
Commission Meeting

of

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

*“Testimony from Dr. Vito A. Gagliardi Sr.,
Acting Commissioner of Education, and members of the Commissioner’s staff,
on the subject of Education Outside the Box: Special Education in New Jersey”*

LOCATION: Room 319
State House
Trenton, New Jersey

DATE: March 22, 2001



10:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Assembly Speaker Jack Collins, Chair
Assemblyman Alex DeCroce, Vice-Chair

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The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

Assemblyman Kevin J. O'Toole
Assemblywoman Charlotte Vandervalk
Assemblyman Peter J. Barnes Jr.
Assemblywoman Nia H. Gill
Assemblyman Joseph J. Roberts Jr.

ALSO PRESENT:

Theodore C. Settle
Office of Legislative Services
Commission Secretary

Haskell B. Berman
Assembly Majority
Commission Aide

Jennifer Sarnelli
Assembly Democratic
Commission Aide

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ASSEMBLY SPEAKER JACK COLLINS (Chairman): Good morning, everyone. We would like to start this meeting of the Speaker's Commission on Education.

And before I make introductory comments, I would ask Mr. Settle to take the roll.

MR. SETTLE (Committee Secretary): Speaker Collins.

SPEAKER COLLINS: Here.

MR. SETTLE: Assemblyman DeCroce.

ASSEMBLYMAN DeCROCE: Yes.

MR. SETTLE: Assemblyman O'Toole.

ASSEMBLYMAN O'TOOLE: Here.

MR. SETTLE: Assemblywoman Vandervalk.

ASSEMBLYWOMAN VANDERVALK: Here.

MR. SETTLE: Assemblyman Barnes.

ASSEMBLYMAN BARNES: Here.

MR. SETTLE: Assemblywoman Gill.

ASSEMBLYWOMAN GILL: Here.

MR. SETTLE: Assemblyman Roberts.

ASSEMBLYMAN ROBERTS: Here.

SPEAKER COLLINS: Thank you.

First, let me thank the Commission members, not for being here, because I know that you want to be here -- and it is part of the charge of this particular Commission that we are reaching out to the educational community, but even more so the citizens of this state, to glean information as to where education should be going in New Jersey.

Now, some of you have testified at our public hearings, which have taken place all over the state over the last four or so months, and we appreciate you being here today. And you've heard me say what I'm about to say now.

But we're so honored to have the Commissioner here, that I would like to restate for him, and for those of you who are here for the first time, what the role of this Commission is.

First off, it is not a committee. And it has no usurpation as part of its goal from the Education Committee in the New Jersey General Assembly chaired by Assemblyman David Wolfe.

What we are attempting to do is to, as I've already stated, find out what people are thinking in the broad sense of education, not a particular bill, not even a particular segment of education, though we are going to focus on them now, but really, conceptual views, though they will lead, we hope, to specificity.

We've had citizens speak to us, as I say, at our public meetings, and we are now ready to move forward over these upcoming months to look at particular segments of education, starting today with, after hearing from -- general comments from Commissioner Gagliardi, the aspects of special education, a couple meetings from now -- vocational education -- as we're saying education outside the box, meaning not that box that so many think of in the CEIFA formula, but the normal K-12 or pre-K-12 education.

We hope that at the end of this experience, that we-- And we absolutely know the seven of us will have a better grasp of the thoughts of citizens of New Jersey, but we hope that we will be able to come up with

particular pieces of legislation, if necessary, but if not, some kind of statement that involves a future of education in particular segments.

So, having said that, we are particularly honored today to start our hearings that are not open to the public as such as testifiers, but surely as listeners and suggesters after our meeting. But we have the Acting Commissioner of Education in the State with us today.

And before we hear from you, Mr. Commissioner, I would like to say personally, and having worked with you before, I am excited that -- and contemplate no problems at all for your getting rid of the term of acting -- of the role you will play in the educational future of our children in upcoming years.

This is the first time that publicly we have been together. And as I pointed out to you before, I would like to mention that the fellow members of my Commission are nonmembers of the Education Committee. So this will be an opportunity for us to deal with you personally. And I would ask that you spend the first few moments, before we move to special education in particular -- and I know you have staff here that will respond to our questions -- that if you just give us some thoughts of yours of education in New Jersey -- your personal thoughts.

And if at any time any member of the Commission would like to ask a question of any testifier -- let me set this groundwork right now -- you don't have to get my permission. I know you all. We all have courtesies abundantly within us. Whenever there's a breath and you want to ask a question, feel free to do so.

And with that, Mr. Commissioner, thank you for coming, and we look forward to your comments.

**A C T I N G C O M M I S S I O N E R V I T O A. G A G L I A R D I S R.,
Ed.D.:** Thank you, Mr. Speaker.

I welcome this opportunity. And I certainly want to let you and your Commission know that this is really my first appearance before a group of legislators. And I welcome this opportunity.

I've attempted to be concise, and in doing so, I've prepared some talking points, specifically about special education, but I want you to know I'd be happy to respond to any question when I'm through with that.

But let me say at the beginning that I don't know all the answers. I never did. And I take that as an advantage, which causes me to listen to just about everyone.

In almost 40 years in education, I've realized that just about everyone alive is an expert in education because they've gone to school. But more so, I think we have stakeholders that are involved in education, whether they be parents or legislators, that really have specific views that we should consider, and then if that causes us to impact upon decision making, that's fine.

I know at some point in time, I'll not have the liberty of being called acting. That should have been taken care of last Monday, but unfortunately, I know that the sessions had to be rescheduled, and I believe the vote is scheduled for Monday.

Having said all of that, I believe that New Jersey has a long and proud history of meeting the needs of children, especially those with disabilities. The Department of Education is now committed, and I think has been for a

long time, on carrying on that particular tradition and ensuring that every child, regardless of his or her special needs, receives a quality education.

And that goes further. I believe every child has the ability to learn, regardless of what they look like, what language they bring to school, or where they live. Sometimes we have to take the time and look very carefully in meeting those particular issues or needs. But I think that's the responsibility of the State to take a child where they are when they come to school so that we can move them forward and be productive citizens.

For parents, teachers, and school administrators, and the State, special education has always posed specific and special challenges. Identifying the programs and the services that will help the children with special needs meet their full potential can be extraordinarily difficult, even, at times, heart-wrenching, and the cost can be staggering.

Placing a severely disabled child in a special school can cost an average of \$50,000 a year and can reach as high as \$100,000 a year. Let me say that recently, on a trip to Washington, D.C., and meeting with chief state school officers, I thought I heard costly programs, but I shared a concern that I have, especially with the autistic spectrum disorders.

And there was a story by a deputy, I guess, from California that talked about a child in California that is costing a school district \$1 million a year. And she posed that question to Secretary Paige, and I believe it to be a very real situation, and I think that's something that is surely catastrophic for that school district.

Now, here in New Jersey, our next year's budget proposes spending \$910 million on special education. That represents an increase of more than

\$140 million over the current year, and the largest increase since 1990. The State will be paying for approximately 50 percent of the total cost of special education throughout New Jersey. As special education costs grow, so does the demand for services. As of last December, more than 221,000 students across New Jersey were enrolled in special education, and we expect that number to increase next year.

With so much at stake for children, for parents, for school administrators, and for local property taxpayers, I believe it's time to take a fresh look at the future of special education. I welcome the opportunity to begin that dialogue with you today.

But before we talk about the future, would you allow me, please, to spend a few minutes talking about where we stand today?

Identifying special education children: Currently, students who may be disabled are referred to and evaluated by a local child study team. The child study teams, working with parents and teachers, assess a number of things: the level of performance of the student, whether a child definitely has a disability, whether changes in services and programs can be made that would enable a child to progress in the general education curriculum, or whether the child requires a special education program.

During the evaluation, the child study team may observe the child in the classroom, interview parents and teachers, and administer tests, including achievement and intelligence tests. If a child is found to have a disability, the child study team makes every effort to keep the child in a regular classroom with supplement services provided.

Students with disabilities are removed from the regular classroom only when they cannot be educated satisfactorily in that setting. This is not just State policy, it is required by Federal law.

Assessments: Federal law requires that all students participate in the State's assessment program. All New Jersey students, including those with disabilities, are educated in the core curriculum content standards. Participation in the statewide assessment provides a measure of progress in achieving those standards for students with disabilities, as it does with all students.

Each student with a disability must prepare for the fourth- and eighth-grade assessment, as well as the HSPT or the HSPA, which it will be known as, unless the child study team determines that the child lacks the skills and knowledge to answer any of the types of questions upon that particular assessment.

On average, 96 percent of fourth-grade students with disabilities took part in the May 2000 ESPA, an increase of 4 percent over the prior year. Of those tested, 22 percent were found proficient in language arts literacy, and 36 percent in math, with 69 percent in science. On average-- Of 90 percent of the eighth-grade students with disabilities that took part in both the March 1999 and the March 2000 GEPPA tests-- Of those tested in March of 2000, 27 percent were proficient in language arts literacy, 16 percent in math, and 40 percent in science. Since October of 1997, there has been an annual increase of approximately 1000 students with disabilities participating in the HSPT. The number of students passing all three content areas of the test increased slightly last year after a two-year decline. In October 2000, 34 percent of those tested passed reading, 39 percent passed math, and 32 percent passed writing.

The Department is in the process of developing an alternative assessment for students who cannot participate in either of those three tests due to the severity of their particular disabilities.

