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PUBLIC HEARING

before

SENATE EDUCATION COMMITTEE

on

SENATE BILL NO 441

(Education of Handicapped Children)

Held:

April 24, 1974

Assembly Chamber

State House

Trenton, New Jersey

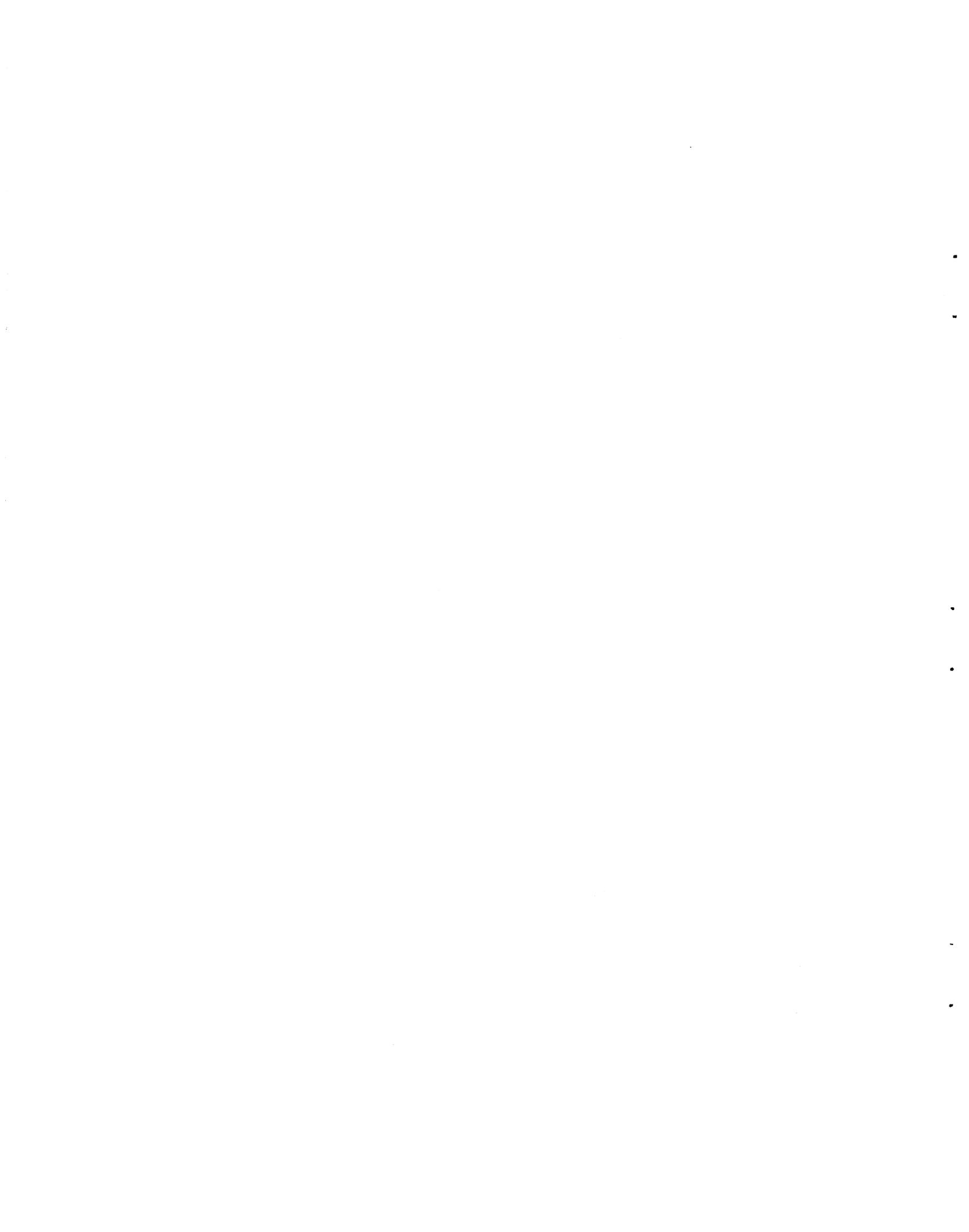
MEMBER OF COMMITTEE PRESENT:

Senator Stephen B. Wiley (Chairman)

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SENATE, No. 441

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Senator BEADLESTON

AN ACT concerning the education of handicapped children, and amending sections 18A:46-6, 18A:46-13, 18A:46-14 and 18A:58-2 and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 18A:46-6 is amended to read as follows:

2 18A:46-6. Each board of education shall identify and ascertain,
3 according to rules prescribed by the commissioner with the approval
4 of the State board, what children between the ages of 5 and 20
5 in the public schools of the district, if any, cannot be properly ac-
6 commodated through the school facilities usually provided because
7 of handicaps.

8 *In addition, each board of education shall also identify and*
9 *ascertain when deemed appropriate by the commissioner and ac-*
10 *cording to rules promulgated by the commissioner with the approval*
11 *of the State board, those children between the ages of 3 and 5 who*
12 *require and who would be benefited by a special education program*
13 *which may prevent their handicap from becoming more debilitating.*

1 2. N. J. S. 18A:46-13 is amended to read as follows:

2 18A:46-13. It shall be the duty of each board of education to
3 provide "approved special education programs" including suitable
4 facilities and programs of education for all the children who are
5 classified as handicapped under this chapter except those so men-
6 tally retarded as to be neither educable or trainable. The absence
7 or unavailability of a special class facility in any district shall not
8 be construed as relieving a board of education of the responsibility
9 for providing education for any child who qualifies under this
10 chapter.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

11 A board of education is not required to provide any further
 12 educational program for children who have been admitted to the
 13 Marie H. Katzenbach School for the Deaf but shall be required to
 14 furnish necessary daily transportation Monday through Friday
 15 to and from the school for nonboarding pupils when such trans-
 16 portation is approved by the county superintendent of schools in
 17 accordance with such rules and regulations as the State board shall
 18 promulgate for such transportation.

1 3. N. J. S. 18A:46-14 is amended to read as follows:

2 18A:46-14. The facilities and programs of education required
 3 under this chapter shall be provided by one or more of the following:

4 a. A special class or classes in the district, including a class or
 5 classes in hospitals, convalescent homes, or other institutions;

6 b. A special class in the public schools of another district in this
 7 State or an adjoining or nearby State;

8 c. *Special scheduling, programing or a combination thereof;*

9 **[c.] d.** Joint facilities including a class or classes in hospitals, con-
 10 valescent homes or other institutions to be provided by agreement
 11 between one or more school districts;

12 **[d.] e.** A jointure commission program;

13 **[e.] f.** A State of New Jersey operated program;

14 **[f.] g.** Instruction at school supplementary to the other programs
 15 in the school, whenever, in the judgment of the board of education
 16 with the consent of the commissioner, the handicapped pupil will
 17 be best served thereby;

18 **[g.] h.** Sending children capable of benefiting from a day school
 19 instructional program to privately operated nonprofit day classes,
 20 in New Jersey or an adjoining State or a nearby State and within
 21 400 miles of Trenton or, with the approval of the commissioner to
 22 meet particular circumstances, at a greater distance from Trenton,
 23 the services of which are nonsectarian whenever in the judgment
 24 of the board of education with the consent of the commissioner it
 25 is impractical to provide services pursuant to subsections a., b.,
 26 c., d., e., **[or]** for g. otherwise;

27 **[h.] i.** Individual instruction at home or in school whenever in the
 28 judgment of the board of education with the consent of the com-
 29 missioner it is impracticable to provide a suitable special education
 30 program for a child pursuant to subsections a., b., c., d., e., f., **[or]**
 31 g. or h. otherwise.

32 Whenever any child shall be confined to a hospital, convalescent
 33 home, or other institution in New Jersey or an adjoining or nearby
 34 State and is enrolled in an education program approved under this

35 ~~article~~ *chapter*, the board of education of the district in which the
 36 child is domiciled shall pay the tuition of said child in the special
 37 education program.

38 The board of education may also furnish ~~the~~ (a) the facilities or
 39 programs provided in this ~~article~~ *chapter* to any person over the
 40 age of 20 who does not hold a diploma of a high school approved in
 41 this State or in any other State in the United States ~~the~~ (b) suitable
 42 approved facilities and programs for children under the age of 5 ~~the~~.

43 *The board of education may, and if a local child study team so*
 44 *recommends and the commissioner approves, shall, provide for*
 45 *children under the age of 5 suitable facilities, programs and special*
 46 *services, in respect to which facilities, programs or services are*
 47 *provided in this chapter for children 5 years of age and over.*

1 4. N. J. S. 18A:58-2 is amended to read as follows:

2 18A:58-2. For the purposes of this article, unless the context
 3 clearly requires a different meaning:

4 "Resident enrollment" shall mean the number of full-time
 5 pupils who are residents of the district and are enrolled in day
 6 schools on the last school day of September or on the last school
 7 day of May during the school year in which calculation of aid is
 8 made and are attending the public schools of the district or a school
 9 district or State college demonstration school to which the district
 10 of residence pays tuition; provided, that no district shall count in
 11 its enrollment any pupil regularly attending on a full-time basis
 12 a county vocational school in the same county.

13 "Weighted pupils" shall mean the number of resident pupils
 14 multiplied by the following units:

15 Kindergarten pupils	.75	units
16 elementary pupils (grade 1 through grade 6)	1.0	units
17 Seventh and eighth-grade pupils not in ap- 18 proved middle schools or junior high 19 schools approved by the Commissioner of 20 Education	1.15	units
21 Pupils in approved middle schools and in ap- 22 proved junior high schools	1.25	units
23 Five and 6-year high school pupils (equated 24 to full-time)	1.275	units
25 Senior and 4-year high school pupils 26 (equated to full-time)	1.3	units
27 Vocational school pupils in vocational schools 28 or classes (equated to full-time)	2.0	units
29 Evening school pupils (equated to full-time)	1.0	units

30 Accredited evening high school pupils and
31 pupils in post-graduate high school classes
32 (equated to full time) 1.3 units

33 "AFDC children" shall mean the children aged 5 to 17 inclusive,
34 in families residing in the school district and receiving aid through
35 payments under a program of aid to families with dependent
36 children certified to the commissioner by the Department of Institu-
37 tions and Agencies. Each such child shall be weighted by an addi-
38 tional .75 units in counting the number of weighted children for the
39 school district. With respect to regional school districts and their
40 component districts, AFDC children shall be allocated among the
41 regional district and its component districts in proportion to the
42 number of resident pupils in each of them as determined from the
43 enrollment on the last school day of September.

44 "Classification of school districts" shall mean the classification
45 of school districts to be established pursuant to N. J. S. 18A :58-3
46 in one of the following categories:

47 a. Nonoperating district, being one which operates no schools of
48 its own;

49 b. Basic district, being one in which one or more schools are
50 operated and which meets all basic requirements of school law;

51 c. Limited district, being a basic district which meets such other
52 criteria as shall be prescribed by law;

53 d. Intermediate district, being a district which meets all require-
54 ments of a limited district and which meets such other additional
55 criteria as shall be prescribed by law;

56 e. Precomprehensive district, being a district which meets all
57 requirements of an intermediate district and which meets such
58 other additional criteria as shall be prescribed by law; or

59 f. Comprehensive district, being a district which meets all re-
60 quirements of a precomprehensive district and which operates
61 educational programs characterized by their diversity and high
62 quality as prescribed for such classification by law.

63 "Equalized valuations" shall mean the equalized valuation of
64 the taxing district or taxing districts as certified by the Director
65 of the Division of Taxation on October 1 for the year in which the
66 calculation of aid is made. In the event that the equalized table
67 certified by the Director of the Division of Taxation shall be re-
68 vised by the Division of Tax Appeals on or before January 15 of
69 the next succeeding year, such revised valuation shall be used in
70 any recomputation of aid.

71 "State average valuation per weighted resident pupil" shall

72 mean the quotient resulting from dividing the total equalized
73 valuations in the State of New Jersey as certified by the Director
74 of the Division of Taxation on October 1 by the total number of
75 weighted pupils of the State enrolled on the last school day of
76 September.

77 "Minimum support aid" shall mean the product of the number
78 of resident weighted pupils of the school district and one of the
79 following rates:

80 Not less than \$100.00 in a nonoperating district,

81 Not less than \$110.00 in a basic district,

82 Not less than \$122.50 in a limited district,

83 Not less than \$135.00 in an intermediate district,

84 Not less than \$147.50 in a precomprehensive district, or

85 Not less than \$160.00 in a comprehensive district.

86 "School district guaranteed valuation" shall mean the product
87 of the number of resident weighted pupils of the school district
88 and one of the following rates:

89 Not less than \$30,000.00 in a basic district,

90 Not less than \$33,750.00 in a limited district,

91 Not less than \$37,500.00 in an intermediate district,

92 Not less than \$41,250.00 in a precomprehensive district, or

93 Not less than \$45,000.00 in a comprehensive district.

94 "Current expense budget cost" shall mean the total appro-
95 priation for current expenses including the salaries of the sec-
96 retary of the board of education, the custodian of school moneys,
97 principals, teachers, janitors, medical inspectors and truant officers;
98 fuel, textbooks, school supplies, flags, transportation of pupils,
99 tuition of pupils attending schools in other districts with the con-
100 sent of the board, school libraries, truant schools, insurance, re-
101 pairs and renewals to buildings, furniture, equipment or apparatus,
102 and other incidental expenses of the schools.

103 "Net operating budget" shall mean the balance after deduct-
104 ing all estimated revenue from the current expense budget, ex-
105 cept the amount to be raised by local taxation and incentive equal-
106 ization aid apportioned.

107 "Approved special **[class]** *education program*" shall mean a
108 class for physically-handicapped or mentally-retarded children, and
109 all other classes for atypical pupils approved by the commissioner.

110 "Atypical pupils" shall mean pupils who are **[physically-handi-**
111 **capped or mentally retarded]** *classified as handicapped pursuant to*
112 *article 4 of chapter 46 of this Title* and who are **[not accommodated]**
113 *in need of an educational program which cannot be provided through*
114 *the school facilities and services usually provided for normal pupils*

115 *and shall include handicapped pupils of the ages 3 through 20 years,*
 116 *inclusive.*

117 “Evening school pupils” shall mean pupils enrolled in evening
 118 schools, except in classes for foreign-born residents, or in voca-
 119 tional schools, or in accredited evening high schools, or in schools
 120 known as adult schools.

121 “Accredited evening high school pupils” shall mean pupils
 122 enrolled in an approved evening high school.

123 “Vocational school pupils” shall mean pupils enrolled in courses
 124 of study for vocational education approved by the State board. No
 125 district shall count in its enrollment any pupil regularly attending
 126 on a full-time basis a county vocational school in the same county
 127 regardless of whether or not tuition is paid for such pupil, but such
 128 pupil shall be weighted and counted in the determination of State
 129 aid in the county vocational school operating a full-time program.

130 “Aid per resident weighted pupil” shall mean the quotient
 131 resulting from dividing the sum of the minimum support aid and
 132 the incentive equalization aid allocated to the school district by the
 133 number of weighted pupils on the last school day of September.

134 “Day school cost per pupil” shall mean the mean annual current
 135 operating cost of educating pupils, as determined by the commis-
 136 sioner with the approval of the board.

137 “Aid per resident pupil” shall mean the quotient resulting from
 138 dividing the sum of the minimum support aid and the incentive
 139 equalization aid allocated to the district by the number of resident
 140 pupils enrolled on the last school day of September.

141 “State aid” shall mean the sum of minimum support aid, incen-
 142 tive equalization aid, transportation, reimbursement, atypical pupil
 143 reimbursement, county aid and county vocational school aid, as
 144 determined pursuant to this article.

1 5. This act shall take effect immediately.

STATEMENT

Chapter 46 of Title 18A presently provides for the education of handicapped children between the ages of 5 and 20 years. The purpose of this bill is to provide a head start for handicapped pupils when they have reached the age of 3 years, since early education and treatment of handicaps may substantially lessen the burden which the handicapped child may be under when he reaches normal school age. The additional education given to handicapped pupils pursuant to this bill would receive the benefit of State aid as presently provided for atypical pupils.

SENATOR STEPHEN B. WILEY (Chairman): We will open the public hearing on Senate Bill No. 441.

My name is Stephen Wiley, Senator from the 23rd District and Chairman of the Senate Education Committee. I will be joined, from time to time during the day by one or more other members of the Senate Education Committee. I know that some are unable to make it at all. In one case, for reasons of health. However, our proceedings are being recorded and the transcript will be available to and considered by all members of the Committee, as well as by others affected by or interested in this legislation.

We have a list of people who have requested to be heard. We will endeavor to hear everyone. The Sponsor of the Bill is Senator Beadleston who will be our first witness. We will then hear from Dr. Ringelheim of the Department of Education. Then we have a list which has been assembled by Mr. Muller, Staff Aide to the Committee, of people who have requested to speak and they will be called in the order in which they made their request.

There are in one or two cases special requests - for instance, Mr. Dolan and Mr. Elmer have requested to be heard after 3 P.M..

We will conduct this hearing for about four hours and fifteen minutes today. We will break at 11 o'clock for about ten minutes; and break from 12:30 to 2 o'clock and then resume until about five minutes of four. I hope that we can get everybody in during that period of time. If not, we will schedule a further time so that we can hear everyone.

Let me point out, how you present it and what you say and to what extent is your determination. However,

if you would like to abbreviate or summarize a written statement, we would be delighted to have your written statement and have your summary or highlights of it, and that would help us expedite matters. But I don't want to impede or cut down anyone unnecessarily.

With that, let's start with the Senator from Monmouth County who needs to be introduced to no one, least of all to me. I had the pleasure and honor of serving this State in another capacity, some years ago, and used to watch him with admiration. I think he sat back there where Mr. Scagnelli is sitting, as the Minority Leader and at various times as Majority Leader and Speaker of this House, and now has played similar roles in the Senate, has been a leader in many areas of endeavor in the State of New Jersey, and I needn't tell you that the area that we are talking about today - that is, the handicapped children - has been one of the areas of his special accomplishment. So it is a privilege to have you here before us, Senator and we are delighted to hear from you.

A L F R E D N. B E A D L E S T O N: Thank you, Senator, for your kind remarks.

Despite what we read and what we hear, New Jersey, with the possible exception of our institutions, both the correction and mental health, leads or is about to lead in the actions we're going to take in the field of mass transportation and I think in every area of government. This is true from our model court system, our Constitution which is without equal, right on down through every branch of government and every aspect of it.

That's not to say we're perfect, of course. We're going to continue to strive, as we have, to improve every area. But certainly New Jersey leads in

the field of special education for the handicapped.

Again there is much to do, principally in the administrative field. I think, first of all, to implement the bond issue that was passed last November, which we're in the process of doing; improving our teacher techniques through research in the teaching field; overview of the existing programs in our schools; in the field of enforcement of what the law mandates, about which there's no question. But in the field of - well, I might add also in that other aspect, earlier vocational programs, before high school, for those children who are handicapped, all of which can be done in an administrative way.

In the legislative area, I think there are three fields that are of principal concern. One of these, unfortunately, may have to wait and was originally a part of the pending bill, in years past, and that was 12 months, year round education for the handicapped to give them the additional help which they so obviously need. That may have to be deferred because of the vast cost and, therefore, was deleted from this bill, and may have to wait until we get on with the question of thorough and efficient education and its costs.

Two other areas, one of which is not the concern of this Committee is included in a bill that I've introduced on the creation of a risk register so that we can know how many children we have to cope with at what age, one, two, three and four, so that when they get to school age we will be prepared to meet them. I am hopeful that we will be able to get another Committee of the Legislature in the Senate to act upon that and to get it enacted despite the fact that we have

run into somewhat resistance.

The other is the matter contained in this bill, and that is what I would call early start, that is the early, three and four years of age, education of the handicapped child.

The question here is that with that early advantage they could possibly at a younger age than now in many respects and possibly in the case of them going to school at the five year age may be able to go right into the regular class program. It's being done, and it can be done, elsewhere.

Now this bill before you - and I might add in that connection, Senator, I have given to Mr. Muller a Senate Committee Substitute for this bill because, in all honesty, the original bill was poorly drafted and was deficient in many respects. I won't bore you with the details but they had not incorporated in it amendments to the law that are already on the books; they had deleted certain sections that I had asked to be deleted but, in so doing, they deleted everything in the section and the section is now meaningless, etc., etc. I won't bore you with it.

So that the Committee Substitute before you does essentially what the original bill does but I now think this is a perfect document as against the defective one.

In any event, in that connection too, you may want to consider something that I have not done in this bill and that is in the second section at the end. For some strange reason, in an earlier amendment, we had language in there to the effect that any special educational facility or program for 20 year old children will continue through the school year. Why that was tacked on in an earlier law, at the end of a paragraph

dealing with the Marie Katzenbach School for the Deaf, no one will ever understand. I would suggest that it might be wise to take this Committee Substitute and delete that and then reinsert it at the end of the first paragraph of that section, or as a separate paragraph right following the first paragraph. That, to me, would make a great deal more sense because, as written in the existing law, I think it's in an improper place. But that's something for your Committee to do, if it chooses, and I suggest you consider it.

SENATOR WILEY: You're speaking of section 13.

SENATOR BEADLESTON: Section 13, yes. At the end of it, it says the language which I mentioned, which, incidentally, was completely omitted from the printed copy, the original printed copy, - again, Lord knows why, but it was. I've had it typed in here and you may want to move that.

