

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

February 7, 2001

1:37 p.m.

MEMBERS PRESENT

Senator Lyda Green, Chair
Senator Loren Leman, Vice Chair
Senator Gary Wilken
Senator Bettye Davis
Senator Jerry Ward

MEMBERS ABSENT

None

COMMITTEE CALENDAR

SENATE BILL NO. 64

"An Act relating to the award of a high school diploma to certain World War II veterans."

MOVED CSSB 64(HES) OUT OF COMMITTEE

SENATE BILL NO. 40

"An Act relating to the education of children with disabilities and of gifted children; relating to the Governor's Council on Disabilities and Special Education; making conforming amendments; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

SB 40 - No previous action.

SB 64 - No previous action.

WITNESS REGISTER

Major General Phil Oates
Commissioner

Department of Military &
Veterans Affairs

PO Box 5800

Ft Richardson, AK 99505-0800

POSITION STATEMENT: Supports SB 64

Bruce Johnson, Deputy Commissioner

Department of Education &
Early Development
801 W 10th St.
Juneau, AK 99801-1894
POSITION STATEMENT: Supports SB 40

Greg Maloney, Director
Division of Special Education
Department of Education &
Early Development
801 W 10th St.
Juneau, AK 99801-1894
POSITION STATEMENT: Answered questions regarding SB 40

ACTION NARRATIVE

TAPE 01-9, SIDE A
Number 001

CHAIR LYDA GREEN called the Senate Health, Education & Social Services Committee meeting to order at 1:37 p.m. Present were Senators Leman, Wilken, Davis and Green. The first order of business to come before the committee was SB 64.

#SB 64

SB 64-HIGH SCHOOL DIPLOMA FOR CERTAIN WWII VETS

MAJOR GENERAL PHIL OATES, Commissioner of the Department of Military and Veterans Affairs (DMVA), stated that SB 64 honors our veterans and recognizes the achievements that WWII veterans made to our country. Some 15 states have already enacted legislation awarding high school diplomas to WWII veterans and 11 states have legislation pending. About 63,000 veterans live in Alaska today; about 10 percent of those are WWII vets. About 150 Alaska veterans would be eligible to receive a high school diploma under SB 64, including Alaska's Territorial National Guard members.

SB 64 applies to WWII veterans who dropped out of high school or did not finish high school because of their military service. This project is known nationally as Operation Recognition. During WWII, many men and women left the comforts of home and high school to fight. Later in life, many wished they had received a diploma. Providing one is the least we can do as a sign of respect and recognition. SB 64 will allow the Alaska Department of Education and Early Development (DOEED) to award a diploma to WWII veterans who served during the period from August 7, 1940 to July 5, 1947. Veterans with a GED are also eligible. He asked committee members to support the bill.

SENATOR WARD joined the committee.

SENATOR LEMAN asked, tongue in cheek, "General Oates, you know how we've been working for accountability in our education system, do you think it would be appropriate to have these veterans pass the competency exam?"

MAJOR GENERAL OATES replied, "Senator Leman, since we're not quite to the competency exam period, I think we'll move with haste at this time." He added he is quite confident that all of these veterans have exceeded the requirements expected of a high school graduate.

SENATOR WARD asked if SB 64 applies to the Merchant Marines who were called to duty.

MAJOR GENERAL OATES said it does as they are recognized as veterans.

CHAIR GREEN announced that she sponsored an amendment at the request of DMVA. The intent of the amendment is to allow WWII veterans who later received a general equivalency diploma to apply for a high school diploma. It reads:

Page 1, lines 12-13, delete "or general equivalency diploma".

SENATOR WARD moved to adopt the amendment. There being no discussion or objection, the motion carried.

There being no further questions, SENATOR LEMAN moved CSSB 64(HES) from committee with individual recommendations and its zero fiscal note.

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CHAIR GREEN announced the committee would hear SB 40.

SENATOR WILKEN announced that he would be leaving shortly to testify before another committee.

#SB 40

SB 40-EDUC.OF DISABLED OR GIFTED CHILDREN

DR. BRUCE JOHNSON, Deputy Commissioner of DOEED, stated he was testifying on behalf of the Administration and made the following comments. Since a similar bill was considered by the legislature last year, DOEED worked with the Governor's Council on Special Education and Disabilities, Parents Inc., the Disability Law Center and school district representatives to obtain input in drafting

this legislation. Members of the three advocacy groups then reviewed the proposed legislation and provided feedback that was incorporated into SB 40. A list of the representatives from the various organizations who worked with DOEED has been distributed to committee members. DOEED also solicited information from parents and representatives of gifted children. SB 40 accomplishes several important purposes. He provided the following highlights.

