR and what is now L.D. There is some relationship, it seems, and I am not sure that if we really ring the bell on both of them, whether or not we will continue to have the certain kinds of percentages. What my concern is that if you have X percentage of students in a community and in a school, and those students are exposed to the same kind of instruction that everybody else is and you find that you have certain categories of students seeming to inflict the numbers more than others, that is the flag that raises my concern. Then, the next step is to look into that deeper to determine whether or not this is real or whether or not this is mythical, or whether or not it is something that we ought to be concerned and alarmed about. That is where we are now. We are already finding in the process of working with the learning disabled project -- as a matter of fact, we no longer call it a project. It is a program now because the State is no longer involved in it. We have overtaken it. We are planning by 1988 to have the process that was started with the L.D. project in all of our schools, all 153 of them.

We believe that because of that process, we will force everybody who is sitting around the table to make a decision about this child, to face up to what really is there, rather than what may be taking place in some instances where it might be easier to serve the child because the child is not running at the speed of light outside of the classroom.

MRS. JOHNSON: I heard in several of the presentations the elusion to funds. My questions are to both of the presenters. Do you consider special education and gifted and talented programs underfunded?

MRS. PINDERHUGHES: I do. I hate to be the one to speak up first because we are known throughout the State as the people who are always begging for funds, but we are very much concerned about the funding levels of the special education programs. It has not increased, not even as far as the cost of living is concerned. So, it will be one of our major efforts this year -- I don't think we will be successful, however, because there has been, as you know, a special education task force that has not come in with its recommendations, and I feel rather strongly it would be rather difficult for us to get any change in funding on

special education until those reports come in from the task force. But we are very much concerned about it.

DR. RICE: I agree with her. I think that our gifted and talented is greatly underfunded, but most of ours comes from local funds on that part of it. But on the special education, I think there is another point to consider there and that is if we have youngsters who are having learning problems and you have got a service that is available, I think that we find ourselves, because of funding, the advantage of that funding, that we have tended to over identify in order to get services to children who need services because we couldn't provide it someplace else. At the same time if we do that, we have adjustments for changing our evaluation techniques. I don't think that we are keeping abreast of picking up and then providing the services as we worked through all of that red tape. It is kind of a double-edged sword for you to try to get services for all kids as best you can, and once you get them in the program, sometimes you don't get them out that easily either. Those costs are going up tremendously. I need to offer a disclaimer here. You said that we are all supposed to be experts in gifted and

talented and special education. You know the old story that if you can't teach, you administrate; and if you can't administrate, you superintend. You can see how far aways I have got to go in the expert areas.

An observation that I have there is that we have got some areas that are tremendously expensive for us in special education, and I know in our county we are spending -- if I remember the figures correctly, one and three-quarters million dollars this year alone to have youngsters placed in homes away from our schools. We have got an increase in there, a request for some 200 or $300,000 for next year. We are putting an awful lot of money in that, and I think those people deserve some services; but, on the other hand, we are not getting the return to society for the kinds of money we are putting in those kinds of programs where we could be gaining, such as the L.D. project which I think has done great things in this state to reduce the number of youngsters we are putting out.

A second part of it on funding is that we have got some funding there and we have got some other kinds of needs. I think in this area and in our urban areas, they are going to

give us greater problems in the future and I am not enough of a demographer to project how far that is, but I have heard Alice talk about this many times, and that is our young parents -- our children having children. We know that the likelihood of those children getting good pre-natal and post-natal care is not good, and then they are coming back into our schools and they have a greater likelihood of being identified as special education youngsters. As we are trying to get equity in numbers and whether we are trying to do what Joshua is eluding to with Montgomery County and getting balances by males, females, Asians, blacks, whites, Indians and so forth, I think we are going to fall further out of line because we tend to have more children from children with minorities than we do with majorities. As you serve that kind of need, your numbers are going up when all of us are trying to fight to get back and make sure that we are properly identifying youngsters. The numbers are coming quick enough that I am just convinced that we are not going to be able to survive the financial crunch.

MRS. JOHNSON: I have a second part in my question in your presentation, Dr. Rice. You talked about it a little

bit. Earlier this morning we had in the federal and state monitoring of the laws explained to us, the laws and monitoring of the laws, and you talked a little bit about the paper impact on the schools, and if we could do something to help you. They talked about how they monitored the program's compliance to the law and complaints. In their explanation of the monitoring, it had a lot to do with reading reports that come from the local and the state subdivisions. If, in fact, that could be changed, the paperwork, how would they know that the services would be given to the students?

DR. RICE: You know, I am probably the wrong one to respond to that because of my background. I think that someplace along the way we have got to start trusting somebody that they are trying to educate youngsters. It makes it sound like somebody has got to monitor public educators all the time because they are trying to withhold services from somebody. We are not. The greatest thing that could happen to public educators is that they have the resources to teach all youngsters at the level in which we receive them. But we don't get them in neat little packages, and we don't get

them in the right numbers all the time. We don't get them developmentally prepared to handle everything, but because they have a magic birthday, then they come in and they can qualify for special testing or they automatically come to school. That doesn't mean that they are ready to learn.

And then we want somebody guessing with us or looking over our shoulder where you have got to fill out all these forms to make sure that you are getting services to the youngsters. We have educated our parents well enough that they are going to require it. I am convinced in this state they are going to require it. We spend a lot of time submitting reports and I have gone to hearings and I am convinced that the three feet of paper that I took up there was never going to be read. In fact, some of the information that they come back and talk to you about is so cold, it is two, three years old that they are citing statistics and you have made corrections, and you are having to dedicate much of your time to correct something on paper for them that was already corrected because you identified it locally in trying to provide services to children.

I tend to get a little irritated by all of the

monitoring when our basic purpose -- and the only reason we wanted to be educators in the first place, most of us, is to provide good educational programs for kids. The last thing we want to do is deny those programs.

MR. STEMPLER: I'd like to ask the group something. I have a feeling that in this state, as many counties as we have with different school systems that we have, we have got a whole bunch of different systems. Some of them are similar in terms of teaching special education or the process of administering it or the process of administering gifted and talented children. I am just wondering if in some way we couldn't do a better job of teaching, if there was some more uniformity in terms of all the counties or all the jurisdictions doing similar or same things? Could, in fact, there be more funds available if there were uniformity or some centralized administrator so that the funds would be available and the teachers could teach?

MRS. PINDERHUGHES: I think we have to recognize the uniqueness of each of the school systems and the communities that they serve. It would be, in my opinion, almost impossible to have a real meaningful educational

program that was uniform throughout the state because the population that we serve is quite different, the economics are different. I can give you a long list of differences. I can give you a few similarities, but they are not generalized. The problems in Baltimore City are unique to Baltimore City, within the State of Maryland. There are not many problems in Montgomery County, but there are some that are unique to Montgomery County. So, I think we have to look at each county or each LEA and serve -- you know, I go even further than that within my schools because each school comes with a different set of problems. I don't think that even centrally we can say that in each school we will expect to see everything the same because of the population that the various schools serve within a community.

That is just my view.

DR. FOUNTAIN: I think we are quite uniform in the State of Maryland. If you think about other states, there are very few states that have county systems in the first place which make the State of Maryland somewhat unique in America because I think there are about four other states maybe that is county-wide which gives you an opportunity --

you are talking about in Montgomery County with 525 square miles of real estate, if you were in Pennsylvania you would have about fifteen superintendents in there and fifteen other central office administrators and everything. So, I think in the main in Maryland, and I think in Florida and a couple other places that because of the county systems that we do -- we only talk about twenty-four times, doing it twenty-four times, twenty-four different ways in the State of Maryland when you might be talking about -- oh God, I don't know how many in Pennsylvania -- over several hundreds and you have got all of these little Boards of Education sitting there and superintendents sitting there and mayors and everybody else. So, I think that we are fortunate in the State of Maryland. I lived in Pennsylvania and I lived in Alabama. We have sixty-seven counties in Alabama and each of them have their own little baliwicks, so you are talking about something here with a state -- and by the way, I think that the State Board of Education in the State of Maryland really lives up to -- and it hasn't always been that way -- they are really living up to, hey, we are here; we are coming to see you; we want to help. It is not a kind of

antagonistic thing. We fight and we fuss about the paperwork and other things, but I think in the main, we are working quite well together. They do listen, occasionally, we say, hey, we can't do that. They say, well, okay, let's do it another way. I think that helps too.

MR. OKURA: How would you like to live in a state where there are 800. More school districts and systems than there are kids. There are some states in our union that are that way.

DR. RICE: The other thing, in response to Gerald's question, I think there is something to be said by the uniqueness in each district in the competition that is built and that we are all attempting to meet individual needs and there are some very interesting projects in special education and gifted and talented that are adopted by other school districts because someone has a little bit of expertise or they have got a shining star out there that was able to figure out a new way to build that mousetrap. We have developed some good programs in the state that become models and are used in other places that I am not sure that they would have come if we had all bee on the same thing. That would cut down

on the number of people creating those ideas.

MR. STEMPLER: How do you get to share those various ideas?

DR. RICE: Well, I will tell you, my directors of special education better be doing something because they are hardly in the district. They are always off at meetings someplace. I think that there are programs and symposiums and there are conferences that are set up specifically to share those things, and I know as a superintendent we are apprised of special projects or those that have promise, and most all of the jurisdictions in the State are participating in those and showing that information, and the State Department serves as a disseminator of information, and they are crossing jurisdiction lines and sharing those projects. I think the L.D. projects that have been talked about here several times, that was started by a local effort, if I recall correctly in talking to my people, it was a local effort that looked like it was producing results and ended up being adopted. It was modeled and as Hiawatha said, in most jurisdictions, that is not a project anymore, that is a program. Those things have helped all of us.

MRS. JOHNSON: Ed, go ahead.

MR. DARDEN: My question goes to monitoring. Many of the districts have been able to give us some of the data that we requested and I want to thank them for that, but it is an example of how at the local level they can report on population groups. I am talking about monitoring. What I would like to know is at the local level, how is it that you go about identifying and tracking the participation, the enrollment of minority groups in these programs, and do you have a regular system for evaluating any progress that they may make in order to keep abreast of the developments and to know whether you have a problem or if you have success?