When the Department reports the test results, we seek to present a complete picture of how students are performing. We provide assessment results for all students, including those classified as special education, or limited English proficiency. And in addition, we analyze the numbers and provide details on specific proficiency levels of special ed students, students with limited English proficiency, as well as the general education students.

Funding: Special education costs for states and local school districts are exploding here in New Jersey, as well as across the nation. Compounding the problem has been the failure of the Federal government to honor its commitment to children with disabilities.

In 1975, Congress passed the Individuals with Disabilities Act in order to guarantee all children with disabilities equal access to quality public education. As part of that law, the Federal government was to pay 40 percent of the cost of special education. More than a quarter of a century has passed since then, and Congress has never even come close to meeting that obligation. Currently, the Federal government pays for about 12 percent of the cost.

In the new era of budget surpluses in Washington, there has been growing support to fully fund special education. In fact, in the last session, the House passed legislation to phase in full funding over 10 years. However, the Senate failed to act.

While President Bush has said he supports full funding for special education, education reform initiatives that he has presented to Congress in January really has failed to meet that issue.

We must keep the pressure on Congress, obviously, to act responsibly and honor its commitment to the children with special needs, and I urge you to work with me in seeking assistance from the New Jersey Congressional Delegation, the Council of State Legislators, and other national organizations to fight for full funding of special education. Our children deserve nothing less, and they should have it.

Today, the State carries the greatest share of the financial burden for special education, paying approximately, as I said earlier, half the cost. With the Federal government now providing only 12 percent of special education expenses nationwide, local school districts and local property taxpayers are forced to pick up the remaining costs.

There are two forms of State Aid. The State pays an amount per pupil above the TNE amount, based on the level of disability. The second, the State provides extraordinary assistance to cover the expenses of educating children with severe disabilities. This aid is available for annual costs in excess of \$40,000 per student.

What are the challenges ahead? New Jersey has consistently ranked at or near the top, nationwide, in the percentage of students who are placed in separate facilities outside of their own school districts.

In 1999, the United States Department of Education monitored our special ed program and found that contrary to the law, the majority of the

students with disabilities were being educated out of the district. Our own analysis reached the same conclusion.

In response, the Office of Special Ed Programs is now providing technical assistance to districts to help ensure that placement decisions are made properly and that students are placed in the least restrictive environment.

Isolating students in out-of-district schools is not only unfair to many children, it can be, and is, extremely expensive. Almost all the costs our Department receives for extraordinary aid to support costs, over \$40,000 per student, are for pupils in out-of-district placements.

Let me assure you that the Department is committed to working closely with local school districts to make sure that students with special needs receive quality education in the least restrictive setting closest to home.

We encourage smaller school districts to pull together to share services such as speech and physical therapy so that children who need these services don't have to leave the school or their school district to receive them.

Mr. Speaker, before I close, I have a personal interest in the area of autism and spectrum disorders, as I mentioned earlier. And for the past month, I have been requesting research data and statistics on this growing population of students and the impact on families -- the causes, the early identification, our intervention, and education programs and family services so that we can all reach positive outcomes.

I told you earlier about the California story of the \$1 million. I brought with me to this position, a major concern in this area, only from reading newspapers. And in some communities, they are declaring an epidemic.

I mentioned earlier when, I guess, I was interviewed by a reporter, that when I was teaching X amount of years ago, and even as an administrator, I might come across one youngster that we, the State, labeled as autistic. Now, all of you probably have been called by a family or a school district with this particular one item in mind.

And finally, I look forward to working with you and other members of the Legislature, not only in this, but in other areas, exploring new avenues of financing special education that will guarantee children with special needs, and their families, the best possible education without overwhelming budgets of the local school districts and the local property taxpayers.

Let me just close with this. About 20 years ago, I worked for the Department of Education, and we were involved in a situation that was a crisis. I don't remember what the crisis was. But I know there was a period of three days, at least, where myself and a number of the people were attempting to resolve this crisis. And I don't believe in the three days, we ever mentioned the word child, youngster, kid, student. In disgust, I said to my colleagues as we left, "What have we done for the children of New Jersey today?" And the answer for that particular three-day period was zero. I don't want that to occur. I want to be able to answer that question with you and anyone else and be proud of that particular answer.

So I welcome this opportunity to be here today. And I was happy to hear you mentioned, Mr. Speaker, that this does not conflict with the Assembly Education Committee, because I have a date with them later this afternoon.

SPEAKER COLLINS: Well, thank you, Commissioner. And when you go before them today, please mention to Chairman Wolfe that we are not in conflict with the Education Committee. (laughter) These chairmen get a little nervous at times.

Well, thank you for your comments.

As I mentioned to you in our brief conversation before, we are focused right now on special education, in all its perspectives. We're going to spend some time with vocational education. Then the next major segment as we see it, at least at this time, will be with testing and curriculum. And we surely will invite you back then to be specific again as introductory remarks on that. And then one that we may or may not bring you back for would be the whole process of funding of education. Should it be as it now is, or should we look for other avenues? Of course, that means beyond property tax as the key component. But they're way down the line. We want to be specific today, and in the next couple of meetings we will have with regard to special education, because in our public hearings, there are many educators, support groups, and most importantly, parents who express concerns, hopes, and dreams of where we're going in this. And that's what we'd like to do today, either with you or-- I know you brought some key support staff.

Let me, though, first start with my Commission members we have in here. There could be some questions you have beyond special education that you just were, as he said, and I'll play off you, Commissioner, things you've read in the paper that you might want to ask him that have nothing to do with special education. Why don't we grab that moment now for anyone interested? And then we'll focus, for the rest of this hearing, on special education.

ASSEMBLYMAN ROBERTS: My questions are about special ed.

SPEAKER COLLINS: Oh, okay.

ASSEMBLYMAN ROBERTS: Should I defer for a moment?

SPEAKER COLLINS: No, why don't we--

Does anyone have any other questions -- school construction, teacher shortage?

Go right ahead.

ASSEMBLYMAN DeCROCE: You just hit the number.

Today, I'm coming down, Commissioner, and I hear that we have a shortage of teachers in the State of New Jersey. And in speaking to some members of this audience here today, we find that the possibility there is the fact that possibly school boards are very generous in giving absentee benefits to faculty members. They allow them time off, and this may be one of the problems in acquiring people to replace them from time to time. I'm wondering if there's anything-- This is, obviously, something that's bargained through the unions. I'm wondering if there's any areas that the Department can try to take some leadership in trying to curtail some of these actions.

ACTING COMMISSIONER GAGLIARDI: Are you talking about negotiated leaves?

ASSEMBLYMAN DeCROCE: Yes.

ACTING COMMISSIONER GAGLIARDI: From what I've read, this is a nationwide crisis, Assemblyman, and I don't know what the factor that you're bringing to the table has to bear on the actual shortage. I'm certain that that will be a short-term thing. But I know that the teacher shortage is a

nationwide crisis, specifically in the four areas of math, science, special education, and world languages.

The shortage is not necessarily impacted as a result of, perhaps, what you're speaking of. I think it's the fact that about one-third of the 93,000 teachers that are eligible to retire either have or will be over the next 10 years. I'm not familiar with that factor playing into the shortage to be honest with you.

ASSEMBLYMAN DeCROCE: I'm sure you'll hear from some member of the audience on that one.

ACTING COMMISSIONER GAGLIARDI: Okay.

ASSEMBLYMAN DeCROCE: Beyond that, I hear this morning, too, that the union leaders are talking about increasing salaries to teachers to as much as \$40,000 as a starter. I mean, if we want to talk about property taxes, I don't want to tell you you'll blow the lid right off the State of New Jersey if we start increasing teachers' salaries to \$40,000. I don't doubt that they probably need an increase, but I'm not so sure that the union numbers are accurate. I mean, I can imagine what the minority will do if that number ever comes out. They'll really get nervous.

ACTING COMMISSIONER GAGLIARDI: I've read that, as well. No one has spoken to me directly about that particular issue.

ASSEMBLYMAN DeCROCE: And my last point is, you indicated that in special ed -- that in '75, the Federal government passed the regulation or law indicating they should pay up to 40 percent.

ACTING COMMISSIONER GAGLIARDI: Yes, sir.

ASSEMBLYMAN DeCROCE: And no administration, including the present one, has worked to try to fund it more than roughly 12 percent.

ACTING COMMISSIONER GAGLIARDI: Right.

ASSEMBLYMAN DeCROCE: Isn't there an opportunity for someone -- people such as yourself or possibly our congressional delegation -- to go before the Ways and Means Committee to argue this point in order to see that we gain these dollars that are absolutely necessary, even if they come up to 30 or 35 percent.

SPEAKER COLLINS: Commissioner, before you answer that -- surely answer any way you want, but I would like to say to Vice-Chairman DeCroce, in a public statement, that at our -- one of the upcoming hearings -- or meetings that we will have on this, we hope to have Congressman Bass, who is the sponsor of House bill 737, joined by three New Jersey members of the congressional delegation, Assembly -- excuse me -- I started to say assemblyman LoBiondo -- Congressman LoBiondo, Congressman Holt, and Congressman Saxton. And this would be for full funding. You alluded to that before. And we're going to have Congressman Bass come in here and talk about that. I just wanted to point that out. Feel free to answer in any way you'd like.

ACTING COMMISSIONER GAGLIARDI: Thank you, Mr. Speaker.

Let me just respond, Assemblyman, this way: One hundred percent really means forty percent when we're talking about IDEA.

ASSEMBLYMAN DeCROCE: I understand.