In any event, this bill states - if you leave out all the other changes and you look at page 3 of the Committee Substitute -- it says: "The board of education may, and if a local child study team so recommends and the commissioner approves, shall, provide for children between the ages of 3 and 5 suitable facilities, programs and special services in respect to which facilities, programs or services are provided in this chapter for children 5 years of age and over."

Now, that language is both permissive and mandatory and is inserted for a very good reason. Not only are many 3 to 4 year old children perhaps not ready to go to school for not only reasons of the child but in cases of the parents where they have gone through some emotional crises as a result of the handicap of the child, but we're worrying about the cost of this program.

I have a fiscal note which I approved the other day and which I expected would be here for your Committee, which says that the program, if fully implemented, could cost approximately \$13 million. And \$13 million is a lot of money in the State today, as you and I well know, particularly with our many other problems. And this language would give some control over that expenditure, as well as over the other problems that I've mentioned as to the 3 and 4 year old child. And I would suspect, therefore, that the cost of this program would be approximately half, or less, of the estimated \$13 million with the controls envisioned here by the Commissioner and the child study teams.

But I am not concerned about the dollars being \$8 million or \$13 million, or whatever, because I think, in the writing of fiscal notes, people overlook the potential of the law itself and what it might do in the way of diminishing costs in the future. I am convinced that with early start programs, such as this, for the 3 and 4 year old child, you're going to have many of them at an early age fold back into the regular classroom situation, diminishing, therefore, the amount of children in the special educational classes that we see for the 5, 6, 7, 8, and 9 year olds and upward.

So that to estimate the cost at any million dollars fails to take into account that this program, in the long run, could conceivably save the State money, not cost the State money. And I think that's a very important consideration because, after all, that's not the purpose of the bill. The purpose of the bill is to help the children but, in so doing, I

think it's going to have materially an effect of that kind on the future costs to the boards of education.

Essentially, Senator, that is the purpose of the bill, that is the background information I can give you, and if you have any questions I will be glad to answer them.

SENATOR WILEY: Thank you very much, Senator.

As the language at the end of section 13, the new language that you referred to, reads, I take it it would mean that there is an obligation on the part of the schools, under this, to make the facilities and programs available. On the other hand, there is not, at least in a general way, an obligation on the part of the parent or on the part of the child to attend the school. In that sense, it's required that the schools be available but it is permissive on the part of the parent as to whether the program would be utilized.

SENATOR BEADLESTON: I would assume so, yes, Senator.

SENATOR WILEY: There are a couple of wrinkles on that, as I read it, one that theoretically if a child study team recommended that a particular child have a course of education at ages 3 and 4 and 5, and if the Commissioner approved, then under this bill the obligation would be upon the school board to provide that. And I take it, the parent would be obliged to cooperate.

SENATOR BEADLESTON: Well, I think you have to read this law in connection with the overall law on education which mandates school attendance during certain ages. And I don't think that this bill in any way contravenes that. When a handicapped child reaches the mandatory attendance age, he would have to; prior to that, I think it's optional with the parent. You certainly can't avoid it when he reaches - what is it, 6

or 7?

SENATOR WILEY: Six.

SENATOR BEADLESTON: Six. He must go. Right.

SENATOR WILEY: Prior to that, would you regard this as mandatory or in any case?

SENATOR BEADLESTON: I would not say upon the parent; mandatory upon the school when it either opts or when the Commissioner determines for the school to provide the facility but not mandatory upon the parent until the child reaches the mandatory school age of 6.

SENATOR WILEY: This would be the difference between free public education and compulsory education.

SENATOR BEADLESTON: Correct.

SENATOR WILEY: We might consider that, with regard to the language, just so it's clear in everyone's mind.

SENATOR BEADLESTON: I think you would find it would not in any way affect the mandatory school age law. It's an option rather than any change in that.

SENATOR WILEY: The number of children affected. I have seen some figures on it. Do you have figures, Senator, as to the number you feel would be in these age ranges who might qualify? As I understand it, we have about a million and a half.

SENATOR BEADLESTON: Unfortunately, Senator, that's contained in the fiscal note which I had hoped to have down from upstairs and will ultimately get here but I don't have it at hand. It's being typed up, I presume.

SENATOR WILEY: Fine. I'm sure Dr. Ringelheim has some estimates of the number of people involved.

SENATOR BEADLESTON: Yes, I think he has.

SENATOR WILEY: The bill would be effective immediately, as now drawn, which I suppose would mean at

the beginning of the next school year.

SENATOR BEADLESTON: That is correct. This is contained in many bills. The attorneys have ruled that that means at the next taking effect of whatever law is involved. In this particular case, the school law, which would be next September. The fact that it says "immediately" doesn't mean classes are going to start in May, it means they start in September.

SENATOR WILEY: And the \$13 million, or half of it, as the case may be, is the State cost?

SENATOR BEADLESTON: That's the State cost.

SENATOR WILEY: So one thing we would have to bear in mind, from the fiscal point of view, is at 9:30 last night, in the room below this, the Appropriations Committee wound up its deliberations and if it has anything to say about what the number is going to be, the resulting surplus in the budget is very, very narrow.

SENATOR BEADLESTON: Bear in mind that in State aid of any kind there is a two year lag between the law and the payment by the State.

SENATOR WILEY: Did the fiscal note take that into account.

SENATOR BEADLESTON: No. Well, I think the fiscal note would state that effective a certain year, which is the year that you pay the State aid, that that would be the cost.

SENATOR WILEY: That would be the cost.

SENATOR BEADLESTON: Yes. There is a two year lag or 18 month lag, I am not certain exactly which.

SENATOR WILEY: Do you have any feeling, Senator, - here again Dr. Ringelheim would perhaps have some information, but would you want to comment on the attitude of the local boards or the ability of the local boards to handle this kind of a program in terms of physical facilities and personnel?

SENATOR BEADLESTON: There is a surplusage, Senator, at the moment, luckily, of teachers for the handicapped, as there is for other teachers. Facilities are no longer really a problem, talking about classroom space. We're pretty well catching up now in New Jersey. I don't believe that we have either a classroom or a teacher problem involved here.

SENATOR WILEY: What about the local fiscal impact, Senator?

SENATOR BEADLESTON: Well, of course, what the law says is that the State will pay 50% or \$3,000, depending on whichever is the less. So you would have to assume that there would be a like amount of cost to the school board.

SENATOR WILEY: In their case it would be a cost that would have to be incurred effective in September without any delay period.

SENATOR BEADLESTON: Correct.

SENATOR WILEY: Does that present a problem as far as the striking of the school budgets.

SENATOR BEADLESTON: Well, no, for the main and simple reason that if you again look back at the language where it says the school board may, they've either done that already in their program, or where the Commissioner approves he is going to have to give the approval effective as of a budget date.

SENATOR WILEY: To what degree are local schools doing this now? Do we have any idea?

SENATOR BEADLESTON: I wouldn't know the quantity Senator. Perhaps Dr. Ringelheim can tell you, but very few. I might add, very effectively where it's being done, but very few.

SENATOR WILEY: Underlying the concept is the

feeling or the determination that children at these tender ages who are handicapped are amenable to help.

SENATOR BEADLESTON: There is no question about it, Senator. The Association for Children with Learning Disabilities, the Association for Retarded Children already have preschool programs and their success has been fantastic.

SENATOR WILEY: And have we had examples of that in New Jersey that we could refer to?

SENATOR BEADLESTON: Oh, yes. The Association for Children with Learning Disabilities can tell you that. I believe they have a representative here. Yes, indeed.

SENATOR WILEY: Fine. Do you have anything further, Senator?

SENATOR BEADLESTON: No.

SENATOR WILEY: Thank you very much, indeed. We do appreciate it.

Dr. Ringelheim.

A number of questions we have tossed to you, Dr. Ringelheim. Do you have a statement to present first, and then we will ask a few questions of you.

DANIEL RINGELHEIM: I am testifying on behalf of the New Jersey Department of Education.

SENATOR WILEY: Why don't you identify yourself fully, your name and position in case there is anyone who didn't know.

DR. RINGELHEIM: Dr. Daniel Ringelheim, Deputy Assistant Commissioner of Education, Branch of Special Education and Pupil Personnel Services.

Senator Wiley, the Department of Education would like to thank you and the Senate Education Committee for the opportunity to provide testimony on Senate Bill No. 441.

New Jersey has been at the national forefront of special education for the handicapped. It was one of the first states to enact mandatory legislation for the handicapped in 1954, and has broadened its commitments continuously through legislative concern and responsiveness. As we explore the field of present day programs for the handicapped, we will find that there are growing emphases on the needs for early identification and intervention, to both ameliorate the severity of the handicapping condition and to eliminate the problem before the child enters the educational mainstream. There is convincing research evidence that early training benefits the deaf, the poverty impacted retarded, and the physically disabled child to a much greater extent than later intervention. Speech training, social and verbal stimulation, physical therapy and parent educational programs have all been extremely productive in reducing educational defects. Currently 31 states have enacted legislation requiring educational services for pre-school aged handicapped children.

It is estimated that there are 12,000 pre-school handicapped children who would potentially benefit from education programs and services in the State of New Jersey. The majority of these children would evidence moderate to severe problems, which would be readily identifiable.

SENATOR WILEY: What are we talking about when we use the figure 12,000?

DR. RINGELHEIM: Three to five. The deaf, blind, physically disabled, severe emotionally handicapped and the moderate to severe mentally retarded would be among the target populations. Identification and evaluation procedures, as contained in present rules and regulations of the State Board of

Education, concerning special education, would be implemented and would serve as a safeguard to assure program quality and fiscal accountability.

Staffing of new programs should not present any serious problems regarding implementation. Currently, there is an abundance of elementary and special education teachers available. Teacher training programs in early childhood education are already under way in 13 New Jersey public and private colleges.

New Jersey has had legislation which permits local school districts to establish pre-school programs and to be reimbursed at 50% of program costs. This permissive legislation has not, however, been instrumental in providing the needed programs by local school districts. In the 1971-72 school year 223 handicapped children ages 0-4 were provided an educational program under public school auspices. In the 1972-73 school year 233 handicapped pre-school children were provided a program. The increase of only 10 children in this vital program area strongly suggests that there are severe barriers to the implementation of such programs.

In recent years parents have reported that School Boards, though positively inclined to establishing the program, resisted such actions on the basis that a "precedent would be set." The clear meaning was that additional children would become eligible and the fiscal ramifications would be burdensome.

The limited number of programs in the broad public sector has deterred other districts who felt that "pioneering" and "tax impacting" programs were too heavy a load for any single district to bear alone. A chronic problem, to date, has been the need for transportation for handicapped children to programs currently provided by the Department of Institutions and Agencies, and other State and Federally supported pre-school projects.

S 441 seeks to resolve these critical barriers to program implementation and in the process provides the base for a most vital program for the pre-school handicapped within the public schools. It assures that every identified pre-school handicapped child age 3 to 5 be provided an educational program commensurate with their needs. In our judgment this effort will not only greatly reduce the human misery of many children whose handicaps would defy adequate correction later on, but it should also have an impact on the costs to society for caring for many handicapped people whose disabilities could have been mitigated by early intervention.

As is evident from these remarks, the Department of Education is requesting that the Legislature act favorably on this legislation. It is also important to recognize that the Department has considered requesting such legislation as part of its deliberations on what is a "thorough and efficient" education for the handicapped child. The passage of this bill will indeed serve the handicapped child in a qualitative and fiscally advantageous manner.

In respect to the specifics of Senate Bill No. 441, the Department would like to recommend the following revisions:

They'll be technical, too.

SENATOR WILEY: Would they be pertinent so far as this Committee Substitute is concerned or were they directed --

DR. RINGELHEIM: I haven't seen the Committee Substitute so I really can't respond to that.

What essentially the recommendations do is to clarify the mandated aspects of the 3 to 5, and also to add to the fact zero to three become permissive.

I think the language of the present bill, not the substitute, is somewhat confusing, and I have a problem in one of the paragraphs which I will read from the testimony.

These revisions would help clarify the intent of the legislation, that is to mandate programs for pre-school handicapped to age 3, and to continue permissive programs age 0 to 3. As the bill is presently written, there is a technical confusion in 18A:46-14 lines 43 to 47. The age set forth in this paragraph should be 3 in order not to conflict with 18A:46-6 and 18A:46-13.

In other words, at the beginning it indicates that it would be mandatory 3 to 5 and the latter section says it may - may be provided programs. So we're not sure what the intent was. Our assumption was mandated 3 to 5 was the intent in both facilities and programs.

Finally, the Department would also like to take this opportunity to recognize the present programmatic support of the Legislature in its extraordinary budgetary provision for the pre-school handicapped. In this regard, we would like to include in this testimony a copy of the report "Summary of Pilot Projects for the Education of Pre-school Handicapped Children", which is an accounting of the Department's efforts in utilizing the appropriated funds. The Committee has been given copies.

SENATOR WILEY: A copy of the green covered book.

DR. RINGELHEIM: Yes.

SENATOR WILEY: How expensive have those pilot projects been, Dr. Ringelheim?

DR. RINGELHEIM: Well, in terms of the applications, they struck at a small portion of the people who applied for the State funds but the programs have been, on a general basis, most excellent. I suppose if one looks at the titles of the projects, Bright Eyes and PEEP, and Project HAPPY, I would assume that may be some expression of the --

SENATOR WILEY: There's certainly an optimistic note there.

Let me ask a few questions.

You say "mandated program". Let's think about the obligation on the parent and the obligation on the school. You mean at least by that that the school must do it, the school must make it available.

DR. RINGELHEIM: If a child is found to be handicapped and the parent desires a program --

SENATOR WILEY: The parent desires.

DR. RINGELHEIM: The parent desires, yes, the school is obligated to provide.

SENATOR WILEY: Is it thorough and effecient if you don't take care of a handicapped child on the ground the parent doesn't want you to?

DR. RINGELHEIM: Well, here you get into a legal issue. When you are getting down to ages 3 to 5, the question is what is the substitute kind of educational program that could be provided by a parent. And in terms of compulsory education and the issue of whether the parent has the right to withhold the child from an educational program. I think you would run into legal

problems. So I wouldn't want to answer whether it's thorough and efficient to require that a parent give up a child to a program.

SENATOR WILEY: Your contention from your point of view is to make it submissive so far as the parent is concerned.

DR. RINGELHEIM: Yes.

SENATOR WILEY: In other words, this is not compulsory education. You're making free public education available for handicapped children 3 to 5, but it's not compulsory.

DR. RINGELHEIM: It's not compulsory on the part of the parent to take part.

SENATOR WILEY: Does that present any practical problem in your judgment?

DR. RINGELHEIM: No.

SENATOR WILEY: Parents, if not universally, are almost universally willing to have help.

DR. RINGELHEIM: Usually if the child is found to be handicapped and a program is available and is readily providable, I would say the huge majority of parents would avail themselves of that opportunity.

SENATOR WILEY: Teacher training programs in early childhood education are under way in 13 New Jersey public and private colleges. I wonder about the supply of teachers and whether we're at the point where it would be adequate. If you were to go into this program, let's talk about numbers of children. You said, what? 12,000 in the 3 to 5 age category. You're now reaching 250.

DR. RINGELHEIM: Yes.

SENATOR WILEY: 12,000 at three age levels, 3, 4 and 5 years of age.

DR. RINGELHEIM: We have 5 already. It's actually 3 to 5, 3 and 4. The 12,000 would be age 3 to 5.

Once they become 5 they come under the present legislation.

SENATOR WILEY: Two years. We're talking about ages 3 and 4.

DR. RINGELHEIM: Right.

SENATOR WILEY: The number of handicapped children in public schools as a whole, you indicated at one time it was about 10% of the total.

DR. RINGELHEIM: We're using the estimate of 10% of the total. We have 1,500,000 in the public schools. The figures in terms of private and parochial schools are about 400,000 to 600,000, so we usually estimate about 2 million children in school age education.

SENATOR WILEY: I think you indicated you're reaching about 133,000 in public schools?

DR. RINGELHEIM: Right. At the present time.

SENATOR WILEY: Out of a total estimated population of --

DR. RINGELHEIM: In the public schools it would be 150,000.

SENATOR WILEY: If you were reaching everyone.

DR. RINGELHEIM: Right.

SENATOR WILEY: You're getting about nine-tenths.

DR. RINGELHEIM: Yes.

SENATOR WILEY: At any grade level there would be a little better than 100,000 children, is that right, in the public schools? A million and a half for 12 grades, 13 grades, 110,000 or 120,000.

DR. RINGELHEIM: I think there is obviously a falloff in secondary, so we usually have a pile-up --

SENATOR WILEY: In the higher or lower grades?

DR. RINGELHEIM: Well, actually, the compulsory school age between 5 and 16 and then it drops off dramatically.

SENATOR WILEY: My question is, if we're talking

about 120,000 per grade, at these lower grades, if there are 120,000 children and here we're talking only about the public school element of it, at age 3 and another 120,000 age 4, if you apply your 10% factor to that, I wonder how you come out with this figure.

DR. RINGELHEIM: I see. For the most part, we don't apply the 10% factor. I see the question. We don't apply the 10% factor between 3 to 5 below the age of 5.

You have a number of issues in regard to the nature of handicapped children which differ 3 to 5 when you go 5 to 20. One major group in the area of 5 to 20 is for example speech handicap. How do I identify a 3 year old's speech handicap unless it's severe. And need of services from 3 to 5 becomes difficult.

The mentally retarded, for example. That's why I have mentioned the fact that moderately to severely retarded children will be readily identified. But in the public schools 5 to 20 the majority of the children are mildly handicapped, mildly mentally retarded. These children would be almost impossible to identify 3 to 5.

So what we did, we took the population pool of 10% and then evaluated what children could be easily or more easily identified, 3 to 5, and you come up with children who are more severely handicapped. Some of those children would not benefit from early childhood intervention, in some cases.

But the mild group, like learning disability, mildly mentally retarded, would not be readily identified. Mildly neurologically impaired would not be readily identified because you usually find those children as they interact with the educational program and are found

wanting. So you do not have the same mechanism of identification.

SENATOR WILEY: Is this then only really half a solution, just about half the number of handicapped children.

DR. RINGELHEIM: Well, we're usually below 5% in terms of our predictions here as to the number of children who we could identify and who would benefit. We're hedging on the 10%.

SENATOR WILEY: The language of the bill is that if "the board of Education may, and if a local child study team so recommends and the commissioner approves, shall, provide" - that recommendation would be keyed not only to identification of the atypical pupils but the recommendation would reflect the ability of the program to do some good for that child. Is that right?

DR. RINGELHEIM: Yes. That is why in a sense the additional language - we've recommended that if we just change 5 to 3 in the first paragraph 18A:46-6 then the present rules and regulations which sort of stipulate all of these conditions in terms of evaluation and program would apply. So what the Department is suggesting is that the additional language really is not necessary, and it would help clarify the questions that are being raised now.

And also on page 3 of the original bill, that the section that was cut out and substituted for, that it go back to what was originally cut out and change 5 to 3, which would then say that 3 to 5 is mandated, comes under the present rules and regulations which require evaluation and program planning and recommendations. And then it would indicate suitable approved facilities and programs for children under the age of 3 would be permissive.

SENATOR WILEY: We're talking again, just looking at the public schools here, of a quarter of a million children. What number of those children are

presently being seen in day care facilities in this State at that age?

DR. RINGELHEIM: The day care handicapped - I just got a figure of let me say 750 to 800 children.

SENATOR WILEY: Are what?

DR. RINGELHEIM: In day care under the Institutions & Agencies.

SENATOR WILEY: Oh, handicapped children.

DR. RINGELHEIM: Yes.

SENATOR WILEY: I was thinking of the total population. Our focus is 3 and 4 year old children in the State. A quarter of a million or maybe 300,000 children. I wondered what portion of that total population is now in a setting where you would be able to detect shortcomings or handicaps.

DR. RINGELHEIM: Most of the pre-school children who are handicapped and whose parents are seeking programs and say have not found the program in the public schools have gone to Institutions & Agencies who do have a day care program for handicapped children.

SENATOR WILEY: Okay. That's where they've been identified. I was going back to your remarks that many of these children, about half of them, have handicaps that cannot be identified until they are in a situation where they interact with other children. Presumably if they were in a situation where they interacted under some supervision you would be able to detect the total population.

DR. RINGELHEIM: No, because in a sense I was saying interact not with other children but also interact with an educational system and finding them wanting. In other words a person becomes handicapped in some sense, for example, the area of learning disability, only when you provide him with the learning opportunity. And usually

the planned learning opportunity which is the public school and public education - sometimes as a child interacts is found on that basis. Pre-school programs would not provide that kind of interaction.

SENATOR WILEY: Do you think the public ought to provide education for all children at the age of 3 or 4?

DR. RINGELHEIM: I would hedge on that. I think there is more evidence in the area of handicap to provide. In other words, we have much more research evidence to indicate that there is amelioration, that there is some elimination of handicap. I think the Head Start Program and the Early Intervention Program, on a general basis, do not have that substantiation in regard to long-term gain. Though I think it again is something to be considered.

SENATOR WILEY: We seem to be coming at it from a couple of different directions. Day care is one we're hearing a great deal about these days. I've forgotten the number it reaches, fifteen or twenty thousand of these children, I believe, at the present time, in essentially a custodial way.

DR. RINGELHEIM: I think I misunderstood your last question on day care.