DR. FOUNTAIN: One answer is yes, but, yes, we have -- in a democratic process, you have to be able to defend and define what it is that you are going to do with the taxpayers dollars. You just can't get away by saying, we are not going to do anything or we are going to do a lot of things. You have to have some way of saying, I need X number of dollars, and they might ask you, what do you need it for? So, you try to define what it is. I think that our communities then -- they want us to make sure that we are.

You have the political community, but you also have the civic community that is interested in various parts of the program. So, monitoring -- having information, having data available to your various communities is vital in a democratic situation. Therefore, I think that we carry data, we have data on, I guess, everything you can think of. It may not be exactly the way you might request it, but sometimes we can get the information and sometimes we can't get the information because you have as many laws on the other side to say you have to worry about confidentiality as you do on the other one saying you have to have freedom of information. So, you have got all of that stuff going for you; but as far as whether or not we are able to determine -- whether I am able to determine in special education, what is happening, I think basically I can tell you what is happening in special education. The answers may not satisfy you, but I think we can give you answers.

MRS. PINDERHUGHES: I would just like to add to what Hiawatha said by saying with as large a special education program that we have in Baltimore City, we have to have monitoring. I will say that I am very grateful for the efforts

of the State Department in being sure that we are within the guidelines and that also is a means of monitoring.

In addition, we have a very strong special education advisory group, the president of whom is here, Mrs. Queen Stafford, who watched very carefully what was happening in special education and, fortunately, they tell us before they sue us.

There is also the advocates who are watching what is going on in special ed. So, there are lots of eyes on what is going on and it depends upon your way of trying to handle all of the different inputs that you get on the assessment of your program.

What we are not as good with, and we are working on it, is really the tracking of special education students. I am particularly concerned about the fact that so many students are identified as requiring placement in special education and I don't see too many of them coming out of special education. I feel that many children are going back to what Dr. Rice referred to earlier. We know that some children develop slower than others and they are not necessarily learning disabled, but we don't take that into

account as we place students in some instances. So that we have begun developing alternative programs, classes and schools in Baltimore City where we can address students who have, we feel, developmental problems rather than being learning disabled.

MR. OKURA: Along the same lines that you just mentioned, Mrs. Pinderhughes, how much of this special education kind of program is brought about because we tried to fit everything into certain molds, into certain models? And not account for some of the things you just mentioned. If we had more lattitude in terms of providing alternative programs than to try to fit every youngster in whatever mold that we have already decided, and again different jurisdictions have different molds and different states have different criteria as to what every kid should have, so we set up all the special categories. The whole learning disabilities category came out of the stigma that was attached to mental retardation, if you will recall. I have been in this business for sixty, fifty years in terms of dealing with handicapped youngsters. In those days, we didn't call them handicapped. They were all delinquent kids and we

were able to do a lot with them because we used different methods of reaching their potential and changing the program instead of trying to fit the kid into the mold that the school systems throughout the country said that these kids don't fit into. So much of our special kinds of programs that we set up all over the country in terms of special needs, special this, special that is because we try to fit everybody into a certain mold. I haven't heard anyone speak to that except some of the alternative care things that you just mentioned, and that was my concern, that we have come to a point where we want everybody to come out of our educational system like everybody else and we have this certain idea that we have of education.

MRS. PINDERHUGHES: I guess that goes back to our American dream where everybody can be president. We haven't accepted the fact that everybody can't be president. I agree with you.

MR. OKURA: There are certain limitations that are placed on all of us.

MRS. PINDERHUGHES: I agree with you.

DR. WICKWIRE: I have a couple of questions. One

of them, I am sorry I missed some of the earlier part of the meeting because the restaurant was slow in serving us, although it was good what I got.

In any case, I may have missed something, but I am wondering, would all of you say that there really is no discrimination being practiced in areas that you serve, discrimination on the basis of race or sex or cultural bias? Is there a discrimination in terms of the programs?

DR. RICE: I would take the Fifth Amendment on that. I think that we can all find areas that we are not satisfied with, what we're doing, whether it is majority or minority. If we are looking at the guidelines of -- if I have got 16 percent minority population in my school and I am supposed to have 16 percent or thereabouts of students of minorities in handicapped programs, we can probably find that we are all off a little bit or either over identified or under identified, according to those percentages. For Anne Arundel County, I don't want to tell you that we are free of problems in terms of that.

DR. FOUNTAIN: I won't answer as an educator. I am going to answer it as a preacher. That is, that we have all

sinned and fallen short.

MRS. PINDERHUGHES: Well, I guess in Baltimore our problem is a little different because we have a majority black population and when I read other statistics, it all sounds very equal and there is a lot of equity, but I, too, would plead the Fifth. As I said, I do feel that we have over identified -- some kids who have been identified should not be, and that is what we are looking very carefully to correct.

DR. WICKWIRE: Were you people going to respond?

MRS. WILLIAMS: I think we feel the same way. I think it is more important that we look at the needs of the individual students rather than trying to fit children into certain molds and meeting certain quotas.

DR. WICKWIRE: The second thing I wanted to ask about, is there a stigma that goes along with being identified in special ed? Is there a stigman for these kids?

MRS. PINDERHUGHES: I don't feel there is a stigma. I don't think the parents feel -- I could be wrong. I would rather for the parents who are here to address it, but from the pressure that we get concerning special education in

Baltimore City and for the increasing demands, I don't think there is a stigma attached to it at this time. It is just a feeling. I don't have any data other than a gut feeling to substantiate that.

DR. WICKWIRE: Dr. Rice, let me ask you a question about the use of volunteers. You said you have been aided by the Ministerial Alliance and so on. Is there a place to use more volunteers in terms of gifted and talented or special education? Is there a place where more volunteers might be used?

DR. FOUNTAIN: We can always use more trained volunteers who are willing to work within the system, but there are times when you don't always get that.

DR. RICE: No, I will never turn down a volunteer, but we have to look at the whole picture. You can't just look and say, well, we will take volunteers, and look at gifted and talented and special education. They are considering background checks for volunteers in our schools. The child abuse kind of things, the liability and the difficulty we have in maintaining liability coverage for people who work in our schools. When they come in as a

volunteer, they are basically working as an agent for our school if we recognize they are here. It is easy for us to say yes, we have more room, and we probably have some people that will volunteer, but on the other hand, we are also scaring some off. They are getting scared off because they don't want to subject themselves to it and we are scaring them off because we are not sure of what our liability is on some of those things. I think we have just created a tremendous mess for ourselves on some of these issues.

Back on your question too of the stigma, one's perception of the stigma is probably directly proportionate to the distance from being a part of that. Whether you are a special ed youngster or whether you are one that is watching special ed youngsters, I think there is probably a stigma on some of those children. But yet, on the other hand, I see some special education programs becoming so strong and they are doing some things for youngsters that parents never thought would happen, that they are willing to withstand any kind of stigma of saying I went to a special school or I was in a special education class and over a period of time I think that

we have -- ten years ago, and this goes back to Mr. Okura, ten years ago I would have said we have done a good job of educating teachers, regular education teachers. But they don't know anything about special education children. Then we turned around five years later and said, ha, ha, we were fooling you. You really do know something about them and the fact that you know something about them, we are now going to mainstream. So, we have taken ourselves another five or six years of trying to convince regular education teachers it is okay to mainstream the kid now, after we went through five or six years of telling them they didn't know how to work with special ed.

So, the stigma part of it has come on I think with some of the resentment on how we jerk our educators around by providing services to them.

MRS. WILLIAMS: The volunteers in the gifted and talented programs, dedicated volunteers are very important. In our programs we have a legal intern program where committed, dedicated lawyers and judges do work with our students and actually because of that, buy into the program and are very supportive. To us, they are very important.

DR. WHITTINGTON: I hate to appear to be negative in most of my comments, but it has taken us about two-thirds of the day to finally get someone to admit that we have over identification of special education students. I want to ask a couple of questions along those lines.

One is, do you feel that the funding which is provided for special education contributed to the over identification of students; and, secondly, from those of you that mentioned that you did have some kind of complaint procedure, had complaints coming to your local LEA's, what happens to be the nature of most of the complaints that you get from persons in your offices?

DR. FOUNTAIN: Since I was one of the people, if not the only one, that mentioned over identification and I am not speaking for Dr. Cody. I am speaking for Hiawatha Fountain, I am not sure we have over identified. I am interested in whether these percentages are skewed.

Now, if it turns out to be that, one, we find out that these percentages are indeed skewed because of somebody over identified, then you have got to ask the question why. One of the reasons why perhaps, if there is such a thing, if

we discover that it is, it may be because there is nothing between regular ed and special ed. Now we are beginning to place in alternative programs to meet the needs of specific unique needs of students who may not be in need of special education service, but have educational needs, if you will. Because we are now doing that and because, as I mentioned in my introductory remarks, because of the things the State is doing with the competency tests and the kinds of things that everybody is pitching in to do, and the initiatives that we are putting forth in our county, and the five priorities -- priority No. 2 in our county is looking specifically at how we can better work with minority students, in particular, black students in Montgomery County. So, there are a lot of things happening at the same time.

Even when I find out, if the percentages begin to go down, we are not going to be sure whether they went down because somebody stopped over identifying, if that is the word you want to use, or whether some of all of these other things that we are doing right now may be helping that.

DR. WHITTINGTON: You are saying the very same things that I already knew. What I mean by over identification

was not in terms of race. I am getting the perception that a lot of students are placed in special education because you do not have funding to provide alternative programs. The second part of that would be since the funding for special education has remained stable for several years, the number of children who are being identified as special education seemingly have leveled off because you didn't have the resources or the money unless you came up with local funds to take care of that situation. And that is the kind of thing that I was trying to get at.

