

Members

Sen. Robert Jackman, Chair
Sen. Thomas Weatherwax
Sen. Connie Sipes
Sen. Billie Breaux
Rep. Rich McClain
Rep. William Ruppel
Rep. Greg Porter
Rep. Dennie Oxley



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Authority: IC 2-5-21

EDUCATION MATTERS EVALUATION COMMITTEE

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MEETING MINUTES¹

Meeting Date: September 7, 1999
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Robert Jackman, Chair; Sen. Connie Sipes; Rep. Rich McClain;
Rep. William Ruppel; Rep. Greg Porter; Rep. Dennie Oxley.

Members Absent: Sen. Thomas Weatherwax; Sen. Billie Breaux.

Senator Jackman convened the meeting at 10:15 a.m.

Mark Goodpaster, Fiscal Analyst, Legislative Services Agency

After an introduction of members and staff, Mark Goodpaster, Fiscal Analyst for LSA, distributed a memo (Exhibit 1) to committee members that contained tables comparing the performance on the Graduation Qualifying Examination (GQE) in fall 1998 by general education students, students with learning disabilities, and students enrolled in special education with no learning disabilities. Additional statistics also compared these three groups for graduation and dropout rates for the years between 1995 and 1999.

Robert Marra, Director, Special Education Services, Department of Education

Mr. Marra's presentation included the following:

- an overview of the problems faced by children with learning disabilities;
- a demonstration of an alternative assessment as specified by federal legislation;
- action steps to address problems of children with disabilities.

¹Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Mr. Marra distributed a series of handouts to the committee members.

First, a chart of students in special education in school year 1998-99 (Exhibit 2) showed that students with learning disabilities are the largest group enrolled in special education programs in Indiana (39% of the total population of students enrolled in special education). The second largest category is students with communications disorders (31%). Students who are mildly mentally handicapped are the third largest category with 16%.

Mr. Marra distributed a fact sheet describing the nature of learning disabilities and warning signs of learning disabilities. This fact sheet was obtained from a web site maintained by the National Center for Learning Disabilities Inc. (Exhibit 3). He also distributed the eligibility criteria by state rule and procedures for determining whether a student qualifies for services (Exhibit 4).

Mr. Marra emphasized that learning disabilities manifest themselves in different ways. Consequently, students need different techniques to determine whether or not they have learning disabilities. To determine whether a student actually needs special education services because of learning disabilities, a student needs to have an education evaluation to determine if learning disabilities exist.

Then, Mr. Marra presented segments of a videotape of students with learning disabilities titled Understanding Learning Disabilities: How Difficult Can This Be?. This video demonstrated the frustrations, anxiety and tensions experienced by students with learning disabilities in the classroom.

Next, Mr. Marra described the action steps the Department of Education is taking to ensure that students with learning disabilities receive an appropriate education. He indicated that the Department has a system for accountability (Exhibit 5) that emphasizes learning outcomes for students to supplement the procedural safeguards that are already ensured by state and federal law. Learning outcomes would measure the extent to which students have mastered the various academic standards that the State Board of Education and the Educational Roundtable has specified that students are expected to learn at different grade levels.

Next, Mr. Marra distributed a graphic describing a framework for results and assessments (Exhibit 6). This graphic showed the results, standards, reporting, assessments, curriculum alignment with the Individual Education Plan, and accommodations and exemptions that are permitted for students with special needs.

Senator Jackman asked Mr. Marra whether the staff in the Department of Education become directly involved with school corporations when case conference teams develop curriculum requirements in the Individualized Education Programs (IEP's). Mr. Marra replied that parents and teachers determine what is included in an IEP. He indicated that while the Department has no control over what each case conference team includes in an IEP it can provide training to parents and teachers about what students need to learn and to know.

Mr. Marra then distributed a copy of H.B. 1050 (signed into law as P.L. 193-1999) which amended the Graduation Qualifying Examination statute to include additional procedures for students with disabilities to follow to graduate if they do not pass the Graduation Qualifying Examination (Exhibit 7). He emphasized that IC 20-10.1-16-13(e)(1)(B)(ii) permits the teacher of record to recommend graduation based on the student's classroom work. He also indicated that IC 20-10.1-16-13(e)(2)(A) specifies that students with individualized education programs only have to take the GQE the number of times that the student's IEP specifies.

Next, Mr. Marra distributed a copy of the Federal Register (Exhibit 8) that specifies that each state must demonstrate that children with disabilities are included in general state and district

wide assessment programs, with appropriate accommodations and modifications in administration and specifies the procedures for developing alternate assessments.

Finally, Mr. Marra and Steve Stafford, DOE Educational Consultant, demonstrated the alternate assessment that the Department of Education developed. A graphic describing the assessment process and the principles for developing the assessment system are included in Exhibits 9 and 10.

Mr. Marra told the committee that more than 1,200 essential skills were identified that students may need to learn. The work group which developed the assessment then developed methods to document that a student could demonstrate academic standards by a combination of scanned documents, audio clips, video clips and text files.