Day care in many ways is not necessarily a program that is strictly for the child. It also relates to the fact that there is a working parent. There is need for the care of a child under a lot of conditions. And it doesn't necessarily mean that there needs to be a program for that particular child. What we're suggesting is that there is a need for an early intervention program that is defined, that is specified, that is under the aegis of an educational establishment for children, handicapped children, at this age.

SENATOR WILEY: Transportation, you say, is a chronic problem for handicapped children. How would you cope with that problem?

DR. RINGELHEIM: The reason why I mentioned that is that for a long period of time we've gotten calls upon calls upon calls from parents who have available, for example, parent-run programs and pre-school who couldn't get their children to the program because of transportation problems. So they would call and ask us, is it possible for the public school to provide transportation? And we run into an interesting dilemma. If the public school provides transportation, they are, in a sense, committing themselves to the payment of tuition at the same time. In other words, there would be some question as to why they could provide transportation and not provide the tuition to the program.

So we've always run into the problem of saying legally the local school district has difficulty in providing transportation without also providing the tuition base. And local school districts, as I indicated here, have been reluctant to provide the tuition base because they felt if they provided for one there would be many more children who would be eligible. So, therefore, the financial impact would be burdensome. So we've been running with this problem in sort of an interesting dilemma that a program was available but there was no mechanism by which local public schools could provide transportation without committing themselves to the tuition.

So it has been sort of like a Catch 22. We would like to have provided the transportation to a program that did exist but the local school district was not about to pay the tuition.

SENATOR WILEY: School districts now have the

authority to provide this kind of program and you've indicated that there is a very small number of children being served, 233, or whatever the number is.

Would this legislation present the same problem to a degree or to what degree would it present the same problem in that the program is mandated only if the local school decides through its child study team that it's going to help a particular child or that it can help a particular child? Recognize that if they're doing their job, theoretically they're making judgments on the basis of the child's need and the ability of the system to help, but to what degree is that going to be infused with financial restraints which might move them in the direction of attenuating this program?

DR. RINGELHEIM: That's always a problem. The question is how and on what basis or what is the motivation for any particular decision. We hope that the professional decision in regard to the evaluation of a handicapped child and its need for a program and the diversity of programs available would pretty much dictate the fact that practically every handicapped child would be provided.

A parent has the right to challenge if they are - or would be eligible to challenge if denied a program and the public school could not justify other than fiscal their reason for denying this program.

In other words, under the present regulations, fiscal inability to respond to the need is not a defense.

So there are mechanisms by which a parent can seek redress if this is denied, though I would agree that there is always in the minds of men some reason why under certain conditions they would not provide them.

SENATOR WILEY: Would you see it requiring a lot of supervision to be sure that the program was implemented?

DR. RINGELHEIM: I don't think any more implementation capability than we have now, because in many ways the parent organizations and private organizations have already provided service. So we know who they are and in many ways some capability of the child to benefit. So the initial group, most likely it would be difficult to say that they could not benefit because they've been in some programs already.

SENATOR WILEY: Could you summarize the experience that has grown out of the pilot project and other studies as it reflects on the peculiar ability of teachers or of educational systems to help children with these moderate to severe handicaps. - I guess this is what we're talking about' - at ages 3 and 4, and to what degree, by not doing that, we're inhibiting our ability to do it at subsequent ages. Do you understand?

DR. RINGELHEIM: Yes.

Well, not necessarily in terms of our own research but research in general, the area of the deaf has been critically involved because for the most part the area of the deaf programs have gone to zero. And the almost immediate intervention, stimulation, verbal stimulation, etc. have been introduced into literature and have been found to actually reduce the nature of the hearing loss. So you have a problem in the fact that if you reduce it at an earlier age you, in a sense, build on that reduction and you may have, instead of a profoundly or moderately deaf child, a mildly deaf child who

can benefit from a regular education.

So, instead of providing a high-cost program for a specific deaf child with specific needs you're moving that individual into the mainstream which, if we want to talk fiscally, is a benefit.

There have been studies in the area of mental retardation, sometimes equivocal. There are some old studies by Kirk done in the early fifties. There was a study done in Massachusetts. And there has been a recent study, which I think has been overplayed so I don't want to overemphasize it, in Milwaukee, which was the Early Stimulation Study, which indicated that children who ordinarily would have been declared handicapped, mentally retarded for the most part, in these studies, given early intervention, show up on a long-term basis - once they first make a major leap in terms of whatever is evaluated, in terms of their intellectual ability, maintain that leap in terms of progression through school.

So in these studies they've indicated that actually you can eliminate a portion of the population who would be ordinarily considered mentally retarded.

In the area of physically handicapped, I think there is just massive evidence to indicate that motor, visual motor needs are ameliorated by early intervention. So, therefore, the kind of complex programs that you would have starting at one end like a CP Center or a CP Program would move off into less costly programs. You would have less physical therapy needs. You would have less occupational therapy needs as the child grows older.

It's the same issue in regard to the quality of general education, the quality of special education, as it relates to, for example, vocational rehabilitation.

The better job we do in training an individual in regard to general education, we have less children in Special Ed. The better job we do in Special Ed, the less we need in a sense "rehabilitation." Because if the child has skills in regard to vocational schools, you don't have to rehabilitate him.

We know the concept, but it is sort of like such a long-range issue fiscally that we don't really take full cognizance of the fact that if you produce an independent individual at some later time, you have in a sense saved yourself all of the costs of an immediate impact, such as rehabilitation. This, I think, is critically true in the area of early childhood. There is too much to lose, in a sense, by not intervening, even if the amelioration is a small percentage.

SENATOR WILEY: In knowing what that percentage is, we have some statistical shortcomings in finding out what the therapeutic value has been.

DR. RINGELHEIM: There is no question about this because the nature of the research and the extent of the research is unfortunately limited. I just mentioned three over a long period of time. Follow-up, quality research in regard to what are the exact benefits in regard to the child is not clearly established. I think the best area is the deaf.

SENATOR WILEY: Mainstreaming is talked about these days as a desirable goal. What does mainstreaming mean, Dr. Ringelheim?

DR. RINGELHEIM: I just had a discussion on that at the Council for Exceptional Children Conference. There are a lot of meanings, too many meanings, unfortunately. I have again a limited meaning to this. Mainstreaming to me is an interaction program where the child is based in a regular class, is considered to

have special needs, and is provided the special needs while he maintains himself in a regular program.

A lot of people have stretched that to indicate that any relationship of a child to regular education - in other words, a child could be based in Special Education and then be provided Physical Ed., Music, Art, or interact in academic programs where they are competitive - as mainstreaming. So you have a broad view of mainstreaming as any interaction with the general education program. I would like to confine it to specific programs. For us, mainstreaming is a program like supplementary instruction where the child remains in the regular class and is provided programs supplementary to his regular class program.

Another mainstream program would be a resource room where the child for a larger block of his time is provided special programs, but his base continues to be the regular class. That is where I cut off. In other words, I like to view mainstreaming within the context that the child base is regular class program.

SENATOR WILEY: I take it you feel that is desirable as against the alternative of being entirely in a special class or predominantly in a special class.

DR. RINGELHEIM: Conceptually, yes. I think the general issue is that we have moved too solidly in New Jersey to the class concept - in other words, the issue of handicapped special class. I think the mainstreaming concept sort of intervenes here. What we are suggesting is that the professionals who are evaluating children go down the ladder in their ideas of how to program children. And the first is that the child is in need, and the first order of business would be "what should we provide in relation to the regular class," and "can he be competitive under those

circumstances?"

The second order of business would be: "What can we provide on a larger basis while he remains in a regular class, which is the resource room, and can we provide this to him and make him competitive? If those two concepts are now removed, then you start thinking of the special class concept, and then continuously to say special class, but where is he competitive academically and otherwise in the regular program? So, therefore, a child can be based in a special class and, say, attend an arithmetic program within regular education where he is competitive. Then you go down the ladder to a more stringent special class where he is not competitive at all. And we have taken the position that all ancillary services be provided that child while he is in that special class.

SENATOR WILEY: Well, whatever rung on the ladder you are - and let's take the extreme example and put ourselves at the bottom - what is the drawback to the child?

DR. RINGELHEIM: The interaction with a normal environment. The cliché, I think, is sometimes too overly stated and sort of too much cast aside. It is rather difficult to isolate an individual in a circumstance in which everything about him is special and make him a product to be competitive in the eventuality where most of the things are not special - most of his environment will not be special.

SENATOR WILEY: That is when you are weighing being at the bottom of the ladder in a totally special class --

DR. RINGELHEIM: What they call the isolated special class.

SENATOR WILEY: (Continuing) -- as against mainstreaming.

DR. RINGELHEIM: Right.

SENATOR WILEY: My question is: Is being in that special class, isolated, a drawback only because it would be better if the child were mainstreamed or is it intrinsically a drawback to be in a special class?

DR. RINGELHEIM: This has been an area of great debate at the present time. It also falls in not only the isolation issue, but also the labeling issue. And I am again, unfortunately maybe, a little conservative on this basis. My own feeling is that a child in need of an isolated program is an identifiable child. In other words, you can come up with a child who in many ways it would be detrimental for him to be competitive in the mainstream. That is the child who should be in a special class.

Again there has been - and I think it is more rhetoric than research -- there has been a great deal of dialogue that if you isolate a child, it will be to his detriment in the long run. But again, what is the nature of isolation? If we isolate in a special class, he leaves the school and he does interact with children elsewhere. So it is not a full isolation, for example, like an institution which may be full isolation.

What are the critical variables related to how much effect does it have to be in a special isolated class? I think that is still up in the air. The reformers - I don't want to put myself as a non-reformer -- but the reformers are trying to press rather strongly that mainstream education is the answer. You get too much of this illusion -- as I say, I am basically conservative. I think there is a place for mainstreaming in the continuum of education. I don't think there is any question. And you will find in our thorough and efficient proposal, we are talking for a continuum of educational services, that mainstream educational services, both

supplementary instruction and resource rooms, be required to be provided along with class.

SENATOR WILEY: Would the reformers then say that isolation or special classes are not just comparably, but intrinsically, a drawback?

DR. RINGELHEIM: A detriment.

SENATOR WILEY: The obvious question, I suppose, then is under this bill must we reject the view of the reformers to endorse this bill because this bill would bring only the handicapped children into the schools at that age, and there would be no mainstream in which they could flow?

DR. RINGELHEIM: Yes, they could. In terms of the implementation of this bill, we foresaw four basic programs that could evolve. One would be a program in which handicapped children are served within the public school facility on an isolated basis or an interaction with other children within a school facility. But it would be basically a program for pre-school, handicapped children.

There would be a program for all handicapped children in the private sector, which exists now and could be contracted and paid for.

The third model would be to have handicapped children individually in relation to pre-school children already established. In other words, there are pre-school programs for normal children in which you can place a handicapped child. So there is room for mainstreaming.

And the fourth model is the parent-training model, which would be that if there were no program, if somebody were in the Kittatinny Mountains or something like that where it would be difficult for the child to move to a program, we would move the program to the parent and have the parent provide the educational

program with our training.

SENATOR WILEY: The fourth was parent training. The third was where there is a class --

DR. RINGELHEIM: -- an existing, regular, pre-school for normal children, the child would have an opportunity to interact.

SENATOR WILEY: The other two again?

DR. RINGELHEIM: The other two are basically isolated programs, one within the public sector and one within the private sector, which are now in existence.

SENATOR WILEY: Isolated for handicapped children?

DR. RINGELHEIM: -- which would be for handicapped children.

Then the school has the opportunity to develop the relationship within the school district as they relate to normal children in general.

SENATOR WILEY: The only one of the four models where you would get any effective mainstreaming would be the third.

DR. RINGELHEIM: -- would be the third.

SENATOR WILEY: And that would be applicable only in a district where there was a program of pre-school education on an organized basis.

DR. RINGELHEIM: There are so many private pre-school programs around that that would not be a problem. The issue would be whether they would entertain the idea of integrating a handicapped child.

SENATOR WILEY: But how widespread is pre-school education for ages 3 and 4 in the public schools?

DR. RINGELHEIM: Practically nil at this point. That is what I indicated. Public schools are not providing it.

SENATOR WILEY: I am speaking here of the typical children, not the atypical.

DR. RINGELHEIM: Not at all.

SENATOR WILEY: Then I take it you don't get the opportunity for any mainstreaming within the walls of the public school.

DR. RINGELHEIM: Then the question would be, from 3 to 5, would you want to co-mingle them with kindergarten children - or 4 to 5.

SENATOR WILEY: Then you put a 3-year old with a 5-year-old or a 6-year-old.

DR. RINGELHEIM: Then you get another problem.

SENATOR WILEY: What is your view of that?

DR. RINGELHEIM: I think in terms of the handicapped, it would be difficult. So we are not looking necessarily for a pure mainstream concept in pre-school.

SENATOR WILEY: It comes back to the question that struck me before. If mainstreaming is better than non-mainstreaming, that is understandable. Or if mainstreaming is better than isolation, that is understandable. But is isolation undesirable only in comparison to mainstreaming or is it intrinsically undesirable that handicapped children be put with just handicapped children at ages 3 and 4, as compared to nothing, as compared to what we have today, that is, staying home?

DR. RINGELHEIM: Again the question would be isolation versus isolation, with some socialization. In other words, the child individually at home, with parent, is in a sense isolated with his own handicap.

SENATOR WILEY: And which is better?

DR. RINGELHEIM: I would prefer that he interact in some planned program within the public schools, with a teacher, with aids, and with other children, even if they are of the same handicap.

SENATOR WILEY: I mean to suggest no conclusions. I have no expertise in it whatsoever.

DR. RINGELHEIM: Again I am hesitant to answer because in a sense the research evidence to answer that question, I think, is not available. The question is: Is a child under parent intervention, which is the child at home, the handicapped child at home without a program, better off than that child being provided an educational program with children of the same handicap? My guess would be that the program would be much healthier for the individual because the child is being looked at, has been evaluated, some kind of program procedure has been provided, and he would be better off.

SENATOR WILEY: Presumably you are taking the child out of something. You are taking the 800 children who are now in day-care facilities out of that mainstream, so to speak, and putting them in an isolated program.

DR. RINGELHEIM: Well, they are basically in programs for the handicapped.

SENATOR WILEY: Within the day-care centers?

DR. RINGELHEIM: Yes.

SENATOR WILEY: Has there been any research, anything we could look to, to tell whether a child with, say, an auditory problem might be better off spending those x hours a day playing in the neighborhood with a range of children of varying abilities and competing a little bit or better spending those hours with children equally handicapped? Has there been any research as to the pluses and minuses?

DR. RINGELHEIM: Well again, the question is you are emphasizing the relationship with children of the handicapped and I would prefer to emphasize the fact that there is an educational program which meets his needs that is being provided, which under other circumstances would not be available.

SENATOR WILEY: How do you rate that third model as against one, two and four?

DR. RINGELHEIM: I don't rate it all. I just say that that is a possibility that we would have to take a look at in the long run. I don't think we really have any firm evidence that three would be better, except that mainstreaming is better. That is why I said a lot of it is rhetoric rather than research. There is a major mainstream project in Texas, Project Prime, which I happen to be an evaluator of for the Federal government. And there are a lot of pitfalls to the concept of mainstreaming, which most of the people who have written on the subject have not fully recognized. There are some negatives in mainstreaming. If you put a child who is non-competitive in the mainstream - and the argument would be, well, the self-image is being destroyed if he is in a special class - I think there is going to be some counter evidence to the fact that self-image may be worse off in a regular class where he is becoming less and less competitive, that people are viewing him in a worse and worse way, that he does not have the capability.

We have early research. It is interesting we are coming full turn. In 1950, the research indicated - and what was the start of the program of handicapped, the early studies by Johnson and Kirk indicated that the handicapped child in the regular grades was a bully, was rejected, was isolated, was in trouble. Therefore, let's take him out of the regular grades and provide him with special education. The model then was special education away from the mainstream, which was to provide him with a separate program.

SENATOR WILEY: It wasn't necessarily a tributary either. It was a side stream that never flowed into the mainstream.

DR. RINGELHEIM: Right. It was actually an isolated circumstance. A lot of the critics now indicate, once in,

never out. Again that is why I think I like the mainstream concept because it does interject within the thinking of all of us that there is a constant issue that should be before us, that a child in special education shall always be considered as capable under certain conditions to move up that ladder into mainstream competitiveness. Therefore, you should never be happy about a child, say, in an isolation circumstance. That is why that upward ladder is also part of mainstream. If a child is in an institution, it is the institution's responsibility to get him out and to get him in an educational program which is out of the institution, per se. Then you can say the next rung of the ladder is an isolated classroom. He is still isolated, but he is in a normalized environment.

The next question would be to move him out of an isolated special education program to the next rung up, which would be to place him in competition, capable competition, within the mainstream.

Then the next rung up is to remove him from the special class, put him in a regular program, and provide him with ancillary and special programming and keep him competitive. Then move up, reduce that time and then the answer for the most part is to try to make handicapped children non-handicapped within our educational framework. I think we lost sight of that generally in special education thought and I think the people who have brought the concepts of normalization, who have brought the concepts of mainstreaming, who have brought the concept of self-fulfilling prophesy, who have brought these concepts to the fore, have sort of stimulated a movement which has changed some of our general thinking. But I do not like at this point in time, especially with the dearth of research, to say that these are better. To me, they are alternatives,

which are good conceptual frameworks, but I would hate to see us move to the point they have in California where the Legislature changed the intelligence level, and then all of a sudden said that there are certain children above this intelligence who have been in special classes who no longer should be in special classes. To me, this is a travesty and those children are reaping the harvest of it because they were returned "to the mainstream," just like, yesterday you are retarded but today you are not, by sort of general fiat.

We are running into this also in regard to our national organizations. For instance, the American Association of Mental Deficiency has also changed its definition of mental retardation from one standard deviation to two standard deviations, which is a technical term, but it has IQ ramifications. I say, all well and good, but I would like to see if we change it that the children are provided a transition program if we are now declaring them out.

So there are a lot of issues relative to what is in the literature today and maybe New Jersey is unfortunate that I am a basic conservative in plunging ahead with some of these ideas. We are involved in resource room programs heavily. We would like to see this. But I am a little bit concerned as to the tremendous shift in the use of resources as if this now was the answer for those children who have already been in Special Ed. under other circumstances.

SENATOR WILEY: New Jersey is very fortunate to have your leadership. I disagree with you on that.

Senator Martindell is with us, despite recent hospitalization, despite having been down in the Appropriations Committee meeting until 9:30 last night. Senator Martindell, do you have any questions?

SENATOR MARTINDELL: Just one question. I was

interested in this parent training pilot program.
Has that been successful?

MR. RINGELHEIM: I never like to say "success" until we have the evaluation. My own feeling is it is beyond our expectations in terms of success.

SENATOR MARTINDELL: My second question to that is: If it was possible to fund such a thing, would it not be a good idea to always have parent training going with whatever else you have?

DR. RINGELHEIM: I would definitely endorse that. The appropriations, the additional appropriation or the continued appropriation of the Legislature in the Early Childhood, will go to continue that project.

We would like to suggest that in "thorough and efficient" such a program be continuously available. And we are trying to do that through our own staff, for example. We will train our own staff in this capability and, if worse comes to worse and a local district does not have this capability, we will provide it from the State level. We want a complete backup on these four options so that every child will have an option.

SENATOR MARTINDELL: Thank you.

SENATOR WILEY: Thank you very much, Dr. Ringelheim.

Paul Muller, the Staff Aide to the Education Committee, has a question.

MR. MULLER: Dr. Ringelheim, when we think of programs for school-age children, it is the child running off at 8:30 and coming home at about 3:30, running to the school bus. Would transportation be a problem? How would we go about getting the children to these programs? We are talking about three-year-olds now. Could you outline for us very briefly what the program would consist of? Would it run from 9:00 to 3:00? Would there be the yellow school bus picking the child up and

bringing the child back? How would this work?

DR. RINGELHEIM: I would hope it would be a small yellow school bus. No, we are projecting, in regard to the pre-school program, a half-day program. Again the day-training concept has other ramifications as to why the child stays in the program. We would like to see this primarily an educational program, which would be a half-day program because we think that is about the length of time the child could benefit from an educational program.

We foresee the transportation obviously not with large yellow buses, but smaller buses, in which there would be potentially, depending on its size, an aide for these children.

MR. MULLER: Thank you.

SENATOR WILEY: Thank you very much, Dr. Ringelheim. We are delighted to have your expert evaluation and advice. We appreciate it.

We said we would break at eleven for ten minutes. Let's do that and we will resume at twelve minutes after eleven.

(Short Recess)

SENATOR WILEY: Can we resume, folks. As a hearing of this kind goes along, you will find because we are all talking about the same subject that some areas that you might have expected to talk about will already have been explored. We have a practice in the Senate of trying not to repeat each other in debate, although that is hard to do because all Senators like to hear themselves speak, but we find that that is helpful to everyone there. However, if there are new observations or new insights, we want to be sure we get those.

With that suggestion as a backdrop, let's proceed with our order of events. The next name on the list

that I have is Mr. John Donoghue, Monmouth County Association for Retarded Children, Red Bank.

Mr. Donoghue, welcome. You might give your name and address.

J O H N D O N O G H U E: My name is John Donoghue. I am the Executive Director of the Monmouth County ARC and we are located on Hudson Avenue in Red Bank. As Executive Director, I represent an ARC that has approximately 600 members, about 170 people in the program every day and a full range of programs, running literally from birth through 60 years of age. We deal primarily with trainable retarded, but we do have mostly disturbed and multiple-handicapped in all our programs.