MRS. PINDERHUGHES: In Baltimore, we are using local funds. We don't have enough special education funds to maintain our special education program. I think the identification comes for several reasons. Teacher frustration with students that they are not equipped to deal with because of their different learning styles and learning abnormalities and in some instances, their inability to adjust in an average classroom setting. Again, we have not had the money to provide the alternatives within given schools. There should be, in my opinion, an alternative center in every school that students go in and out of to make the necessary

adjustments, as well as I would like to have, if I had the money, alternative -- a central in each district of the City, alternative center also like we have the central GATE center where students can go in for completely alternative programs which does not mean it is a slow program. It is just a program to meet the different modalities. So, one, they are not being over identified because of special education funding because that it is inadequate to meet the special education needs. But there are instances of what I call over identification because of pure frustration on the areas that I just mentioned.

I am going to have to leave.

DR. WHITTINGTON: I just wanted you to answer the second part of my question. This is why we are here. What kind of complaints are you receiving from your constituencies about special education and the talented and gifted? That is the second part of my question.

MRS. PINDERHUGHES: I have to go. I have a Board meeting. You know what that means to a superintendent.

The complaints are that we are not fast enough in putting students who have been identified for services which

again goes to the problem I mentioned earlier with the lack of teachers that we have, the specialized services such as for speech teachers. We have a great problem locating speech and special resources such as physical therapy, special areas, so that this is a complaint of some parents. Autistic children, those very highly specialized services that require refined teaching skills are the areas that we receive most complaints. And the fact that we need to increase the time -- I mean, decrease the time between when a child is identified and that he goes into a regular program for special ed.

I am sorry.

MRS. JOHNSON: Before you leave, we would like to thank you for coming today.

MRS. PINDERHUGHES: I am very sorry I have to leave. It is only because it is a Board meeting. If you have any questions, you can send them to me and I will write to you.

DR. FOUNTAIN: The complaints, I think in addition to what Alice mentioned, and we don't get an awful lot of complaints. At any rate, when you look at what perks to the top, you are talking about working with 11,000 students and

getting less than 1 percent complaints. Then you find 90 percent of those are found to be -- that you were right by the time that you get to the State level hearing. So, you are talking about a very small number of complaints. Through our official hearing level last year, I think three State hearings -- of the ones that came to the State, I think there was one and a half -- we split between the three. One and a half means that neither party, the decision came down that you do this and you do that, kind of thing. One said, well they're right, and you go ahead. And the other one said you are right, you go ahead.

Now, as far as that kind of complaint is concerned through the due process mode, we don't get a tremendous number. What we do get is a lot of concern about whether or not we are offering the level of service that a particular parent thinks that the child should have when the law says the decision on the level of services and the handicapping condition is determined by an interdisciplinary team of educators and experts and professionals, if you will, and that the parents must be involved with that process. Then you go ahead and set up the IEP process and the parents must

be involved there, but as far as other kinds of complaints about what it is we are doing -- and we have a very active community in Montgomery County -- I would say that it is not that severe, not in Montgomery County.

DR. RICE: We get complaints both from the educator's standpoint and the user's standpoint, and I think if we look at it in terms of total school population and total complaints over the school district, I agree with Hiawatha in that it is a small number. However, they are very mettlesome and they are many times very difficult and time consuming to resolve.

The speed of evaluation: once the youngster is identified and goes through that and you get to placement, on the other hand from the user's standpoint, the educator's standpoint, it is the amount of time that they have to take in doing the evaluation to get the youngster there. They are both on a collision course on that one. In our area this is generally informal, but it takes a lot of time and planning. It is very expensive. And that is transportation. The time on vehicles, when you have very special kinds of needs to get youngsters to special sectors.

Another one was eluded to here, the occupational and physical therapies, but also the medical assistance that we need and again the liability that was involved, the user wants more, the provider is concerned about whether they have the expertise to do it, and we are looking at the kind of modifications we have to make to meet some of those needs.

Another area that I hear -- and most of these are resolved. Very few of them get at the superintendent's office. They are resolved at the division or the department level -- is the, I guess what you would call the expert service that is expected. Hiawatha mentioned that. There are certain criteria that we follow and say this is an acceptable kind of service to offer for this kind of disability or this kind of talent, and the parent's perception or the user's perception is they ought to have more. Instead of having someone with a bachelors degree, they ought to have a PH.d, or they ought to have a specialized program that they saw on 20/20, which we can't always provide. The perception of what is an adequate kind of service becomes a debate.

MR. STEMPLER: Do we have an adequate number of special education teachers?

DR. RICE: Do we what?

MR. STEMPLER: Do we have an adequate number of special education teachers?

DR. RICE: These two counties do, but we don't.

DR. FOUNTAIN: We don't have an adequate number of teachers in America right now. That is one of the big things that nobody seems to be noticing. We are in the throws of -- we are going to be in serious trouble by the year 2000. If you look at New York City, if you look at Baltimore City, if you look at Chicago, and that is just the beginning. That is the tip of the iceberg. It is going to trickle down, and those that may be somewhat fortunate right now will not have that prerogative in less than five to ten years from now.

MR. STEMPLER: Do we not have -- is it because we don't have the funds for them or do we have the funds and just not enough people are going into special education?

DR. FOUNTAIN: Well, I was speaking of teacher education in general. I think that one of the reasons why is because we are not paying our teachers enough. That is the bottom line.

DR. RICE: I think you have got a combination of both there. First of all, it requires some very specialized training, and it is getting more specialized as we move along. The other thing is that -- and I feel very fortunate. I have been to three different states. I can tell you that I can draw special education teachers much easier to Anne Arundel County, Maryland than I could in rural Iowa where I was, or a suburb of New Orleans. Part of that has to do with the conditions under which we are working, and the kind of support that they get within the school system. Although we are short of people, I don't know where it is but I can tell you there are people who can't even get applicants. The other thing is that I think we are going to see a slight decline because we are now getting involved in other kinds of -- not only the mental or physical problems, we are getting into some communicable diseases problems. We didn't tell special education teachers that if they work in level 4 and 5 students and there is a likelihood of them coming in contact with hepatitis B, and they are going to have to be immunized and we are going to have some other kinds of precautions. We didn't tell them that.

The other thing is a tremendous amount of stress on them. We are finding with our more complicated cases of students with teachers, and I never really believed in the word burn-out. I thought that was a self fulfilling prophecy. But if there is one group of teachers that I can see that might be coming to that point, it is the teachers who are working with the severely and profoundly handicapped, physically and mentally. Psychologically they are being stressed.

We are trying to look for an develop some way within or without negotiated agreements and with school board support or without school board support, trying to figure out a way that we might furlough some of those excellent teachers who are working with very serious problems because we are getting them now and our experience now is that they will stay in there for four or five or six years and then say, I have had it. I can't get one foot ahead of the other. I don't want to leave teaching; put me in regular education. And they don't return to special ed.

The other thing is that we have some warm bodies walking around on the street that are applying, and all of us

are scared to death to hire them because of all of the other kinds of accountability projects. We could probably fill all of our classrooms with certified teachers, but that doesn't mean we are going to fill them with people that we will feel comfortable with teaching and working with youngsters.

DR. MURAVCHIK: I just have one more thing. Sometime back in the discussion, Dr. Rice, you said something provocative to me, at least.

DR. RICE: I was afraid of that.

DR. MURAVCHIK: No, no, no. I am sorry. I chose the wrong word. I just meant to say stimulating.

When you referred to the problem of children having children, of very young mothers, I ask anyone on the panel or our own staff or anyone else here who is knowledgeable, does there exist any good statistical study of the relationship between children in special education programs and the marital status of the parents or age of parents?

MR. OKURA: It is the other way around in terms of children from teenage pregnancies, teenage mothers. There has been a couple of NIMH studies. I spent twelve years with NIMH, and some of these have been especially --

what is the county next to Montgomery? Prince George's County, some studies have gone on there where they are showing the children from these kinds of families and parenthood are having all kinds of special ed problems in terms of not only learning disabilities, but adjusting and everything else. There is a need for some preventive work with teenage pregnancies, teenage mothers and so on.

DR. RICE: I can't cite for you a study, but I can refer you to a person who has looked at that and done some demographic work in this state and county, and that is Dr. Catherine Keogh in the district.

MR. CHUN: I would like to ask the panel two interrelated questions having to do with the issues raised earlier. We heard this afternoon that the learning disability projects undoubtedly deals with the enrollment and participation (inaudible). Given that, I think one can safely say it does something that a traditional program does not do or it doesn't do something that a traditional program does. My question really is that of, can you think of some of those differences between the approaches or some part of the differences that may have been caused or that may be

viewed or that you think might be viewed as discriminating practices in some fashion? And, my second question is, is there any parallel effort being done for the gifted and talented (inaudible) to increase the participation of minorities in some of the under represented groups?

MRS. SIMON: I didn't hear the last question at all and I don't know if I heard the first one, but in terms of any effect the L.D. project might have had on reducing the numbers of L.D. kids, in Worcester County it didn't really decrease them that much, a little bit. The L.D. project is not supposed to be looked at as reducing the number of L.D. It will, in the counties with high percentages of L.D., but in the counties with really low percentages of L.D. -- and there are some -- it will increase the percentage. So that we are looking at making it more consistent and a narrowing of the gap. In some of the school systems that are large that may have had a high percentage of L.D., there weren't consistent uniform procedures. There wasn't always -- I can't speak for sure, but from the impression that we have gotten, there wasn't always two team meetings before a kid was placed. There wasn't an individual psychological

assessment. There wasn't maybe a thorough screening. As we said here today, that we wanted to help all kids, when you are in the school and you see kids suffering in the classrooms and special ed is there to help the kid, then that is why kids are being placed in special ed levels. That is what made the numbers higher in the L.D. projects. It is simply more definitive and has more definite procedures, and I think that might account for some of it.

MR. CHUN: I am sorry you didn't hear my question. My question was, whatever the differences are between the L.D. project and the program on one hand and the non-L.D. project on the other hand. What are the differences between the two? My question was, can you think of some of those differences or some part of one difference that might have been viewed as discriminatory practice or some remote possibility could be viewed as relating to discrimination?

MRS. SIMON: No.

MR. CHUN: The second question was, can you think of a parallel effort that would increase the under representation of the minority groups?

