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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

1997-98

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Education...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (December 2012)

Senate

Record of Committee Proceedings

Committee on Education

Senate Bill 384

Relating to: special education programs for children with disabilities and granting rule-making authority.

By the Committee on Education, by request of the Department of Public Instruction.

December 17, 1997 Referred to committee on Education.

January 7, 1998 **PUBLIC HEARING HELD**

Present: (7) Senators C. Potter, Jauch, Shibilski,
Grobschmidt, Darling, Huelsman and Roessler.
Absent: (0) None.

Appearances for

- Juanita Pawlisch for DPI
- Paul Halverson for DPI
- Vivian Weber-Pagel for Exceptional Education Advisory Council
- Nissan Bar-Lev of Chilton for CESA 7
- Jan Serak of Greendale
- Laurine Lusk of Verona for Quality Education Coalition
- Jeff Spitzer-Resnick for Wisconsin Coalition for Advocacy
- Gerald Weso for Great lakes Inter Tribal Council
- Philip Knobel for Walworth County Handicapped Children's Executive Board
- JoAnn Stormer for Wisconsin Family Ties
- Sister Patrice Colletti of West Allis for Parent Education Project of Wisconsin
- Sue Lohmeier of Woodville
- Roger Berg for Wisconsin School Psychologist Association
- Sue Endress of Milwaukee
- Ed Hawkinson of Portage for CESA 5
- Ruth Smasal Adix of Fall Creek
- Jerry Bohren for Stevens Point School District
- Sally Carlson of Boyceville
- Senn Brown for Wisconsin Association of School Boards
- Pat Yahle for Milwaukee Public Schools

- Mickey Beil for Milwaukee Public Schools
- Debbie Devine of Milwaukee for Autism Society of SE Wisconsin
- Lynda Palecek of Greendale for Wisconsin School Psychologists Association
- Lori Dominiczak for Wisconsin Physical Therapy Association
- Jane Shibilski of Wausau for Wisconsin PTA
- Chuck Hastert of Green Bay for Wisconsin Council of Administrators of Special Services
- Teri Black for Wisconsin Occupational Therapy Association
- Steven LaValle for School Administrators Alliance
- Carolyn Jackson of Milwaukee for MPS Task Force on Exceptional Education and Supportive Services
- Barbara Leadholm of Lake Mills for Middleton-Cross Plains School District
- Donna Rosinski for Autism Society of Madison

Appearances against

- None.

Appearances for Information Only

- Katie Schultz Stout for WEAC
- Carol Weidel for WFT

Registrations for

- Cynthia Streber of Lodi
- Judith Fell for Wisconsin Council on Developmental Disabilities
- Jackie Becker of Madison
- Gregory Dietz of Chippewa Falls for CESA 10
- Georgette Rodriguez of Milwaukee
- Pat Patterson of Milwaukee for MPS Exceptional Education Task Force
- Frances Bicknell of Madison for Autism Society of Wisconsin
- Judith Bradshaw-Powse of Madison
- Gwenith Jones of Madison
- Martha DeYoung of Friesland for CESA 5
- Bob Andersen for Wisconsin Council on Children and Families
- Jeanne Erickson of Fort Atkinson
- Brenda Miller of DeForest

Registrations against

- None.

January 14, 1998

EXECUTIVE SESSION

Present: (8) Senators C. Potter, Jauch, Shibilski,
Grobschmidt, Darling, Huelsman, Roessler and
Fitzgerald.

Absent: (0) None.

Moved by Senator Grobschmidt, seconded by Senator Darling, that
s0397 be recommended for introduction and adoption.

Ayes: (8) Senator C. Potter, Jauch, Shibilski,
Grobschmidt, Darling, Huelsman, Roessler
and Fitzgerald.

Noes: (0) None.

Absent: (0) None.

INTRODUCTION AND ADOPTION RECOMMENDED, Ayes 8,
Noes 0, Absent 0

Moved by Senator Grobschmidt, seconded by Senator Darling, that
Senate Bill 384 be recommended for passage as amended.

Ayes: (8) Senators C. Potter, Jauch, Shibilski,
Grobschmidt, Darling, Huelsman, Roessler
and Fitzgerald.

Noes: (0) None.

Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 8, Noes 0,
Absent 0

Paul Rusk
Committee Clerk

Vote Record

1351/2

Senate Committee on Education

Date: Jan 14 Executive Session Public Hearing

Bill Number: SB 384

Moved by: Bob Seconded by: Darling

Motion: Intro + Adop

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Sen. Calvin Potter, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>				

Motion Carried

Motion Failed

Vote Record

1370/1

Senate Committee on Education

Date: Jan 14 Executive Session Public Hearing
 Bill Number: SB 384
 Moved by: Huelsman Seconded by: Dart Grob
 Motion: Intro & Adoption

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Sen. Calvin Potter, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>				

Motion Carried

Motion Failed

Vote Record

Special Ed
1336/3

Senate Committee on Education

Date: Jan 14 Executive Session Public Hearing
 Bill Number: SB384
 Moved by: Darling Seconded by: Huels
 Motion: Intro + Adoption

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Sen. Calvin Potter, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>				

Motion Carried Motion Failed

Vote Record

Senate Committee on Education

Date: Jan 14 Executive Session Public Hearing
 Bill Number: SB 384
 Moved by: Drob Seconded by: Darling
 Motion: Introd. & Adoption Sub
(3 in one)

 _____ S 0397
 _____ Peter Grant

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Sen. Calvin Potter, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>				

Motion Carried Motion Failed

Vote Record

Senate Committee on Education

Date: Jan 14 Executive Session Public Hearing
Bill Number: SB384
Moved by: Grub Seconded by: Darling
Motion: Passage as Amended

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Sen. Calvin Potter, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>				

Motion Carried

Motion Failed



PARENT EDUCATION PROJECT OF WISCONSIN, INCORPORATED

2192 SOUTH 60TH STREET
WEST ALLIS, WISCONSIN 53219
PHONE: (414) 328-5520 TOLL FREE: 800-231-8382

December 23, 1997

Regarding LRB 3798: Special Education Subchapter Rewrite

Dear Senator Calvin Potter and Assemblyman Luther Olsen
Chairpersons, Education Committee and
Wisconsin Legislature Education Committee Members:

My name is S. Patrice Colletti. I'm currently the Executive Director of the Parent Education Project of Wisconsin, Inc. (PEP-WI), Wisconsin's only federally recognized parent training and information project serving 17,000 individuals annually in all seventy-two Wisconsin counties. PEP-WI provides training, information, consulting, and support services to parents of children with disabilities and to schools, with a focus on helping Wisconsin understand and implement the Individuals with Disabilities Act (IDEA97). PEP-WI has been in existence since 1981, and is an independent non-profit agency focusing on advocacy on behalf of children with disabilities in our public schools.

After working alongside both parents and school personnel, and after many hours learning from parents and educators about their needs and their rights, I am offering the following strong recommendation to both the Department of Public Instruction and to our Wisconsin legislative committee considering our Chapter 115 Statute.

I waited this long because I believe strongly in the power of listening and discussion, and I hoped that the Statute proposal would reflect the well articulated perspectives of the primary consumers of special education: parents of children with disabilities. Now that the "final" version of the state statute for special education has finally been made available, I've had an opportunity to analyze it and access the inclusion of key issues. Many key issues were well addressed. However, I feel it is appropriate to articulate the following stance and recommendation.

This recommendation is not new. I have spoken with Paul Halverson about it. The Exceptional Education Council discussed it at great length. The Quality Education Coalition clearly voiced their concerns to Mr. Halverson numerous times. Granted, it is a position that some "constituents" may not approve. As you will see, it is, however, clearly linked to quality education, an issue which all groups would hopefully keep in primary position in consideration of an education statute.

This is a position which could have been addressed in statutory proposal, but wasn't. Now, we have an opportunity to utilize our democratic process to address it in a statutory amendment to the bill. Whether that is the best approach will best be known

as we continue to move through the legislative process.

In the meantime, once again, I hope to clearly identify an area which, unchanged, will continue to limit full participation of the members of the Individual Education Program (IEP) Team from doing the job we all intend them to do: design an individual education plan that not only ensures the child the legally mandated free appropriate public education (FAPE), but also promotes quality education. While I am addressing these issues from the perspective of a parent and child advocate, I believe they are of great import for every member of the IEP Team.

• **Regarding provision of Evaluation Reports to Parents** •
115.782 Evaluations (p. 38 Lines 10-18)

This section of state statute matches federal law. While Wisconsin is not required to go beyond federal law to improve either the protections of the rights of the child or the quality of the child's education, it can do so.

As it is currently written, mandating provision of the evaluation report to the parent upon notice of placement unless the parent requests it earlier assumes that the parent is either a) not involved in the IEP process at all, hence not needing the data in the report to allow full participation in decision making, or b) that the parent already knows they should ask for a copy of the report in order to participate fully in the IEP Team's decision making process.