I would like to clarify that the "from birth" program is really with an affiliation. It is an interagency program which started about a year ago. I am a trustee in that organization, the Early Intervention Program, and it consists of cerebral palsey, the March of Dimes, ARC and a number of other agencies, including the Developmental Disability Services Council. In that program, we take children with undefined handicaps and program them from birth to three. The rationale for that is that you can't always tell what the handicap is but you do know you have a handicapped person and medical science has shown us in the last three years - and I am paraphrasing Dr. Richard Nelson, who is a neurologist at Jersey City Medical Center - the science of the development of the neural system has been enlarged more than it was in the previous 30 years. So many of the things that I was taught when I was trying to become a psychologist are so outdated now that they are almost ludicrous.

The development of the neural system, according to Dr. Nelson, can be improved. There is a physical change in it. The change must be done through some

form of stimulation. If the stimulation isn't done within two-year or three-year brackets, it is irrevocable. I think that is very, very pertinent to what we are trying to do here.

With the children in Monmouth and Ocean County who are in the EIP program, there are approximately 60 children in that program now of all handicaps. We are approaching it through a multiple discipline program and we are getting measurable results. It is very difficult to measure results in those children, but I think we have the consensus from the medical people, the professional teachers, the social workers and the parents, that there has been discernible improvement within the eight- or nine-month period that that program has been in operation.

On that basis, I think we have come up to a very key point. I would like to point out before I get to that key point that the Early Intervention Program is not unique to Monmouth and Ocean, but in fact it is in about half the counties in the State now. The programs are not all of the same nature as ours, but we are hoping to do that, and there is a commitment to get Early Intervention Programs in every county. That is an active program currently being conducted by the Committee. If we get that program and our goals are achieved --we are now serving children from birth to three and we know that we have measurable results. We are proving Dr. Nelson's testimony, without his being here, by seeing improvement in these children. Now from ages three to five apparently we have nothing.

We have two problems: first of all, the parent who has never heard about an Early Intervention Program and has a handicapped child at home and who not having any solution to the problem, may ask for institutionalization, the most horrible thing that could happen. The other

problem is where the parents have availed themselves of the services of an Early Intervention Program and at age three there is no more program. Therefore, the child will be without any form of stimulation, educational or social, unless the parents provide it, for the next two years. That is the gap I think we have to address ourselves to and decide how we shall fill that need.

In a County ARC, such as I work for, we have tried to provide these programs. Many of us have nursery programs. I think one of the things that we can say is that it has been done with a great deal of zeal. In some cases it has been done with professional staff. In other cases, it has been done with less than a professional staff. There has been a great deal of inconsistency. The services are not uniform. The number of facilities available do not always meet the needs and in many cases the transportation problem raises its head again.

With our three nursery programs that we run in Monmouth County --and we think that is pretty good - we have 30 children in those programs, primarily trainable, but there are multiple handicapped in there-- we are providing a needed service. We know we are not providing all of them because we have statistics as to how many children should be in programs. But those programs in the County ARC are the largest money drainers that we have and in a volunteer organization we can only do so much. So when we provide a nursery, we don't provide some other vital service to some other retarded person.

The answer seems to be very logical. We have given children in this day and age programming from birth to three. We have to continue that. How shall we continue it and make it of the highest level, make it consistent throughout the State and make it available on an equitable basis to all persons who deserve it?

It could be done through a number of means, I suppose. We do have social agencies. We have the Division of MR in I and A. And we have our well-known and well-respected Department of Education. The logical thing, in my mind, is that we call on the expertise that is there to develop a program for the three- to five-year-old. Now they can do it. They are doing it now, as you know, through the pilot programs, and there has been some reasonable success. The problem with the pilot programs, although where they are in effect they have good programs, is that they are not being provided to everyone. So that is an inequity.

You talked earlier, Senator Wiley, about mainstreaming. I think one of the things - and it happened to center on mental retardation -- one of the main problems in mental retardation is the fact that we don't have enough time to accomplish all the education that can be absorbed by a person who is mentally retarded. The brain develops rather rapidly at that early age. And if we can't capitalize on those years, we have lost it. We have lost the opportunity to get them up to their capabilities and we have to utilize that time. We can't expect them to catch up later. The scientific evidence and my years of having been on the firing line have proven that doesn't happen. A retarded person doesn't catch up. We must use every day and maximize every day to get them to the point where they can reach their fullest potential and ultimately be more amenable to mainstreaming. I think at the eighth or ninth grade level, it is hard to get them into the mainstream. I think it would be far better to use those early years in reaching their capabilities and then attempt the mainstreaming.

In my brief experience in this job, I might say I don't think the State of New Jersey has utilized all

the things that have been available to it, particularly Federal money. I would like to point out to the Committee that in Washington right now there is a bill - I don't know what its potential for passing is - that has been presented by Senator Williams, which would pay up to 75 percent of the cost of education for the handicapped. I certainly think it should be mentioned and kept in mind that in the cost factor, which is always a problem in our State, that should be considered. I think that bill is currently in committee and could be a potential resource. Since we have been able to use some of the title moneys in the State of New Jersey in the last year, we have been able to add to the number of programs available to the handicapped. That money hasn't been used to its maximum advantage in the past.

Thank you.

SENATOR WILEY: I have wondered with the efforts around the State to do something for younger children, such as day care, providing for 15 or 20 thousand children, largely a custodial type of program in the Department of Institutions and Agencies -- I have wondered whether that is really in the right department, whether we are doing as much as we should. The Federal guidelines have imposed some educational obligations on us. We are beginning to do more than just to provide custodial care. When you combine that with the reduction of enrollment in the public schools and the fact that we have a lot of public school buildings around the State and we have a lot of teachers, particularly at the elementary level, who can't get work and yet have the capability to help young children, and when you hear about the ability to do things for handicapped children in the early ages, you wonder if we ought to be moving more rapidly toward making the State recognize its responsibility for all children at these younger

ages. That is really what I have in mind in talking about mainstreaming, whether we ought to make something available in a suitable way for three- and four-year-old children quite generally if, indeed, this is an age when they are particularly susceptible or particularly able to benefit from early instruction. I don't pretend to know the answer, but those just layman's insights make me wonder if it isn't a valid kind of a question. If that were so, this would fit into it, I presume, rather nicely.

MR. DONOGHUE: Yes.

SENATOR WILEY: I have no further questions. Thank you very much, sir, for appearing before us. We appreciate it.

MR. DONOGHUE: Thank you for the opportunity.

SENATOR WILEY: I'm sorry. Mr. Muller has a question.

MR. MULLER: I would just like to clarify my thinking on one point. With regard to the retarded children, you had mentioned that there is a time period which is critical. What age is that? I missed that.

MR. DONOGHUE: Dr. Nelson said this occurs in increments. It is a continuing thing. Of course, the growth of the neural system is greatest at the earlier stages. He said they have physiological proof, through investigation of the neural system, that it does physically change and it can be changed. He said that it was not recoverable after a two- to three-year period. From the period, two to five, he thought was the critical period.

MR. MULLER: You would then want to go below age three to make sure you cover that period.

MR. DONOGHUE: Yes, but I don't think an educational program is appropriate.

MR. MULLER: That was my next question. What program would be appropriate and which agency or agencies would

provide that program?

MR. DONOGHUE: Well, currently the early intervention type program or infant stimulation type program.

I don't think it fits in any category that I recognize in our institutional structure, if I can use that word broadly, because you have problems. "Handicapped" has not been defined and you have many multiple-handicapped children who are being kept alive today through the medical profession. I think there are something like eighteen different handicaps that are being served in Monmouth County alone. There you need more of a medical type approach. The approach that we see as most important in that area is the training of the parent more than the child, himself. By providing stimulation to the parent, we get recognizable results in the child. But that is the time that parents tend to fall apart. Families break up and children are placed in institutions. We find the parents need service.

MR. MULLER: But I gather that there are at least two things that should be done: You have to train the parent to help train the child. That is going to be a critical factor. Then I gather you are saying also that you have to help the parent over this emotional trauma.

MR. DONOGHUE: Right.

MR. MULLER: Now the question is: How do we provide that parent training? You are saying that you don't see it in any of the institutions that currently exist or that being the primary function of any institution that exists, such as the Board of Education --

MR. DONOGHUE: -- or I and A or Health.

MR. MULLER: Do you have any idea how that service could be provided?

MR. DONOGHUE: We are hoping through the early intervention program to try to work this out. I happen to

be a pragmatist more than a theoretician. I have a retarded child and we are using many of the things that the people who have been leaders in our community have found effective. That is person to person. You don't need too many Ph.D.'s to talk to a parent. You need a parent who can show that they lead a perfectly normal life and that the siblings are not affected. And you get the fear out of the way.

MR. MULLER: Do you think it would be appropriate or could be appropriate for a Board of Education to have adult education programs, as many of them do now, but in this area?

MR. DONOGHUE: Yes. The only reason I would hesitate to agree too rapidly is the fact that many school districts, particularly in Monmouth - we have, I think, 53 now - are very small. It is unfortunate. I would say the volunteer agencies have done a good job in that area and I think will continue probably to serve. We are not planning on going out of business. That would be our prime function, I would think, more than doing the programming that we sometimes get too involved with.

MR. MULLER: Is there a role for public agencies or a public agency in this training?

MR. DONOGHUE: Oh, yes, I think so. The Division of Youth and Family Services I think has some facilities. They have staff there that can provide that. Most of the counties now have done this and the volunteer organizations, working together, more and more each year are doing this type of thing, I think, very effectively. There is nothing better than having a parent of a handicapped child go into a house that is running very, very well where a child has the same handicap that they have found their child has. We will have a parent testify in a little while who is in our EIP program and I am sure she will indicate to you

her personal feelings. I have seen uniformly throughout the State once you get the unknown out of the way and you know what you are dealing with, most people are pretty realistic.

MR. MULLER: Thank you.

SENATOR WILEY: Mr. John White, also of the Education Committee staff, has a question.

MR. WHITE: Would it be naive to seek some clarification on what you meant by an implied distinction between your program and an educational program? In other words, you implied that there is a distinction between your program and an educational program that might be working at cross purposes. What do you mean by "educational" as opposed to what you are referring to in terms of stimulation?

MR. DONOGHUE: In the infant stimulation -- Is that the specific one you were referring to? When you say "program," it is sort of ambiguous to me. The ARC Program which I operate is in many areas, from sheltered work shops to family counselling. But I think the Early Intervention Program's primary function is to serve the child, but in terms of time and complexity of services, the service to the parent and the family is far more important. And we try to get that part emphasized strongly.

When a child comes out of an Early Intervention Program and comes into an ARC Program, the parents and the family have now reached a stable attitude towards what their problem is and they don't need as much counselling and as much training in how to work with the child. And, of course, we run a wider variety of services because we are dealing with a more adult person - recreation types and that type of thing.

SENATOR WILEY: Thank you, sir.

Janice Van Deusen. Welcome to the Committee.

J A N I C E V A N D E U S E N: Thank you.
It is a pleasure to be here.

My name is Janice Van Deusen. I am speaking as a concerned parent, a member of the Parents' Group for the Mercer County School of Retarded Children.

Why did this happen to my child is a question which all parents of handicapped children ask themselves repeatedly. Unfortunately, there is no answer. A better question might be: What can be done to help my child make the most of this situation? This question can be answered.

As the mother of a retarded child, my own thinking evolved from the first question to the second after I had endured two years of chronic self-pity, deep sympathy from friends and bad advice which suggested that I reconcile myself to institutionalizing my son. Watching my son, who was a delightful and good baby, I realized that I had succumbed to my own prejudices against retardation. He was alert and curious. He could learn.

Last October, he was enrolled as a student in the Mercer County School for Retarded Children, which is sponsored by the Mercer County Unit for Retarded Citizens. At two and one-half, he has made great progress in the areas of self-sufficiency and socialization. My hopes for what he can accomplish, though realistic, are very high. And you may have noticed that some of our children are here today, taking part in these proceedings.

From the time you know your child is retarded, you live with a feeling of inadequacy. You cannot be sure you are giving your child the help that he needs to develop to his full potential. Parents may provide love and stimulation, but they cannot provide the objectivity of the trained special instructor or speech

therapist which is required to insure progress.

The sooner our children are exposed to trained personnel, the more time is added to their learning span, which has been proved shorter than children functioning at a normal level. Therefore, it is essential that they begin their education by the age of three.

For this reason, Parents of Retarded Children urge you to act favorably on S 441. Its enactment would insure that countless families in our State who have not had the educational guidance or the economic ability would receive preschool help for their handicapped youngsters.

While the State of New Jersey can never answer the parents of handicapped children who ask: Why did this happen to my child? It can through enactment of S 441 help to answer the question of what can be done to help my child make the most of this situation.

An investment in the education of handicapped children at three years of age now will pay off in an increased number of self-sufficient, contributing members of society in the future. Thank you.

SENATOR WILEY: Thank you very much. I appreciate it.

Mr. Thomas Brooks. (Not present.) Is there anyone else from project Bright Eyes, Cinnaminson Public Schools? (No response.)

John Scagnelli. It is nice to have you with us.

J O H N P. S C A G N E L L I: Thank you, Senator Wiley. I am very happy to have the opportunity to present our views before the committee.

My name is John P. Scagnelli, Executive Director of the New Jersey Association for Retarded Children. On behalf of the 14,000 members of our Association, I appreciate this opportunity to present to you directly, our statewide interest, concern, and support for the establishment of Pre-School Programs for the handicapped within our Public Schools.

The New Jersey Association for Retarded Children, Inc. is a voluntary, non-profit organization composed of parents, relatives, professionals and concerned citizens. Founded twenty-five years ago, the Association, through its twenty local units, provides direct and indirect services to the retarded in every county in New Jersey. The Association represents the strongest single force in the private sector working to improve the lives of the over two hundred thousand retarded, both young and old, in our State. The intent of this position statement is to support and urge passage of Senate Bill No. 441.

II. THE PRE-SCHOOL

During recent years, there has been a remarkable growth of professional and public interest in young children and in the pre-school education they receive. Our present knowledge of the development of learning abilities indicates that the pre-school years are the most important years of learning in a child's life. A tremendous amount of learning takes place during these years, and this learning is the foundation for all further learning. Areas of development where significant growth takes place are physical, social, intellectual, and emotional. In the area of physical development, practically all motor skills are learned and reflect the environmental influences on the young child. Socially, a child's first encounter with a group setting away from home may be a pre-school program. It offers a child opportunities to develop relationships outside the family with both adults and peers and to gain confidence away from his family. The works of distinguished educators and psychologists such as Piaget, Bruner, and Montessori have demonstrated the importance of the pre-school years in intellectual development.

Emotionally, it is during the pre-school period that the child begins to relate his own identity to others, his peers and a variety of adults, who offer different types of role models. The child learns to cope with the demands of others and develops strategies of handling rejection, acceptance, domination, and submission. A child in a pre-school becomes more emotionally and functionally independent as his self-confidence and actual skills increase.

III. PRE-SCHOOL FOR THE HANDICAPPED

Research has emphasized the crucial importance of the first few years of a child's life, the importance of early identification and remediation of handicaps cannot be overestimated or over emphasized. The disabled child is handicapped in two ways. First, he is limited by his lack of experience which has resulted from his disability and his being protected from activities that normal children ordinarily enjoy. Secondly, he is handicapped



by his inability to take advantage of the every-day experiences that normal children utilize in their development. Unless special programs designed to provide compensatory opportunities for all of the disabled are developed, they will be doubly handicapped.

Pre-school programs for the handicapped in the Public Schools will immeasurably contribute to diagnosis, development of skills needed in school, parent-child relationships, and prevention. Specifically the underlying assumptions for pre-school classes can be stated as follows:

- (1) Pre-school classes for the handicapped will provide these children with stimulation and enrichment otherwise denied them in their environments. Such stimulation and enrichment will raise intellectual levels quantitatively and qualitatively so that in-school and out-of-school functioning will be enhanced.
- (2) Pre-school classes for the handicapped will make modifications possible in the child's developmental schedule so that gaps that may hinder learning and adjustment may be closed.
- (3) Pre-school classes for the handicapped will benefit the child in his inter-family relationships. Parents will learn early that they are not alone and that their child can learn.
- (4) Pre-school classes for the handicapped will benefit the public school system. Many children who have received pre-school training may pass directly into the regular elementary classes thereby providing a more normalized educational experience for the child and reducing the expenditures for special class resources.
- (5) Pre-school classes for the handicapped will benefit the special education programs within the schools by allowing professionals the opportunity to provide a full continuum of educational services to the child. The quality of existing will thus benefit.

IV. THE COMMITMENT TO PRE-SCHOOL PROGRAMS FOR THE HANDICAPPED

Commitment and action on behalf of pre-school programs for the handicapped have taken place on National, State and Local levels in both the private and public sectors of this Country.

Recognizing the need for this type of programming and realizing the benefits, the Federal Government was prompted in 1968 to pass the Handicapped Children's Early Education Assistance Act. This

program was enacted to act as a catalyst. It was designed to stimulate local and state efforts, first by demonstrating the effectiveness of pre-school and early childhood education, and second, by giving visibility to such programming. The Federal Government has also moved to stimulate pre-school programming for the handicapped under the Elementary and Secondary Education Act - Title VI, and by mandating ten per cent of pupils in Head Start Programs must be from the handicapped population. Clearly the Federal Government has recognized the need and realized the benefits of such programming.

In New Jersey, the State Department of Education has made modest steps in the direction of providing pre-school to the handicapped. The 1973-74 budget contained \$500,000 for the establishment of these programs. Approximately fourteen State funded pre-school programs are now functioning throughout the State.

Recognizing the importance of this type of programming, the allocation for fiscal '74-'75 has been increased to \$1 million. On the local level during the '72-'73 school year, more than 230 handicapped pre-school children received educational services provided by a district Board of Education with a 50% State reimbursement for expenditures.

Within the private sector, the Council for Exceptional Children, in their Policy Statement on Government Affairs, has stated that:

Provision should be made by Government for services which prevent and ameliorate conditions negatively affecting the development and education of children and youth from pre-school programs beginning at birth and continuing through adult education.

The National Association for Retarded Citizens, in its 1971 Policy Statement on Education, called on the public schools to provide services for children according to their educational needs, regardless of age. In this State, the New Jersey Association for Retarded Children has long been an advocate for mandatory pre-school for the handicapped. Last year, the Association called upon the Education Commissioner's Advisory Committee on the Education of the Handicapped to press for this programming. Units of N.J.A.R.C. have long demonstrated the need for pre-school by providing this service - beginning in 1953, when the first pre-school class for the retarded was established, and continuing to the present, with more than 40 pre-school classes serving over 350 children.

Experience from these programs demonstrates the need for and effectiveness of early education for the handicapped.

V. NEW JERSEY AND SPECIAL EDUCATION

New Jersey has long been recognized as a leader in the area of Special Education. The "Beadleston Act" has served as a model for other states throughout this Country. When New Jersey estab-

lished pre-school programming for the handicapped as permissive option to local school districts, it represented a step forward. Today, there are thirty states in this Country with similar provisions. These provisions in New Jersey have not proven sufficient. Too few districts have exercised the option to provide these programs. Eleven states have now recognized the weakness in an optional system and have established some form of mandatory programs for the pre-school handicapped. The time has now come for New Jersey to take the next logical step in providing quality programs to our handicapped citizens.

VI. RECOMMENDATIONS

The New Jersey Association for Retarded Children endorses and recommends the passage of Senate Bill No. 441, sponsored by Senator Alfred N. Beadleston. New Jersey has provided funds and programs for pre-school handicapped children in what amounts to a selective and limited basis. These services should now be provided to all handicapped children on a statewide basis down to the age of three years old.

Optional services which have been available to the 3 to 5 year old handicapped child should now be extended to the child under 3 years of age. (Chapter 28: Sub-chapter 1. Section 6.28-1.1c of the Administrative Code.)

The Association further recommends that the statements in the Administrative Code "gives advance notice of basic body needs" (Chapter 28: Sub-chapter 2: 6:28-2.1 Mental Retardation Trainable No. 3.) and "expresses basic wants or needs" (Chapter 28: Sub-chapter 2., 6:28-2.3 (a)) be eliminated as criteria for the admission of a child to special education services. These statements may be interpreted to relate to toilet training. The elimination of pre-school children from services for this reason would mean the denial of these services to the children who are in the greatest need.

Again, on behalf of the 14,000 members of our Association, I wish to express our gratitude for this opportunity to appear before you and share our concerns and views. We thank you very much for listening to us.

SENATOR WILEY: Thank you, Mr. Scagnelli.

Mr. White or Mr. Muller, any questions? Apparently there are no questions. You have answered them all by your statement. We do appreciate your appearing.

Mr. Muller has called my attention to notations on

the list of witnesses that there are some people who would like to testify this morning. Since those are noted here, we will try to honor them and deviate to that extent.

I think out of fairness to the other people who assumed they are immediately in line, we might ask these folks to concentrate their comments as much as possible. They are Carol Allen, Margaret Bell, Cedric Alley, I believe it is, of Berkeley Heights; and a representative of the School Boards Association, unnamed here, from Morris County.

Let's then ask Carol Allen of the Central New Jersey Chapter, NSAC, to come forward.