ACTING COMMISSIONER GAGLIARDI: And I think there is some discussion about moving into 40 percent. That in and of itself isn't the answer, and I don't want to be embroiled in detail. But let me attempt to respond in this way.

Even if in our particular case here in New Jersey-- Even if they went from -- the feds went from 50 to 40 and we received the full 40 percent, I'm not so sure that we would be allowed to do a lot more than we're doing right now, and let me explain why.

Whether we're talking about special education or other areas of receiving Federal money into the states, we play with two specific words that deal with "S", supplant and supplement. No school district can take additional moneys to supplant which is already being spent. It is to supplement what you're already doing. So I don't believe that it would impact upon our budget or the local taxpayers. It would simply mean that you would be able to do more with this money. It would not reduce our cost.

But I think that's an important item to keep in mind, because it would allow you to do additional -- I don't know specifically what the language would be, but in the past, that is an item that has caused us some concern.

ASSEMBLYMAN DeCROCE: But it would still be a lesser amount of money that the school board would have to ask the taxpayers for, wouldn't it?

ACTING COMMISSIONER GAGLIARDI: I'm not so sure. It would differ in different communities. I'm just saying that if they did that, there would be more that we could do without supplanting what we're already spending.

ASSEMBLYMAN DeCROCE: Thank you, Commissioner.

ACTING COMMISSIONER GAGLIARDI: You may want to speak to the Congressmen about that.

SPEAKER COLLINS: I don't know if thank you is the key word there, but the information we thank you for.

ACTING COMMISSIONER GAGLIARDI: That's my understanding, and I believe I'm correct, am I not correct? (speaking audience member) Unless they change that requirement, that would cause us no relief.

SPEAKER COLLINS: We'll jot that down with Congressman Bass -- not at all that we don't want to continue to do as much as we can for those who are listening closely, but on the other hand, the cost factor is something that we all know will deal with so many aspects of education.

ASSEMBLYMAN ROBERTS: Speaker, thank you.

Commissioner, good morning. I don't know that we've had the pleasure of meeting.

ACTING COMMISSIONER GAGLIARDI: No, sir, we haven't.

ASSEMBLYMAN ROBERTS: It's very nice to have you with us today.

ACTING COMMISSIONER GAGLIARDI: My pleasure.

ASSEMBLYMAN ROBERTS: I wanted to begin with an understanding of the numbers. I think you said that the State budget, in its currently proposed format, would be about \$910 million for special ed, which would represent about 50 percent of the cost.

ACTING COMMISSIONER GAGLIARDI: On average.

ASSEMBLYMAN ROBERTS: On average. By extension, that means that the spending is about \$1.8 billion statewide.

ACTING COMMISSIONER GAGLIARDI: I guess. Yeah.

ASSEMBLYMAN ROBERTS: So we contribute \$910 million, which is 50 percent -- leaves us with another \$900 million. If the Federal government contributes, roughly, 12, according to my crude math, that's about \$200 million, which leaves us a shortfall of about \$700 million.

ACTING COMMISSIONER GAGLIARDI: Yes, that's the math. Sounds good.

ASSEMBLYMAN ROBERTS: Okay.

ACTING COMMISSIONER GAGLIARDI: Sounds bad, but does sound good.

ASSEMBLYMAN ROBERTS: It does sound bad. You're right.

So that's the expense that the localities are being forced to bear.

ACTING COMMISSIONER GAGLIARDI: Right.

ASSEMBLYMAN ROBERTS: And I guess we can certainly be hopeful that the Federal government will step up and attend to its responsibility more significantly.

I just, as my colleagues hear all the time -- just as you do -- from our local school districts about the enormous impact of special ed students, particularly in school districts, particularly in settings when the family will move into a district in the middle of the year and create an enormous financial burden.

I wanted to ask-- I've spent a fair amount of time working on the issue of regionalization and shared services. And one of the things that I'm intrigued about, with respect to education, is the role of a county superintendent of schools. And it's my belief as a layman that they could be a lot more effective than they are in serving as a vehicle to provide perhaps not in-district

services, but services that are cost-effective and offered in a fairly proximate setting.

And I wonder, what are the various counties doing in terms of delivering or providing placement opportunities, within the context of the county, for students with special ed needs? What are the successes? What areas do you think that we could do a better job?

ACTING COMMISSIONER GAGLIARDI: Let me speak-- I didn't jot it down, but I have it here.

Let me speak, first, about the county superintendent, if I might. Eight years of my professional life was spent as a county superintendent of schools. And when I assumed that role, I wanted to read what is it that county superintendents are supposed to do. And I was intrigued, for many reasons, about not only the responsibility, but also the authority.

As you probably know, second only to the Commissioner of Education in statute and code is the term county superintendent of schools. And I take that literally, because regardless of the size of the state, a commissioner cannot function without a workable table of organization where he or she has a representative -- a designee in every county. And as I've been speaking with the State Board, with educational organizations, I have been expressing my concern about enlarging the present responsibilities of the county superintendent, not only in the area that you speak to, but also causing it to be a miniature Department of Education, if you will, within every 21 of New Jersey's counties. And there are a number of reasons for that -- not only special education and transportation and all the things that may concern you, but I

believe in certain parts of the State if you said we were going to shut down the county office, they would be very, very upset.

Now, there may be other counties where they would say thank you. And I don't like that. I honestly don't. And I'm selfish. I believe that if you're a school district and you need some assistance, whether it be on special education or anything else, I believe you should be able to call your county superintendent, and if they don't have the answer, they should provide it for you and to you.

Can we do more? Obviously. I've asked the entire Department to take a look at what are we doing now that we could do better. What is it we're doing we shouldn't be doing? And what are the areas that we're not doing that we can do and do it well? I don't know. I couldn't sit here this morning and be honest with you to tell you, from county to county, who does a better job than others. I would hate to rank them, but obviously, depending on the need, it would differ. I know that county superintendents sit on -- as members of particular governing bodies as a result of their title. And there you have a specific role to play in overseeing what it is the students deserve and what they get. But I have no detailed information in terms of what it is we're doing in a particular county, if that was your question.

ASSEMBLYMAN ROBERTS: Commissioner, I don't want to take too much of this Commission's time.

ACTING COMMISSIONER GAGLIARDI: I'd be happy to speak to you privately about it, obviously.

ASSEMBLYMAN ROBERTS: Yeah. This is what I want to focus on. And perhaps you can send me some material. We can talk at a convenient time.

If empowering the county superintendents to become another level of bureaucracy or a more administrative level of bureaucracy -- isn't my goal, and I sense it's not yours either.

ACTING COMMISSIONER GAGLIARDI: No.

ASSEMBLYMAN ROBERTS: I'm aware of some of the successes in places like Pennsylvania with the intermediate educational units -- have been able to be sort of a central provider of services that can't cost-effectively be provided at the local level. And if we can give districts and parents an opportunity for legitimate special ed placements that are, perhaps, provided at the county level and are a lot more cost-effective than some of the horror stories that you noted earlier, I think we're making a big step forward. And if you have some information about that, I'd be interested.

ACTING COMMISSIONER GAGLIARDI: And just let me close. I'd be happy to send whatever it is-- Maybe we ought to speak first, and then we can--

ASSEMBLYMAN ROBERTS: Sure.

ACTING COMMISSIONER GAGLIARDI: --be more specific about what it is you would like me to send you.

But let me just say that the Department of Education, in my view, as well as the county superintendent, has two major functions: technical assistance and compliance. We can't eliminate the compliance. It's there. I

would like to focus more on the technical assistance aspect of that particular role, as well as the Department, and I think that's what I hear you saying.

I'll either reach out to you where we can have an opportunity to sit down and speak, or you can have your office call me, and we can be more specific about what it is you would like to discuss.

Thank you.

ASSEMBLYMAN ROBERTS: Thank you. Thank you, Commissioner.

Speaker, thank you very much.

ASSEMBLYMAN O'TOOLE: Thank you.

Thank you, Commissioner, for coming here, and we'll tell you that you are very well regarded in the field of education for those people I have spoken with, particularly in Union County, that worked with you -- that you are exceptionally well regarded, and I'm certainly privileged to sit here and hear some of your ideas regarding education. And it's somewhat of an eye-opening experience for me to sit here and hear that we are dealing with about a \$1.8 billion issue regarding special ed. And like my colleague, Assemblyman Roberts, may have--

Many of my towns that I represent have complained-- (microphone adjustment)

The towns that I represent certainly complain about the concerns -- the financial pressures they have regarding funding of special education.

And you talked earlier today about there's roughly 221,000 who have been classified as special needs or special ed students. And you anticipate that that number will rise. Looking back at the last decade or so, have we seen

a steady progression increase of those students who have been classified as special needs or special ed, number one. Number two -- and why is that? Is it because we have more students, or is it because we are more careful, we have a better screening process, or in-tune professionals?

ACTING COMMISSIONER GAGLIARDI: I think it's all of that. I think we have caused ourselves to -- an attempt to identify students earlier, obviously. And that-- Just giving it more attention, I think, would cause it. But for whatever reason, and that's what we're looking at right now, we don't know why youngsters come to school specifically with all these problems. And I don't think it's an inflated number in and of itself. I think it's real. But it's all those things that you mentioned.

And by the way, Assemblyman, let me just say that the numbers that we're talking about, in terms of dollars, are estimates. I sit here today telling you we don't really -- we truly don't know the total cost of special education for a whole host of reasons. These were estimates based upon what we know we're paying out and what it's costing school districts.