MR. OKURA: What would Montgomery County's answer

be to that first question he asked? It is a big school system, supposedly the best in the country, et cetera, et cetera.

DR. FOUNTAIN: That sounds like somebody that lives in Bethesda.

I guess my answer to that question would be, I didn't understand the first part of the question. Even the second time around because I didn't understand that other program he was talking about.

MR. OKURA: The regular program.

DR. FOUNTAIN: Oh, the regular program.

MR. OKURA: Versus the L.D. program. Is there any -- I think the point he is asking or --

DR. FOUNTAIN: Let me tell you what I used to do when I worked around the country doing civil rights kinds of things. It is kind of like peeling a banana, and the last thing I want to shake the finger on somebody on this to say that it is because of discrimination. We have not peeled away all of the levels or layers to determine just what it is, and that is what we are about now. I think the L.D. project is helping with that. I think there are lot of

other things we are doing to determine whether or not you could say that this was done purposely because someone was discriminatory in their practices, that they really put this child in this program because they believed the child should be there because of his race, creed, color, religion. I am not ready to say that yet. I think it is way off. I am still peeling away the layers.

MR. OKURA: There's only one layer to a banana. That is a peel.

DR. FOUNTAIN: Well, there are several pieces to it, though. You don't peel it off all at one time.

MR. OKURA: Depending on how you eat a banana, I guess.

DR. FOUNTAIN: That was another part of that question. What was the other part of the question?

MR. CHUN: The question is, here it seems the panel's driving concern is in what fashion under representation and over representation in programs may be in some part due to discrimination. Here is a program which is fantastic, very successful, and it uses what has been alleged to be proof of discrimination. So the question is, what are the

characteristics of this new program which is so different from the traditional program that some of the differences may have been misinterpreted.

DR. FOUNTAIN: I think it is a two-part answer. One is that a part of what we may -- the only way you reduce or if you use the project and you find that because you have certain kinds of processes that you are using now as opposed to what we used before, the question then becomes if these youngsters are not making it in the regular program, what are you going to do with them? So, the answer to your question is tied into whether or not there is something else, some other means of working with these youngsters or some kind of training to allow these youngsters, these twenth-eight youngsters to remain in the classrooms with their peers or five of the twenty-eight to remain in the classroom with their peers because you have done some reasonable accommodations within the classroom so that they can stay in there. So, it is not an easy answer. Again, I am not evading the question about whether or not it is discriminatory. I don't know. I really don't know whether it is discriminatory because we haven't got to that point yet.

What I said before was that we had special education and we had regular education for awhile, and now we are beginning to see what we need -- because special education is a very expensive proposition and the feds are not paying for it and so it is really falling back on the LEA's to pay for it. It is now found that there must be a stronger, more determined way of making sure that we have in special programs really what ought to be there or whether there is some other step that we ought to be taking in order to serve those youngsters. That is the reason why I can't say whether the process that we are using in the L.D. program is turning up the discrimination or anything of that kind. I am not ready to say that yet.

MRS. JOHNSON: Mr. Steinke?

MR. STEINKE: Thank you. I thought maybe Dr. Manzer, who has been managing the project for many years, may be able to add or answer the question.

DR. MANZER: Thank you. I would just reflect first and reinforce about it being an ecology problem and that the L.D. project in and of and by itself is not an answer. Some of the differences that you might hypothesize, you have to

look historically ten years ago when the federal legislation was passed in special education; and if you recall the two top priorities of that legislation was to find the unserved and the underserved. With this very complicated piece of legislation we built a decision process geared to do that, to take massive numbers of children to guarantee that. As the numbers started to rise and concerns started to mount about, are we using this in some other way than it was intended, then we in the L.D. project, about the time that we stepped in, we started to look at the decision process. We found that, indeed, in many instances there was sort of a de facto lack of concern really as reflected in the comment about stigma. And I would like to add, if you want to go and ask the children and if you look at the research where they have asked the children, the stigma is there. That is very clear. The stigma has not been removed. Maybe parents don't feel the stigma, but those kids do feel the stigma.

If you look in terms of the whole decision process we were using, and within special education the need for us to take seriously when we diagnose a child as learning disabled, in spite of the fact that the definition may have

ambiguities and lack of clarity to it, that cannot act as a scapegoat for us to use that as a safety valve for the problems of regular education. That is in a way how in the L.D. project we have in turn with regular education backed into the whole problem of providing more and wider alternatives within regular education. I think one of the responsibilities we have in helping regular education is to help them avoid some of the same mistakes we have made historically.

We have made the decision process more serious, more active and more consistent, but we have also responded to the ecological concerns to the degree that we were able to. I think those are some of the reasons that I would hypothesize there might be differences.

DR. RICE: Let me respond to another point. You are asking if there is anything that might encourage more people to be in the gifted and talented as compared to the special education. This is just an observation. It seems we are much more objective about the evaluation of handicapped youngsters or the emotionally disturbed, the mentally handicapped, and at what level and put levels on those what

are stages one through six. I look at what we are doing to identify gifted and talented, and that is a very general and subjective picture between districts. In fact, in Anne Arundel County I look at the criteria that we use, and I listen to parents and I talk to some of those youngsters -- and I am not an evaluator -- but my gut level feeling is we have got an awful lot of youngsters in gifted -- what we are calling gifted -- that are really just bright and normal youngsters whose parents happen to have a set of encylopedia and a newspaper, a television and talk to their kids once in awhile, traveled once in awhile with them and then they are being compared to kids that don't have. So, they look more bright when, in fact, they aren't that bright. But let me tell you folks, if you want to have a riot, try to take the parents of bright kids that are identified as talented, and try to remove them. They will start questioning your genes and everything else that you have done something terrible to their youngster because at one time they were very gifted. In fact, I think through that subjectivity we have let ourselves identify people that may not truly be gifted and talented.

I come from a point that I think that classification ought to be as small as level 6 in the handicap. I know in my own instance it is not that small. We have got kids in there that are good, bright kids, but we have done a good job of convincing their parents that they are geniuses.

MRS. JOHNSON: So that we afford the opportunity to our audience for the public session, I am going to allow one more question and then we are going to close out this panel and take our break and come back for the public input.

MR. DARDEN: I'm sorry. I don't want to take the last question, but I am going to. I am still a little unclear about one point. Earlier Dr. Rice in response to Dr. Muravchik explained that he expects that if they don't screw it up, that minority gifted and talented kids, the proportion of participation in that program will tend to increase over the years. Dr. Fountain talked about the banana and not yet knowing about discrimination as a factor.

What I am unclear on is the process by which you will come to some answers to these sort of questions in the coming years. I had asked earlier about monitoring, and I don't think we got a complete answer from the panel on that.

I would just like to get some idea before they do leave, what mechanism will they use.

DR. RICE: I don't know that it is so much the mechanism we use. On paper there are probably a lot of mechanisms you use to monitor your program, but I think when you are dealing with a political process, many times it becomes politically expedient to do something that we know as educators and as researchers is not the right thing for us to do educationally. But we have in the public school system at least a design of a check and balance of a lay school board who makes decisions many times based on what they feel is a politically good thing to do. I think that our Congress does the same thing and our State Legislature. We don't always end up being able to control our own destiny that we would like as educators. So, in terms of the monitoring, we have a lot of statistics and figures that we maintain and I think some of it probably comes from the interest of people who are in those positions in the special education or in our gifted and talented, and special education are not in the same department. Or in the superintendent's office or the Board, that they may want to monitor and maintain

some kind of quota within those categories. You know, the monitoring may produce a lot of things and reports, and nothing happens.

I think somewhere along the way, you have to have a person who is an advocate in that area, looking at it.

MR. DARDEN: There is no real systemic approach?

DR. RICE: There may be. Again, I have a disclaimer that I was not an expert when I got here. I am just talking an opinion on that, but that is my observation. You may be able to identify one and I may go look at it and say now I know what you are talking about and would be pleased with it.

MRS. JOHNSON: If I recognize you, I would have to recognize this lady over here. We did say we would try to take some questions from the audience, so I will recognize you and this lady here and then we just have to close for the break. Give your name, identify yourself.

MRS. POOL: My name is Dorothy Pool and I am a parent from Prince George's County. I have just been sitting here listening, and I hear people talk about disability, but I don't hear anything being said about social and economic

disadvantage. There are children, I am sure, that may appear to be disabled, learning disabled, but are truly socially disadvantaged or economically disadvantaged. I think there should be an effort made to distinguish between the two.

My other question had to do with the remark made about the TAG student. I have two daughters who are in the TAG program and I know for a fact that they are there because of efforts on my part. I know that there are many children that are in TAG because the parents are middle class and they can provide their children with the early learning experiences that are measured by these tests that we give. So, the children that are the disadvantaged, they may be bright, but because the tests are biased as far as economics are concerned, they would be left out. So, I wonder if we do consider economic factors when we screen for TAG, or GAT. Is this a consideration?

DR. FOUNTAIN: I am going to have to go back because I have got a Board meeting too, but we do have Dr. Gregory who can tell you more about that kind of differences and accommodations we have made in factoring in the programs and how we have allowed the parents to recommend,

the teacher to recommend and others so that we can get them in the pool so they can be evaluated. We have several kinds of attempts that we do trying to get youngsters into the gifted and talented programs in Montgomery County. In working in other places, this is a growing concern, especially for many, many, many minorities who are in the so-called middle class America.

Now, the first statement you made, however, around the economics, I think I did mention that early on when I talked with Dr. Muravchik. I told him when he was asking about trying to -- and I think everybody has been trying pigeonhole us to say what is discrimination, but it is a very complex thing in America because it is a very elusive kind of thing. I experience discrimination every day of my life. We know that, but that is not the kind of stuff that you can finger a person and say it is going on. I did talk about the fact of pre-natal care. I talked about the fact of which side of the tracks you live on may give you a disadvantage. If you don't have the opportunities to do all of the other kinds of things which stimulate one to ask the kinds of questions and be ready to participate in a larger

arena, academic arena, we know that those things impinge on -- and I am aware of those. I think that we have advocates in the community of Montgomery County. We have people in the school system. I sit around an executive table and I am always waving that flag and reminding people that, hey, you can't do it that way. Have you forgotten about such and such. I am only banana peel myself, and I understand what that is all about. In addition to all of that, we do have certain kinds of procedures and screening devices, and even in those screening devices, we brought on psychologists, we have a sumper (phonetic) program that we test kids on so that we try to level up the cultural effects on tests. We are doing all kinds of things in order to give everything an equal opportunity to show that we strip away all of the things which might be affected by socio-economic conditions and try to get down to the meat of the raw ability and talent of a youngster. We do consider those things. In short, we do consider those things.