C A R O L A L L E N: My remarks will be very brief. I represent the Central New Jersey Chapter of the National Society for Autistic Children, an organization of parents, educators, and researchers concerned with children who have communication and behavioral disorders. I am a parent of a child who has had such disorders and who greatly benefited from early nursery school and a special public school pre-kindergarten program. All evidence indicates that the earlier these children are placed in a structured day-school environment, the greater their chances for integration into the public school systems.

The primary learning deficit of these children is their inability to internally organize and structure their environment. They do not learn to talk or respond to language in early childhood and they are confused, withdrawn, and/or hyperactive. Although researchers of these disabilities cannot yet fully explain the physical cause of this dysfunction, educational specialists have found ways to improve their learning capacities by early and persistent educational techniques.

There has been a rule of thumb which says that a child who is verbal by age five has a good prognosis for the future. Therefore, it is highly desirable and

economical for school systems to begin educating children with communication disorders at age three. Their parents learn better methods of dealing with the children's problems through contact with educational experts. Therefore, the improved behavior and learning capacity of the earlier-educated children lowers the ultimate total cost of their handicaps to educational systems and society.

SENATOR WILEY: That was short and to the point. Any questions? (No questions.) Thank you very much for your written statement. This, I might observe, is the process we would like to see more of, the Legislature getting the views of those on the outside who have some expertise or some experience on a particular matter.

Here we are reacting to a particular bill, but this kind of thing, I think, is the future of the Legislature, if it is going to do its job for New Jersey, to acquaint itself with the facts and with the needs in areas so that it can take some initiative and do so creative work to help solve the problems in times to come. The fact that we have two people at the table today who are on the staff of the committee is symptomatic, I hope, of things to come. There was a time not long ago when committees not only had no staff, but there were no committees really. We now have some ability to absorb and to exercise some initiative. I hope that is going to grow and be stimulated in times to come.

In the meantime, we will try to do our job with the limitations we face.

Margaret Bell.

M A R G A R E T B E L L. I am Margaret Bell, 100 East Burlington Street in Bordentown.

What I am about to read is a letter that I sent to Senator Wiley about a week ago and accompanied it with about 100 signatures from residents in and around the Greater Bordentown area who are in support of Bill S 441.

The letter reads as follows:

"Dear Senator Wiley:

"This is the first time I have ever turned to a politician to help me solve a family problem, but frustration, disillusionment and disappointment would have it no other way. You see, I am the mother of a three and one-half year old handicapped child. My daughter has what is termed a 'learning disability' evidenced by impaired perception and neuro-muscular weaknesses. Specialists in the neurological fields of medicine are not clear as to why children are born with, or develop such debilities, but it is felt that my daughter's problems possibly emanate from a history of convulsions and seizures that she has suffered since the age of 10 months.

"Having taught nursery school at one time, I recognized fairly early that Deena needed special help -- help that I or a regular nursery school was not adequate to supply. I took her to two recognized centers for psychological evaluation and learning assessment tests and it was diagnosed by both that she was potentially very bright, but suffered learning disabilities; that was a year ago. Since then, my husband and I have been turning over every rock in search of finding some facility which would be able to satisfy our daughter's needs. Oh, we found some, but the tuition fees for such specialized centers are staggering, ranging anywhere from \$1700 to \$3700 per year. Since we have other children to support and a modest home to manage, these prices are far in excess of anything we could ever hope to pay. Where then, Mr. Senator, do parents of moderate incomes turn to get aid for their children? Do we just sit and wait and hope for the best? Should we be forced to waste valuable days, weeks and months that could otherwise be spent in giving the child the individualized therapy that he needs and deserves? Why is it that only the more affluent families benefit

from such services when the right to education is owed to all children, regardless of their ability to pay? Parents should not have to run from one agency to another, from one school, institution or service organization to another, begging for money to help their children. I know the anxieties that these mothers and fathers feel. The helpless, hopeless hours that are spent, very often not being able to understand, reach, comfort or cope with our own children's complex problems. We grow tired, Senator Wiley; we get depressed and have nowhere else to turn but to our government for an answer.

"Right now there is a bill in the Senate Education Committee (S 441) which seems to be a solution to our problem. It provides for State financial funding for handicapped children beginning at age 3. This is the crucial age for the handicapped child to start treatment; he should not have to wait until he's 5; he needs a head start to learning. Delays in proper training only enhance his chances of developing emotional problems, which further complicate the original disability. Our children must begin as pre-schoolers for any treatment to achieve an optimum of success. They must be given those extra years to prepare them to cope with a world which puts ever-increasing demands and responsibilities on youth. Our children need time, Senator Wiley, and the time to act is now!

"In closing, Mr. Senator, I hope you will view this letter as something more than emotional dribble, for certain facts should speak for themselves. Our children didn't ask to be born different, yet they are, and it is up to us - all of us - to lend an active hand in helping them become happy, contributing members of our society."

At the bottom of this, I said, "Attached are listings of names collected in and around the greater Bordentown area. I trust their signatures will show that a substantial number of people, in just one small New Jersey community

alone, are sincerely in favor of this vital piece of legislation."

SENATOR WILEY: Thank you very much, Mrs. Bell. Be assured we regard it as something other than merely emotional dribble.

Mr. Cedric Alley, Berkeley Heights.

C E D R I C A L L E Y: My name is Cedric Alley. I live in Berkeley Heights in Union County. Rather than repeat some of the testimony that has been given, I thought I would let you know I am also a parent of a retarded child who has had benefit of pre-school training from the age of 2 1/2. He is now 8 and he is in a public school Special Education program.

In speaking to many teachers in Union County, they have told me of the benefits to the child and also to them as teachers. These children come better equipped to the public school if they have had this pre-school training.

The other benefit, of course, is to the parents - to help the parents to accept the child's handicap and be able to better cope with it in later life. Let me tell you a bit about some of the programs that the Union County Association for Retarded Children have. We have three programs for pre-school. The first one is the pre-school program for ages 3 to 5, which my son was in. The second program is what we call our mini program. It is for younger children from age of birth to 3 years of age. We have found there should be no higher limit, that you should take the child into this kind of a program as soon as he is identified as handicapped. The third program, which has shown marked results is our prep program, our Pre-School Readiness Enrichment Program, which was devised for siblings of retarded children who were, themselves, functioning on a retarded level. We started this program several years ago. After 18 months in this program, 9 of the first 12 children went back to regular school

classes. It just shows you the benefit.

SENATOR WILEY: Who started the program?

MR. ALLEY: This is the Union County Association for Retarded Children. It shows you that these programs do work and are of benefit to all of us. Thank you.

SENATOR WILEY: Thank you, sir.

Mr. Donald Fritz for the New Jersey School Boards Association.

D O N A L D F R I T Z: Senator Wiley and staff, I want to thank you for letting the New Jersey School Boards Association come before you and give testimony on this Bill, S 441. I am here representing all the Boards of New Jersey through the New Jersey School Boards Association. I have with me here Denise Rath, Legislative Agent, for the New Jersey School Boards Association who will be here to answer any questions, since she did most of the research.

SENATOR WILEY: She is very good at answering questions. We have had Miss Rath before us before.

MR. FRITZ: Thank you. I realize you are pressed for time, but I would like to read our prepared statement so that we get through it in pretty good time.

The New Jersey School Boards Association has long recognized the need for legislation such as S 441. In December, 1968, the Association's Delegate Assembly approved a resolution calling for identification and provision of programs for handicapped children between the ages of three and five. This position was reaffirmed in May, 1973 by the Delegates when they supported Senate Bill 8. In fact, this concept of preschool for the handicapped has been a major legislative goal of the NJSBA for the past six years and we are heartened that the Senate has seen fit to hold hearings on such an important issue.

I would like to begin our testimony with a brief overview of what currently exists in the area of preschool programs for the handicapped and why S-441 is needed to complete the progress already made.

Since 1968 the Bureau of Education for the Handicapped of the U.S. Office of Education, Washington, D.C., has viewed early education of the handicapped as an area in need of serious exploration.

A growing number of findings in books, articles, and studies suggest that the preschool years are most critical for a child's future. The early years seem especially appropriate for the identification and relief of a child's mental, social, physical, or emotional deficiencies. Hence, if some form of qualitative intervention does not occur, it is most likely that irreversible deterioration could permanently cripple the child's potential for leading a more normal and useful life.

By the late 1960's, there was not much recognizable development in the area of preschool programs for the handicapped. This lag existed principally because of the lack of model or prototypical intervention programs and strategies which could provide a basis for local planning and implementation. In recognition of this critical need for exemplary projects, Congress in 1968 enacted the Handicapped Children's Early Education Assistance Act. This Act authorized the development and operation of model preschool projects for children who suffer from physical, emotional, health impaired, and/or mental handicaps. These projects, which are now widely scattered across America, are commonly and collectively referred to as the First Chance network. Today there are nearly 100 First Chance projects; all are administered by the Bureau of Education for the Handicapped of the U.S. Office of Education. The Bureau awards grants and contracts to public and private non-profit agencies, either

serving rural, urban, suburban, or regional areas.

As a result of these pilot projects and the overwhelming affirming research indicating the need, 31 states have already adopted legislation for preschool programs for the handicapped.

New Jersey, itself, was the recipient of four major federal grants to study the efficacy of providing early intervention to handicapped children. Findings from these projects have indicated:

- (1) Early childhood education programs for the handicapped have been of value for deaf children, communication disordered children and identifiable mentally retarded children.
- (2) Specific handicapping conditions have shown that service and/or educational intervention would be beneficial to any long-range educational outcomes.
- (3) Severely emotionally disturbed children benefit from a therapeutic environment, physically handicapped from direct physical therapy, and severely multiply handicapped children benefit from any formalized approach to aid their development (i.e., deaf-blind).
- (4) Trained parents, as educational agents, are as successful, if not more successful, in providing educational intervention than formalized programs.

The Federal Government has also through Public Law 90-538 (The Handicapped Children's Early Education Assistance Act) indicated that early educational intervention can reduce learning impairments and will result in higher achievement during regular school years. "Emphasis on early development and education offers the greatest promise of preventing and reducing secondary handicaps that lead to needless debilitation and dependence in later schooling and in adult life."

(Policies and Procedures, Handicapped Children's Early Education Assistance Act, BEH, United States Office of Education, 1969.)

New Jersey legislation has provided permissive educational programs for preschool age handicapped children since 1966. Some local school districts have utilized federal funds, primarily Title VI, Part B, Education of the Handicapped Act, to develop demonstration and innovative projects targeting on the educational needs of preschool age handicapped children. In addition to these projects, educational programs for preschool age handicapped children have, to a great extent, been provided and supported through the efforts of parent groups and other self-supporting private agencies.

The 1974 appropriation bill of the State budget provided the Department of Education \$500,000 for the development of pilot projects for preschool education of handicapped children. The Branch of Special Education and Pupil Personnel Services in the Division of Curriculum and Instruction, State Department of Education, was given the responsibility of planning for the utilization of these funds.

Thirty-three (33) applications for projects were received from local school districts and other agencies. The total amount of funds requested was \$1,589,373. Fifteen (15) projects were approved for funding. These projects provide for screening, identification, and evaluation of three and four year old handicapped children.

All of the funded projects are utilizing data made available by Project Child, which has been carried out in 17 of the 21 counties of the State. Project Child was designed to obtain information related to the number of preschool age handicapped children residing in local school districts.

Realizing the need for training parents to develop skills to ameliorate

handicapping conditions of preschool age handicapped children, the Branch funded a special project to Rutgers University to oversee the development and implementation of a statewide parent training program. The award of \$60,000 includes provisions for staff and materials to work with local districts in training Parent Trainers and providing the Parent Trainers with necessary materials for use with parents of children receiving direct services in funded projects. In addition, the parent training project provides centers where parents of preschool age handicapped children, whose children are not enrolled in the funded projects, will receive assistance and training to aid them in working with their children at home.

It seems obvious to the Association that the necessary groundwork for the establishment of preschool programs has been developed in the following ways:

- (1) A needs assessment program has been undertaken by Project Child which has determined a target population of 12,000 preschool handicapped children residing in New Jersey;
- (2) Sufficient manpower already exists for implementation of programs required in S-441. In addition, over a dozen New Jersey colleges offer training in preschool education;
- (3) A Department for Preschool Education for the Handicapped has been established in the Branch of Special Education and Pupil Personnel Services within the Department of Education;
- (4) Several pilot projects have been developed to assist districts implementing successful programs;
- (5) A parent training program has been set up in cooperation with Rutgers University to aid parents involved in pilot projects as well as for those parents with preschool children not being served by pilot projects;

- (6) Implementation of the programs is not rigidly defined, and local districts will have all the flexibility they currently have under Title 18A, Chapter 46, to provide the most appropriate preschool programs;
- (7) Preschool education for the handicapped has long been a top priority of the Branch of Special Education and Pupil Personnel Services and has been included in the Department of Education's proposed definition of "thorough and efficient."
- (8) Currently, only 200 of the 12,000 projected target population of the preschool handicapped children are being served.

Consistently, research studies and pilot projects have demonstrated that early educational intervention with handicapped children has been highly successful. And, not only successful but crucial to the development of handicapped children.

Children that can be identified at a preschool level to be handicapped are generally considered to be educationally "high risk" children. Accompanied with the classification of high risk is the high chance of experiencing failure--with all the developmental problems and loss of self-confidence that accompany failure during the formative years. Early intervention as its definition indicates greatly reduces the experience of failure by providing positive educational experiences from the onset of a child's formal education.

It is difficult to imagine and harder to treat a child who has gone through several years of schooling unable to participate because his handicap has not been identified or treated.

As studies have shown, although there are necessary start-up costs to begin preschool education, the handicapped population--those children unable to participate in the regular classroom--is substantially reduced.

New Jersey has long been a forerunner in the field of Special Education. It is essential that the Legislature continue New Jersey's prominence by lowering the school entry age for handicapped children and providing State funding for preschool children on the same basis as other children covered under Title 18A, Chapter 46. The passage of S 441, which has existed since 1968, is long overdue and greatly needed.

Gentlemen, I do thank you for allowing the New Jersey School Boards Association to come before you and testify. If you have any questions, I am sure that either myself or Denise, who, as you noted, is well-versed in this, will be able to answer.

SENATOR WILEY: Thank you very much, Mr. Fritz.

I would ask the cost question, just to get the reaction of the School Boards. We have an estimate of \$13 million as the State cost. That implies a local cost which would be incurred immediately and, I suppose, because of the delay in State aid, it has additional implications for local school boards.

MISS RATH: I would like to comment in two ways on that. One of our only objections to the bill - we had previously submitted some specific technical difficulties that we had with the bill to the Committee -- but we do feel that the effective date immediately is slightly unrealistic and we would ask that the Committee change the effective date to give local boards time to budget and provide moneys for the programs to provide their contributions.

SENATOR WILEY: What would you change it to?

MISS RATH: At least giving us one fiscal year, September 1975, in order for school boards to budget. Their budgeting procedure is already passed for this coming fiscal year and they could not possibly have moneys in their budget for the program if it were to go into effect immediately.

SENATOR WILEY: What would you see as the cost?

MISS RATH: I can only depend on the Department of Education's figures, not having done any studies ourselves.

We also are of the impression that there will be a number of years required before the whole population, the whole 12,000 children, will be served. You will have to have the Child Study Teams identifying the children and classifying them and providing programs. So we imagine that by the time the full population will be going, hopefully, this will all come under the definition of "thorough and efficient" and will be included in the whole program.

MR. FRITZ: I might add that I think the figure of \$13 million is the same figure that we share with you as being the figure, which means that 50 per cent or about six and one-half million, I believe, would come from the State, would it not?

SENATOR WILEY: Is that the way it breaks down, Dr. Ringelheim? Dr. Ringelheim is shaking his head in the affirmative.

Thirteen million is the total cost?

MISS RATH: Right.

SENATOR WILEY: On an annual basis the local cost would be six and one half, is that correct? (Senator Wiley confers with Dr. Ringelheim.) According to Dr. Ringelheim, State aid would be a million and a half under present funding. You are saying that the total cost in the first year, you would expect to be about \$3 million. State aid would be one-half of that and that wouldn't be due for two years off. So the local district would pick up three million in terms of cash outlay in the first year. Does that alter your view or were you taking that into consideration?

MISS RATH: When the School Boards supported the program, they supported it realizing that it was essential for the handicapped children between the ages of 3 to 5. But they also believe in the long run it is going to save

them money by reducing the handicapped population in the schools. Early intervention providing programs for the children will enable them to go into the regular classroom and then they won't be having to contribute 50 percent of the additional cost.

SENATOR WILEY: If the figure proves out to be three million total, with one and a half being required of local districts as a permanent outlay, and one and a half which would subsequently be reimbursed, would your feeling be the same, that it ought to be put off a year until September 1975?

MISS RATH: For the same reason, that the local school boards haven't had the opportunity to budget the money, so their budgets don't contain programs for pre-school, it would be very difficult to come up with the money in a very fixed and rigid budget. And they haven't gone to the public for support of that either.

SENATOR WILEY: And the dimensions are such that you feel they would have to -- they would have to have a year to anticipate it.

MISS RATH: I think so, yes.

MR. FRITZ: Senator, I may add too that this request is not just because of this one bill. Of course, there have been several times in the past where bills have been passed and have caused undue pressure on local boards to pay out of surplus funds or wherever they can get it, in order to implement a program that has been mandated by the State. Instead of getting the cart before the horse, we would request that this bill give local boards an opportunity to raise funds to do this.

SENATOR WILEY: The "thorough and efficient" question is pending before us, of course, but it doesn't, strictly speaking, reach this age level. The Constitution says "T and E" applies from 5 to 18. So this might or might not

be reached as a part of that undertaking.

We thank you very much, Miss Rath and Mr. Fritz. Very nice to have you with us and not just because you are from Morris County either.

Mr. Holmes has given me a note asking whether we might be able to include him in the morning session. Suppose we try that, Mr. Holmes.

D A V I D L A R S O N H O L M E S: I am David Larson Holmes and I am Director of the Princeton Child Development Institute.

At the Princeton Child Development Institute, we deal primarily with the autistic-like child. Therefore, our concern for preschool education is quite high. With the autistic child, although I am representing the autistic child, I believe that I can speak for the handicapped child across the board.

Most professionals in the field of exceptionality imply that early intervention is necessary for reducing the degree of exceptionality at the time the child becomes of school age. Just to drop a few names - Luria, Vygotsky, Sarason, and Fernald and others have spoken of this definite need for early intervention and early stimulation.

There has been mention made of the different states who have legislation now for three-year-olds and above for preschool education. I have broken this down so that we can see some of the specific statistics here. Twelve states offer education from birth up to the age of 18 or 20. Two states offer from two years of age. Twelve states offer from three years of age. Four states from four years of age. And there are two states whose legislation is pending for education of three-year-olds. As New Jersey is a leader in the field of Special Education - I think I am being redundant by saying that, but I think it

has to be mentioned again and again because New Jersey is thought of in Washington and across the nation as very liberal as well as having a great degree of foresight when it comes to Special Education. The need for preschool education is necessary, especially for the children who display definite overt handicaps, whether physical, emotional or intellectual.

The implication, as I take it from you, Senator Wiley, for global education of three-year-olds to five-year-olds, I tend to disagree with and on a questionable basis. Much of the research that has come out of the Head Start Projects and what have you has shown -- again I am not going to make any generalities, but it is questionable as to the effectiveness of preschool education in a global sense as a compulsory situation, meaning that some of the research has shown that those children placed in Head Start programs, by the time they are in third grade and fourth grade, the other children who started at age five have caught up. Therefore, I am leaving that open to question.

The need for handicapped preschoolers on a compulsory basis is questionable again, but I would like to clarify that. I believe that some of us have spoken about the need for a mandate for the school districts to offer preschool education, and I think that is what it should be, a mandate for the school districts but not for the parent to have to agree with this placement. I think you are going to find - it hasn't been mentioned - that if a child study team is aware of a preschooler having a handicapping condition, the chances are it is the parents who have approached the child study team. Therefore, as has been mentioned before, although you are not mandating that the parent accept the decision of the child study team, chances are across-the-board that parents will accept it because that is what they are looking for. But at the

same time, I don't believe the parents should be placed in the position where they have to accept. I think you can get the implication from that that the parents will accept. However, we shouldn't place the parents in that without an option.

The need for parent education, which has been talked about a little bit here, is most important. You are going to find, as the research implies, that parents are with the child more often than educators, that parents educated in the treatment and in the education of their child and in the control and coping, and what have you, with their handicapped child have a greater influence than any program, that any educator, that any psychologist or whoever is dealing with the child can devise.

At the Princeton Child Development Institute we offer an intensive parent training program or parent educating program. In that case, we have the children from five to seven hours a day. The parent, of course, has the child from nineteen to seventeen hours a day. If the parent is unable to handle that child, to cope with that child, to work with that child, to help the child move ahead, then we are not doing our job.

Therefore, the idea of parent education is a most important aspect.

The idea of a 12-month school year, I know has been deleted from the bill and that is a very difficult decision to come by in terms of the fiscal aspects. We do offer a 12-month program. We see the effects of a 12-month program or actually the lack of regression after the summer on the part of the handicapped children. Therefore, we are in favor of that. However, I do agree that it should be deleted from the bill, as it has been, because I think that would be another stumbling block.

Just in closing, I would like to suggest that we do support Bill S 441 and thank you for allowing us to

voice our opinion on this matter.

SENATOR WILEY: Thank you, Mr. Holmes. We appreciate it very much.

Helen Verstrate has a baby-sitter problem. We said we would break for lunch at 12:30. I don't want to disappoint people's expectations. How long would your testimony be?