SB 40 updates the special education statutes in accordance with the federal Individuals with Disabilities Act as amended in 1997 (IDEA 97). IDEA 97 contains a number of policy modifications, including strengthening parental rights and improving academic outcomes for children with disabilities. SB 40 helps ensure that children with disabilities will continue to receive appropriate educational services and that Alaska will continue to be eligible for federal special education funds. For FY 02 these funds are expected to total more than \$19 million.

SB 40 further defines Alaska's special education policy in areas where IDEA 97 provides states with discretion. For example, SB 40 modifies current statute by requiring state boarding schools and statewide correspondence schools that enroll children with disabilities from outside their district to provide special education and related services. SB 40 also limits a school district's responsibility to provide services to children with disabilities who attend private schools to the level required by IDEA 97.

SB 40 more clearly differentiates the federal requirements for providing educational services to children with disabilities from state requirements for providing educational services to gifted children.

CHAIR GREEN asked Dr. Johnson to repeat his statement about private schools.

DR. JOHNSON explained that SB 40 limits a school district's responsibility to provide services to children with disabilities who attend private schools. He said Mr. Maloney will elaborate on that concept. Students will still receive services but the services will be limited to what is required by federal law.

DR. JOHNSON continued highlighting SB 40.

Under SB 40, school districts must continue to provide gifted education programs, however districts are required to serve only gifted children enrolled in and attending public schools. Additionally, districts will no longer be required to provide related services, such as individual transportation to gifted children. However, a gifted student could be identified as a child with a disability as well, thereby qualifying for related services.

Where appropriate, different terminology describing the components of gifted education has been incorporated to further distinguish gifted education from federally funded and mandated special education and related services.

SB 40 also maintains DOEED's responsibility for overseeing the gifted education programs provided by school districts. Although the new legislation does not add new responsibilities, DOEED has not previously had the resources to adequately fulfill its obligation. Therefore a general fund increment in the FY 2002 budget for the Division of Teaching and Learning Support is requested to cover the cost of DOEED's oversight responsibilities.

DR. JOHNSON asked Mr. Maloney to outline some of the proposed changes within SB 40.

MR. GREG MALONEY, director of the Division of Special Education, DOEED, referred to a DOEED document entitled, "HB 71/SB 40 An Act Relating to the Education of Children with Disabilities and Gifted Children" and made the following comments about the provisions of SB 40.

First, SB 40 changes the terminology in statute from "exceptional children" to "children with disabilities" and "gifted children."

Subsections (3), (4) and (5) were added to Sec. 14.30.186. Subsection (3) states that children at a treatment, correctional or youth detention facility who are eligible for special education and related services shall be served by the borough, city school district, or regional educational attendance area in which the facility is located. Subsection (4) will require special education services to be provided by state boarding schools that enroll students with disabilities. Subsection (5) requires a district that provides a statewide correspondence study program to ensure that services are provided to children with disabilities enrolled in those programs.

Regarding due process hearings, DOEED is proposing to change the current two-tier due process system. Under the current system, the district is responsible for assigning a hearing officer and, after the decision, the parent or district can appeal to DOEED. Under SB 40, DOEED would assign the hearing officer and an appeal of the hearing officer's decision would go directly to the Alaska Superior Court.

CHAIR GREEN asked if payment for the hearing officer would remain at the local district level.

MR. MALONEY said DOEED anticipates it will be paid for by the local school district.

MR. MALONEY explained the next change pertains to mediation; AS 14.30 will be amended to add a new section. Mediation is a voluntary dispute resolution process provided for in the most recent federal statute and regulations pertaining to special education. States will sponsor programs in which districts and parents can voluntarily enter into mediation to resolve issues.

CHAIR GREEN asked if DOEED will name the mediator, subject to the approval of both sides.

MR. MALONEY said DOEED is already doing that. DOEED oversees the mediation system but has a contractor that provides mediators and does the day-to-day logistical assignments. The mediators go onsite. The process is free to both the district and the parents.

CHAIR GREEN asked if that cost is included in DOEED's budget and will continue to be.

MR. MALONEY said yes.