In order to allow parents their rightful full participation in the IEP process as equal members of the IEP Team, as is clearly the intent and approach of federal law, and which has been articulated as intended by state statute, **all members of the IEP Team must have a copy of the evaluation report prior to the development of the child's IEP.** "All members" includes parents.

If, in fact, the parent is not involved in the IEP process at all, and has not been an active participant in the decisions and discussions of the IEP Team, provision of the evaluation report prior to the development of the IEP will not slow or stop the process unnecessarily. At best, it just *may* pull the parent into the process.

If the parent is involved in the IEP process, he or she needs access to the same information as other Team members. He or she needs the same written document (evaluation report) and time to read and understand it as the other members of the IEP Team. If Wisconsin values the participation of parents as partners in the IEP process, parents must receive equal access to information.

PROPOSAL for AMENDMENT to CHAPTER 115 (Proposed):

Mandate the provision of the complete evaluation report, containing all data needed for decision making and planning for the child, to ***all members of the IEP Team before the development of the IEP.*** Development of an effective IEP requires a *team process*; to participate equally as a member of a decision making team, all members must have access to the information in the evaluation report. All members **INCLUDES** the parents.

One of the six key principles of IDEA 97 is the recognition of parents as partners in the decision-making processes of special education. If Wisconsin law requires parents to specially request their access to the very information they need to be participants in the decision making processes of writing their child's quality IEP, parents begin the process at a knowledge and power disadvantage. It does the same for any Team member not provided with the very information needed to fully engage in the IEP

development process. Mandating provision of the evaluation report to all Team members including parents prior to the development of the IEP "levels the playing field" for all Team members. They all have access to the data collected in the evaluation, data which will assist them in developing a quality IEP for the child.

For Wisconsin, this is an opportunity to improve the quality of special education by supporting parent participation as equal members of the IEP process. If Wisconsin does not make this change, parents will recognize the inequity of the system, a system which is intended to facilitate, not complicate, the education of their child.

PROBABLE ARGUMENTS AGAINST THIS PROPOSAL:

1. **Time:** It will "take too long" to provide parents (and other Team members) with a report, causing a delay between evaluation and writing of the IEP.

HOWEVER: Knowledgeable parents will be seeking that time anyway. PEP-WI will train all parents to seek that time. Parents will also correctly assume and will recognize the power-play of the "system".... a system which is supposed to be in place to assist their child with learning.

HOWEVER: Other Team members may also need access to the written evaluation data in order to participate in the complex decision making and planning of the IEP process.

HOWEVER: The time spent on writing the evaluation report will need to occur anyway; under this proposed change, the time spent writing, the time spent studying, and the time spent utilizing the data in the reports all have specific, direct, positive consequences: improved planning and education for the child.

HOWEVER: If an evaluation report is written by the Team, with input from all who participated in gathering data, at the meeting, where the parents are equal participants, then it is simply a matter of taking a break, going to the copy machine, and duplicating copies of data compilations from the group. If the evaluation report has truly been a team effort, the parent member of the Team will already have a thorough understanding of the content and will not need to request a recess unless doing so would benefit the development of the IEP itself.

2. **Time:** DPI has indicated that school staff would rather have "one meeting" which incorporates evaluation, IEP development and placement rather than planning to have as many meetings as needed, on an individual basis, for each child's unique needs to be met. The latter is the intent of federal law, which mandates the entire process of IEP development to assure free appropriate public education for every child with a disability.

This stance was articulated when Mr. Benson initially proposed rule changes. The end result is supposedly "reducing unnecessary paperwork and meetings." The concept of "one meeting" was strongly resisted by parents, advocates, and some educators because it set up an assumption which was likely to deny the child his or her right to a well written IEP. The wording was removed from statute language; the concept still lurks therein. (Current statute permits the accomplishment of the entire IEP process in one meeting, but offers options to extend the time/ number of meetings to meet the unique needs of the child and Team. There may be situations where "one meeting" is not only permissible but appropriate.) Having to wait while Team members receive, read, and understand the evaluation report threatens the hidden hope for "one meeting." Time, rather than provision of quality education to children with disabilities, is the focus.