ASSEMBLYMAN O'TOOLE: I will look forward to seeing what you will do in terms of decreasing or suppressing the number that we have. You said we rank highest in the nation in terms of placement of disabled or special-needs students outside their districts. So I'm looking forward to see what your plan is to remedy that or certainly bring it--

ACTING COMMISSIONER GAGLIARDI: My desire, as a result--

ASSEMBLYMAN O'TOOLE: What's your optimal plan here?

ACTING COMMISSIONER GAGLIARDI: Well, I think my plan is probably a plan that anyone who spends a lot of time thinking about this,

and certainly the families-- And I don't think there's anyone in this room that doesn't have either a family member or a neighbor that doesn't have what has been labeled a special ed child. And as a result of that, it becomes an emotional issue, as well as an educational issue.

I think the desire of most people, whether you're an educator or not, is to have an early identification of a particular problem, whatever it is, but in this particular case, special education, identify that problem, have early intervention, help that youngster as soon as we possibly can, with the desire of not necessarily keeping that child in that particular program for as long as he or she is in school. And that would benefit the child and the family, but it also would probably lower the cost at the tail end.

Is that a pie-in-the-sky desire? I don't know. But I think that's something that most people who are involved directly in special education would like to have.

ASSEMBLYMAN O'TOOLE: And you talk about early intervention, which leads me to my last subject -- is the autism.

I'm told that--

Actually, a friend of mine has a child who is two and a half years old who was diagnosed with autism several months ago. And he was screened through the doctors and whatnot. As a matter of fact, one of the doctors that worked for the State indicated that this child, at two and a half years old, needs to have special education at two and a half.

The parents from Sparta went to the Department of Education and asked for some schooling -- some assistance, and they were told that there's

either a law or regulation that says that they are not allowed to provide assistance until the child reaches three.

ACTING COMMISSIONER GAGLIARDI: That's correct.

ASSEMBLYMAN O'TOOLE: Do you find some contradiction in having early intervention as a priority and yet we are prohibited from giving special needs attention to a child until he is three years old? Clearly, if he's two or two and a half, and the doctors say he is in need of his education, why would we deprive a student or a child from that?

ACTING COMMISSIONER GAGLIARDI: Yeah. That's an excellent question. And I'm not sure. I'm going to turn around. But I think that involves Federal law, does it not?

BARBARA GANTWERK: The early intervention programs--

ACTING COMMISSIONER GAGLIARDI: IDEA.

SPEAKER COLLINS: If you would come up, please, for the transcriber and identify yourself.

ACTING COMMISSIONER GAGLIARDI: And please identify yourself, Barbara.

You don't have to tell your Social Security Number. (laughter)

MS. GANTWERK: You're not allowed to ask me.

Barbara Gantwerk. I'm the Director of the Office of Special Education Programs.

Early intervention from zero to three is required by Federal law, and the lead agency for that is the Department of Health. So the early intervention programs are run out of the Department of Health with a Federal contribution, as well as a significant State contribution. Once the student turns three, it is the

responsibility of the local district, prior to age three-- It is through the early intervention programs.

ACTING COMMISSIONER GAGLIARDI: That's what I thought, but I wasn't sure.

ASSEMBLYMAN O'TOOLE: So, if I give you the name, I can pass that information on to you, and maybe someone from your office can look into it.

ACTING COMMISSIONER GAGLIARDI: Absolutely.

MS. GANTWERK: Sure.

ACTING COMMISSIONER GAGLIARDI: Oh, sure. Thank you. Absolutely.

ASSEMBLYMAN O'TOOLE: Great. Thank you.

Thank you, Speaker.

ASSEMBLYWOMAN GILL: Commissioner, we haven't yet had the opportunity to meet, but your reputation precedes you, so I certainly look forward to working with you.

ACTING COMMISSIONER GAGLIARDI: Thank you.

ASSEMBLYWOMAN GILL: I'd also like to know -- has any studies been done to identify the reason for the increase in special needs students? I mean, maybe in terms of social, health, or other indicators so that we're not just spending money on detailing, but have there been any kind of indicators developed for either early intervention or in order to have other facilities help children at an earlier age?

ACTING COMMISSIONER GAGLIARDI: Let me speak in general, and then if you know specifically, I'd surely welcome you to chime in,

Barbara. But let me just say that 20 years ago the Department of Education had an office for research and development. That no longer exists. So for me to seek out, as I have through Barbara and others in the Department over the last month-- By the way, I served-- My anniversary was yesterday, one month exactly, Mr. Speaker.

But to get back to you, Assemblywoman--

SPEAKER COLLINS: And you still look fine. (laughter)

ACTING COMMISSIONER GAGLIARDI: I'm taking extra vitamins.

I have to search out with other agencies to seek the information that I'm looking for, as well as what you're looking for. Obviously, it's out there, and it's not a simple document, but absolutely. But special education isn't just education. It's health. It's human services. And unfortunately, sometimes it's corrections. It's all those things. And I don't have at my disposal someone to look specifically at that.

Barbara has been very helpful to me of late, providing me all the information that I'm asking, and more, in terms of the autism matter that we discussed briefly here this morning. But, yes, there is research. What it is right now? I don't know.

Do you want to speak to it, Barbara? I mean, there's, I'm sure, a multitude of documents dealing with the hows, the whys, and the wherefore. But in my particular case, and I don't want to say it changes daily, but it certainly changes often because of the different things that are identified and need to be attended.

MS. GANTWERK: The only thing I would add is that I think the research that people are really looking to in terms of improving regular education so that students would be successful and not need to be referred for special education is something that the Department has taken a lot of that research and dealt with programs in regular education. I think that's a critical issue.

ASSEMBLYWOMAN GILL: I was thinking about it from the point of a public policy issue so that we make decisions based upon a broad specter that deals with the immediate problem and seeks to, for lack of a better word, eliminate or eradicate the need for it in the future. So I know that you may not have that information--

ACTING COMMISSIONER GAGLIARDI: No, I don't.

ASSEMBLYWOMAN GILL: --but I think, as a public policy position, that's the kind of information the Federal government should have so that we can make those kinds of decisions. In my other life, I'm an attorney, and we represent some school boards, so that I'm sensitive to it.

ACTING COMMISSIONER GAGLIARDI: Sure.

ASSEMBLYWOMAN GILL: But at the same time, there never seems to be a body of information that underlines the reasons for it that are developed as it goes along, so then we can perhaps say, well, we need to put more money in health, because we realize that if we have children who go to school and they're well fed, we won't have to do all of this in special ed. The interrelationship or--

ACTING COMMISSIONER GAGLIARDI: No question.

ASSEMBLYWOMAN GILL: --holistic approach, if you will--

ACTING COMMISSIONER GAGLIARDI: I like that word. Yes. Absolutely, no question.

ASSEMBLYWOMAN GILL: --to education.

ACTING COMMISSIONER GAGLIARDI: And as an attorney, you know that one of the problems that your boards face with the Department is the phrase least restrictive environment, and that's an emotional issue, as well as educational. So I was thinking, as you were speaking, Assemblyman O'Toole wanted to know reasons. And I think one of the reasons is probably the fact that the Department and other agencies are doing a better job in terms of allowing parents and schools to be aware. It's an awareness situation that I think many times causes the numbers to go up, and I don't know if that's a bad thing in and of itself. The cost is the concern. But over a period of time, we're hoping to deal with the problem early so that it isn't as costly at the end.

ASSEMBLYWOMAN GILL: And on the issue of autism, of course, Montclair school system has a very progressive and sensitive program. And also, one of my aide's grandson is autistic. But that is a very sensitive and costly issue, and the children do deserve to be integrated when they can--

ACTING COMMISSIONER GAGLIARDI: Absolutely.

ASSEMBLYWOMAN GILL: --but certainly always educated. And that involves a whole family--

ACTING COMMISSIONER GAGLIARDI: No question.

ASSEMBLYWOMAN GILL: --and a whole other set of issues.

ACTING COMMISSIONER GAGLIARDI: Absolutely.

ASSEMBLYWOMAN GILL: Even, I think, aides to help just with the physical needs of the children while they're in school. So Montclair, along

with the other innovative things that we do -- that, of course, we have not discussed, but I'm sure the Speaker will at some time let us get into all of that -- but the issue of autism and that autistic children are special -- relationship we have with that issue.

ACTING COMMISSIONER GAGLIARDI: Yes, indeed. Thank you.

ASSEMBLYMAN BARNES: Thank you, Mr. Speaker.

SPEAKER COLLINS: Assemblyman Barnes, could I just let Assemblywoman Vandervalk go first?

ASSEMBLYMAN BARNES: Sure.

SPEAKER COLLINS: She has to run out for a moment to come back. Go right ahead.

ASSEMBLYWOMAN VANDERVALK: Oh, thank you. Thank you.

I think it's a quick question. I'm getting several letters from my local school districts that are qualified under the School Construction Program for funding. And apparently there's a review process, and they feel that everything is backed up, and that it will hold them off for an extra year. Is there some way that this can be moved along?

ACTING COMMISSIONER GAGLIARDI: Obviously, I don't know the school districts to which you are referring, but we're moving as quickly as we possibly can initially. We've dealt with the health and safety issues, then there were the *Abbott* districts. I don't know what the problem is here, and I don't-- I know what the general problems were. It's an unknown process. There's more than one State agency involved. Most of the districts see it as a

Department of Education problem. It may or may not be. I think it's a new awareness as to how to move this along. I can't speak to the issues unless I know, but I've been attempting to address it as quickly as we can by saying, school district, you have a program manager, deal with it at that level, and then with an assistant commissioner, through your county superintendent, or whatever. And if it's a specific problem, we jump on it right away.