CHAIR GREEN asked if a mediator can be used for either students with a disability or for gifted students.

MR. MALONEY said that mediation is not available for gifted education because it is a federally funded program.

MR. MALONEY continued discussing SB 40. The next change to statute is to individualized education program (IEP) components. In the current statute, the IEP components for gifted education and special education and related services are combined. In SB 40, DOEED separated the special education requirements, which are the federal requirements, for students with disabilities, and cited the federal regulations that pertain to the IEP components. For gifted students there is no federal mandate, so the components were maintained and listed in the section of SB 40 that relates to the gifted IEP.

CHAIR GREEN asked Mr. Maloney if he believes it is appropriate to use the same name for both categories of students.

MR. MALONEY said DOEED has changed that and now calls it "individualized gifted education program."

MR. MALONEY explained the next change is a DOEED proposal requiring districts to serve students enrolled in private schools to the degree mandated by federal regulations and legislation. Currently, students enrolled in private school are served by the resident district and there is no difference between the services provided

to public or private school students. Districts do not receive similar funding for those students. Under DOEED's proposal, private school students would be able to receive services from the districts according to mandates contained in the federal regulations.

CHAIR GREEN asked if the districts will receive any funding for providing those services.

MR. MALONEY explained that under current Alaska statute, a student enrolled in private school is eligible for the same services as a student enrolled in public school. The federal law and regulations require less than that - they require that a proportionate share of funds be spent on private school special education. Districts would not be required to provide the total array of services to students enrolled in private school.

CHAIR GREEN asked if that level of service is referenced in 34 CFR 300.450-462.

MR. MALONEY said that is correct.

CHAIR GREEN asked if it says the services provided to these students would not have to be the same as if they were enrolled in public school.

CHAIR GREEN asked what DOEED is currently doing.

MR. MALONEY said under statute, private and public school students would be treated the same.

SENATOR LEMAN said he is trying to figure out what problem this fixes. He asked Mr. Maloney to supply him with a list of the services required under federal law and the services provided now.

CHAIR GREEN asked if only federal money will be used.

MR. MALONEY replied, "The way the federal government would look at it is they would track how we are spending their federal funds and so the proportionate amount would be how we spent - has the district spent a similar amount of federal funds on private school as they have on public school, or kids who are enrolled in the school district itself? So they don't track the state funding, particularly in the block grant, if there is no direct correlation between student enrollment with special ed and funding."

CHAIR GREEN asked if it is possible to get partial funding so that if there is the need, the funding follows the child.

MR. MALONEY said funding does not typically follow the child - not in public school either. Funding is based on the count periods but those have been changed.

SENATOR LEMAN said it is based on a count on a specific date so a student can withdraw but the school will continue to get funded for that student.

CHAIR GREEN said that prior to the passage of SB 36, a district could quantify a special education student. Now, the actual number of those who qualify for gifted, special education, vocational education or bilingual education is not used, a straight 20 percent is used. She said she thinks it is important that the treatment be equal and she would prefer to find a way to do that.

DR. JOHNSON said the part-time student law does address this - those students are counted for at least one quarter. A student with a more significant disability gets counted in the regular student count for funding purposes and then gets the add-on of 20 percent to help offset the higher costs of special education services. The difficulty is a situation where a student is not enrolled part-time or the service provided might only be offered for a total of one hour per week. That does not meet the proportional minimum of one quarter time so the funding comes directly from the district's pocket. Therefore, under the old formula, private school students receiving special education services from the public school were counted in the district. Districts were given some money to support those services.

CHAIR GREEN said she thought that was an omission.

MR. MALONEY said it has been a resource issue as well as a logistical issue for how best to serve students in these institutions. DOEED will provide the committee with additional information.

SENATOR LEMAN said his initial reaction is to figure out a fix along the lines that Chair Green mentioned. He agrees that a fix is necessary.

CHAIR GREEN asked, if a student is fully qualified for special education services, how much of the 20 percent is actually spent on the student. She questioned what the financial requirement is to provide the average service and whether a lesser amount would fulfill it.

MR. MALONEY continued with his presentation. On page 25 of the

handout, the requirements for the gifted education programs have been separated out into separate sections of the statute (14.30.351).

CHAIR GREEN pointed out that all of those provisions are beyond what the federal government requires or pays for.