HOWEVER: The newly envisioned IEP Process should NOT set up a dynamic which limits the parents' right to participate fully in the IEP development process for the sake of "one meeting." By designing the process to provide all IEP Team members with evaluation data, upon which the IEP is to be developed

and with which planning and placement decisions must be made by the Team, Wisconsin schools can:

- 1) Reduce school- versus- parent dynamics, building a real and working school/ parent partnership in the IEP process.
- 2) Increase parent participation in the development of children's educational plans by actively supporting their right and their ability to be an equal member of the Team.
- 3) Level the playing field for all Team members, allowing them to each bring their diverse perspectives to the table and allowing them to each access the pertinent evaluation data gathered by professionals, all which forms the important basis for determining the child's present level of performance, annual goals, and objectives or benchmarks.

Juanita Pawlisch, in her December 9, 1997 memorandum to the members of the Council on Exceptional Education said, "Probably none of us believes that everything in the statutory proposal is exactly as we would want it or as we would have written it." While this is clearly true, if the goal of Wisconsin's special education statute is to provide each child with a disability the free, appropriate public education they deserve and have a right to, **all members of the IEP Team** must have the tools to be equal partners in that process.

In Paul Halverson's December 10, 1997 letter to Paul Rusk, Committee Clerk of the Senate Education Committee, he outlined several activities the Department of Public Instruction used to offer various groups an opportunity to have input into the development of this statute revision. Currently, Mr. Halverson feels quite concerned about the breakdown of a "consensus." I propose that if it was a true consensus, "breakdown" would not be a threat. It remains important that all voices, including those that may not agree with the proposed statute as written, and including those of parents of children with disabilities, be heard.

I trust that the legislative process, with its opportunities for dialogue and change, will serve well this statute, which is, in Mr. Halverson's words, "the most sweeping and progressive revision to special education in the state since 1973." Let us work together throughout the legislative process to make sure we progress far enough.

Thank you.



Sister Patrice M. Colletti, SDS
Executive Director

cc: Juanita Pawlisch, DPI; Paul Halverson, DPI; Paul Rusk, Senate Staff; Larry Ringer, U.S. Department of Education, O.S.E.R.S (State Monitoring)



JAN 06 1998

Fax Transmittal Sheet

TO Sen. Calvin Potter

FROM Emily Levine

Voice: (414) 352-5216
7680 N. Longview Dr.
Glendale WI 53209

DATE Tuesday, January 6, 1998

PAGES 1 of 2

NOTES

Please deliver to hearings on Chapter 115 by Wednesday,
1/7/98 at 10 am

January 6, 1998

Sen. Calvin Potter
PO Box 7882
Madison, WI 53707

Dear Senator Potter:

I am writing regarding the proposed Chapter 115 statutory package for special education in Wisconsin. I support the changes proposed by The Quality Education Committee.

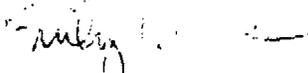
My nine year old son, Sam, is challenged by autism, and he has been enrolled in special education since age three. The first M-team meeting I attended when my son was three years old was an extremely traumatic event. The emotional impact of hearing the extent of my son's disability, as viewed by the educators who had treated him, left me numb and stunned. I took home the individual reports and read them, processed the information, called outside experts for advice, and visited special education classrooms before the IEP meeting. If the meetings had been combined, I would not have been able to make an informed decision as to what was in the best interests of my son. The Quality Education Committee's proposal to ask all M-team participants if they need more time between M-team, IEP, and placement meetings is a good compromise. Separate meetings may not always be necessary, but I believe the option should be made available.

I believe individual reports are necessary because as a parent entering the special education system, I was exposed to many new, unfamiliar terms. Having the reports enabled me to study, and also seek outside advice from our pediatrician, an occupational therapist, and a psychologist/psychiatrist team at the University of Chicago on specific reports from the different specialists who had evaluated my son. I believe having the detailed reports enabled me to better understand my son's difficulties in school and seek appropriate help.

The third item concerns having a team member qualified in the child's specific area of difficulty. I believe this is vitally important. No one can understand every disability, and understanding the disability is the key to developing appropriate IEP goals and teaching strategies. With the recent emphasis on inclusion, regular education teachers are being asked to wear many hats. If they are to have success with special needs students, they will need support and training on the difficulties facing the special needs student. The school district where we live has hired an autism consultant for the past several years, and it has made a huge positive impact.

I urge you to support the changes proposed by the Quality Education Committee.