Senator Jackman asked whether this assessment would be required for all students. Mr. Marra responded that students who have not been able to demonstrate the needed academic standards through ISTEP could use this alternate assessment based on recommendations of their case conference committees and its availability.

Senator Sipes asked whether this alternate assessment could change the method that IEP's are developed. Mr. Marra responded that this method could substitute for many of the paper files and cut down on paper work.

Mr. Marra told the committee that during the 1998-99 school year, the Department worked with nine planning districts using the pilot alternate assessment. He also indicated that this assessment system could demonstrate whether students have mastered the academic standards required by the state to graduate from high school. As a result, students who do not pass the GQE or complete the Core 40 curriculum² with a minimum C average can still receive a high school diploma if they demonstrate they mastered these academic standards through documentation provided by tests other than the Graduation Qualifying Examination or through classroom work, as specified in P.L. 193-1999

Mr. Marra also distributed copies of a series of monographs that were prepared under contract with the Teachers College at Ball State University concerning teacher training (Exhibit 11), appropriate accommodations for students with disabilities (Exhibit 12), instructional strategies (Exhibit 13), and satisfying the requirement for the Graduation Qualifying Exam (Exhibit 14).

Public Testimony

Bobbi Norris, Parent

Ms. Norris, who has a son with a learning disability, described her experiences to the committee. An outline of her presentation and an accompanying letter to the editor are included in Exhibits 15 and 16, respectively.

Anna Jo Fry, Teacher

A copy of Ms. Fry's testimony is included in Exhibit 17.

Robin Rene, Parent³

²The Core 40 is a college preparation curriculum model mandated by IC 20-10.1-5.7.

³Note: Ms. Rene's daughter and three other students with purported disabilities filed a lawsuit against the Department of Education which specified that they did not have adequate notice of the testing requirement, testing accommodations were not provided, students did not have access to state academic standards tested on the GQE and the IEP's of students could exempt them from the testing requirement.

Ms. Rene's daughter is a senior in MSD Wayne Township. Ms. Rene indicated that her daughter did not take a standardized test until she was required to take the GQE as a sophomore. Ms. Rene told the committee that while her daughter's grades are above the minimum required, she has not passed the test, and consequently, is not likely to be able to graduate. She told the committee that the school her daughter attends did not offer students enrolled in special education any additional instructional opportunities and remediation services to pass ISTEP because she was not required by her case conference to take any of the test.

Mr. Marra and Representative Porter both noted their reluctance to speak to these issues because of the lawsuit. They did indicate that Ms. Rene may wish to examine P.L. 193-1999 to further clarify whether provisions in the bill would be applicable to her daughter.

Roger Thorton, Indiana Association of Public School Superintendents

Mr. Thorton told the committee that the testimony from these parents reflects their frustration from the legislature not remediating the 20% of students who failed the ISTEP over the years and needed to be remediated. He also indicated that because of the school safety issues that emerged over the spring of 1999 due to the massacre at the Columbine High School in Colorado, there has not been adequate time for the local officials to review P.L. 193-1999, which would address this issue.

Rep. Ruppel indicated that administrative staff in the school corporations have not had the time to review and understand the law that was passed. He indicated that this bill could give Ms. Rene's daughter a chance to graduate with a diploma.

Karen Dodson, Parent of Two High School Students with Special Needs and Parent Liaison for the Indiana Assessment System of Educational Proficiencies (IASEP).

The comments of Ms. Dodson are included in Exhibit 18.

Sally Morris, ARC of Indiana

Ms. Morris presented a letter from a woman with a daughter who is both mildly mentally handicapped and mildly autistic. Her comments are included in Exhibit 19.

Written Testimony from James Walker

Mr. Walker has a nephew who was left with a mild mental handicap following a brain tumor as a young child. His written comments are included in Exhibit 20.

Roger Thorton, Indiana Association of School Superintendents

Mr. Thorton told the committee that the Association applauds the work of the Department in developing the alternate assessment. However, the Association is concerned about the additional hardware costs needed to implement the alternate assessments. He asked the legislature to be sensitive about the cost issue.

Mr. Marra indicated that school corporations are not being mandated to use this system. He also indicated that school corporations can develop their own alternate assessment if they wish.

Amy Cook Lurvey, Council Of Volunteers and Organizations for Hoosiers with Disabilities

Ms. Lurvey commented on the reason that federal law required children with disabilities to be included in the same assessments as children with no disabilities. She indicated that students with disabilities would now be exposed to the same subject matter as students with no disabilities.

Next Meeting

Senator Jackman announced that the next meeting is scheduled for Thursday, October 7, at 10:00 a.m. in the State House. Topics at that meeting will include efforts by other states to address the issues of exit exams and students with disabilities, Department of Education policy considerations, and other public testimony.

The meeting adjourned at 12:30 p.m.