MR. MALONEY referred to page 27 (Comparison of Current and Proposed Legislation) and said one of the purposes is to make it easier for parents and districts to refer back to see what the requirements are for gifted education and how they differ from special education services. He noted that districts will no longer be required to provide related services to gifted students, including transportation. Related services also include occupational, speech and language therapy, and counseling. He explained that the current statute says that exceptional children will receive special education services so some differences were created when gifted children were separated out.

CHAIR GREEN noted that goes back to the original concept for special transportation - that special education students might have special safety and access needs, which one would assume that a gifted child who is not disabled would not need.

MR. MALONEY summarized by saying the bill is complex in that it mixes state and federal terminology. DOEED has published an Alaska Special Education Handbook. It is a policy and procedures guide. DOEED is currently printing an updated guide for parents.

CHAIR GREEN asked if districts will make that available to any parent who inquires about special education services.

Number 2069

MR. MALONEY said they will. He noted DOEED also supports the Governor's Council with advocacy efforts to provide support to the parent and training information center, which is Parents, Inc. DOEED continues to look for ways to make the information more accessible because the statute is very complex.

CHAIR GREEN agreed that the statute can be daunting to parents because it contains references to federal statute.

SENATOR LEMAN asked for a copy of the parent guide when it is available.

CHAIR GREEN took public testimony.

Number 2133

MR. STEVE LEVINE, Mat-Su Borough School District Supervisor for the Gifted and Talented Education Extended Learning Program, said he wanted to reiterate some of the testimony given this morning on HB 71. He expressed concern that the least restrictive environment, on page 15 of SB 40, would preclude the gathering of gifted and talented students. Research shows that a necessary part of their program is to spend time together because of their common intellectual abilities. Second, he is concerned about a statewide definition of what "gifted" is. He believes the local education areas should define that for their communities and establish eligibility criteria based upon that definition.

CHAIR GREEN asked if Mr. Levine means that a gifted child in Mat-Su might fall under different eligibility requirements than a gifted child in Juneau.

MR. LEVINE said the definitions can differ radically. One district may make the eligibility criteria specific to those who are cognitively gifted while another might include gifted and talented or speak of multiple intelligences.

CHAIR GREEN asked Mr. Levine if he is referring to the identification section on page 13 (Sec. 14.30.353).

MR. LEVINE said he is. He pointed out language on page 17, lines 15 and 16, contains a definition of "gifted education."

CHAIR GREEN said she would have a representative from DOEED address that concern after the public testimony is taken.

Number 2338

MS. DEBBIE OSSIANDER, Anchorage School Board, said in general, Anchorage is not supportive of separating gifted services from special education services unless it has been determined with certainty that Alaska is in jeopardy of losing federal special education funds.

TAPE 01-9, SIDE B

MS. OSSIANDER made addressed the following points.

- Page 3, Sec. 5. The Anchorage School District has been struggling with the best way to incorporate Medicaid payments for children who are served by the district. The District understands that Medicaid should be the first payer for health

services. Currently, students enter school with Medicaid services, but once they are enrolled in the District, the District must assume the cost of those services. The Anchorage School District would like language added to the bill to reflect its understanding of federal requirements that Medicaid pay first.

- Page 9, Sec. 21. This section addresses children who have to leave their home district for services. The Anchorage School District's concern is centered around children who need residential services for mental health problems. These students are very expensive to educate and currently there are not adequate services for these children in Alaska.

CHAIR GREEN asked Ms. Ossiander if her concern is the phrase "school district" on line 8.

MS. OSSIANDER said her concern is on line 17. She believes a sentence should be added to clarify who will absorb the cost when an exceptional circumstance occurs.

CHAIR GREEN noted that this concern is not new ground.

MS. OSSIANDER said the districts have received regulations about this section and current regulations say something to the effect that if there is a situation of exceptional cost, the district can request help from the State. Her understanding is that DOEED is considering eliminating that section. She expressed concern about the word "may" on line 17, page 9.

CHAIR GREEN pointed out that the only change to that section of statute is the word "school" was inserted before the word "district." She acknowledged that Ms. Ossiander is asking that the entire question of who will absorb the cost be addressed.

MS. OSSIANDER continued.

- Page 12, line 22. DOEED needs to clarify its expectations about "informed consent" and to provide formalized instructions to parents. She noted that it is expensive to provide a booklet to parents, especially in light of the fact that about 80 languages are spoken in Anchorage.
- Page 13, Article 3A. The Anchorage School District is concerned about immediately going to due process without mediation or an administrative review because it will require a more expensive approach.