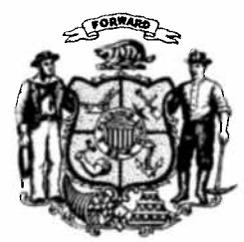
Sincerely,



Emily Levine
(414) 352-5126
7680 N. Longview Dr.
Glendale, WI 53209



WISCONSIN STATE LEGISLATURE



WHEELER, VAN SICKLE & ANDERSON, S.C.
a Wisconsin Service Corporation

CHARLES S. VAN SICKLE
NORMAN C. ANDERSON
NILES BERMAN
JEFFREY L. LANDSMAN
THOMAS J. ZAREMBA
STUART G. MONDSCHIEIN
COURT COMMISSIONER
JOHN C. OESTREICHER
WILLIAM PRAY O'CONNOR
DENIS R. VOGEL
RHEA A. MYERS
JANET L. KELLY
JENNIFER S. MCGINNITY

ATTORNEYS AT LAW
SUITE 801
25 WEST MAIN STREET
MADISON, WISCONSIN 53703-3398
TELEPHONE (608) 255-7277
FACSIMILE (608) 255-6006
E-MAIL: WHEELER@EXECPC.COM

FLOYD E. WHEELER
(1905 - 1995)

*ALSO ADMITTED IN MICHIGAN
**ALSO ADMITTED IN MINNESOTA

MEMORANDUM

TO: Members of the Education Committees of the Senate and Assembly

FROM: Norman C. Anderson, on behalf of the
WISCONSIN OCCUPATIONAL THERAPY ASSOCIATION

RE: Suggested Amendments to Senate Bill 384 and Assembly Bill 674

DATE: January 7, 1998

Senate Bill 384 and Assembly Bill 674 are companion bills which completely rewrite the Wisconsin Statutes governing special education programs for children with disabilities. A major purpose of the bills is to reconcile Wisconsin law with a recently enacted federal statute, known as the Individuals With Disabilities Education Act Amendments of 1997.

The Wisconsin Occupational Therapy Association generally supports these bills but urges the adoption of an amendment which would guarantee that the Department of Public Instruction could not modify certain existing administrative rules without notice and a public hearing.

More specifically, we are concerned with the administrative rules in PI 11.24, which establish maximum case loads for occupational therapists and physical therapists. These rules were promulgated four years ago after much discussion and negotiation between the interested parties and should not be changed without notice and a public hearing.

The amendment we suggest to AB 674 is LRB a1334/1 and SB 384 as LRB a/1351/1. The amendment requires that any modification of PI 11.24 must be preceded by a notice and a public hearing as provided in Sections 227.17 and 227.18. We urge its adoption.



January 7, 1998

Legislative Hearing on Reauthorization of Chapter 115

My name is Carolyn Jackson. I am a parent of 2 children who have disabilities and who are enrolled in Special Education programs in the Milwaukee Public Schools. I am also Co-chair of the MPS Task Force on Special Education and Supportive Services. This Task Force is advisory to the MPS Board of School Directors and is made up of parents, educators and representatives of interested community organizations. I also served on the PI-11 Rules Revision Task Force that was organized by DPI.

As a parent, I was pleased to see many of the Rules Revision Task Force's suggestions incorporated into this law. Most important of these are identifying the role of parent as an equal participant in the evaluation/IEP team process. But in order for parents to be full participants they need to have the same information that the other members of the team have. The new legislation proposes that there would be no formal individual reports, but instead a report would be generated by the IEP team at the meeting. This report would be available to parents at a later date. If the "professional" members of the team have access to reports of evaluations and assessments of a child and the parent does not get this information until after the IEP team meeting, the parent cannot fully participate in the process. They begin with a disadvantage, they become a minor player, they are not an equal member of the team. In many instances parents do not have enough information to continue the process of writing an IEP. I believe that this problem can be reduced by adding the amendments agreed upon by the Stakeholders Group which met on December 30, 1997 in Milwaukee and which have been recommended by many groups here today.

I also want to stress the importance of requiring school districts to assess the performance of children with disabilities. By doing this parents will finally be able to begin to hold the Wisconsin school districts accountable for the education of children with disabilities.

I recommend passage of the revised Chapter 115 (Wisconsin's Special Education Law) with the added amendments of the Stakeholders Group.

Thank you.

STAKEHOLDERS GROUP CHAPTER 115 AMENDMENT LANGUAGE

S. 115.78 (1m) (c) Appointment of Team

p. 33, lines 17 & 18, REPLACE existing (c) with:

(c) At least one special education teacher with extensive and current disability-specific training and experience related to the child's disability, or where appropriate, at least one special education provider of the child.