I have heard some of these stories. And again, I don't want to generalize, but most of the time it's because the data that's being sent in is not complete initially, and it's got to be sent back, and maybe to an architect. I mean, if it's a building, it's one thing. If it's a revision to something already in place or remodeling, there are different reasons. I know in some cases there's some confusion, and that's because it's a new situation. But if you'd like to tell me on your way out a list of--

ASSEMBLYWOMAN VANDERVALK: Yeah. I don't even know the specifics. Do you have the name of a contact person that I could reach out to?

ACTING COMMISSIONER GAGLIARDI: They know the contact person.

ASSEMBLYWOMAN VANDERVALK: Oh, they do? Okay.

ACTING COMMISSIONER GAGLIARDI: Yeah.

ASSEMBLYWOMAN VANDERVALK: Okay.

ACTING COMMISSIONER GAGLIARDI: Every school district has a particular manager with whom they are working.

ASSEMBLYWOMAN VANDERVALK: From the State?

ACTING COMMISSIONER GAGLIARDI: Absolutely.

ASSEMBLYWOMAN VANDERVALK: Right. Okay. Thank you.

ACTING COMMISSIONER GAGLIARDI: I mean, and there are two other levels, just so that you know the process. Some of these things have to go to the AG's Office for some consideration, and then there is the EDA, and so on, but their initial point of contact is and should be with us. But I can't speak to the issues unless I knew the details.

ASSEMBLYWOMAN VANDERVALK: Thank you and--

ACTING COMMISSIONER GAGLIARDI: But we'd be happy to take a look at it.

ASSEMBLYWOMAN VANDERVALK: Thank you.

ACTING COMMISSIONER GAGLIARDI: Thank you.

ASSEMBLYWOMAN VANDERVALK: And let me close by saying what I should have said in the beginning -- welcome.

ACTING COMMISSIONER GAGLIARDI: Thank you.

ASSEMBLYWOMAN VANDERVALK: Thank you.

ACTING COMMISSIONER GAGLIARDI: Thank you very much.

ASSEMBLYMAN BARNES: Thank you, Mr. Speaker.

The \$910 million, I assume that includes transportation.

ACTING COMMISSIONER GAGLIARDI: I don't think so.

MS. GANTWERK: No.

ACTING COMMISSIONER GAGLIARDI: Does not.

ASSEMBLYMAN BARNES: Does not. Well, I, just on a personal note-- I mentioned this in a prior hearing we had up in Rockaway. My older brother developed polio at nine years old. I just want to illuminate how far we've come in this area. We lived in an area where my dad went to work 5:00

or 6:00 in the morning. We didn't have a car. When he came back out of the hospital, my brother, he had no way of getting to school. I just wanted to let the people know how far we've come here in America. The superintendent of schools came by my home, picked up my brother -- he had braces on both legs and walked on crutches -- and took him to school and brought him home every day.

When he graduated, he went to a Catholic high school in the next town. He couldn't get on a bus, and he had to thumb -- hitchhike -- every day for four years. Eventually, he went away to medical school and became a doctor.

Now, my wife was on a child study team up in Edison, and there was a situation where they sent a child, a student, to school in Boston, and it caused all kinds of concerns in the district -- among the teachers, among the taxpayers. And I think one of the concerns that they had at that time was whether or not the people on the child study team were too generous in their evaluation and caved in to the parental pressure that they brought to bear on the child study team.

You know, my question is, and I'm just -- a broad one: Do you feel that there should be a little more control on the child study team, or an area where the local board of ed can appeal the decision on the part of the child study team, that would send a child to Boston or cost the California school district \$1 million?

ACTING COMMISSIONER GAGLIARDI: Well, I think, obviously, every case is different, from your brother's case to this case in Edison, and we don't know the details, obviously.

ASSEMBLYMAN BARNES: No. I know that.

ACTING COMMISSIONER GAGLIARDI: I'm suggesting to you that there are plenty of rules and regulations, as well as laws, dealing with the issue, not only for the child study team, but also for the parents. And fortunately -- unfortunately, most of those decisions are made as a result of an appeal that lands in court. I don't know if-- I can't sit here today and tell you that a child study team is more generous than it should. I mean, ultimately, I'm assuming that the decision is made in the best interest of that child. Why Boston was selected, I don't know, and I don't know who would. If that's an extreme case, with that particular child study team, then it's an extreme case.

But let me say that I'm a local or economy person, and I believe in the local control of the schools. And that's not only a burden, but it's also a responsibility in terms of doing what's best for this particular child or all the children. Do we have in place policies statewide that oversee that? Obviously, we do. But it has to be challenged first, and then there's a whole process that comes into play, and it's difficult for me to respond specifically. I'm just giving you a general response, because I don't know the details.

ASSEMBLYMAN BARNES: No, I understand that.

ACTING COMMISSIONER GAGLIARDI: But I don't know the answer. I mean, I know that we require certain things of the child study team and so on, and the board has a responsibility as well. Sometimes you look at the cost, but I think first we look at the welfare of the child and attempt to balance that, not only special education, but everything.

As you were speaking about your brother, I was thinking about when I was growing up in Jersey City, and I went to school. I also had friends

that were stricken with polio, and they were taken to school. And when the yellow bus came to pick them up in the morning while we were walking to school, we called it the A. Harry Moore school bus, because that's where they were taken. As you know, it was named after him, because of his reputation here in Trenton.

But the point is, yeah, we have come a long way, and it seems as though with the passing of time, there's always another challenge. But I think there's plenty, plenty, plenty of policy and law dealing with the overseeing of those particular issues. I don't know if we need any more. I think if we use those that are already in place, we'll be fine. I don't know if I've responded to your question or not, it was so general, Assemblyman.

ASSEMBLYMAN BARNES: No, you did, and I appreciate your comments. And I mentioned my brother, because I am amazed at what we're doing today for children with disabilities. I'm almost as old as Frank Mikorski, the president of the school board in South Plainfield, and I think that Frank would understand that when I went to school we didn't have school buses. You got there on your own.

SPEAKER COLLINS: Were there books then? (laughter)

ASSEMBLYMAN BARNES: There were books. We got on horseback and--

ACTING COMMISSIONER GAGLIARDI: If you were lucky enough to own a horse.

ASSEMBLYMAN BARNES: --yeah. We made it in three days to the school. (laughter) But all kidding aside, it is really a dramatic change from the superintendent of the school. Can you imagine the superintendent doing

that today compared to what they're doing today? I'm concerned about the cost. You know, it's tremendous. But it's really wonderful what we're doing for people with handicaps in the educational system.

ACTING COMMISSIONER GAGLIARDI: Absolutely.

ASSEMBLYMAN BARNES: Thank you.

ACTING COMMISSIONER GAGLIARDI: You're welcome.

ASSEMBLYMAN DeCROCE: Just one final question. In my area, I get a lot of concerns on the part of school board members and parents. They seem to feel that too many times the administration in their schools are too ready to classify students, and they don't always know whether it's for the right reasons, whether it's funding reasons or absolute necessity. And I'm wondering if there's any kind of a signal that goes out at a certain level once a school has a certain amount of classified students? Is there any kind of a signal that goes out either to the superintendent of schools in the county or to your offices to find out why that's happening?

ACTING COMMISSIONER GAGLIARDI: Yeah. Let me respond by giving you a little history. When I was county superintendent of schools, I used to be upset with the number of kids that were classified as perceptually impaired, PI. And I used to say to the person in my office, the supervisor of special education, that and speech correction, for instance, why? And you know, I used to look at statistics of other states -- Massachusetts and New Jersey. I don't know what that ranking is today. I had a lot more time then to look at things like that, but we used to be second only to Massachusetts in that particular area. And maybe, are we still there, second, or did we take over number one yet?

MS. GANTWERK: Rhode Island got a few more, so they got ahead of us.

ACTING COMMISSIONER GAGLIARDI: Oh, Rhode Island. I think there are a whole host of reasons why that occurs. I don't know if there's a triggering device as a result of a particular number of classifications that would cause us to get involved. Obviously, we get the reports, the annual reports, and it shows whether the numbers go up or down. But I don't know if there's-- Is there a triggering device, Barbara, that causes the State or the county superintendent's office to say, wait a minute, something is wrong here?

MS. GANTWERK: Well, the one thing that we do have is in our new monitoring system, where the districts go through self-assessment.

ACTING COMMISSIONER GAGLIARDI: Okay.

MS. GANTWERK: One of the issues is the classification rate and how different is it from the statewide rate. So those districts who have a rate that's much higher have in their self-assessment that issue, and they are supposed to look at it and start addressing it through the self-assessment and then through the monitoring process. But we do help them to see when they're outside of what the general averages are for the state, and we've looked. We've gone into some districts when there was an issue and tried to identify why for some districts the rates were higher and for some lower, and as a result, did make some policy recommendations based on what we found.

ACTING COMMISSIONER GAGLIARDI: I think, Assemblyman, if I might-- I think Assemblyman Roberts made this point earlier: One student could skew that total number by moving into the district. Was it you, sir? Yeah. And that occurs. And sometimes, because of the size of the district, it

can wreak havoc in attempting to meet that particular need. And as a result, there have been triggered legislation, as you know, to meet that particular catastrophe. And it is catastrophic. But we rely on the local people to really monitor themselves because of all these incidental factors that could cause-- We can't just look at the cost, I guess, is the point that I want to make, because that in and of itself-- That factor alone, in and of itself, is not a true determination because of all the other things that could occur.