MRS. VERSTRATE: I will be very brief, I hope.

SENATOR WILEY: All right. Welcome to the Committee.

H E L E N V E R S T R A T E: My name is Helen Verstrate. I am a parent of a two-year-old with handicaps. She is a participant in the Early Intervention Program that is being held in Long Branch, of which Mr. Donoghue is a trustee.

I would like to tell you my experiences with the pre-school program. She has been in there since the end of October of last year and the change in her -- it's like she is two different children since she has been in this program.

I have always been interested in early childhood education. I have a son who is six years old and, when he was born, I bought a book and it is called, "How to Raise a Brighter Child," by Joan Beck. And this became my bible. I can see the difference it has made in his education, starting in with early training with him.

If I may, I would like to read you a few quotes, which may help you in your endeavors here today. She is quoting from a Dr. Benjamin Bloom, who wrote a volume called, "Stability and Change in Human Characteristics." He is a Professor of Education at the University of Chicago. He points out that "future learning inevitably rests on the basis of past learning. And what a child learns in early life has a powerful, persistent quality that makes unlearning difficult. Early learning differs

from later learning in its effectiveness. This is another reason why parents urgently need more information and help in guiding their children through these vital years." During the years of rapid learning, an environment extremely lacking or abundant in intellectual stimuli can change a child's IQ as much as 20 points, Dr. Bloom estimates. This could mean the difference between a life in an institution for the feeble-minded or a productive life in society. Dr. Bloom too holds out the hope that through a better understanding of early learning processes and by changes in child care practices, we can drastically reduce the incidence of low levels of intelligence and increase the proportion of individuals reaching high levels of measured intelligence.

Dr. Bloom also states that a child has already developed half of his total adult intellectual capacity by the time he is four years old and 80 per cent by age eight. By eight, regardless of what type of schooling and environment the child has, his mental abilities can only be altered by 20 per cent.

Sensitive periods exist in the life of every child for specific types of learning. These sensitive periods are stages in development when the physiological state of the growing brain makes certain kinds of learning most easy to acquire. After these sensitive periods, it is difficult or sometimes impossible to acquire these kinds of learning.

It is obvious that these children must be helped early. However, at this stage many children have unclassified disabilities. We have seen it with the children that are in the early intervention program. My child is one of those who now under the present system would be classified as neurologically impaired, for which there is no program in the three-to-five-year-old category that would be specifically designed for many of these children, because they are not really retarded, they are

not really autistic. There is no classification, except probably neurologically impaired.

SENATOR WILEY: If I understand the reference, you said that early childhood education could make a difference of 20 points on an IQ scale, but by eighth grade or eight years of age, whichever it was ---

MRS. VERSTRATE: -- they can only increase it by 20 per cent.

SENATOR WILEY: (Continuing) -- they can only change it 20 per cent. That is less than 20 points. Is that the idea?

MRS. VERSTRATE: I think the IQ scale runs up to 160.

SENATOR WILEY: So they are saying for a child with a 120 IQ, it could be changed 24 points by education at age eight?

MRS. VERSTRATE: There you have me. I am not too sure.

SENATOR WILEY: At any rate, less ability to change it later on.

MRS. VERSTRATE: Yes. Certainly they are much more able to change it earlier than after age eight.

I feel that the present system is discriminatory against the unsophisticated who happen to live in poor school districts who cannot afford or will not set the precedent to finance children in these programs. Many of them are in areas far from the person's home. The transportation is a very big problem. Currently I live in Madison Township. I transport my child to Long Branch, which is a distance of 21 1/2 miles. That is one way. I do this twice a week, mainly because I feel she is benefitting from it. How much longer I am able to function this way, I don't know; as long as the price of gas remains under a dollar, I guess.

I hope that you will report S 441 out favorably. Mankind's vast total body of knowledge is growing at such

a fantastic rate, that it has probably doubled since 1940. And today's child will need every bit of intelligence and learning ability that we can give him to live happily and productively in tomorrow's world. This especially holds true for the handicapped.

Please report out S 441 favorable. Thank you.

SENATOR WILEY: Thank you, Mrs. Verstrate. We appreciate your coming before us.

We will break for lunch and reconvene at two o'clock.

(Recess for Lunch)

(Afternoon Session)

SENATOR WILEY: We'll resume our hearing if we can have your attention. I'm sorry, I had hoped to start right at two, and it is my fault.

We have some new people in the room. For your information, this is a Public Hearing on Senate Bill #441 which provides that the schools of our State should be open for handicapped children, ages 3 and 4. That is a piece of legislation which is now before the Senate Education Committee. That Committee is considering whether it should act on the bill and if so, how. It is considering what it means to children and how much it would cost. The purpose of this hearing is to permit people who are interested in the bill to come in and tell the Senate Education Committee about it so that we'll have the benefit of that information in making up our minds.

I am Stephen Wiley, Chairman of the Senate Education Committee. Just prior to the break, I had a request from Liane Gilbert and Carol Manning. A school bus is going to drop their children off, and if they're not back there to - Mrs. Manning - receive the children, they may be in trouble and I don't want that to happen. Elaine Stemmler - if I pronounced it correctly - has also requested consideration along that line. So, we'll ask first for Liane Gilbert, then Carol Manning, and then Elaine Stemmler.

Nice to have you with us.

L I A N E G I L B E R T: My name is Liane Gilbert, and I represent the Search Day Program in West Allenhurst, New Jersey.

SENATOR WILEY: Can you folks hear in the balcony? You can? Okay.

MRS. GILBERT: The Search School is a--

SENATOR WILEY: The lady who is testifying is right here. They're trying to figure who it is that is speaking.

MRS. GILBERT: Oh, I'm here.

The Search Day Program is a school for exceptional children. The Director of the Program, Mrs. Maybank, is on the Monmouth County Advisory Council for Preschool Children. We have a preschool unit in our school. It has five children in it. We have noticed considerable progress in the children, and I also have documentations from Doctors that are associated with the children, giving reference to their progress.

I'd like to give a little information about the program first. We have a parent group - it doesn't just involve the children directly - that the psychiatric social worker meets with once a week for an introduction to the program. They have had an informal presentation of behavior modification in order to work with their children at home. They will have formal procedures under the direction of the behavioral psychologist who is connected with our school. Our speech correctionist has met with the parent to discuss individual programs to, also, implement these things at home.

The individual children have made a considerable amount of progress. We had one boy that was referred to us. It was stated that he had extreme behavioral difficulties, that he had a very minimal attention span. He was diagnosed as, possibly, autistic. This child was untestable when he entered the program, and now his IQ has been tested to be 121. This is after six months in the program. He will probably go into a normal nursery school next year. So he has been -- he will be in the program for about a year and then he will go back to a normal nursery school.

Another child -- it has been reported by her parents that she is much more verbal at home. She follows directions, which she didn't do when she first entered the program. She initiates speech, which is something very new to her. She wasn't interested with speech and now she is initiating it.

She also delays gratification for a much longer period of time. She is much more manageable at home, and this also alleviates a lot of problems in the home for the parents.

Another girl also, who was very withdrawn - which is a symptom of autism - is now beginning to relate and is much more aware of her surroundings. She was under the age of 5 when she was in the preschool. She is now just 5. It was felt that it was possible that if she didn't have this program at the age she began, that it would have taken a much longer time to bring her out of her withdrawn symptoms.

Getting the autistic child or any child with handicap into a program at a very early age is extremely important. All literature that I have been exposed to in regards to this indicates that the earlier the child is in a program, the more successful their work is and it is easier for them to cope with their difficulties.

SENATOR WILEY: What ages did these children start their program?

MRS. GILBERT: Excuse me?

SENATOR WILEY: What ages were these children when they started their program?

MRS. GILBERT: The children were between the ages of 3 and 4½ when they started.

SENATOR WILEY: And how long were they in it if you can generalize?

MRS. GILBERT: It was started in September. So they filtered in since September.

SENATOR WILEY: September of 73?

MRS. GILBERT: 1973, yes.

Now, we have another letter here from a 3½ year old boy's parents, "Compliments to you all"- from Dr. Graziani, a neurologist -"on the marvelous work you are doing." He was very pleased with the boy's progress.

SENATOR WILEY: What is the level of training of the teachers who are responsible for this?

MRS. GILBERT: They are certified teachers. It's a Bachelor's Degree, and one person working particularly with these children is in a graduate program in Special Education at the present time. Also, the children are exposed to the psychologist; the psychiatric social worker. We have a consulting psychiatrist and also a team that comes in from the polyclinic which is comprised of psychologists, psychiatrists, and also two more psychiatric social workers. Also, research that is done with these children - at the earliest age possible - is very beneficial. We participated in a urine specimen test from Texas. Two of our children came up positive. Being identified at an early age is more beneficial because, unfortunately, they don't have a cure for this particular thing right now. But the fact that they are identified as having different problems and having something chemical that can be determined, the earlier it can be determined the better it is because the more research we have in this area, the sooner we'll have an answer to the problem. So, it is not only in the area of parental training and guidance for the children, but it's also research that will be greatly helped by this bill going through.

SENATOR WILEY: How would research capacity be provided? What requirements would that impose on the local school board in your town?

MRS. GILBERT: Well, it's a private school - it's a private non-profit school - the Search Day Program --

SENATOR WILEY: No, but I mean if this bill were passed and your public school were to provide this kind of a program, what kind of research capacity would they have to have or what kind of medical capacity in order to assist in this research effort?

MRS. GILBERT: Well, the research is not done at the school. It is done through communication throughout the nation.

SENATOR WILEY: I understand, but you have to have some input if you have chemical testing or whatever it may be -- it sounds like it has medical requirements. Are schools staffed to provide that kind of thing now?

MRS. GILBERT: Yes. The staff collected the samples and they were mailed to the institute where they were evaluated. So, it wouldn't require anything special in the school itself. The point I'm making is that through research and having the children available for these tests, the research can be done. In other words, we have a connection. We can -- having a group of children assembled, you can send this research on to different places.

I think that's about it. We would like to say that we are in full favor, and we endorse the bill and are looking forward to its passage.

SENATOR WILEY: All right. Thank you very much. We appreciate your appearance.

Carol Manning, from Englishtown.

C A R O L M A N N I N G: Yes, Englishtown.

SENATOR WILEY: How long does it take you to get back to Englishtown to get that bus?

MRS. MANNING: Close to an hour. We'll make it.

Thank you for hearing us early, Senator. I am Carol Manning. I am Chairman of the Board of the PASS Organization of the Manalapan-Englishtown School District. PASS stands for Persons Associated with Special Services. We work for the children in special education and with their parents and their teachers.

I'd like to back the statement made by Mrs. Gilbert and add an endorsement of our own for the swift passage of S-441. We must always bear in mind, the importance of proper education for all the children at their proper level but most of all, the child with severe problems. They must be reached as soon as possible. If a retarded child can be educated at age 3 or younger, think of the future potential of this child.

Shall we permit Johnny to be a welfare case at age 21, or a productive human being? Please, on behalf of all the special children, move on this bill and help the kids receive the help they so need. May we see this enacted as soon as possible. This is from the parents of Manalapan-Englishtown School District.

SENATOR WILEY: Would you know how your local Board of Education feels about it? The Association of School Boards feels that passing this bill in its present form - so as to go in effect in September - would be too much of a burden, financially, for school boards.

MRS. MANNING: Well, our board, as all boards, has just had their budget defeated -- not that all boards have had theirs defeated, but it, you know, is on the books. The money is tight, but I personally feel that, possibly, they might be able to go out in the referendum once they get their budget passed. We, personally, would like to see us pushing the board to get it as soon as possible.

SENATOR WILEY: Do you happen to know if they have a point of view in your own case?

MRS. MANNING: No, I couldn't comment on our board's view on that. I really don't know. We just try to get them to spend the money they tell us they don't have.

SENATOR WILEY: Thank you very much.

MRS. MANNING: Thank you.

SENATOR WILEY: Elaine Stemmler. May we have your name and address, please.

E L A I N E F. S T E M M L E R: Elaine Stemmler, 345 Chambers Bridge Road, Brick Town, New Jersey which is my business address. I am Executive Director of the Ocean County Unit for Retarded Children.

First of all, we have had preschool classes for retarded children for 14 years at the unit, and I can say, honestly, that the local school districts through-

out Ocean County - twenty-two in a number - are in favor of preschool education, if our unit is any indication of this. By this I mean very simply that they have made referrals to our unit to provide preschool education for children within their specific districts. I know from speaking with the child study personnel that they are highly in favor of the program that has been operating at the unit for the 14 years. We have seen a tremendous growth within that period of time, the need, the demand, on the part of the parents to have their children receive this service. They are, actually, thrilled with the aspect that they can bring their children out of the closets and introduce them to the world at a very early age and receive services for them. Along this aspect, I can say that when I became Executive Director of the unit 2½ years ago, we did not have any referrals for preschool education in our file at that time. We had some newspaper publicity, and we did start the program that September with four youngsters and increased it to six throughout that year. Now, that was a short two and one-half years ago. We are presently serving thirty youngsters in preschool classes for the handicapped at our unit for retarded children.

SENATOR WILEY: How old?

MS. STEMMELE: From 3 to 7 years of age. Now, the reason I'm saying 7 years of age, basically, most of them are 3 to 5, but in certain school districts, they did not have what they thought were appropriate programs for some of their youngsters. Because of this, they are sending their youngsters - between 5 and 7 years of age, in specific instances - to our preschool class. Basically, the reason for this is that these youngsters have not, previously, had any preschool training. So that when they became

5 years of age and they were registered in the public schools they found that they could not provide an adequate program for them. The children just weren't ready. Our youngsters who have been through the pre-school program at age 5, every one has been accepted into a public school program. We are at the point now where some of our youngsters are being accepted in the normal kindergarten programs, and I think that's great progress, not that they're going to stay within the mainstream of education in the very narrow context. We don't expect that in all instances. But the fact that they can be placed in the average kindergarten classroom, I think, is a step up. I, also, would like to, really, commend the State Department of Education for allowing us, this year, to be part of the pilot project study. You were given a copy of the brochure before - the information on the pilot project, and ours is called Project POPE which is sponsored by the Lakewood Board of Education. We are - because of that project - able to service another twenty. In other words, we had our unit operated preschool class for ten retarded youngsters, and we are able to service another twenty youngsters because of the funds that were given to the Lakewood Board of Education by the State Department of Education. Part of that project - and, I think, it is very important, at least I am highly in favor of the teaching -- the parent teaching aspect of it - incorporates a testing procedure -- there is a battery of about five different tests that are given. One is called the Marshal Town Project. Now, this is not only a testing procedure. Normally, when a child is tested for placement within a public school system, the child is given a normal battery of tests including the WISC, the Vineland, Social Maturity, things of this sort. These tests were drawn

up and geared directly to use for the handicapped youngsters. I say that because an important part of it is that these tests are then used as teaching instruments for the parents for use -- the parents can use them at home with their children. Now, that to me is a quite an important aspect of the entire procedure because you have, very simply, a parent of a 3 to 5 year old handicapped child who would like to do something to work with their children. We're giving them something to do with their children. They are enhancing their children's education by using the exact same materials in the home that we are using in the classroom and the exact same procedure. I think we are going to see a great deal of progress from that type of an incorporation into the program. We're not just testing them, diagnosing, classifying and then saying, okay, now you parents who have them the majority portion of the time have nothing to do with their education. They are integrally involved with the education of the children with doing the testing and the training at home also. So, I think, that that is a tremendously important outgrowth of the funds that were given this year by the State Department of Education. It is my understanding that these projects will be reinforced and supported again next year, and the only handicap that I see, as far as we're concerned at the unit, is where are we going to put all the kids because from the point of not having any children who were on a waiting list, or even in attendance, two and one-half years ago, to presently having thirty receiving preschool education.

The next step beyond that is we do have a program called Early Intervention and this is a program for infants that Mr. Donoghue spoke about previously. I am a trustee of that organization also, the Committee

for Early Intervention, which means that we are providing services for youngsters from zero to three years of age, from birth to three years of age. Now, I am concerned as Mr. Donoghue said previously, about the fact that if we do not have mandatory preschool education for the 3 to 5 year age level and if we, as a local unit for retarded children, cannot, financially - being a nonprofit organization - support additional preschool programs, it is quite likely that we would have those thirty children who are presently involved in early intervention have a cutoff at age 3 and have no place else for them to go. I think this would be disastrous to our entire concept of working with the handicapped children.

SENATOR WILEY: How wide -- far-reaching is the Early Intervention Program?

MS. STEMMEL: It, at present, is a bi-county, Monmouth-Ocean County Program. We have thirty children in each county involved directly in the program at this point. We hope next year to expand that to include at least one other county.

SENATOR WILEY: Do you have 60 for the two counties?

MS. STEMMEL: Right.

SENATOR WILEY: Does that compare to the 30 that you have in the preschool program?

MS. STEMMEL: I don't know how many Monmouth County has in their preschool program, but I do know in Ocean County we have the same number in our preschool programs as we have in our Ocean County Early Intervention Program.

SENATOR WILEY: It isn't clear to me what -- in the absence of this bill, you're concerned that the children who are receiving the attention of early intervention are going to be brought along and then not have

any place to go.

MS. STEMMEL: This could quite likely be, yes.

SENATOR WILEY: That implies that around the state, the Early Intervention Program reaches more children than the existing preschool programs that are run under private auspices. Is that --

MS. STEMMEL: No, I don't know. I cannot speak about around the state, truthfully, but I'm saying that in Ocean County, we are servicing as many children in the zero to three grouping as we are in the three to five age grouping.

SENATOR WILEY: Right. You would hope that the program would reduce - by 50% - the need to place handicapped children in special classes.

MS. STEMMEL: This is one of our objectives as far as the Lakewood Board of Education is concerned.

SENATOR WILEY: You haven't had enough experience under this pilot project to know --

MS. STEMMEL: No. We only started our pilot project, actually, in February so that we, as I said, have been operating the preschool programs through the Ocean County Unit for Retarded Children for 14 years. But this specific funding and financing through the State Department of Education has only been available this year and, unfortunately we were turned down at first and then it was approved. So, now we are operating it and it is working very well. The parents are quite involved. I only had a meeting last night with the parents about this testing parent training portion of it and they are quite excited about it. I know that there is a great need for it. If I just look at my own experience and look at the need that has been germinated by these other programs and by the State Department of Education,

assisting, as far as the financial end of it, I think that it will be a real boom to our parents of the handicapped children.

Now, one of the questions that you've asked some of the speakers was related to funding by the local boards of education. Now, I do not have any knowledge of how each of the local boards of education feel; however, my personal feeling is that this type of program has been in the area of permissive legislation since 1971. It has been a very unfortunate situation that local school boards havenot taken that as any type of a moral mandate to gear up to this possibility or have looked upon it favorably so that they are doing something about it. I know within Ocean County, although they are all in favor of our preschool program, they're referring parents to it but they're not footing the bill only for the youngsters who are over 5 years of age. So, you know, lip service is great, but we have to go out and raise the money in order to operate these programs and we've been very fortunate that we are able to do so. But, at the same time, I think we need something that has a little bit more in the way teeth and I think that S-441 would give us what we need. It would give the boards of education a mandate -- all right, you're pledged to this, you support it, you give lip service to it, well, now get on the ball and do something about it. I think the real beneficiaries are going to be the parents and the kids, the kids who are handicapped, and this is where my concern is as a local executive director.

SENATOR WILEY: Very fine. Thank you very much. We appreciate your being here.

MS. STEMMEL: Thank you.

SENATOR WILEY: Irma Leeds of the Paramus Board of Education seems to be next on the list. You've waited while we've had a few other people jump in ahead. I hope you indulge us a little bit.

I R M A L E E D S: That's all right. I don't have young children so there is no urgency in my getting home.

Senator Wiley, I am very glad to be here today on behalf of not only the Paramus Board of Education, but I am also representing the Boards of Education of Bergen County. As Legislative Chairman, I have polled the individual representatives of many of the boards - I can't say all of the boards - in Bergen County, but as many as I could possibly reach by phone and I have only heard affirmative responses to this bill. Now, I'm sure that you are aware that most of - us - the board members, when we see a bill say, how much is it going to cost us? From both an economic and moral point of view, we have only gotten the affirmative responses from the board members. They realize that the cost is great, but they also realize that their responsibilities to the taxpayers to provide education for all the children are greater than what the cost would be for this particular group of children.

Now, I've sat through this morning and I don't want to -- I'm not an expert, you've heard the experts, you've heard the parents that are involved, and I think that they all have been more eloquent than I could be in saying that early detection will help prevent the reinforcement of their children's individual handicaps. I would like to say - from our point of view - that it is important for boards of education to identify all of the handicapped children in the district, regardless of age. Page 1, Lines 8 through 13, makes

it mandatory to seek out children, at least down to the age of three and, with approval, provide them with a program. This helps the Board because even if the program is not provided, local Boards will be aware of the children with handicaps and be able to initiate long term plans. I think this is where the boards of education would like to have our figures, and I'm sure the State Department, too, would like to know, because in our planning and budgeting, if we can possible get an idea of what we need, it would help us greatly. I think that this bill would provide that.

Now, I have two suggestions - and I haven't heard anyone else mention them - that might help to facilitate the implementation of this program. On Page 2, Line 19, you're talking about "instructional program to privately operated non-profit day classes". I ask you - in considering the final wording of the bill - would it not be preferable to eliminate the non-profit aspect and allow local districts to send such students to schools profitably or non-profitably operated, as long as they were approved for the program and as long as they are willing to accept tuition not to exceed the maximums set by the State Department of Education?