S. 115.78 (5) Timeline

p. 35, INSERT a part (5) following after line 12:

(5) When the IEP team determines that a child is a child with a disability, the LEA shall ask each participant of the IEP team if they want a copy of the evaluation report or additional time before proceeding to develop the IEP under s.115.787.

S. 115.782 (2) (e) Evaluations

p. 38, INSERT a part (e) after line 2

(e) Any IEP participant who evaluates a child as part of an initial evaluation or reevaluation under s.115.782 shall prepare and make available to all participants at the IEP meeting a written summary of findings which will assist with program planning.

S. 115.782 (3) (b) Determination of Eligibility for Special Education.

p. 38, REPLACE the entire second sentence in (b), located in lines 12- 16:
... eligibility. If any participant of the IEP team requests a copy of the evaluation report at any point in the process of developing the IEP or considering the child's educational placement, the LEA shall give a copy of the report to all participants before continuing with the process. If the child's parents..



MEMO

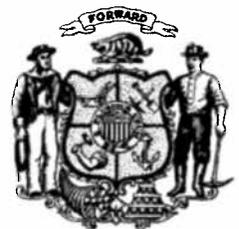
TO: JANE HENKEL
FROM: Paul Rusk, Senator Potter's Office
RE: Amendments for Special Education Bill
DATE: January 12, 1998

Please give the attached 3 amendments to Jane right away. She needs them for the Assembly Education Committee Executive Session on Tuesday.

Thanks. Any questions, call me at 266-2056.



WISCONSIN STATE LEGISLATURE



255-6006

M E M O

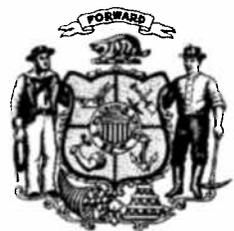
TO: Norm Anderson
FROM: Paul Rusk, Senator Potter's Office, 266-2056
RE: Your Amendment
DATE: January 12, 1998

Please review the attached language to see if it is ok. Unfortunately Russ Whitesel is not available on Tuesday but please let me know if there is a problem.

Thank you.



WISCONSIN STATE LEGISLATURE



Memorandum

STATE OF WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION



DATE: December 12, 1997

TO: Members of Senate Education Committee
Members of Assembly Education Committee

FROM: Paul T. Halverson

SUBJECT: Statutory Proposal on Special Education

At the Senate Education Committee Meeting on December 10, 1997, during which the above proposal was introduced, Senator Huelsman asked for information regarding the percent of special education costs covered by federal special education funds. We have reviewed our records and have the following information:

In 1995-1996, total state categorically aidable special education cost in Wisconsin was \$698,164,312. Total federal special education aid in 1995-1996 was \$51.9 million which was 6.9% of special education costs for that year.

When the Individuals with Disabilities Education Act (IDEA) was reauthorized in May, 1997, Congress recognized the need to move toward the original federal goal of 40% federal funding of special education costs. As a result of that Congressional action, we have recently seen federal special education funds increase dramatically. In particular, in 1997-1998, federal special education funds increased by 29% over the previous year to \$66.9 million or 7.7% of special education costs.

In 1998-1999, federal special education funds will increase an additional 20% to \$80.2 million, or 8.6% of projected costs.

Further information is included in the attached chart. Please contact me at 266-3887 if I can provide additional information.

Federal/State/Local Share of Aidable Special Education Costs

	1998-1999 Projected	1997-1998 Projected	1996-1997 Estimated	1995-1996 Actual
State Categorically Aided Cost	851,372,702	803,181,794	757,718,674	698,164,312
State Special Education Categorical Aid	275,548,700	275,548,700	275,548,700	275,548,700
Federal Special Education Aid/Cost	80,206,559	66,929,615	51,935,651	51,878,656
Total Cost	931,579,261	870,111,409	809,654,325	750,042,968

Percentage of Cost

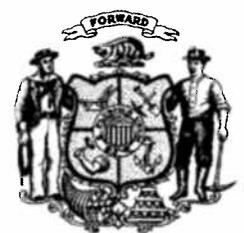
Federal	8.6%	7.7%	6.4%	6.9%
State Categorical	29.6%	31.7%	34.0%	36.7%
State/Local shared cost	61.8%	60.6%	59.6%	56.4%

Percentage of Cost Assuming 2/3 State Funding of Shared Cost

Federal	8.6%	7.7%	6.4%	6.9%
State	70.8%	72.3%	73.8%	74.3%
Local	20.6%	20.0%	19.8%	18.8%



WISCONSIN STATE LEGISLATURE



Report on Proposed Changes to Wisconsin Special Education Law

Analysis prepared for Senator Luther Olson
December 21, 1997

Introduction

This review has been conducted upon request by Senator Luther Olson, with interest in how Wisconsin will respond to the 1997 U. S. amendments to IDEA. The federal amendments reflect some rather significant changes for the field. The proposed federal regulations provide further definition and description of the federal intent related to these changes.