MRS. POOL: Do you consider that when you work with the learning disabled? Is it a true disability or a disadvantage? This question is not just directed to you.

DR. FOUNTAIN: Yes. I think we are purifying it more. We are learning more about it. We are purifying it. When you look at the nation and you are talking about, what, 60 percent of all the special education kids are labeled somewhere around 59 or 60 percent, are labeled learning disabled nationally? So, you have a lot of people in that group and a lot of different kinds of conditions in that group. So we are beginning now to try to unravel some of that, but we are not there yet. We have only been at this for less than ten years. The law came into effect ten years ago and forced us to deal with these things. Now we are beginning to take a look at it closer. By the next ten years maybe we will have a little better answer for you.

MRS. JOHNSON: Would you identify yourself?

MRS. STAFFORD: Queen Stafford, Chairperson of the Parent Advisory Council for Exceptional Children in Baltimore City. I would like to respond the question about stigma. There is stigma among the students, and I think it is caused by staff people, teachers, principals, children, and in some cases parents, because some parents don't want their regular children with the handicapped children. Some

teachers have an attitude toward the teachers of special education, and some principals don't really want the special ed children in their schools. But since they have to take them, there is sort of a rise for getting parent groups started. We still have principals that don't want the parents in the school. So, there is stigma attached because all of the children know where the slow kids are and where the dumb classes are. And there are cases of students passing by the classrooms or passing by the places where all the children are assigned till all the children pass so that they won't know they are in those classes.

Overcrowded classrooms, I think, also play an important part in problems not being solved in special education. Under funding of the federal law says that they have to have these laws to protect our children. They never did completely fund that particular program. So, anyway you look at it, attitudes cause stigma and you can't get around it, and there are stigmas from all levels.

The group has asked me to ask you about continuing the public questioning to save time.

MRS. JOHNSON: We do need to take a break for at

least five or ten minutes and we will come back.

(Recess.)

MRS. JOHNSON: Good afternoon. We have come to the public input part of our forum. This session will feature five-minute statements from organizational representatives and other interested persons who wish to share their views that bear on this subject matter. If you have not already done so, we would like to reserve time to participate in the public input session. Please register with the staff person who will schedule a time for you if it is available. As time permits, we will entertain questions from the audience. We hope that by giving you an opportunity to question the panelists that we will better involve you and include your concerns. Your questions for the panelists should be noted on the forms which have been provided for this purpose. The forms are available on the material table at the rear or from a staff person. Staff will collect the forms and your questions will be read to the panelists. Again, time permitting. An unanswered question will be forwarded to the appropriate participant for response subsequent to the forum.

A court reporter is available to record the proceedings. While the Advisory Committee will have a transcript of the meeting, we will welcome any written material that panelists and members of the audience wish to submit as part of the record.

The U.S. Commission on Civil Rights and its Advisory Committes are required by federal law to request that all persons must refrain from degrading or defaming any other individual who provides information. Federal law also provides that anyone who presents information today has the right not to be either recorded or photographed by the press or media in the room.

Thank you.

With that, I start with the first person. Would you identify yourself.

MRS. HAMMILL: I am Jane Hammill. I am the coordinator for programs for the gifted and talented in Prince George's County. Since we only have five minutes, what I thought I would do is just go over the evolution of our ID procedures. The TAG program in Prince George's County started over ten years ago, and from the very beginning, we

were concerned about identification procedures in general and particularly about identification procedures of a typical kind of youngster. Today we have focused on the first category of giftedness in the federal definition which is intellectual potential.

We have underscored from the very beginning the use of multiple criteria rather than the single cut-off score, but we do use test scores both cognitive ability and achievement, as well as checklists of observable behavior and parent forums. I might say that our program begins in the second grade. We begin to identify in the first grade. Children can be referred for the TAG program at least to be looked at by test scores, by teacher referral, and also by the fact that the superintendent sends to every first grade parent a letter telling them about the TAG program and that should they want their children to be screened, they may do so by contacting the school. We also have blurbs on the radio and TV and so forth. We try to get to the public that we do have this service.

Now, the decision about placement using our procedures has been made at the local school level using a

committee appointed by the principal there. In addition, we have provided almost from the beginning something called the Exception Club which states that students not eligible for the TAG program according to the aforementioned criteria, but who the local TAG committee feels does have a potential for successful participation may be considered for inclusion in the program on a trial basis. We do request written documentation which lists the reason for this inclusion and that is submitted then to the local or to the appointed TAG staff person for discussion and approval.

In our continuing efforts to refine our procedures, six years ago we wrote a proposal which was funded by the State Department of Education. Basically, the need as we saw it was that we knew there were a large number of gifted students in the sub-population, such as the economically disadvantaged and minority students, and that they frequently do not perform well on these traditional tests and guidelines that we have provided. Since we already had this exception clause with its required written documentation, we worked with a group of teachers, first grade teachers, for a year to develop an observation checklist of selected kinds of

characteristics often found in such children. We also included pass cards and activities that kindergarten and first grade teachers could use with the entire class, but using those, they could begin to observe children in a signigicantly different way.

So, in effect, this project which is called Project STEP, Strategies for Targeting Early Potential, does two things. It provided this comprehensive documentation because you had it for kindergarten and first grade, as well as serving what we thought and still do a very fine vehicle for in-servicing of kindergarten and first grade teachers in looking at a target population in a different way.

We all know that change takes time. Stereotypes certainly are not given up very easily. However, I think as a school system we have made significant progress in identifying these youngsters and we also have provided these kindergarten and first grade teachers with very practical ways of looking at disadvantaged kind of youngsters when they first come into school which is, we feel, where you really need to target your energies.

Thank you.

MRS. JOHNSON: Mrs. MacMillian?

MRS. MacMILLIAN: As most of you know, the NAACP, throughout its history, has worked to decrease and hopefully eliminate discrimination and injustices due primarily to race, color, creed and et cetera. We are still working on just those things, but there has been a number of areas. Education is one area in which we attempt to decrease and eventually eliminate discrimination. Most of you know that that hasn't happened.

I did work in the school system for forty-two years, but I have been out for almost seventeen years and I really don't know what is going on now too well in that area. There are some other areas of discrimination that I know more about.

I regret very much that I was unable to spend the day with you so that I could learn more about what is actually happening. Since something came up and I could not spend the day and, in fact, I have not had time to check with people to get information, I will have to depend upon circumstances that used to exist that may or may not be existent now.

I will mention a couple because I do have concerns there. In the area of special education, all of you know that we have those that are special because they are at the lower end of the totem pole, and those who are special because they are the upper end. I don't know how it works now, but we used to give much more attention to those at the lower end than we did to the gifted youngsters. Frequently the gifted youngsters received very little special encouragement and his or her needs were not met by the school system very well. I hope that has improved.

Another thing about the special education is the fact that too often errors are made in placing youngsters in the system. Sometimes a youngster is put in what they call a track that he doesn't belong in. Sometimes he never gets out of it. Even after he gets out of school, he is still in that track. His performance is mediocre or inferior because he has been taught that he is different and his difference is a handicap to him. Frequently he doesn't feel that he can overcome his handicap.

I know of cases that were very serious. I know of one case where the person overcame it. He had been told

by his advisor that he was not college material. He didn't believe it, though, and he knew that his mother who was very poor would not be able to send him to college. So, the day that he graduated from senior high school, Douglas High here in Baltimore, he joined up with the Army so the Army would owe him an education. He did so well, he was over in Japan for three years. He did so well that on his way back, he was offered a job by the captain of the ship, that he rejected. And the captain couldn't understand why he rejected his offer. He said many people would have been elated. He said no, he was going to college. He went to college. He did five years work in four years. He got his bachelors and his masters degree because he was trying to take advantage of Uncle Sam's funding.

He came out just -- by the way, Howard University hired him before he graduated. He majored in physics and mathematics. He came out just about the time some of you people can remember the sputnik took over and everybody became excited because America was running behind. He was given a special responsibility of promoting a program to help America catch up with Germany, et cetera. He hasn't retired.

He has the equivalent of a doctorate from several schools, but he has not been bothered about the degree as such. He says as long as he knows everything that he can find that he can learn, that is his concern. Now, that was a person whose advisor told him he was not college material. I happen to have firsthand knowledge of that particular case.

We have many youngsters who have abilities, but for some reason they were not tapped. It is a loss of intellectual power when superior abilities are not tapped and utilized to the fullest extent. So, that is a concern that I have. As to how we will tap those individuals, I really don't know. There are many avenues and I think one avenue is a parent who is discerning and who doesn't accept the lowest category for his or her child. Parents have a terrific influence on what the youngsters do in school and that is an element that is not being used for various reasons as much now as it used to be. There was a time when a black parent who couldn't read his name, but he insisted that his child must be educated. Now, we find that here and there, but in the groups that really need it the most, we frequently don't find that type of parenting.

We also relegate certain members of the ghetto to certain sections or certain areas or certain tracts or whatever you want to call it, and that is unfortunate too. There are individuals who are handicapped because they have lacked the advantages that the normal parent would be able to provide, but their abilities should be recognized and there should be the funding necessary to bring that youngster up to par with the others who still might excel.

I am awfully sorry I cannot better address the topics that are under discussion, but when you don't know exactly what is happening -- we do have an education committee. We have got a new education committee and that member of the committee could not be here who would be in a better position to discuss it because as president I have to be concerned not only with education, but with voting and with political action and just about a dozen and a half other areas. So, you see, I can't specialize very well in any one.