ASSEMBLYMAN DeCROCE: My concern, Commissioner Gagliardi, is the fact that in hearing this from school board members, I'm wondering if possibly some school districts are possibly abusing the classification area.

ACTING COMMISSIONER GAGLIARDI: I can't sit here today and tell you yes or no.

ASSEMBLYMAN DeCROCE: That's why I asked if there were a trigger.

ACTING COMMISSIONER GAGLIARDI: Yeah. We don't have that trigger. And to be honest with you, I don't know if I would want that trigger. I can't say on one hand that I'd place the responsibility on those people that are either duly elected or appointed to a local board of education and the people that they hire to be responsible for them. They know that community better than I would sitting in Trenton. And I think it's the manner in which-- I don't know if they would do it for more money, because as we've pointed out numerous times here today even on an estimate, it's still going to cost them at least 50 percent of whatever their cost might be. I want to believe that it's -- they're doing it because it's in the best interest of the child.

ASSEMBLYMAN DeCROCE: Thank you.

ACTING COMMISSIONER GAGLIARDI: That's what I want to believe.

SPEAKER COLLINS: Commissioner, I have a number of questions that I would like to ask about this area of education, and I have a couple in the broadest sense, and then -- and I won't even look at my Commission members -- and I have a few of my theories I would like to throw out to you.

ACTING COMMISSIONER GAGLIARDI: Okay.

SPEAKER COLLINS: And if -- Thank you, Joe; I mean Assemblyman Roberts -- and at any time people have more questions, don't let me dominate the remaining time, and we won't keep you here too long. But as I said, this is an opportunity with you, and I will point out to Commission members and others that in upcoming hearings that we are going to have related to special education, not only will we deal with the funding aspects, be it at the Federal level or some of the areas we want to talk about, but we are going to bring in the child team professionals, assessment groups, and see the inner workings that today you have touched on. We've asked you some particular questions, but we will be asking them particular questions in upcoming days.

I just have, and maybe Barbara can help you with this, or anyone -- any of your staff who are here. You had mentioned that there are 221,000 children currently classified as special ed students.

ACTING COMMISSIONER GAGLIARDI: Okay.

SPEAKER COLLINS: Could you tell me the level of disability, not all, but what would be the lowest? Someone who has trouble seeing, hearing, or ADD or whatever else, is that the lowest level, and what would be the highest

-- probably equivalent in our state to the million dollar student you referred to from California. So it's 221,000. We don't need all the categories. But at least I don't. Others may want it. What would be, you know, like this child is a little off today, but I don't mean that in any negative way. That to me would be the lowest on up.

MS. GANTWERK: Well, if we wanted to start from one of the students with the mildest disabilities, that would be the students who are eligible for speech and language services.

SPEAKER COLLINS: Okay.

MS. GANTWERK: This is a very large group of students whose only disability is a speech and language problem, and the only service that they are receiving is speech therapy.

SPEAKER COLLINS: Okay. Now, let me ask a question, if I may. And I will identify my grandson, Daniel, in the Elmer school system at 5 years old. He has trouble with his *R*'s. I think it's refreshing. I think it's his ticket to a future of -- that he--

MS. GANTWERK: Barbara Walters.

SPEAKER COLLINS: --can really be special. But no, you educators want to make him just part of the mold, so he is getting help. Is that the kind of student to which you refer?

MS. GANTWERK: Well, without saying anything about that--

SPEAKER COLLINS: Yeah, I'm just saying. But when you say speech, he has trouble with his *R*'s.

ACTING COMMISSIONER GAGLIARDI: We're not allowed to identify, Mr. Speaker.

SPEAKER COLLINS: Well, I'll identify him -- Daniel Cardona, my grandson. (laughter)

MS. GANTWERK: The criteria that we have would say that a student has to have an articulation problem and misarticulate a sound at the age in which 90 percent of the population has already mastered that sound. So we have some standards to say that this is not meant to be for students who have typically developing speech. And we know kids don't say *R*'s right, kids don't say *S*'s. I mean, there are a lot of sounds that develop later. So it's not-- I mean, I don't know what your-- I don't know about your grandson.

SPEAKER COLLINS: So you don't think in that 221,000 that he would be one of them? What I'm trying to get without picking on my grandson is--

MS. GANTWERK: It's not supposed to--

SPEAKER COLLINS: --you know, when you say speech or hearing problems or so on, would that be one?

MS. GANTWERK: It should not be for students--

SPEAKER COLLINS: Okay.

MS. GANTWERK: --with normally developing speech patterns, which includes misarticulations at the young ages. That's what it's not supposed to be for. If we leave them alone, they wind -- well, some of them wind up like Barbara Walters, you know, still with them, and pretty rich, but most of them don't have them anymore. (laughter)

SPEAKER COLLINS: That's my goal for my grandson. (laughter)

ASSEMBLYMAN BARNES: Mr. Speaker, I might interject that for us who are brought up in New England, we don't pronounce our *R*'s anyway.
(laughter)

MS. GANTWERK: Would definitely go to therapy in New Jersey.

ASSEMBLYMAN BARNES: Maybe I was handicapped, and I didn't realize it.

ACTING COMMISSIONER GAGLIARDI: They speak funny up there. They don't speak as well as we do.

ASSEMBLYMAN BARNES: Yeah, they talk funny. There's no doubt about it.

ACTING COMMISSIONER GAGLIARDI: Right.

SPEAKER COLLINS: Okay.

MS. GANTWERK: So that's kind of the lowest.

ACTING COMMISSIONER GAGLIARDI: That's the low level.

SPEAKER COLLINS: How about the most severe?

MS. GANTWERK: The most severe are the very low incidence problems who -- very medically involved children--

ACTING COMMISSIONER GAGLIARDI: Multiples.

MS. GANTWERK: --multiple disabilities, that's affecting cognitive development, physical development. I mean, that's at the very high end. The low incidence problems like autism, which is something that affects everything about a child's being -- their social development, their communication development, their education, all of that is affected. And we have many other issues in between, many other medical conditions that have academic and educational impact.

SPEAKER COLLINS: I understand.

MS. GANTWERK: The majority of students are not in the very severe and profound. The majority of students are in specific learning disabilities, which not that it doesn't have a profound impact on the student, but the disability is on academics, and it may not be as severe as somebody else. But specific learning disabilities and eligible for speech correction make up almost 70 percent of the students.

SPEAKER COLLINS: Seventy percent of the 221,000?

MS. GANTWERK: Yes.

SPEAKER COLLINS: Okay, that leads me to this question: Just roughly, of the 221,000, or the, I guess, 60-some thousand, a rough amount of that other 30 percent, I guess, but of the 221,000, what percentage would you say are sent to schools out of the school district and what percent have an aide with them within the school district?

MS. GANTWERK: I would say about 10 percent of the total population, because they don't only come from that most severe, are sent to out of district places.

SPEAKER COLLINS: Now, would that be 10 percent of 220,000 or 22,000?

MS. GANTWERK: Yes. Ten percent of the total are sent to special education, separate placements. But those don't necessarily come from the most severe.

SPEAKER COLLINS: Okay.

MS. GANTWERK: We have severe -- students with significantly severe disabilities being educated in their regular classes. Now, we have students

with learning disabilities being educated in separate schools. They don't go automatically hand in hand.

SPEAKER COLLINS: Okay. How about with aides, A-I-D-E-S?

MS. GANTWERK: I don't have the data on how many students-- I think that is one of the categories that makes you eligible for Tier IV funding, having a personal aide, but we don't -- I don't believe we calculate which factor got you eligible for Tier IV.

SPEAKER COLLINS: And we will pursue this further when we have others come in, but let me ask this question: Who is the determiner of whether a child needs an aide or not in the broad sense?

MS. GANTWERK: The determiner, by Federal law and State regulation, is the IEP team. The IEP team includes the parent, besides the school professional -- the person who's been involved, child study team member -- and someone who represents the district. And this is the key person, because the Federal law requires that there be someone on that team who is familiar with the resources and essentially can commit the resources of the district. Now, that's not--

SPEAKER COLLINS: Now, when you say resources, are you talking about money or just the ability or the resources to teach a child?

MS. GANTWERK: Well, the Federal law says the word resources, and the understanding that we have of that is that it's everything that resources means. So that an IEP team is supposed to be able to make decisions regarding students, and that's why we recommend to districts, if you have a student-- And there's going to be a question of some high stakes here -- a lot of moneys, very specialized programs. You might ensure that you have an administrator, a

building principal, someone there who does know the resources and can speak to providing resources. Because that's an important issue, and sometimes the districts don't have the people at that meeting who--

SPEAKER COLLINS: Why not?

MS. GANTWERK: Why not? If it's a big district, the administrators can't be at all of the meetings, or they don't -- I don't know why not. Maybe they don't see it as their responsibility until the decision has been made, and then they're concerned about it.

SPEAKER COLLINS: Yeah, I could see that.

MS. GANTWERK: So we do suggest that they think about beforehand -- you have some ideas about what the issues are. Because the person has to participate in the meeting, they can't sit outside the meeting and reject. To be a part of it, you have to be a part of it.