My other suggestion - which, again, I'll put in the form of a question --

SENATOR WILEY: As I look at the committee substitute - just to interrupt you a second --

MS. LEEDS: Was there a substitute to that bill?

SENATOR WILEY: In the committee substitute, that word non-profit has been stricken.

MS. LEEDS: Oh, it has.

SENATOR WILEY: Is that the official form?

We've just been given a typewritten copy of this proposed committee substitute by Senator Beadleston.

That word has been stricken in his version.

MS. LEEDS: Oh, good. I'm glad I'm on the same wave length as the Senator.

Now, maybe this has been taken care of too. On Page 2, Lines 27 through 30, I wondered if you could not include some other appropriate facility? Sometimes it is advisable to have individual instruction for a child in a Public Library with approval of that Library or in a study room of a museum with the approval of the museum or any other feasible place because there must be districts where the individual classrooms are all filled and where space would be at a premium. I would hate to see a program eliminated for lack of a small room.

I hope that these suggestions will be considered in the final wording of this bill - since one was already. I only have the one - but please understand that I support this bill and - as I said, I'm representing the Bergen County Boards - its objectives to further help the children of New Jersey. I thank you for listening.

SENATOR WILEY: Yes, indeed. It was nice of you to appear and we appreciate it. You might consult with Miss Rath back there and see if you can get together on the school boards role.

MS. LEEDS: I'll give you a copy of what I said though.

SENATOR WILEY: It's not contradictory I take it?

MS. LEEDS: No, no, no. I didn't read it.

SENATOR WILEY: Okay, you ad-libbed.

MS. LEEDS: Slightly.

SENATOR WILEY: Fine. Thank you very much.

Mr. Howard P. Blackman, New Jersey Association for Children with Learning Disabilities.

H O W A R D P. B L A C K M A N:

My name is Howard P.

Blackman, State Program Coordinator of the New Jersey Association for Children with Learning Disabilities and Chairman of the New Jersey Interagency Council for the Handicapped. The nine consumer state organizations that serve the handicapped, enthusiastically, endorse the intent of S-441. Those elected members of the legislature who have had an opportunity to serve on the Education Committee during the past four years, I think, are well aware of our enormous efforts to make the thrust of S-441, Mandated Preschool Education, a reality. I would like to adhere to the Chair's recommendation that we try our best not to repeat over and over again the same things that were discussed this morning. So, I would just like to address myself, informally, to the Chair about some things that have not been mentioned.

As to some of the things that were said this morning particularly Dr. Ringelheim's testimony, testifying to the fact that New Jersey has been identified as a leader in the area of special education, I've had an opportunity to do a fair amount of travelling in the last year, and I think that his statement is very much valid. I think it's valid because of the mandated nature of our legislation in New Jersey. I think it's very important to point out that we, in New Jersey, have such sophisticated services for schoolaged children not because we are nice people and not because we really want to do the very best, but it's because - as Senator Beadleston so often likes to point out - the law says thou shalt and doesn't say thou shalt if you have the money, it just says you must provide these services. I think our history with the permissive nature of this legislation, in the past two years, has been very, very disappointing. We thought it was going to be a step forward; in many cases it was a step back and I

would like to explain that.

An analysis of the parents and the children who were funded by local public school districts, below the age of five, if we take a look at some of that process of how that was done for that very select few, I think that it would be a shocking revelation. I'm familiar with some parents that have been successful in getting such services for their preschool children and all too often it has not been made on the basis of the severity of the handicapped or taking a look at the child to see whether or not this youngster would benefit from preschool services, but all too often it has been how hostile and how antagonistic and how vocal the parents were. In short, that meant, what kind of harassing tactics have parents been able to muster against individual members of boards of education. Often boards of education have acceded to parents who have resorted to such unfortunate tactics but that was the only way that they were able to succeed. I'm talking about late evening telephone calls to members of boards of education, unwanted, uninvited visitations to boards of education officers, refusing to leave; things that have taken a lot of personal energy that I think were so unnecessary but, unfortunately, that's how the process worked. So, I think what has happened in this state, particularly with regards to the intent of S-441, the permissive nature of our legislation, instead of being an inducement to local boards of education - and, I think, the young lady before me when she said it was, perhaps, the moral obligation of school districts to really gear up for this kind of legislation - what has happened instead is that this permissive legislation has become very discriminatory, not between rich and poor, but between

those parents who happen to be articulate, and not, between those parents who happen to be a bit more sophisticated, and not, between parents who happen to be very, very aggressive people, and those who aren't. So, this whole history, the past two years, I think, has been very unfortunate. I would like to press for the mandated component of this legislation because of such factors that have taken place. I'm very, very pleased that the School Boards Association - in a very forceful testimony this morning - have lent their enormous weight to this support, and I know they have lobbied and have lent a lot of effort in the last few years for S-441. The statements that I said this morning weren't meant to be discriminatory to individual people from boards of education but just to let you know exactly how the process, I think, has been subverted in so many cases. I think that many members of boards of education might be looking to the legislature and hoping that the legislature will tell them, you must do it, because I think they want to do it.

SENATOR WILEY: Making late at-night telephone calls to legislators? Is that--

MR. BLACKMAN: It might work.

There is another factor that I think is very important to consider. Much of the testimony this morning has pointed to some of the research and I don't think we have to belabor the point of the importance of early identification and, of course, we have also discussed some cost factors. There is a little bit of a twist to this as well. Last year the interagency council sponsored a seminar with representatives from almost every state in this union which was held in Newark. The topic of the conference was the Economics of Handicapping Conditions. With our efforts with

redefining the educational system in New Jersey with particular emphasis on thorough and efficient, we were trying to identify some of the excess costs involved in educating handicapped children. That has been a very difficult process. I don't think we've been enormously successful, but it is still a process that's ongoing and we hope that some productivity will come out of this. However, it was pointed out over and over again during that seminar that rehabilitation at every level is a cost effective program. Remediation in the public schools is very expensive business. Many children who are given the proper kinds of intervention in an early childhood sense, before school, tend to need less intense services when they enter public schools. Now, this is particularly true with the organization that I work for - the Association for Children with Learning Disabilities - that a number of youngsters who have mild handicaps have been given proper treatment before they entered school and as a result, required less specialized services when they entered school. So, in the long run, yes, we're talking about initial capital investment. But over the long run - and it's not so long because of the nature of these specialized services - they tend to even out, and I would say that early intervention is definitely a cost effective program. It's less expensive in the long run.

SENATOR WILEY: Do we have any evidence that that is true? When you think of the present spectrum from age 5 to age 18, let's say, that appropriate intervention of age 5 can reproduce and solve problems that, otherwise, would cost you money per year?

MR. BLACKMAN: Yes. There has been a lot of Federal investigation in this area - the Office of Early Childhood Education, the Bureau of Education

for the Handicapped as well as Dr. Ringelheim's office - has lots of research data that I have seen, that I think would support this testimony. Certainly, nationally, there has been more work done, I think, in the area of cost effective programs in the area of vocational rehabilitation. It's easier to identify that when a person is working, it's less expensive to state agencies than to have them not working. But I think it's also very relevant to early intervention and there is research data at major universities that support this.

SENATOR WILEY: Just to give you a personal reaction, I think that the program ought to be appealing on the merits, aside from the finances of it, that things can be done that are helpful to children with the recognition that it is going to cost money and the willingness to spend the money to do it with, perhaps, a hope but not a dependence on saving money later on. It's, of course, difficult to assure ourselves that we would save money. I have probed a little bit, not so much with the financial side in mind as the human side, to find what evidence they have that they're not just teaching people to live with their handicaps but getting them over the barriers and into full utilization of their facilities. The statistics are weak from what I can find. They don't have much in the way of tracking children to find in what numbers they were able to remedy their problems. I would be interested in whatever you have.

MR. BLACKMAN: Okay. I will share that with the Committee. I would agree with you that it would be nice if we can go on the merits of our case and to look at the human side. I just wanted to point out to the Committee that that has not been enormously successful. I think we do have to be conscious of the cost effective factor, that it is indeed less ex-

pensive and it is something that I feel can be substantiated.

SENATOR WILEY: Anything you can give us that will fortify that would be appreciated.

MR. BLACKMAN: I would like to endorse the recommended changes that were made this morning by Dr. Ringelheim in terms of a deletion of lines 8 through 13 on the first page. I do not think that that is fitting with the spirit of S-441. I came in a little bit late this morning, in the middle of Dr. Ringelheim's testimony, and he had indicated that he had made those recommended changes. I'm assuming - without repeating - that those changes were recommended this morning. I'm open to a response from the Committee. Were those changes testified to this morning?

SENATOR WILEY: Did Dr. Ringelheim talk about those lines -- that that second paragraph should come out? It has not been taken out of the committee substitute. For those who are not privy to our papers here, they're directing themselves to the proposed second paragraph of 46-6 which says that "In addition, each board of education shall also identify and ascertain when deemed appropriate by the commissioner and according to rules promulgated by the commissioner with the approval of the State board, those children between the ages of 3 and 5 who require and who would be benefited by a special education program which may prevent their handicap from becoming more debilitating".

MS. BETSY BURR: The department's position - as Dr. Ringelheim expressed before - was that the ages of 5 to 20 in Line 4 should be changed to 3 to 20.

SENATOR WILEY: Rather than take it in two groups.

MS. BURR: Therefore, Lines 8 through 13 should be omitted.

SENATOR WILEY: Eight through thirteen on the original version. That would have the effect of treating 3 through 20 with an even hand. Is that your concern, too, that you would be setting up a different standard for 3 to 5?

MR. BLACKMAN: Yes, it is. There is also - you know - an inference there, I believe, particularly in Line 13 - "which may prevent their handicap", etc. I see nothing to prevent the local child study team of a board of education saying, "well, I'm not too sure if we provide this youngster with a preschool program that he is going to get any worse. So, if he's not going to get any worse, why provide him with that experience?" I think, again, the experiences that we have had in leaving individual interpretations up to local boards of education have been very, very disappointing, and if we leave that in, I do see that being a factor.

SENATOR WILEY: It's been very disappointing with the older children?

MR. BLACKMAN: Being very disappointing when there is a statement in any permissive or mandated piece of legislation which leaves itself open to interpretation. Now, the only analogy that I can think of is, right now, the law says that a child study team must interpret to parents, the findings in terms of testing and placement, etc., and, of course, we as consumer groups had often thought that this interpretation would be a written interpretation. The parent would get a statement saying, as a result of our meeting this morning, these are our findings. This is why we are placing him in a specific program. The overwhelming number of local public schools say, "well, no, that says interpretations so we are going to use

an oral interpretation". So many people walk out and call me up, or many other people, and say, "gee, I'm not too sure what they just told me. I didn't understand it". So I would tell that person to call up the local child study team and say, "would you do me a favor, I would like to share it with my husband or share it with another professional; would you put it in writing?" The local board of education, through the child study team would say, "well, we just don't have enough clerical people to put it in writing". So with that experience I see local boards - some of them - using that as kind of a cop-out saying, well, after all he's not going to get any worse and the law says, as written. So, I would like to make those recommended changes and I would hope that they would be considered.

SENATOR WILEY: If you delete what were Lines 8 to 13, you're left with the standard which says, "cannot be properly accommodated through the school facilities usually provided"? Is that adequate language?

MR. BLACKMAN: Yes, it is because I think the bill then goes on to specify, which I think I'm going to address myself to in a minute.

On Page 3 of the bill - again, I believe that Dr. Ringelheim made this recommended change, but I want to state it so I can get the statement from the Chair - I thought that that was a typographical error in Line 45, "under the age of 5". That should be either "under the age of 3" or, in Line 43, that "may" should be "must", because right now, as stated, those four lines say something very different from the bill. It says, "the board of education may, and if a local child study team so recommends, provide for children under the age of 5". Now, I thought the whole intent of S-441 was to state the board of education "must". I would like

to apologize to the Chair for saying that Dr. Ringelheim made these comments. I thought he did, but your reaction tells me that he didn't.

SENATOR WILEY: The may and shall approach is still used, but the years have been changed to 3 and 5. I'm looking at the committee substitute which was submitted by Senator Beadleston this morning.

It now reads, " the board of education may, and if a child study team so recommends and the commissioner approves, shall, provide for children between the ages of 3 and 5".

MR. BLACKMAN: Well, shouldn't that be - must - the local board of education must provide between the ages of 3 and 5?

SENATOR WILEY: It's a fair question. The Senator seemed to feel this morning that that was adequate language. I asked the question that you've asked, whether you really have a mandated program, if it depends on the recommendation of the child study team and whether fiscal considerations might enter into the recommendation rather than just an educational one. He seemed to be content with it.

MR. BLACKMAN: Well, I might respectfully submit to the Committee that this exercise, today, in your hard efforts in the work and the presentation of this bill will be a futile activity.

SENATOR WILEY: If it's left the way it is?

MR. BLACKMAN: Yes, because you're not changing anything.

SENATOR WILEY: We're looking at the recommendations - line by line recommendations - that were in Dr. Ringelheim's statement this morning which we didn't go into in detail. Let's see what they tell us.

What the department would do is seek to -- it would strike that language which I read to you

and would cast it in simpler terms just by substituting 3 for 5 so as to provide equal treatment for all ages 3 to 20. They are, in keeping with your recommendations.

MR. BLACKMAN: Yes. Are you saying, Senator Wiley, that Line 38 is modified or deleted; that "may" is now "must". That, I think, is the crucial issue.

SENATOR WILEY: No. Referring to Dr. Ringelheim's recommendations - looking at Line 38 on Page 3 of the original bill - he leaves that as "may". But in Line 42, he changes the age of 5 - at the end of the line - to the age of 3.

MS. BURR: He is referring to over the age of 20.

SENATOR WILEY: And under 3. It's now over 20 and under 5. In effect, it's expanding the mandatory brackets and shrinking the permissive areas.

MR. BLACKMAN: Okay.

SENATOR WILEY: I take it your feeling is that if you leave it up to the local child study team and just depend on their finding that something is necessary, they're going to use that as a means of not implementing the act in part?

MR. BLACKMAN: Yes. Except I would accept that recommendation that 38 to 42 - Lines 38 to 42 - apply to children who have handicapping conditions under the age of 3. I think that fits in the spirit of the bill, making that permissive.

SENATOR WILEY: I understand that, yes.

MR. BLACKMAN: Has the Committee accepted that?

SENATOR WILEY: No. What's happened, mechanically, is we have this original bill before us, and as of yesterday or today, we have this proposed committee substitute which has been submitted by the sponsor and we have not had a chance to analyze it.

MR. BLACKMAN: Okay. I would just like to emphasize, again, if that language is not modified, this will change nothing, nothing at all.

SENATOR WILEY: You're for a simple change, make 5, 3.

MR. BLACKMAN: Yes.

On Page 1 -- and this will be the last issue I will address myself to. I'm sorry for taking up so much time. On Page 1, Lines 5 and 6, "children who are classified as handicapped under this chapter except those so mentally retarded as to be neither educable or trainable". Now, I know that this is a very controversial issue, but I think it's very, very essential to the spirit of this bill. I would recommend the striking out of any classification which, in the language of this bill, would be discriminatory to a large number of youngsters. Again, that's leaving it up to too many different people to decide just who would be excluded in the spirit of this bill. I would also suggest that if it is struck out, that it is within the recommendations made by the department for redefinition of classifications under "thorough and efficient". They have submitted their recommendation which strikes out two categories which have been under fire in this state for a number of years. One, of course, is not being able to profit from a school experience. The second category is, "is neither educable nor trainable". I would hope that the Committee would consider this very seriously. There are many things, in the course of the past few years, that have suggested to professionals that we still have not defined our tools of measurement so sharply as to be able to conclude that a child is so profoundly retarded that he would not be able to benefit from a school experience. We'd suggest that

it would be a preventive measure, as well for this state, in that if this sentence remains, as well as in the rules and regulations, there will be litigation that will be brought forth against local boards of education in the state. I, of course, recommend the decision in Pennsylvania, the famous PARC case - which I'm sure you are familiar with - the Pennsylvania Association for Retarded Children vs. the State Board of Education of the State of Pennsylvania, where they maintained this category, as we do in Jersey, and the courts have struck that down as being unconstitutional. So now all youngsters, regardless of how severely retarded they might be, are the responsibility of the local public school district to serve. We talk about the importance of early intervention -- There is a youngster - a 14 year old youngster in Susquehanna County, Pennsylvania, who was classified as profoundly retarded and had never been inside the walls of a school building. As a result of this decision -- I might also add that this youngster was non-ambulatory, which meant he never walked. There is no physical reason for him not being able to walk. He just never walked. He spent his whole life in bed. As a result of this decision in Pennsylvania, this youngster was brought to school in a wheelchair. You might ask yourself, how could a youngster so profoundly retarded be programmed within the public school. Well, they started with an hour-a-day with individual instruction. Within six months that youngster was walking, actually, walked to and from school. We think the disaster of that classification of profoundly retarded and then we think of early intervention. I would ask all of us to just examine what early intervention could have done for this youngster. So,

to summarize, I think that it would be in line, with the department's recommendations in thorough and efficient, that that category be eliminated for consideration for S-441.

With that, I would like to thank you for your attention.

SENATOR WILEY: It might be an area of greater need in this age group. The testimony earlier in the morning was that in these lower ages, you're only talking about half the number of handicapped children because you have to confine yourself to the ones that you can readily identify. These would be readily identifiable.

The name of your association is Children with Learning Disabilities. We have something between ten and fifty thousand children in the state who have language disabilities - foreign-speaking - is that of your concern?

MR. BLACKMAN: Excuse me, what was that last portion?

SENATOR WILEY: Children whose predominant language is not English, is that within your sphere?

MR. BLACKMAN: Not primarily; of course, we are very much concerned with children who use English as a second language, of course. That's a whole different bag. Of course, the experience in this state is that there are many youngsters, particularly in the northern part of the state, many Cuban families and Puerto Rican families who were being programmed in classes for the retarded because they couldn't pass the entrance test for, let's say, the fifth grade or fourth grade. Of course, that's been largely cleaned up. Our association is primarily interested in any child who has a learning disability or neurological impairment.

SENATOR WILEY: Very fine. Thank you very much, sir.

Are there any other people who wish to testify? (Affirmative response). We have Mr. Frank Dolan and Mr. Jack Elmer.

Erika Abbott?

E R I K A A B B O T T: I am Erika Abbott, I represent the Easter Seals Society for Crippled Children and Adults of New Jersey.

SENATOR WILEY: Very nice to have you with us.

MS. ABBOTT: I will leave most of my testimony to Mr. Elmer who also represents Easter Seals, but he represents the Morris County Chapter.

SENATOR WILEY: Yes.

MS. ABBOTT: We strongly endorse S-441, and we thank you for being able to tell you about it. I have heard the testimony of Mr. Scagnelli and Mr. Donoghue, and I will hang myself on their coattails because everything they have said I would repeat, and I don't want to keep you.

Easter Seal, at this point, is in its 26th year in New Jersey, and we service about 20,000 a year. We really feel that we have seen the advantages of early identification of problems and the appropriate programs, and we feel this is extremely important that they are given the chance to take part in the preschool programs. We have had, besides Morris County, programs in Union and in Bergen. One of the most interesting programs has been a preschool program in Union County which includes severely handicapped with non-handicapped children and it has worked out very well.

I thank you for letting me speak, and we certainly hope that this comes through.

SENATOR WILEY: Thank you very much. Nice to have you with us.

Mr. Dolan, Bordentown Township Board of Education.

F R A N K D O L A N: Good afternoon. I'm

Frank Dolan. I am the Vice-President of the Board of Education in the Township of Bordentown. I'm representing my board. I have also been asked to appear by the New Jersey School Boards Association, I am a member of the School Boards Association's Special Education Committee. I'm also the Public Information Chairman of the Easter Seal Society for Burlington County, New Jersey.

I am not a professional by any stretch of the imagination in the field of early childhood education or of education of the handicapped. Professionally, I am an architect; for a living, I am an Air Force officer. I would like to tell you, however, how at least one board of education - mine - feels on the subject because, after all, if this legislation is passed, it will be in our hands and to the lay control of education and the board of education, that the implementation will pass. My board has a very, very high interest in special education. We're a small community, rather rural community, but we run three special education classes in Bordentown, one for the neurologically impaired and one for perceptually impaired and one for the multi-handicapped. We hope, shortly, to add a fourth category - educable classes - in our township. We could contract this sort of thing out as a small board of education, but we're determined not to because we feel that we can reduce the trauma on the kids of this sort by keeping them as close to home as possible. We are also now working very, very actively on mainstreaming handicapped kids in our school - in and out of special classes - putting them in with the regular children. We are very active in the program in trying

to eliminate architectural barriers in our school. We don't, right at the present time, have enough kids to warrant orthopedically handicapped class. We want to be ready should we do. We have a very active program of cooperation with the parents, monthly meetings of parents, teachers, and our child study team. We've held graduate work for our teachers in behavior modification techniques to better enable us to handle our special education programs. What I'm trying to tell you is that we're concerned about this area, and I don't really think our board is all that unusual. Our board takes this responsibility very, very seriously. We looked over legislation S-441 as a board, and we determined it was very worthwhile for me to come on down here and say how wholeheartedly we support it. I recently attended the School Board Associations President's Convention in Cherry Hill, New Jersey, - it was last month - and this was a topic, a very frequent topic, of conversation among the school board presidents there and, generally, my peers seemed - almost to the man or woman - completely in favor of the spirit of this legislation. New Jersey School Board Association has long held this as one of their major legislative goals in our legislative assembly meetings.