MRS. JOHNSON: Thank you. Mr. Brown?

MR. BROWN: Thank you very much. Madam Chairman, I want to first of all say how happy I am to be here sitting

beside Mrs. MacMillian who is the real pioneer in the civil rights movement, particularly in the NAACP. Mrs. MacMillian, as you know, is the president of the Baltimore City Chapter and she is also president of the National Board of Directors. The national office will be moving to Baltimore soon and our national convention will be right here in Baltimore City. So, I am honored to be sitting beside Mrs. MacMillian. She is a real go-getter and is really Mrs. NAACP herself. I am honored.

I want to comment just briefly on some of the things I heard since I have been here and to tell this group a little bit about what is happening back in Prince George's County as it relates to education in general and particularly in special education. I am not going to recite -- surely, there can't be anybody in the United States who has not heard of the school desegregation case that we have been waging since 1972. I am not going to re-hash that this afternoon. I would simply say that that case has not been settled yet. We are still working on it. I am not sure we are making anymore progress than we made back in 1972.

Let me make two or three comments about how I think

your organization can help us. We won a portion of the case in 1972. We went back to court again in 1980 and in 1982 we won another portion of the desegregation case. Some issues we did not win in the federal court because the judge ruled that we did not at that time prove the intent to segregate. So, we are appealing and groups like ourselves are taking the information and the spirit of our material back to the Civil Rights Commission, and we are hoping that you will be able to lend us a hand. It must be done more politically than in the narrow view of the legal minds.

Just last September, the superintendent himself speaking to a group -- indeed, speaking to all the principals in our county outlined several areas that needed some attention. They went to a camp, a three-day workshop to work on these areas. One was the fact that the black students in Prince George's County in special education were disproportionately placed in the system. That is to say, that black students occupied many more slots than what is in proportion to their population in Prince George's County. Conversely, there were fewer white students placed in the various categories of the special education program.

In the TAG program, the talented and gifted program, we found the exact opposite. We found that most of the students there or a very skewed percentage of them were white students. Conversely, very few of them were black students. We also mentioned the fact that the letter grades, the letter grade A was awarded to a high proportionate -- a disproportionate awarding of the grade levels. White students were receiving more A's and black students were receiving more E's which indicated failure. We still have the whole phenomonon in Prince George's County of the fact that the rate of suspension among black students is still disporportionately high. Black students are still being suspended more than three times at the rate of white students. We can go on and on with the statistics.

I was sitting here this afternoon and someone on your panel was asking, do you think or can you prove discrimination. Well, legally maybe you cannot, but certainly you have enough -- we don't have the smoking gun, but certainly we have enough evidence that when you see these percentages skewed as they are, it seems to me you would have some basis to wonder if there may not be some

discrimination going on. All of this is not just coincidence.

I don't have the time and I don't have the documents here to go into all the details, but what I think this group can do this afternoon is to suggest to the Human Rights Commission that perhaps this is in the area that they can very well look into.

Let me just give two examples and then I will stop. In the area of suspension, we find that black students who are suspended at very high rates are suspended for subjective activities such as disrespect, insubordination, disruptiveness. This is an area where teacher judgment and teacher attitude comes into play. Into area whether it was either yes or no, you are either fighting or you weren't fighting, you either had a knife or you didn't have a knife, there was no discrimination. Blacks and whites were suspended at the same rates.

We also have reason to believe that students are placed in certain sections in special education classes many times because teachers use that as alternatives to the regular school program. They do not have the answers. They have not been trained sufficiently. Sometimes when people

have students who do not look like they look and act like they act and don't have the cultural behavior, they have a a tendency to take some strange methods of discipline.

Consequently, we find many of our black students suspended from school for reasons that we can't understand. Only they themselves can explain, but we still don't understand that.

Madam Chairman, I would urge you to have your group to come into Prince George's County and talk to several advocacy groups. The NAACP is only one. We have SLAC, who has been working for the last fifteen years. We have many parent groups. We have several ad hoc groups who are in the same business. I happen to be the executive secretary of the NAACP. We were working on this on a daily basis. I know we can't solve it here this afternoon, but if you would just come into our county and we can furnish you the details and perhaps you can help us solve some of the problems that we have been unable to solve in the narrow legal sense. Certainly, our society is mature enough now to help us and help the young people even thought a federal judge has denied it on a narrow legal technicality at this time. We do plan to

go back to court if we do not get remedy in other methods.

Thank you very much.

MRS. JOHNSON: Dr. Gregory?

DR. GREGORY: Members of the committee, I consider it a real privilege to be not only with you today, but all the people who have come here demonstrating their commitment and concern about the issues you have been dealing with.

My name is Donnelly Gregory and I coordinate a specially funded project within the office of gifted and talented in the Montgomery County Public Schools. The overall goal of this project is to reduce the under representation of minority students in programs for the gifted and talented. As you well know, this issue is not just a problem in the State of Maryland, but is also a matter of national concern.

We have made several observations after studying the issue at closehand for the past six years. A significant number of minority students continue to be overlooked in identification and selection for gifted programs. For several years we felt it must be the identification procedures that were responsible. If we could just find more equitable tests,

new nomination procedures, perhaps the picture would improve. We first conducted a rigorous analysis of our county's identification process in order to determine how it was operating, especially for minority students. This examination did point out that the most equitable aspects of the process, those which do provide in-depth information about individual students, was being withheld until the second stage of screening which most minority students were not reaching. Thus, the very tools that would have provided a more accurate picture were not being applied to the students who most needed them. Continued refinements to the process addressed problems such as this, but improvement in minority participation remained small and disappointing.

We next concentrated on implementation of the identification procedures. Much training and direct support to schools focused on equity issues, the limitations of both tests and other data, and the importance of professional decision-making in selection of students. Again, there was slight improvement, but no dramatic gains in minority participation.

With the arrival of our new superintendent, Dr.

William Cody, county-wide commitment to equity in gifted programs was established. Under Dr. Cody's leadership, with support from the Board of Education, a set of system priorities was established. One such priority specifically addresses increasing minority achievement and minority participation in gifted and talented programs. All at once, almost overnight, the entire school system was pursuing this goal. Each school was expected to develop a long-range plan with yearly targets for measuring improvements. It was no longer optional for a school to be both systematic and equitable in screening for gifted and talented. The concerted effort to pursue this priority has resulted in the first significant improvement in minority participation for gifted and talented. We still have a long way to go, but now everyone in the school system is involved. Leadership and commitment at the highest levels, such as Dr. Cody has demonstrated, are essential to create real change.

The special project that I manage began in the winter of 1981. It enabled us to begin to focus on another group of minority students with strong potential. Unlike those students who are already at the level of gifted and

talented, although often overlooked, these students come to us in school less ready to demonstrate their abilities because they have not had the opportunities that would sharpen and refine their skills. This may be due to cultural or linguistic differences or to economic disadvantage. We developed the program of assessment, diagnosis, and instruction that we refer to as PADI to assist in the recognition of these students' abilities.

PADI then provides a nurturing instructional program for selected students aimed at refining both their academic and thinking skills. Through long-term observation of these students engaging in cognitively challenging instruction, we begin to identify a portion of these students as gifted and talented. We label this concept identification through teaching. Our goal for all of the PADI students is to enhance their self-concept as learners and to unlock their potential so they can profit from the educational opportunities available to them. We are pleased with the initial success of this program. Teachers and parents are reporting tremendous change in PADI students' interest and success in school. We are also excited about the movement of over 30

percent of these students into programs for the gifted and talented after from one to four years in PADI.

The Maryland State Department of Education and the mid-Atlantic Race Equity Center and American University have both made it possible for us to share the promising findings of our efforts with other school systems in Maryland and Virginia. As we continue to struggle with these issues, meeting with others and exchanging ideas is very helpful.

I would like to thank the Advisory Committee for sponsoring this forum today and for working to promote increased attention to equity in programs for the gifted and talented.

MRS. JOHNSON: Thank you. Do you have any questions?

DR. MURAVCHIK: I have questions to address to the last panelist. Dr. Gregory, when you spoke about yearly targets and procedures that were no longer optional, what exactly does that mean? Does that mean quotas?

DR. GREGORY: No. Every school had to examine very carefully both the kind of program they were currently delivering. Now, these priority two addresses both minority achievement and participation in gifted and talented.

I will just make some remarks about targeting for increasing participation in the gifted and talented program. Although we have a Board policy on programs for gifted and talented in every school system -- I mean, every school in the system, it is expected to provide such a program. As with many things in education, there has been a lot of foot dragging over the years within individual buildings. When I said optional, it certainly was dictated that it would be optional. I was just trying to tell things like they were. The commitment to equity and the attention to who, in fact, was being served within an individual building sometimes was not pursued by a great deal of vigor within that school building. This system priority brought all of that -- brought attention to local schools, not just on the part of our office in gifted and talented, but at the area level, at the central level. The figures for every school were compiled. There were what would essentially be the equivalent of on-site review for every school where a team went in and met with them and looked at the test scores in terms of performance for minority as well as majority students in that building, as well as things like

participation figures for gifted and talented. They were expected to develop yearly targets for improvement. This, however, was not construed to be equivalent of a quota system which may in some way connote that whether children would be appropriately served by the program or not, they would be placed there. However, we felt for a number of years that the process available had within it the elements that could provide equity given a commitment and concern for this issue. I am not suggesting that if we had real implementation that we would achieve representative numbers of minority students in proportion to their incidence in Montgomery County population overnight simply through implementation of the procedures. But the process that is there did contain within the seeds of equity given a commitment to that, and the recognition by each school that there were, in fact, students in that building, whether it was a school serving low income students or not, that students were there who deserved and needed such programs.

I'm not sure I answered your question.

DR. MURAVCHIK: I am not sure you answered it either because --

DR. GREGORY: Do you want to know about the targets? I mean, they actually said that we are currently --

DR. MURAVCHIK: So, you set numerical targets for --

DR. GREGORY: Yes, for improvement. In other words, if a school has 30 percent black enrollment and 7 percent of the gifted program was made up in that school -- was made up of black students -- obviously, they were going to set a target for the next year of perhaps increasing that by a certain percentage and the following year improving that. This could have evolved within their plan support a number of things. Improved parent communication, parent training, after school opportunities for children. There could be a whole series of steps which would enable them to work toward that.