SPEAKER COLLINS: Okay. Let me focus on one area of special education for my-- This is my chance to find out about, and I have many friends who teach in special ed, and I still haven't quite put all this together, ADD. What percentage would you think, again if you could, of the 221,000 children are ADD classified, any idea?

MS. GANTWERK: We don't have a classification of ADD.

SPEAKER COLLINS: We do not.

MS. GANTWERK: No.

SPEAKER COLLINS: Okay. So, of that 221,000, none of those are ADD--

MS. GANTWERK: Oh, no, they could be--

ACTING COMMISSIONER GAGLIARDI: No, they might be--

MS. GANTWERK: --we don't call them--

ACTING COMMISSIONER GAGLIARDI: --but we don't call them ADD.

SPEAKER COLLINS: Oh, what do we call them?

MS. GANTWERK: Well, that depends. See, the idea is, what is the educational impact. Does this child have a learning disability and the educational deficit manifests itself in an academic disability? If they meet the criteria, then they could be learning disabled. If the ADD manifests itself in a behavioral way, that child's doing great in school, but their behavior is off the wall, so to speak, that's not an educational term (laughter), but--

SPEAKER COLLINS: It's one I understand, though.

MS. GANTWERK: So the student might be classified as -- under behavior, or it may be a medical condition diagnosed by a physician, and it could be other health impaired.

SPEAKER COLLINS: Well, why do I, as a layperson, know the term ADD if we don't use it as a classification? How did that get into the language of education and special education and so on?

MS. GANTWERK: Well, I think it's very popular in the media, and there's a lot of discussion about it. And Ritalin is a big issue, and that's gotten a lot of press -- the use of medication for students with ADD. And it certainly-- It's not that we don't recognize it. It's one-- We have it included under specific learning disabilities.

SPEAKER COLLINS: Well, how did that happen? And let me show the possible bias as an adult ADD person, someone who obviously, as I look back, had it then. But in a parochial school, it was handled, in my

judgment, one of two ways: The good Sister would slam me or ask me to pray the rosary. (laughter) Now, I'm not at all--

ASSEMBLYMAN BARNES: Which worked?

SPEAKER COLLINS: --and I have-- My family teaches, my daughter is a teacher, my son is a teacher, friends are in that area. I just need to be educated. But how did this, where someone like me who moves around and just was -- how all of a sudden now did it become something that is almost magical. Child is ADD, let's do something. Do you have the history of-- Why all of a sudden I know these letters?

MS. GANTWERK: Well, I don't have the answer for that. I can tell you it is in the Federal law, and that is the understanding of it. And the issue has been raised at a Federal level, but we used to have other names for it. When I started out--

SPEAKER COLLINS: Well, give me one of the other names, I mean, that will--

MS. GANTWERK: --minimum brain dysfunction, MBD.

SPEAKER COLLINS: What was that one?

MS. GANTWERK: Minimum brain dysfunction.

SPEAKER COLLINS: Dysfunction.

MS. GANTWERK: We had hyperactive -- used to be called hyperactive kids.

SPEAKER COLLINS: Ah, there's a word I've heard -- hyperactive.

ASSEMBLYMAN BARNES: Now, we're getting to the grass roots here. (laughter)

SPEAKER COLLINS: But we slowly have moved and now we have determined, and maybe rightfully so -- I surely don't want to close any doors in my educational process -- but now we have this, where it used to be a fidgety child, so to speak, now could be ADD, and then we moved through the whole IEP process, etc.

MS. GANTWERK: Well, you should know that we in New Jersey have decided we have never put that in as a category, precisely because we have said the fact that a child is fidgety does not mean you are special education, the fact that a child is hyperactive. We said if there is a disability and there's an impact educationally, someone may say the cause of it or parts of it may be ADD, but we say show us first what the educational disability is. So a child who has no educational disability who somebody says is fidgety and is doing okay in school with the teacher saying, "Sit right here next to me," not the rosary or you know--

SPEAKER COLLINS: I've been there. (laughter)

MS. GANTWERK: Okay. That child is not eligible for anything. The child is not eligible for special education unless they have a disability that impacts educationally, that requires special education services.

SPEAKER COLLINS: Okay. Now, I don't want to put you on the spot at all, because there are particulars all the time, but why would-- To me, educational achievement would show itself in, let's say, grades in a particular semester. Why would this, if it's true, why would this fidgetiness supplant just depression for loss of a loved one or whatever. I mean, once we start down this line of impact on educational achievement, I mean, is it ever ending as we continue to look more and more for the fact that every child should be able to

accomplish whatever we dream they should be able to accomplish. Why would it be different? My real question, and you sort of touched on it when you said hyperactive, how does this happen, that someone determines this? I'd like to just say that the media has dealt with it, but how does all this evolve?

ACTING COMMISSIONER GAGLIARDI: Mr. Speaker, I don't know if Barbara can answer it, and quite honestly, I don't know if I can.

SPEAKER COLLINS: Yeah. I just--

ACTING COMMISSIONER GAGLIARDI: But just let me point out a couple of things. I don't think any one particular group or group of educators or parents reached any conclusions that would lead us to where we are today. I think it was a combination of things. And in all due respect to our friends in the other branch-- I mean, the courts have dictated a number of items that we're presently dealing with--

SPEAKER COLLINS: No question.

ACTING COMMISSIONER GAGLIARDI: --as a result of challenges to the school system.

SPEAKER COLLINS: Or the whole learning environment status is--

ACTING COMMISSIONER GAGLIARDI: Absolutely. And if we want to talk about history, once upon a time we did nothing for children that truly had problems. And then in the early '60s, when I began to teach, we had only two classifications: you were either educable, whatever that was, or trainable. You might not know what an educable child was, but when you looked at a trainable youngster, you knew that that was a trainable youngster.

Today, many of the disabilities that we're talking about are visible in terms of physical characteristics. I don't know the answer, and obviously,

you were telling us a little bit about history also. And neither one of those two corrective actions that you were subjected to are allowed today in the public schools. And quite honestly, I don't know if 50 percent of what you spoke about would be allowed.

SPEAKER COLLINS: Well, not the rosary, but there's a lot of prayer going on on exam days and GEPPA days and HSPA days, I'll tell you that.

ACTING COMMISSIONER GAGLIARDI: Yeah. I mean, obviously, even the corrective action that Sister Mary Margaret may have put you through--

SPEAKER COLLINS: Well, it's a clone of Sister Martha Mary.
(laughter)

ACTING COMMISSIONER GAGLIARDI: Okay. Legally, she wasn't supposed to do that either, as you probably know, but the point is--

SPEAKER COLLINS: Yeah. Well, tell that to my parents.
(laughter)

ACTING COMMISSIONER GAGLIARDI: I know.

SPEAKER COLLINS: I sure didn't.

ACTING COMMISSIONER GAGLIARDI: And then something called double jeopardy came into it. But the point here is, I think, many of the questions that have been posed here today, obviously, do not have a one-answer response.

SPEAKER COLLINS: True.

ACTING COMMISSIONER GAGLIARDI: I think the statistical ones are easy to answer, and even those are estimates, because they change every

year. And I think the point that you made earlier is an excellent one. It's going to take a number of sessions like this to get more of a picture of what it is we're supposed to be doing to satisfy the need of that particular child.

But let me just close, because I think we've touched on a couple of things. I don't believe, and I don't want to believe that expanding these labels that we place on children -- good, better, and different -- are the result of solely -- solely labeling the child. I don't know why your youngster is being helped with the *R*'s, and I don't know why a lot of other things are happening. I know that, as you know, there are Federal laws. There are laws in New Jersey that direct us and local school districts to do what we believe is in the best interest of youngsters, and fortunately/unfortunately, it costs a lot of money to do these things.

So I certainly, once again, will respond to whatever questions there are so far, but I think more than that, we're looking to work specifically with the legislators to solve some of the things we can solve. And those that we can't, investigate further so that whatever answers are available are made available not only to the legislators, but to the public at large.

SPEAKER COLLINS: Well, I agree, and that's a perfect segue to, as I said, I was-- My comments would be broken up into three areas. I have a couple of questions beyond special ed, but I'll save those, because you've given me the opportunity-- As I said, I wanted to share a couple thoughts that I had with you, and I'm sure will have an opportunity, through the budget process and some other things over the rest of this term--

ACTING COMMISSIONER GAGLIARDI: Right.

SPEAKER COLLINS: --but let me grab the moment now to say this. And even it was-- It came about as we went through today's discussion. We are going to be particular in special ed and vocational ed, as I mentioned to you. We are going to look at the whole testing aspect and so on. But very honestly, the one thing that always comes to the fore and in our lives continually is the cost of all of this.

ACTING COMMISSIONER GAGLIARDI: Right.

SPEAKER COLLINS: And no matter how much in a particular area we all want to focus, you'll see over the cost, even as you did, a million dollars for someone there.

ACTING COMMISSIONER GAGLIARDI: Absolutely.

SPEAKER COLLINS: Right. My concern and what I would like to see and the Commissioner of Education do, and with us joining them and elected officials at every level -- that's one of my frustrations -- and we're going to close with the whole funding of all education, should it move off the property tax and so on. As I've said to other elected officials, we're missing the boat, it seems to me, when we say, well, it's the State's responsibility or the county's responsibility for this.