Some boards are already supporting preschool education. Possibly, a word might be in order for those who are not concerning the mitigating circumstances involved. At present, there is a lack of clear regulation - clear rules and regulations - on funding for children under the age of 3. My board, in the past, has funded for special education under the age of 3, and we had to do it without state aid. I now know that the rules and regulations in this area have changed somewhat but

they still are really relatively confusing, and special education is very expensive. Some of our children - special education children - cost us as much as \$4,000.00 a year. It's not an unusual circumstance at all and, as you can very well envision, we have a lot of school boards in the state; our budgets are not very large. In an area of a board such a mine could easily have four or five children identified in a preschool program, and four or five children times \$4,000.00 a year or so could be a very large percentage of our budget, and budgets are difficult in this particular day and age. Our budgets - the school board budgets - are probably the last remnants of grassroots democracy in America where the budgets are actually put before the people. So, possibly, the recalcitrants of some boards in this area may be understandable. The answer, I think, lies in this legislation in mandating such education and providing state support in two areas, both in the area of program expertise and definitive assistance in the funding. We think that all the tools are there or that these tools are well within the state of the art of development. As I said earlier, I'm not an expert, but I have taken the time to review the literature and it does lead me to believe that we can really adequately identify those kids who can benefit from the educational experience at the earlier age and, again, a review leads me to believe that early education intervention can reduce learning - and probably more important - living impairments and can result in higher achievements. This makes sense to us from every standpoint, from a humanistic, from a sociological, and even from that economic standpoint. Right now 40 percent of the handicapped people of America are under employed. These percentages can be reduced, lives of handicapped people can be more normalized, they can

be allowed to contribute more to society and this legislation will help. At least one school board - mine - is very definitely ready to implement it, and I have the feeling, sir, the majority of the school boards are ready to implement it. We urge your support.

SENATOR WILEY: Before you appeared, the School Boards Association testified that it felt that enacting the bill in its present form would be a mistake because it would go into effect immediately and would be applicable the school year beginning September, 1974, and that laying that financial obligation on the boards that have already made up their budgets would be intolerable.

MR. DOLAN: This would be difficult for us because our budgets have already been made, and they are relatively tight. Some consideration should be given to putting it into a proper budget cycle, yes, sir, I would say that's a necessity. Some of the comments which were talked of earlier concerning portions of the legislation which might need to be changed in no way seem to present any difficulty as far as I could see. I could not really envision a child study team being quite so unprofessional as to allow budgetary constraints to get in their way when they were classifying children. However, should there be some thought along this line, I cannot see how any school board or the School Boards Association would object to making the language mandatory.

SENATOR WILEY: All right, sir. We appreciate your being here.

MR. DOLAN: Good, thank you.

SENATOR WILEY: Thank you.

Mr. Jack Elmer. Nice to have you with us, sir.

J O H N E L M E R: It's nice to be here, sir.

My name is John Elmer, Program Coordinator, Morris County Easter Seal Society for Crippled Children and Adults, Morris Plains, New Jersey.

So far, I can only associate myself with those changes in the rules that have been promulgated or suggested by the ACLD. Morris County Easter Seal would be in favor of that. What I'm doing here is to tell you that we have run preschool programs for the physically handicapped for nearly seven years now and during that period of time, a great number of children have gone through our programs. I could give you individual cases about Johnny who did this and Suzy who did that, but I'm sure you've had enough of that and you need no more. I want you to think about the kinds of things that happen to a handicapped child who is not involved in a preschool program and I think, perhaps, that was not emphasized this morning. A handicapped child - between the ages of birth and six years as things stand in modern American society, if he is not involved, actively, in some kind of a program - grows up, essentially, without playmates and there are few mothers of normal children who will encourage their children to play with handicapped. At this point, there is, frankly, a depth of superstition, prejudice, ignorance, among much of the community about the handicapped. The normal child does not get a big kick out of playing with handicapped children of his own age because they can't keep up, and he may quickly turn them off. The handicapped child does not necessarily care to play with normal children because he knows he can't keep up and he knows he doesn't understand the rules. Also, he's subjected to a tremendous amount of teasing, a tremendous amount of cruelty still within the child population. They haven't yet learned

tact, they haven't yet learned diplomacy and you get a lot of this-- gee, you're funny looking, or how come spits coming out of your mouth all the time which, you know, a handicapped child doesn't need to hear twice before he suddenly doesn't want any part of this.

Lastly, perhaps the mother of a handicapped child does not necessarily encourage her child to play with normal children. She knows he's teased. Also, she feels guilty about having a handicapped child and she tries to give him all of her love and attention, all of her affection, which results, of course, in over-protecting the child, the result of which is he gets all of her affection while she's doing the dishes, making the beds, getting breakfast, getting lunch, getting dinner, talking on the telephone to her girlfriends, talking with the people who come over, going over to her mother, and shopping. What I'm saying is he doesn't get any attention at all or very damn little. Okay. This results in a child then that grows up in an essentially stimulus free environment. He grows up on the living room floor, very possibly in a playpen, hearing little language, seeing very few sights, touching very few objects, learning absolutely nothing about his environment. He does not have access to a tremendous pool of knowledge that you or I learned from. We did not learn all of our colors from mother and father. We did not learn textures from mother and father. We learned a few, but most of them we learned playing with other children when Sally told us about her blue dress and Johnny mentioned when he fell on the concrete, it was rough. Father hadn't taken us out and said this is rough concrete. We learned it from other children. If you're a handicapped child and do not play with

other children, you do not learn all of these things. The result of this is a psychologist comes in at the age of six and gives you a test. One of the questions, for instance, on that test may be - you must wait on the street corner until the light turns -- and then there's a blank. All right, the child may know perfectly well that on green you go and on red you stop but in reading the test, when he gets to the word wait, he may be thrown completely, not having this pool of knowledge he may not be able to interpret the words that go into make up the test. I defy any psychologist to come up with an accurate test on a handicapped cerebral palsy child who may have communications difficulties, so is non-verbal. This is one reason - by the way - why we're not terribly in favor of the "neither trainable nor educable" classification. I just don't think at this age - at the age of 3,4,5, - you can say that any child is not educable nor trainable. All right, so psychologically, these children are behind the eight ball to begin with. Their potential cannot be tested and their potential may be indelibly harmed by not getting at their best learning years - the years between birth and I think something like eight or nine - by simply not getting the information that normal children would be getting.

In addition to this, their social development is tremendously harmed because there is no social development you see. There are no other children for them to play with. If you do not play with other children, you do not learn that there are other people in the world who have wants and desires that must be considered. If you don't play with other children, you don't learn a very simple lesson like, you don't push bigger kids because bigger kids can push back.

If you sit at home, you learn only one thing, that you are the center of the world's attention insofar as attention is available, and this is tremendously handicapping to a child who, at the age of six, suddenly enters a school program and discovers, my god, there are 25 other children my age in this world, and I scream and holler for what I want. It's absolute utter chaos, and this is why school districts often can't handle these children and have to place them out into other programs as you heard mentioned here earlier.

Another thing that they lack by their inability to develop with normal children is a sense of discipline, that you don't eat whenever you feel like screaming and hollering for a cookie, you eat when it's snack time or you do painting when it's painting time or you do drawing when it's drawing time, and these are the kinds of things that they can get in a preschool program, obviously.

One of the last and, perhaps, most important things - although you will find an occasional psychologist that will disagree with me, I don't know how - is a lack of communications ability that we see in these children. If the child grows up, essentially, in his living room, he does not develop a need to communicate with other people. In other words, if you're with other children - you're three years of age now, and you want your turn at bat - you pretty darn well have to say, it's my turn. If you just make signs and gestures, nobody is going to pay the least bit of attention to you. So, the encouragement is there to learn to communicate. Unfortunately, when these children grow up at home, their signs are very quickly recognized by their parents who do not, usually, force them into speaking because they're not sure where their handicap

extends. So what will happen is, Johnny will go out into the kitchen and point at the refrigerator and go, "eh", and mother will say, "oh, you need your orange juice ", and she'll run over and she'll get his orange juice and she'll pour it out for him and he'll go out perfectly happy. He has communicated with mother. Father will come home and she says, "isn't that cute, he asked for his orange juice." No way did he ask for his orange juice; he gestured and he grunted. But this was sufficient within that context. Once he gets out into the cold, cold world at age six, he does not have sufficient communication, and he is so far behind in getting it that it may be another three or four years before he catches up and in the meantime, again, think what he's lost. So, all of these things then handicap even further an already handicapped child who has no preschool kind of experience where he can get his social skills, he can get a taste of discipline, he can get some access to the pool of knowledge that he lacks.

Lastly, communications stimulation can be provided for him. Now, these things are provided both directly to the child and to the parent. In other words, one of the most important parts of any preschool program is educating the parent along with it and teaching the parent that, mother, you must stimulate his communication, you must not allow him to gesture and sign if communication is within his ability, and the Doctor will tell them that. She must know that he is always going to be restricted in cultural opportunities. He is simply not going to be able to get out on his own and get a lot of information in the world, so the parents must be encouraged to stimulate the child culturally and intellectually. Take him to museums, take him to paintings, take him to a song fest,

take him to anything, and give him as much stimulation as possible so that, eventually, he can choose the route he needs to take.

And, lastly, independence. These children have to be made independent because, eventually, mother and father are not going to be here but the child, in all probability, will. Mother and father do not realize at age 2, 3, 4 how important it is for him to be independent of them. It's cute for mother to dress him at age six. It's nowhere near as cute when she's still doing it at age 36. These are the kinds of things that the parent can get out of a preschool education program just as well as the child. Incidentally, also, we try to give our parents child management techniques because, frankly, a very clever handicapped child runs his family. If they're not very, very careful, he makes most of the major decisions in the family, unless they learn proper management techniques. Once they do, things go much more smoothly, the marriage has a tendency to much more smoothly, the problems do not arise that are constantly adding friction to an already difficult situation, and by getting at the guilt feelings with a psychologist or a good social worker, we can do away with some of this overprotectiveness.

Lastly, there is no expense probably greater than a handicapped child. He needs wheelchairs and he outgrows them. Wheelchairs may cost two to four hundred dollars for standard wheelchairs and up to a thousand dollars for an electric wheelchair, which a child often needs. If the child puts on weight, special conveyances may need to be the family car. They may, actually, need a van for a muscular dystrophy child, for instance, who cannot help but weigh 250 to 300 pounds, and you simply cannot transport this child in a normal car. If the family is going to go anywhere,

they need vans, they need lifts, they need hooyer lifts in the home, at seven or eight hundred dollars. If they need hearing aids, it's \$850.00. If they also have to provide preschool education, they can't afford it. At Easter Seal, they don't have to. At Easter Seal, they pay us what they feel they can afford, and for many of them it's nothing. But it cost me a minimum of \$2,550.00 for every child I educate in my program, and I have 18 of them.

Thank you.

SENATOR WILEY: Thank you , sir.

Did you take part at all in that project, Extra Points in Morris County?

MR. ELMER: It went on around us. We did not hear about it until much of their work had been done. We are now attempting to make use of their facilities, primarily, through Denville through the setup that they have there, although, some of these things we can do also.

SENATOR WILEY: Very fine, sir. Oh, I'm sorry. Could you hold on one minute?

MR. ELMER: Yes.

SENATOR WILEY: This is Mr. John White.

MR. JOHN WHITE: Your eloquence encourages me to ask this question. You mention child population. Other people today, I assume, were referring to that by the use of the word mainstream. Most of the arguments - and this is known by us all, I'll just restate it - in special education always assume that the burden of proof is upon the child in special education. In other words, it's his problem. But some of the things that you said today, at least, implied that there is also a mainstream problem or, indeed, it might be a mainstream problem, the child population and the values of the child population or , at least,

the other half of the equation when you get to the threshold of the mainstream?

MR. ELMER: I am not an advocate of out and out mainstreaming. Now, don't everybody misunderstand my words. How did mainstreaming come about? How did the present situation come about? The present situation of specialized classes came about because early on in education - and I'm going back maybe twenty years ago, which is not early on but it's a while ago - everybody was mainstreaming. All of the children were in whatever classes were available and suddenly somebody said, oh, my god, this isn't working out, so we need to have special classes. So, indeed, they had special classes. All right, they went overboard and there are children in special classes who could well be in normal classes and should be, and this is one thing we encourage. But you are not going to overcome the evils of the present situation by certainly doing away with special classes and putting everybody back where they were twenty years ago. You need a delicately balanced combination and balance both for a child's ability and the psychological aspects of any particular case. Every child who is handicapped physically is handicapped emotionally because of the frustrations of getting along within his handicap and because of frustrations imposed on him by the normal society. Again, I refer to the children who have to play with them. If you have ever been in one of these education classes in a regular junior high - an educable class - they're mainstreamed in many cases. They have a homebase and then they go out to the seventh grade for art and they go to another class for history with normal students, and as they walk down the hall, they get the bit, "oh, they're the retards going through,

and they're the retards getting on their bus," and, frankly, it's just not always the most civilized aspect of American education right now.

MR. WHITE: My question was interested in, is there any programatic attempts to deal with the mainstream problems, the stereotyping --

MR. ELMER: Not to my knowledge.

MR. WHITE: -- for example, the public or mass communication only, recently, in the last few years has dared, even program anything with mentally retarded children. Last night there was a magnificent program on it.

MR. ELMER: And there's another one coming up on Channel 11 in two or three days that I think will be worthwhile.

MR. WHITE: I've seen advertisements on TV that my own children have been impressed with.

MR. ELMER: In regard to --

MR. WHITE: In regard to mentally retarded children.

MR. ELMER: Yes. The Association for Retarded Children is an advocacy agency for much of this as Easter Seal is for the physically handicapped. We try to break it up into aspects and attack those in which we are more expert. One of the ways that we slop over is the fact that many physically handicapped children are retarded by the same thing that has handicapped them physically. Cerebral palsy, for instance, often results in a mental retardation as well as a physical retardation. Minimal brain disfunctioned children were involved in as is ACLD simply because the schools are not able to keep up with the amount of children who are perceptually damaged. They have one learning disability specialist; they have two thousand kids. So, we're involved, deeply, in that kind of thing. There

is a great deal more to be done than is being done and I think we're just now beginning to see. It has to be done, first of all, with the adults. It also has to be done concomitantly with the children in getting to them and letting them know that just because a person is handicapped, doesn't mean he's "different".

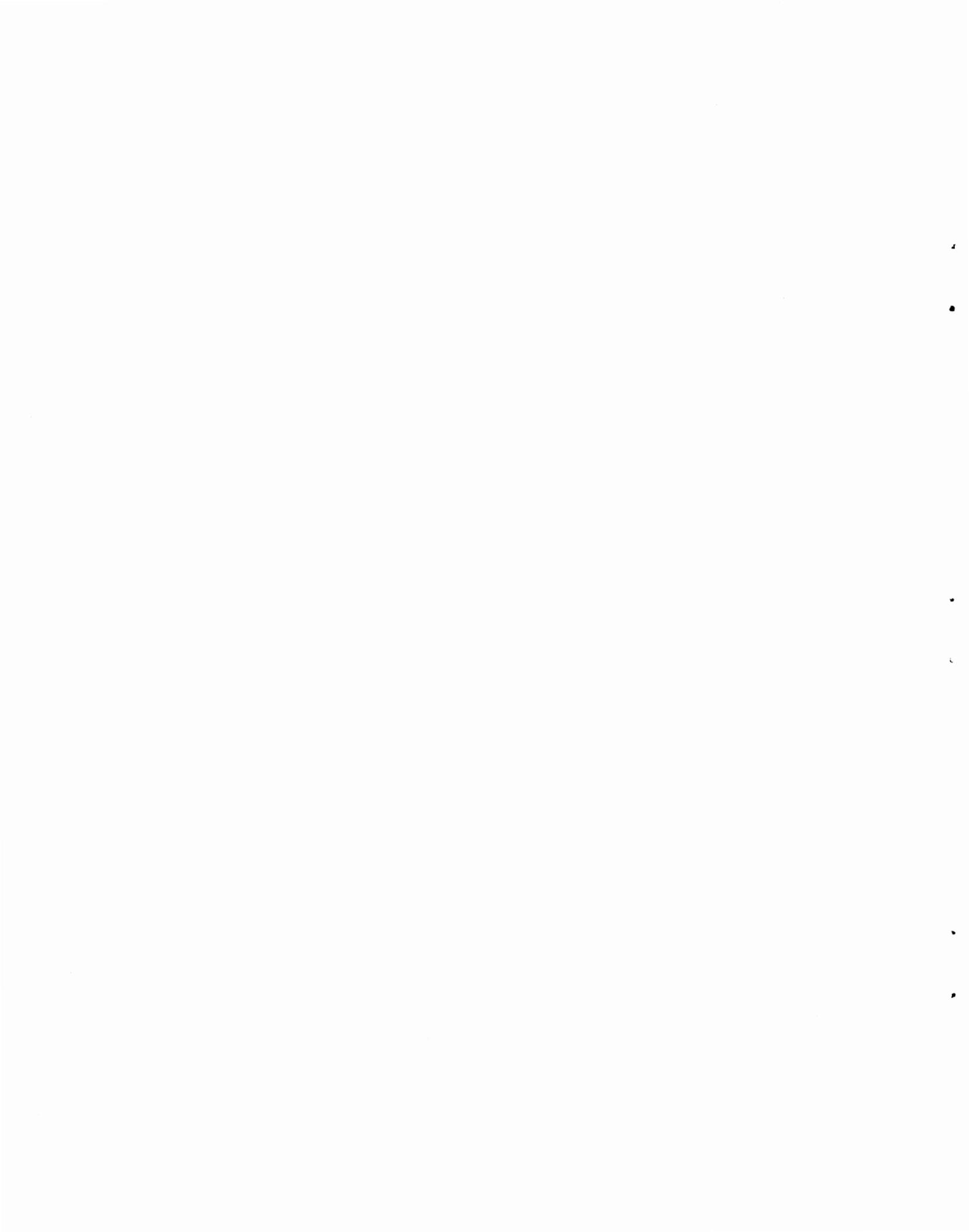
SENATOR WILEY: Thank you, Mr. Elmer.

If the legislature doesn't do a good job in this area, it won't be because it didn't have good advice and counsel. Are there any other people who wish to speak? (No response) As far as my list shows, we've touched all of the bases and heard from all of the people who expressed an interest in appearing.

We'll close the public hearing then. The bill remains before the Committee. We will have a transcript prepared of the testimony that has been presented and provide an opportunity for that to be reviewed and considered. The bill will then be considered by the Committee at a date to be determined. We have meetings every Monday, at least, - every Monday morning - and it will be on the agenda at the appropriate time for the deliberation of the Committee. If anyone has any supplemental comments or thoughts that occur to you as you're turning over in your sleep this evening and you wish you had said that, let us know. The book won't be closed for awhile, and we'd be delighted to hear any supplemental comments if you have any further statements you would like to submit in writing. We're grateful to all of you.

Thank you very much. The hearing is closed.

(Hearing Concluded)



SUBMITTED BY IRMA LEEDS

**BOARD OF EDUCATION
PARAMUS, NEW JERSEY**

W. VAN PELT
SCHOOL BUSINESS ADMINISTRATOR - SECRETARY
261-7800

PARAMUS HIGH SCHOOL
E. CENTURY ROAD
PARAMUS, NEW JERSEY 07652

TESTIMONY ON BEHALF OF SENATE BILL #441

APRIL 24, 1974

Gentlemen -

I come to you today, not only representing the Paramus Board of Education, but also representing the Boards of Education of Bergen County. As Legislation Chairman, I have polled the individual representatives and have only heard affirmative responses to this bill. Both from economic and moral responsibilities to the taxpayers, we hope to see this bill enacted.

Early detection will help prevent reinforcement of the handicap which as you know becomes more debilitating as time passes and no aid is given. I am particularly concerned with children who have language development and communication handicaps who, if they had the opportunity to socialize and communicate with many children in a controlled and structured atmosphere, could begin to develop skills which would lessen their degree of handicap. Children with poor social skills who have difficulty interacting, sharing, cooperating and participating with other children continue this type of deprivation if they do not become part of a social group. It is also important for Boards of Education to identify all the handicapped children in the district, regardless of age. Page 1, Lines 8 through 13, makes it mandatory to seek out children, at least down to the age of three and, with approval, provide them with a program. Even if the program is not provided, local Boards would still be aware of the children with handicaps and be able to initiate long term plans.

I have two suggestions, however, that might help to facilitate the implementation of this program. Page 2, Line 19, "instructional program to privately operated non-profit day classes". Would it not be preferable to eliminate the non-profit aspect and allow local districts to send such students to schools profitably or non-profitably operated, as long as they are approved for this program and they are willing to accept tuition not to exceed the maximums set by the State Department of Education?

Page 2, Lines 27 through 30. Could you not include some other appropriate facility? Sometimes it is advisable to have individual instruction for a child in a Public Library with approval of that Library or the study room of a museum with the approval of that museum.

I hope these suggestions will be considered in the final wording of this bill but please understand that I support this Bill and its objectives to further help the children of New Jersey.

IRMA LEEDS
Trustee

Home Address: W. 83 Ridgewood Avenue
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AUG 14 1985