MR. MALONEY explained that mediation would not be provided for gifted students because mediation falls under a federally sponsored

program that does not cover gifted students.

CHAIR GREEN asked when a preconference hearing occurs.

MR. MALONEY said the preconference hearing is addressed on page 16, line 16 of SB 40.

CHAIR GREEN asked if the same hearing officer would preside at the preconference hearing.

MR. MALONEY said yes.

CHAIR GREEN said it could be termed a form of mediation but it is not referred to as such because mediation is a federally funded program.

MS. OSSIANDER said she would like to discuss that with the Anchorage School Board. Her next concern is on page 14, lines 17 and 25. The Board will need clarification from DOEED of what "short-term instructional objectives" means. She also expressed concern about the least restrictive environment section on page 15. All educational research that she has seen indicates that it is far more appropriate to "pull out" gifted children. She explained that the Anchorage School District has two programs of service for gifted students. One program is for highly gifted students who are in the top two percent of the population. Those children attend one elementary school and one high school in Anchorage. They are bussed from Girdwood, Peters Creek and all over Anchorage. The district also provides gifted services for elementary students by having them pulled out one day per week to a regional elementary school to take classes for a half day. If the district uses a strict interpretation of least restrictive environment, it would have to provide extensive justification for every student for bussing them elsewhere.

Number 1925

SENATOR LEMAN said he would like the bill to require school districts to meet the minimum and allow them to go beyond that by providing a separate environment.

CHAIR GREEN commented that this is an issue of population.

MR. MALONEY stated that this section of the bill does not mandate that the same provisions be applied to all students. In fact, the least restrictive environment is mandated to the maximum extent appropriate. That means when the eligibility and program determination groups get together, they would talk about the

services that each student would require and where those services would best be provided. This section emphasizes the benefit of including disabled and gifted students with their same age peers who are not designated as such.

CHAIR GREEN said it will be up to the districts to fund the systems they have chosen. She asked Mr. Maloney if he thinks anything in that section should be revised to address Ms. Ossiander's concern.

MR. MALONEY said, as he reads Section 14.30.355, it still resides within the district to make the determination of how students who are identified as gifted will receive services. However, a parent has the right to challenge a district's program under the current statute.

CHAIR GREEN asked if the due process hearing would be based on SB 40.

MR. MALONEY said it will if the bill passes.

SENATOR LEMAN said he is troubled by this language and feels the committee's intent should be clearly established in this hearing record.

CHAIR GREEN asked Ms. Ossiander and Mr. Levine to contact her office or Mr. Maloney to discuss this section and get back to the committee with suggestions. She noted she sees the difficulty in writing language for a gifted program for a district that has multiple schools and thousands of students, versus a district with one school.

MS. OSSIANDER said she agrees with Mr. Levine about the identification of gifted children. The Anchorage School Board reads this to mean it would have to operate under a statewide identification system. The Board favors local control in this matter and it has some concerns about expanding the definition beyond the service that it currently provides. Her last point was that the special education budget for Anchorage, and other districts, is inadequate. This is the one budget area that keeps climbing and the districts are continually striving to deal with the mandates they face. She urged the committee, as it looks at the private school issue, that districts are straining to adequately provide special education services. She also urged the committee to include, as is current practice, transportation for gifted students because Anchorage is bussing gifted children to one school.

Number 1634

MS. LOUISE PARISH said she is speaking on behalf of children and herself. She is a member of several advocacy organizations. She has a 16 year old, dyslexic daughter who she has had trouble getting services for. She has been through a due process hearing. She read from IDEA 97 regarding the least restrictive environment and noted that she would fax a copy of the questions that she asked the House Special Committee on Education that morning. She is concerned about the state performance goals and indicators and believes DOEED should publicly [indisc.] for regular students' performance. She feels the least restrictive environment section should include the words, "if it cannot be achieved satisfactorily." Regarding participation assessments, DOEED should allow for appropriate participation in statewide assessments. The section about procedural safeguards does not contain the new IDEA 97 procedural safeguards. She read the IDEA 97 section on evaluations, which states that no singular procedure shall be the sole criteria for determining an appropriate educational program for a child. She would like that requirement put into statute. [MOST OF MS. PARISH'S TESTIMONY WAS INAUDIBLE.]

CHAIR GREEN thanked her and noted her questions would be distributed to committee members.