DR. WHITTINGTON: Let me ask a question point blank in what Josh is trying to get to, I suppose. One of the things that he indicated earlier in his question is -- let me try to get to the point exactly what Josh is trying to get to. Previously he asked the question about whether or not the procedures were discriminatory as far as population. My question to you would be, did you feel or do you feel that

the procedures for identifying pupils for gifted and talented programs were discriminatory prior to the process that you have begun to implement?

DR. GREGORY: I don't think the procedures were discriminatory. I think the way in which they were implemented was discriminatory. For example, our written procedures, all the training that we provide at schools to enable them to use this process has repeatedly emphasized the equal role of each piece of the process so that a test does not carry more weight for the committee than say a nomination for a staff person or -- although I am uncomfortable with it, what has earlier today been referred to as subjective data. We are talking about human performance and behavior here. It is not like taking a blood pressure reading. Using group tests for individual students in and of itself is not more objective necessarily than the documentation of what this child does on a daily basis in a classroom engaging in challenging instructions. So I am a little uncomfortable with the inference that data from sources other than tests are somehow softer and less reliable. I guess all I was trying to suggest was that people were

not using the process that was available to them. They either were uncomfortable doing it. They were afraid they could not perhaps defend decisions to parents if they did not use a very rigid, numerical approach. They didn't take advantage of professional decision-making which allows them to weigh information that may not be specified as a criterion in the process, but which is encouraged as a part of gathering additional data on students. And prior to the establishment of system, wide priorities, there may have been schools who were less likely to pursue with vigor the under representation of certain groups of students within the schools.

DR. WHITTINGTON: Would you not agree that there are a lot of minority students who should be into TAG programs who are not there simply because they are not given the proper opportunities to be enrolled or the encouragement, as your superintendent given your staff?

DR. GREGORY: To be enrolled. The process that we use initiates with all students being included in the data gathering whether anybody thinks they ought to be there or not.

DR. WHITTINGTON: I am not speaking of Prince George's County. I am speaking in terms of the State of Maryland.

DR. GREGORY: Oh, in general?

DR. WHITTINGTON: In general.

DR. GREGORY: Absolutely. I am not suggesting we have the answered in Montgomery County. There is still a significant discrepancy that we are most concerned about.

DR. WHITTINGTON: It is quite evident because your superintendent says this is one of our priorities.

DR. GREGORY: Absolutely.

DR. WHITTINGTON: That when they begin to get more minority students in TAG programs, where the same thing could possibly happen in Somerset County.

DR. GREGORY: Absolutely. And can continue to happen in our county. Even the first year or two of that was not sufficient I am sure.

MR. OKURA: It is somewhat disconcerting when I hear that so much of emphasis is being placed on intelligence tests, pencil and paper tests and some other things are somewhat set aside because they classify them as subjective.

Research has shown that one of the worst indicators for success in a number of areas and so on is the intelligence test. So, I don't know why school systems still keep putting so much emphasis on so-called paper and pencil intelligence tests. Every bit of research that we know, it is one indicator only, but it is not the best indicator.

MRS. JOHNSON: Do we have any questions from the audience?

MR. CHUN: Just for clarifying, to Dr. Gregory. I wasn't quite sure what was meant by saying the fact that prior to these movements, one of the reasons for having low minority participation in the gifted and talented program was the inconsistent manner of using the same procedure, I think if I heard you right. How does that come about, presumably the inconsistent use was applied to both the minority as well as majority? Am I mistaken in assuming that?

DR. GREGORY: Yes, it is the same process.

MR. CHUN: If that is the case, I don't see how the same modalities apply to both groups and you have got one group of kids, a low percentage. So, how would applying

the same procedures still consistently would result in an increasing participation of minority cases unless you are now applying a differential matter?

DR. GREGORY: I was with you at the beginning. Somehow, I am sorry, you lost me. We have good --

MR. CHUN: In this new sort of era under new framework -- did I hear right that under the new system you are going to apply the same procedure in the same manner to both groups?

DR. GREGORY: Yes, there are not --

MR. CHUN: Even though there are higher targets.

DR. GREGORY: The targets don't affect the process. The targets are a school's way of monitoring.

MR. CHUN: I understand that. The question is, the same procedure you apply to both groups.

DR. GREGORY: Yes, and was previously.

MR. CHUN: Right. So, I do not understand how would applying the same procedures as before result in increased participation unless you planned to do something drastically different from past practice?

DR. GREGORY: I don't understand your confusion.

We had a process developed that reflected the best national thinking in terms of equity and selection of students. In other words, we scoured the country to find out what forms of nomination, what tests were available, everything we could find that we felt would give the most accurate picture of what students were about. We put a process together and tried to provide every support possible to schools to implement it. What happened was individual schools did not implement the process that was written, and it was then being ineffective, inconsistent implementation of a process that had available within it a possibility of equity that the inequity was continued. All I was suggesting was that when an edict comes down from the top and is repeated all the way down so that a group of principals are brought into the area office and are stared in the face by their area superintendent and are told, you will do this, this is what you will devote your time to for this year, it will happen. I can't tell you what all the aspects are of that. All I am here to say is that this is a way to at least begin to make some change in term of equity, and that is for people to stand up and say, it is important. We will put money

behind it. We believe in it and whether you like it or not, we are going to do it. That is all I was trying to say.

MR. CHUN: I am finally catching on to what you were saying. Was there any study, any effort that studied the details of what you called inconsistent practice in the past?

DR. GREGORY: Yes. The initial study --

MR. CHUN: I guess the question is that perhaps some of the details, some part of those details which constitute what we call inconsistent practice could be viewed or could have been the source of disproportionate representation, but also perhaps could have been one area or some of the areas which people might wrongly or rightly have alleged to be discriminatory practice.

DR. GREGORY: Oh, yes.

MR. CHUN: And if you can show us some of the details, I guess, that would be my question.

DR. GREGORY: The study that I mentioned, one of the things that we used that has proven to be very useful for all students is -- and I would never have believed it when I went to Montgomery County because the test is so old

that when I heard they were using it, I got a few gray hairs. But, is the Raven Progressive Matrices. We have long-term data now on its effectiveness in tapping some certain kind of thinking. We don't know what all that thinking, exactly what that is, but we know that it is generalizable in some certain ways. It may not be the best tool for all children. Some children may have deficits that may make it inaccurate, but it does seem to tap into children's thinking regardless of their achievement and other advances. A lot of students who have benefited from that and who would have been able to show us how capable they were, never got a chance to take it. In addition, the teachers' judgment at the very beginning level who were looking at very large numbers of children was toward an entire group from which certain children bubbled up. I think we might all acknowledge that that typical picture of a gifted student is most often that of an achieving student. So, it is unlikely that a teacher, in looking at a very broad group of students, is going to suggest the names of certain students who, although very able with flashes of brilliance, still presents a very uneven picture and does not perhaps present an achieving picture in

the classroom on a daily basis.

At the second level, however, we gave teachers the name of a child and said, study this child. Look at this child overtime in terms of these particular behaviors. At that instance teachers were very equitable, both black, Hispanic and Asian, white, all students seemed to get a fairer reading from their teachers when we asked them to focus on them one at a time. But, again, prior to our refinements in the process and our taking the time to study what was going on for each group, minority students weren't getting to the point where the teachers were looking at them one at a time. So, those were some of the kinds of refinements that took place.

MRS. HINES: I am Phyllis Hines. I am a resident of Prince George's County, Director of Gifted and Talented for the D.C. Public Schools. Listening today, I recognize the uniquenesses of all of the counties within the State of Maryland, but I am concerned about the commonality among programs. Is there any real commonality in the gifted programs?

DR. WHITTINGTON: I don't believe so. I answer

because I don't work in gifted and talented. That seems to be one of the problems in identification of persons in programs in the State of Maryland from my experience with Lynn Cole who was here from the State Department of Education. They really don't have anything except guidelines that the State Department is putting out and I wanted to ask her some questions, how do they know that each LEA has even followed those guidelines.

What may be gifted and talented in Montgomery County has no relationship at all as to what is gifted and talented in Baltimore City, St. Mary's County, Charles County, Somerset, or any other county in the State of Maryland.

MRS. HINES: So, it raises the concept of being relative to that population.

DR. WHITTINGTON: Right.

MR. OKURA: The comment that you made in terms of achievement, that is only one criteria of gifted. Gifted means other than achieving. You have lots of achievers that are not gifted children or talented.

DR. GREGORY: I agree. I think that it is the one that has been given the most credence.

MR. OKURA: Well, and which some of us feel is not the right criteria potential. There is all kinds of potentials that are not being kept because the person happens to come from a different racial background, different social cultural background that does not believe in terms of the same standards that we use for the major population child.

MRS. HINES: Do you feel that some commonality is necessary? If it is, where would that come from? In your State Department, in developing a philosophy, a policy? What would bring that about?

DR. WHITTINGTON: I can't answer that personally. The people in gifted and talented should answer that and I can only answer from a personal point of view. There are superintendents in boards of education who do not want curriculum dictated from the State Department of Education.

MRS. HINES: I am not speaking specifically of curriculum, but it seems to me -- we suggested that earlier, it is one thing to accept the concept that it is relative to the population, but there should be some type of commonality. For example, if a student was identified in Prince George's County and then moved to Montgomery County,

wouldn't they have to go through the process all over again?