This analysis may have some inaccuracies due to the fact that the current Wisconsin law was not available at the time this was requested, and the 1997 Bill refers often to that document. If parts of the Act were repealed without changes, the original content was not available, and, therefore, could not be commented on. Also, the Wisconsin Bill does not follow the federal law in the exact same sequence. Without a side by side analysis of the federal law with Wisconsin law, it was not possible to do an exact comparison. Hence, this analysis is not intended to be 100% accurate. However, several significant issues are raised with concerns related to Wisconsin's response to the 1997 IDEA amendments.

It is also unclear to this reviewer what changes are intended for statutory language and what changes will be provided through the Administrative Code. The DPI "Wisconsin Special Education Statutory Revision Proposal," provided for review by the Exceptional Education Council, raises additional questions. Of some concern is the description in this document of where the "Early and Ongoing Collaboration and Assistance" component will be addressed and how it will function. It was not found in the proposed changes to the WI Bill. If, then, it is to be addressed in the Administrative Code, there are some concerns regarding the restrictive nature of the proposed component and this should also be reviewed prior to its adoption.

FOUR AREAS OF MAJOR CONCERN:

1. Responsibilities assigned to LEA vs IEP Team

IDEA, Sec. 614 (a), (b) Federal law has designated the SEA, other State agency, or LEA as responsible for conducting the evaluations and determining initial eligibility.

WI, 115.78 (2) Duties: Eliminate: "(a) Evaluate the child" as responsibility of IEP Team.
Retain federal option that LEA is responsible, which may result in different configurations of how evaluation activities are completed; LEA can assign individuals (qualified professionals) to conduct evaluation activities, but all or none of those may be assigned to IEP Team. This LEA option does not prevent LEA from assigning IEP Team that includes all those conducting evaluation activities. IEP Team requires "an individual who can interpret the instructional implications of evaluation results. . . Sec. 614 (d) (1) (B). However, as currently written, it eliminates local district flexibility, a clear Congressional intent, and, evidently, an intent acknowledged in the DPI Statutory Revision Proposal explanation.

IDEA, Sec. 614 (f) Federal law designates the LEA as ensuring parents are a part of any group making placement decision

WI, 115.78 (2) (c) Eliminate: "(c) Determine the special education placement" as responsibility of IEP Team
Retain federal option that a group of people, including parents, make placement decision; in many cases this will be the IEP Team, but it is not federally mandated; and, again, as currently written, WI Bill eliminate local flexibility.

2. Coordinated Services System

IDEA, Sec. 613 (a) & (f) Federal law establishes LEA option to use federal funds to implement a "coordinated services system," linkages between IEP with individualized service plans under other federal and state programs, such as Title I of Rehab. Act, title XIX of Social Security Act (Medicaid), and title XVI of Social Security Act (Supplemental Security Income).

*in integrations
representations*

Proposed WI changes: Not included? Section 11. 46.56 (1) (m) refers to "service coordination agency," but this is between agencies, not within an LEA

3. School-based Improvement Plan

IDEA, Sec. 613 (a) & (g) Federal law establishes LEA option to use federal funds to permit a public school to design, implement, and evaluation a school-based improvement plan designed to improve educational and transitional results for all children with disabilities, and as appropriate, for other children . . .

Proposed WI changes: Not included?

4. Procedural Safeguards

IDEA, Sec. 615

1. Timeline issues: Federally regulated, proposed is 60 calendar days vs WI statute = 90 days (business vs calendar not indicated, but business days have been universally used in the past?)
2. LEA may extend IEP timeline WI 115.78 (3) (b), (c), (d)? violation of child's rights?
3. Placement in alternative educational setting: is this in the WI Bill? It would include "manifestation determination review," a new requirement of fed. law.

Proposed Line by Line Changes or Questions¹

15.377, Sec. 10, Line	change to: special education <u>and related</u> services
15.377, Sec. 11, Line	change to: children with severe disabilities
15.377, Sec. 15, Line	change to: children with severe disabilities
15.377, Sec. 16, Line	change to: children with severe disabilities
15.377, Sec. 16, Line	delete: individualized education program team change to: local educational agency
15.377, Sec. 17, Line	change to: children with severe disabilities

Chapter 115, Subchapter V, Children with Disabilities

Definitions

115.76 (11), Line Add at the end: ". . . or in the case of a child, the language normally used by the parents of the child" (Federal: Sec. 602, Definitions)

¹ Words that are recommended to be added to a sentence are underlined. Deletions are indicated by providing the exact words in the line that are recommended for deletion.