Number 1217

MR. BOB BRIGGS, representing the Disability Law Center of Alaska (DLCA), informed committee members that he worked on this legislation during the interim. He met with DOEED one day last fall, along with five other people representing the DLCA. Two of those people were parents of disabled children; one a lawyer and one a retired school administrator. They were thankful to debate the different aspects of HB 301/SB 205, last year's legislation. He clarified that his group did not participate in the drafting of SB 40. His group did have an opportunity to meet with DOEED officials to discuss the bill but he doesn't feel the group was able to respond to DOEED as well as it would have liked. DOEED has definitely made an overture to get the group's views but the DLCA staff person assigned to this bill resigned last year and, coupled with the death of DLCA's executive director, DLCA is very short staffed. He offered to submit a written statement to the committee at this time but he would like to discuss some concerns with DOEED prior to bringing them to the committee.

CHAIR GREEN noted she would schedule Mr. Briggs to give his presentation the following week. She asked Dr. Johnson and Mr. Maloney to address some of the concerns expressed during public testimony.

DR. JOHNSON said they would address the more straightforward concerns right now and address the more complicated ones at a later date, due to time constraints.

MR. MALONEY said his thoughts on the concerns expressed about the least restrictive environment section are that the special education community sees a value in educating disabled students with their non-disabled peers to the extent possible. In looking at that same environment for gifted students, there may be some different desires but that will depart from the current statute. Current statute treats the least restrictive environment provision similarly for children with disabilities and gifted children.

CHAIR GREEN thought the difference to be acceptable.

DR. JOHNSON noted that one of the challenges that DOEED faced at that last go-around was that anytime they tried to differentiate, it was suggested that DOEED was limiting the scope of services for gifted students. Therefore, DOEED's approach in SB 40 was to include everything that is currently in statute unless there was a specific reason to change it.

MR. MALONEY said the second concern expressed was about the statewide definition of "gifted." Currently, districts are required to identify gifted students so each district submits a plan with identifying criteria to DOEED. There is no move to have a statewide definition that prescribes who is gifted and who is not. It provides a general overview of what gifted is but each district is required to put that in more detail.

DR. JOHNSON added that eligibility criteria is for communication purposes at the local district level. DOEED does not have enough lifetimes to figure out a statewide definition, given what it hears from around the state.

CHAIR GREEN thought the bill may need some clarifying language to specify DOEED's intent. She asked if DOEED will continue its current practice of approving each district's eligibility criteria.

DR. JOHNSON said the eligibility criteria will be approved district by district.

MR. MALONEY said, regarding Medicaid funding for disabled students, Medicaid funding cuts across agencies, it is not necessarily an education funding issue. DOEED has been working with school districts and other agencies to explore ways to maximize the funding that can be received under Medicaid. He said he could

assure the respondent that DOEED is looking for all ways to increase resources to districts.

MR. MALONEY stated that, regarding students who need placement outside of a school district for mental health or other issues, the Alaska Youth Initiative is designed to keep students in Alaska and local whenever possible. DOEED has been working closely with that group to improve and increase their capacity.

Regarding the concern that required information be presented to parents in different languages, the Parent Guide, published by DOEED, will be translated into three languages: Spanish, Philippine, and Yupik. DOEED also plans to translate its procedural safeguards into three languages.

SENATOR LEMAN asked if the documents will be translated into the Tagalog dialect.

MR. MALONEY said that is correct. Regarding short term instructional objectives, he said that is a standard approach to IEPs. An annual goal is created and that goal contains specific objectives.

CHAIR GREEN asked if that is something that can be quantified and identified so that a mid-year review can occur.

MR. MALONEY said right now it requires an annual review but the short term objectives are reviewed so if they are met, it is presumed the annual goal will be met. He noted an annual goal might be that a child's reading skills improve by one grade level. The short term objectives speak to how that will be done. He noted that has not changed.

MR. MALONEY said DOEED is working on performance goals and indicators. Data on graduation rates, disability drop-out rates, and performance on assessments is available and DOEED is refining it. DOEED is required to report that information to the federal government.

CHAIR GREEN announced that the committee will revisit this issue. She announced the committee, during the week of February 12, will hear an overview by DOEED and discuss the high school graduation qualifying exam. The committee will also be hearing about standards assessments, test contractor passing scores, and the legal defensibility of the current test. She then adjourned the meeting at 3:03 p.m.