MRS. JOHNSON: That is true, but I think it has to do with funding sources. A lot of the gifted and talented programs are locally funded. It is not picked up by federal funds and outside grants, so that the criteria has changed for the implementation. Dr. Gregory talked about the leadership of the superintendent of schools who has put this as one of his top priorities. Then in another county that is not like that, and they only have a small section of the budget, then, of course, the criteria changes there. I think all of this alludes to the fact of the funding. If the State was funding all of these programs and setting up the criteria, then you would have the commonality of at least five or six disciplines. We all grow with outside funds of adding to our program, but we would at least have that commonality of six or seven disciplines that we know would happen in the program. But when we lose that funding source, then, of course, we go outside to the local and outside sources and the criteria differs from county to county. We see that in not only gifted and talented, we see that in a lot of programs that have come down the hopper

originally funded by federal funds. And when they disappear, the local subdivisions decided to take it up, they took it up in another form that was not as expensive as it was to the federal government.

MR. STEMPLER: I think earlier when I asked you the question about uniformity, the question was answered by the panel sitting here and they said that they really didn't want uniformity because that would take away individual thinking. And by having individual thinking, they can each share their various ideas and their various programs and ultimately come up with a better program for each one of their own counties.

DR. WICKWIRE: Dr. Gregory, I want to ask you, what about funding for your program now? Does this mean some other program suffered?

DR. GREGORY: The funding for my project which really has borne the brunt of our being able to look at equity issues over this past five years, started with Title 4C funds and when that money dried up, has been since funded by the block grant. Fortunately, for the past two years, we have finally gotten a small portion in the operating

budget which I think is always re-assuring to a program because it demonstrates the commitment of the county to whatever ideas you are pursuing through that. But we would certainly be in jeopardy -- as a matter of fact, when we testified to our Board on Tuesday evening, the past president of our Board of Education suggested that after one of the parents and the chairman of the advisory committee spoke in support of PADI, the program I mentioned, that this program would be on the chopping block in terms of Gramm-Rudman and other things coming down the road. And that these parents should be contacting their Congressmen and Senators and so forth. So, like many other things in education, I think it is very perilous what the future will be.

MRS. ROBINSON: I am Leba (phonetic) Robinson. I too am a resident of Prince George's County. I am a computer specialist who works with gifted and talented students in the District of Columbia. My question is not with reference to the gifted and talented. I am concerned about the other end of the totem pole, special education students. I would like to direct my question to Dr. Steinke. I notice as you were talking that you said that special

education students are categorized into eleven areas.

MR. STEINKE: Yes.

MRS. ROBINSON: When these students are identified, are they placed in a study according to the categories or are all of the students thrown into one pot regardless of the category under which they were identified? And before you answer, I would have accompanying amendments to that also. If a child is identified for special education and it is later realized that this child does not belong in this setting, can that child immediately be removed from the setting or is there years of red tape to remove the child as it used to be years ago?

My last question is, and I am very concerned about this because in my community I have several students in special ed that I am wondering about, when the child has grown too old for the school -- he is an adult now or nineteen or whatever -- strictly special ed, what is provided for that child? Is there post-placement for that child or any kind of job placement?

MR. STEINKE: With regard to No. 1, Maryland has what we call a non-categorical placement and service model.

That means that children are not placed in special education environments on the basis of a particular condition. What our COMAR allows for and what we urge is that in looking at children's needs, it is very likely that youngsters with different disabilities may receive services perhaps in the same classrooms to the extent that their needs are being met. Some years ago, Maryland, not unlike other states, would have what they call classrooms for the educably mentally retarded. I don't know if you will recall the early '70's and '60's. That is no longer the case. We have a service system that allows school systems to group youngsters based on their needs, the individual children's needs, so that we do not permit the placement of children on the basis of a label. That is not to say, though, that we will not find a particular portion of a school dedicated in a sense to treating youngsters who are severely and emotionally disturbed. That may happen. That is because, [illegible] the children's needs, it has been determined on an individual child basis, can best be addressed in an environment that is constructed to provide intense services that they need.

Maryland does not have a categorical placement

regulation. It is based on individual needs and services.

You can see what is referred to as a resource room, a teacher maybe working with a youngster who is mentally retarded sometimes, a learning disabled. Each child has their own program and grouping can occur.

With regard to getting children dismissed from special education, it is true that a child, in order for a change in placement -- we call that a change in placement -- would have to go through the ARD committee because we just cannot have children dismissed from special education. But that does not take an exaggerated length of time. An ARD committee can be convened at any time at the request of a parent and must be convened if the parents request it or the teacher requests it in addition to the annual. We said this morning guaranteed annually the committee meets to examine the needs of each child and to determine whether or not they continue to be special education. However, if a child is determined -- a parent has questioned whether or not my child is handicapped any longer or needs this level of service, a meeting could be held immediately and a child could be dismissed in agreement with the parents on a basis.

It could be very rapidly. It could be over a period of time.

Another thing that is happening in many school systems is we have what is known as a level 1 service. This service is to determine if a child should be in a general education program all day, but to be watched, to be monitored to make sure that there are no difficulties, a special education teacher would be assigned to that child as part of the caseload and would monitor that child's program and consult with the child's teacher. So, that is kind of a blind service in a sense to the child, but it is an oversight system which we really recommend for children that are leaving special education. We think there should be at least a period of time when somebody is examining whether or not the decision to dismiss the child -- whether or not that decision was accurate. So, we have what we call a transition model. That is a model that we would recommend for children who are being dismissed because they are thought no longer to need it or children who are misclassified by error, and we have this model established.

This business of youngsters leaving special education is a major problem. Eighteen-year-olds,

nineteen-year-olds, twenty-year-olds, twenty-one-year-olds is and has been. In special education in Maryland as in all states there is a time -- in this state, it is twenty-one -- some states it is eighteen. Other states may be twenty-two, but there is a time when secondary education, special education is no longer available for a handicapped child. At that moment, the youngster can be referred to a number of avenues, a number of agencies. We have in Maryland what is known as the transitioning project. This is a project which is examining ways, along with school systems, of planning for that movement of that child from the child education system to the adult world, whether it is work, whether it is vocational rehabilitation, whether it is further education and training or whether it is an adult service agency.

So, we are putting a great deal of resource and attention to the area of transition and a number of school systems have very fine projects in this area.

Last year, the Maryland General Assembly was very concerned with this issue and passed a joint resolution. I believe the number was 40, which said that the Maryland school

systems working with the Department of Education must begin to plan in a very precise way for the movement of children out of special education upon their graduating or leaving the program, and we are doing that.

We also have a data system we talked about earlier collecting information on children of limited English proficiency. We are also now collecting data on why children are leaving school and what kinds of planning and what kind of services they are getting upon leaving school.

You might be interested, and it has in front of the General Assembly this year, there is a complete revision of what is known as Title 7 of the Department of Health and Mental Hygiene Laws for Disable Adults. We have gone from an old definition or proposing a rewrite of Mental Retardation Administration's definition and are going to a functional definition of disability. The proposal is that the State of Maryland adopt a new definition for adults, and it be established on a functional level, not on a category level. In other words, if you are not proficient in a number of areas, you could become eligible for services. That is known as the developmental disability definition.

And then a commission of the Governor has re-written all of the Mental Retardation Administration Service System laws and that is before the General Assembly this year and it will be heard very shortly. It was a major commission working for eighteen months with a lot of input from advocate groups and agencies, hoping to improve that adult service system.

Now, is it ever going to be -- and I don't know -- that we have enough services for the people, adults that need them. Not an entitlement program. There are 3500 people, adults, who are not being served. After they leave special education, they need -- some of them need group living arrangements. Some of them need additional training and this sort of thing. There are many people who simply are on waiting lists, and this is a fact, that our job in special education in the school systems is to do the very best we can to improve that child's functional skills and do what we can to bridge them or transition them to whatever is available. That is a big issue in the State of Maryland. right now.

MRS. JOHNSON: Thank you very much. Anymore questions?

MR. CHUN: I want to come back to Dr. Gregory.

That is the kind of detail I was hoping to find because that really gives, at least to me, myself, an understanding of what may have created the situation of disproportionate representation and for what reason that may have been grounds of proof for discrimination. Some of the information you shared was very informative to me.

To follow that up a little, that example that you cited, namely, for a child to be tested by the Raven's Progressive Matrix, one needs two teach nominations, and I assume what you meant was minority kids are less likely than majority kids to get those two nominations. My question is a simple one. Are there any studies which look at the things that take place surrounding that, that is, the rate of passing between the groups on these tests and the teachers, the frequency of nominations by teachers in terms of the race and ethnic and gender? If we can have something to say that once a minority kid is nominated, the probability of him passing the test as high as a majority kid, that says something; and if we can find something that says white teachers in general are less likely to nominate

minority kids, it says something. It is that kind of information, I think, which should shed some light in terms of understanding underlying dynamics. And my question is, do you have any studies either finished or in progress that one can learn about?

DR. GREGORY: I would be happy to send you a copy of the original study that we did of the procedures that enabled us to make the refinements I eluded to, the fact that all children, minority and majority students now take the Raven in second and third grade right up front at the start. So, the study did lead to those refinements, and I'd be happy to give you our copy of that.

MRS. JOHNSON: Dr. Whittington, as a member of the subcommittee, would like to make a closing statement.

DR. WHITTINGTON: Unfortunately, I wasn't here earlier in the morning. One of the things I'd like to say is that I have been kind of flabbergasted or disappointed in some of the philosophical views that the panelists have taken rather than come to the nitty-gritty, such as Dr. Gregory did.

Another part is, I would like to thank those persons

who served as panelists and, of course, our Chairperson for the Commission who will tell you about the dissemination of information that we have gathered today. I would just like to again thank you for participating.

MRS. JOHNSON: Ladies and gentlemen, before adjourning this meeting, I would like to leave you with some information regarding the committee's follow-up to this forum. Within two weeks the transcript of these proceedings will be distributed to the entire Advisory Committee for our review and comments. There will be necessary follow-up and within the next four to five weeks the members will contribute their views to the staff for development of a briefing memorandum. This memorandum will serve as the committee's report of this forum activity and as the basis for program planning in the coming months.

On behalf of the members of the Advisory Committee, I would like to express our appreciation for you participating in this forum. Thank you and good night, and I would like to say thank you for putting up with this cold room.

(Forum adjourned.)

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I, Sara A. Cissin, due hereby certify that the foregoing is an accurate transcript of the proceedings indicated.

SARA A. CISSIN
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