What we have to look at, and you've really touched on it, and Assemblyman O'Toole brought it to my attention, particularly today. Here we have a statute that very often I'm comfortable with at three years old. And I would venture to say, not to put words into the Assemblyman's mouth, but I know him well and I have great respect for him, a year ago he probably would have been comfortable with three. But now he has a personal experience that two and a half is the answer. And now I just watched when he posed the

question, his body language, and knowing what a caring man he is for children, he's a two-and-a-half guy on his way to two or a year and a half. (laughter) I know. And it's normal. It's right in that particular circumstance. But our problem is, we must deal in the broadest sense. And the issue that I have always seen is the problem with education is the children themselves -- please don't quote me out of context -- the children themselves.

Do you know why? Because it's for the child. And we all get a little misty eyed. And we want to go forward. However, that child is at the end of a payment book, so to speak. And where do we stop? And what happens is, if you go up to a person, and Kevin were to bring that beautiful two-and-a-half-year-old child, I don't care who the taxpayers-- "Oh, okay. I can support that," because now it's real. But what happens is, we get into the broadest sense. We don't deal altogether, challenging the society. What do we want to do?

We have this great concern now of violence in schools. Every time I see it, I think that's horrible. And on the other end I see the the cash register going "ka-ching". Do we want metal detectors? Do we want extra courses? Do we need specialists coming in? Every one of those-- Not what Peter Barnes's brother experienced in special ed and the rest of us. It just goes on and on. It is never ending. It is the constant frustration I have -- that balance between I want to help every kid-- On the other hand, I see the other side. And then do we -- all of us -- when you say to the public in every speech you make, if you could, Commissioner, "We want to do this for the child. And here's what it's going to cost. What do you want to do, citizens of New Jersey?" And look them right in the eye and make them decide. And they're the great challenges

that all of us have -- and not at all to neglect the educators who have to deal with them every day.

So we look forward to what will happen under the Gagliardi regime. And I say that with great, great hope. And as I said to you before, Commissioner, in the prior conversation-- Remember what I said, good luck beyond that.

So I just want to make that mention.

If I could, just a couple--

ACTING COMMISSIONER GAGLIARDI: I appreciate that.

SPEAKER COLLINS: If you'd like to comment on that--

ACTING COMMISSIONER GAGLIARDI: Just let me say this, and I'm going to pause intentionally. No commissioner of education is going to improve education in New Jersey, alone. And in all due respect to the Assemblyman and you, sir, we already are below two and a half. We're at zero. We are at prenatal. I don't know the cost of that. We're there. And I think you know that.

SPEAKER COLLINS: And I will just say -- and the society has to decide should we be there. And if we are -- and you ask them individually with an example -- "Oh, yeah." But that's what we have to--

If I may, a couple questions outside of that.

ACTING COMMISSIONER GAGLIARDI: Yes, sir.

SPEAKER COLLINS: One is, in an opinion-- You can be as political as you'd like.

We no longer have tenure for superintendents. Have you seen that have any impact on the educational structure in this state, as to continuity, as to the broad picture, and so on?

ACTING COMMISSIONER GAGLIARDI: Yes, I have. I don't believe, and I haven't really been prepared to respond to that, obviously, so this is off the top of my head.

SPEAKER COLLINS: I know. And think politically. But let me just say, for whatever this is worth, I voted against the elimination of tenure. And I'll even go further. When Governor Whitman -- I have great respect for her -- said to me privately she was going to move to eliminate principals' tenure, I told her, "Governor, you can move, but I'll never post that bill." So I want to let you know that I am a supporter of tenure, but -- right on up the line, except I do think there has to be more accountability to eliminate people who have tenure for the protections we'd like to give it to them, but not to retire as teachers, as superintendents.

So that's just a personal view, but--

ACTING COMMISSIONER GAGLIARDI: Okay. And I also bring a personal view. I mean, I was a superintendent--

SPEAKER COLLINS: I know you were.

ACTING COMMISSIONER GAGLIARDI: --that had tenure, as well as a superintendent that was a contracted superintendent. Obviously, I honestly never was in favor of removing tenure for superintendents for a whole host of reasons. And that's history.

SPEAKER COLLINS: Right. That's done.

ACTING COMMISSIONER GAGLIARDI: I don't believe that the intent that moved the legislation forward has brought the -- all of the, I guess, objectives that were requested at that time. In fact, I believe, on the contrary, it probably has cost more -- impacted school districts by having more transition in administrations, lacked the continuity that I think we either benefited from or suffered from, depending on the leader. Initially, I thought if removing tenure was a good thing, everybody's tenure ought to be removed so everybody would be on a level playing field.

So that's off the top of my head. It's occurred. It's law now. I think those people that put that bill together ought to take a look at it and say, "Is this really what we intended? And if we had it to do tomorrow, would we still do it," I guess, is the question?

SPEAKER COLLINS: Well, let me ask this. Have you either, when that law went into effect a few years ago, particularly now that we've seen it after some of the five-year contracts and so on-- It seems to me people I've talked to in education aren't willing to move to that level now, because they're totally, even with a five-year contract, at the whims of, and I'll say this because it's our world, the politics of a local school district. Are we short superintendents now? I'm not even talking about the quality, but actually the number. Are we short?

ACTING COMMISSIONER GAGLIARDI: Within the last month, I have reviewed a minimum of five separate studies that speak to not only the teacher shortage, principal shortage, shortage of superintendents. To answer your question with a simple one-word answer, the answer is, yes. It's real.

SPEAKER COLLINS: Let me move to another area. Maybe anyone here-- It might not be the current staff with you. But I stumbled on, at a school board meeting a year ago, and we've since, I think, heard it at this Commission, and I believe legislation has been introduced, or will be-- But I came upon the fact that when students are incarcerated, or children are incarcerated at the varying levels of our correctional system, that the local school district has to pay for that child's education, even though -- almost as special ed. They move into the district -- whatever-- Is that-- Does anyone know the history of that? And I do believe there's going to be strong support, and I will be supportive of it, to have the State take over those costs.

Any thoughts on it? The history-- What do you think of that?

ACTING COMMISSIONER GAGLIARDI: Well, there is history. It's long-standing. As a matter of fact, it gets to the point where -- if the residency of that particular youngster that is incarcerated cannot be determined, there's a whole process of trying to put the cost to the district that was last known and what have you. So, yes, there's a long history of that. And I know there's been some discussion in terms of the cost aspect.

I've recently read statistics in terms of comparing, let's say, the \$85,000 or \$90,000 that we spend on average per student compared to the amount of money that we spend for young people that are incarcerated either at the county or State level. And it's astounding. I mean, if you think that special ed costs are high, you have to take a look at those costs. I don't know what you're speaking to, specifically, but--

SPEAKER COLLINS: Right. Well, we are going to go through that process, but I was just--

ACTING COMMISSIONER GAGLIARDI: And it is a costly item, but more than that, whatever you're paying for, you're not really getting.

SPEAKER COLLINS: Absolutely.

ACTING COMMISSIONER GAGLIARDI: You're not getting-- Because depending upon where that youngster is incarcerated means a great deal in terms of whatever thorough and efficient education that particular youngster is getting. And that's one of the questions that I've asked staff to pull together for me, because I know that in some counties it's being done better than others, but that's another responsibility. When they go to a State facility, in place is a number of programs where youngsters and-- Well, they're no longer youngsters when they reach that particular level -- but students receive a specific education and attempt to get to a GED or workplace or whatever.

SPEAKER COLLINS: Well, to just give a personal hint to you and to others, and I've already indicated that eventually we are going to deal with the whole aspect of funding-- I've often said, and I use this number-- It's \$7 billion -- have the local property taxpayers to pay for schools. If we have \$7 billion somewhere else, we can shift it at any time. And I wait for someone to come up with that initiative. I don't know that it can be done, but what we might be able to do, and again, not knowing all of the dollar amounts, would be to look at special ed, which we will absolutely will be doing, but then this almost -- maybe I'm just the one that was behind -- under the radar aspect of other troubled children, who you may even want to call special ed -- and funding of them -- and if we take that at the State level in some way, it would-- I hope it wouldn't be \$7 billion, but it would relieve some property tax burdens. The only problem I could see is it wouldn't be across the board, it would be

some communities more than others, etc. But it is something that I personally, in a different role than Chairman of this Commission, plan to look into during this time.

ACTING COMMISSIONER GAGLIARDI: We welcome that. We certainly welcome the opportunity to work with you with that, Mr. Speaker.

SPEAKER COLLINS: Well, we'll surely be looking at the numbers, particularly-- You got my attention with how big the number is for the incarcerated students.

Does anyone else have a question of any kind, or a comment? I'm not the only one to share whimsical thoughts.

ASSEMBLYMAN BARNES: You add a lot of levity to it, which is important, too.

SPEAKER COLLINS: Well, thank you, Assemblyman. (laughter)

ASSEMBLYWOMAN GILL: But because you're the Speaker, we call it esoteric thoughts. (laughter)

ACTING COMMISSIONER GAGLIARDI: Heavy is the head that wears the crown, Mr. Speaker, I guess.

SPEAKER COLLINS: It truly is, particularly when-- If you look at each of my colleagues, who I love dearly, the corners of their mouths just had a little smile to it as they made those comments. (laughter)

Well, Commissioner and staff members who were here, we thank you very much. We will be reaching back to you in particulars. But we are now going to go, in future hearings, to much more specifics for our enlightenment.

Commission members, I thank you -- look forward to being together with you soon.

And again, Commissioner, thank you. I'm sure next Monday will be a fine day.

ACTING COMMISSIONER GAGLIARDI: Thank you very much, Mr. Speaker.

Thank you.

(MEETING CONCLUDED)