115.76 (13), Line "Person acting as a parent of a child": too broad; includes neighbors, friends, or private individuals caring for a child with the explicit or tacit approval of the child's biological or adoptive parents or guardian

This is much broader than federal definition [Sec. 602, Definitions, (19)], and would seem to have the potential of creating situations where IEP Team might have to accept the participation of an individual claiming to be representing the child's parent (tacit??). Would this not cause potential legal problems??

115.76 (16), Line Add at the end: "... in accordance with the Least Restrictive Environment" (Federal: Sec. 612 State Eligibility, (a) (5), Least Restrictive Environment

Question: is Specific Learning Disability defined? (Federal: Sec. 602 Definitions (26)

Local educational agency duties

115.77 (3), Line Question: does this prevent LEA from using funds in accordance with federal Sec. 613 (f) and (g)?

115.77 (4), Line Question: LEA requirement to submit plan that includes: (d) range of severity of disability among children with disabilities. . . is this still necessary given federal priorities have been eliminated, no eligibility requirement to designate a level of severity?

115.78 (3) (a), Line Question: WI statute retains 90 day timeline; federal regulations support "reasonable period of time," interpreted as 60 calendar day timeline. . . Will WI be out of compliance?

115.78 (3) (b), (c), (d) Extension of timeline: (d) suggests that LEA can allow additional time to timeline Line ____ (?) to permit meaningful parental participation. Isn't this a violation of child's rights to FAPE under federal IDEA law?

115.782 (2), Line delete: individualized education program team
& ____ change to: local educational agency

115.782 (2) (b), Line change to: "As part of an initial evaluation, if appropriate, . . .
Line ____ delete: and the qualification of the evaluators that are needed

115.782 (2) (d), delete: the individualized education program team
Line ____ change to: the local educational agency

115.782 (3) (a) delete: the individualized education program team
Line ____ change to: a team of qualified professionals and the parent of the child. . . [IDEA, Sec. 614, (b) (4)]

& Lines ____ delete: The individualized education program team may not determine. . .
change to: Determination that a child is a child with a disability may not be on the sole determining factor that the child has received . . . [IDEA, Sec. 614, (b) (4)]

115.782 (3) (b) delete: If the individualized education program team determines. . .
Line ____ change to: If the team determines. . . [IDEA, Sec. 614, (b) (4)]

& Lines ____ delete: If the child's parents request a copy . . . before continuing with the process. If the child's parents do not request a copy of the evaluation report. . .

change to: "Upon completion of the administration of tests and other evaluation materials, a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent." [IDEA, Sec. 614 (b) (4)]

115.782 (3) (c)
Lines ____ & ____

delete: If the individualized education program team determines. . .
change to: If the team determines. . . [IDEA, Sec. 614, (c) (5)]

& Lines _____

delete: "with the notice"
change to: . . . upon completion of the administration of tests and other evaluation materials" [IDEA, Sec. 614 (b) (4)]

115.782 (4) (a) (1)
Lines ____

delete: "evaluates a child with a disability. . ."
change to: "The local educational agency will evaluate a child with a disability . . ."
[IDEA, Sec. 614, (c) (5)]

115.787 (2) (c) (1)
Line _____

add: "Advance appropriately toward attaining the annual goals." [IDEA, Sec. 614 (d) (1) (A) (iii)]

115.787 (2) (d)
Line _____

add: "An explanation of the extent, if any, to which the child. . . ." [IDEA, Sec. 614 (d) (1) (A) (iii)]

115.787 (2) (g) (1)
Line _____

add: "Beginning when the child attains the age of 14, and updated annually. . .

& Line _____

add: "statement of the transition service needs, identifying . . .

115.787 (2) (g) (3)
Line _____

delete: the parental rights
change to: his or her rights under this act. . . [IDEA, Sec. 614 (d) (1) (A) (vii)]

115.787 (2) (h) (2)
Line _____

add: "How the child's parents will be regularly informed (by such means as periodic report cards) at least as often as . . ."

115.787 (3) (e)
Line _____

add: ". . . with the notice of placement, or upon parent request, whichever comes first" [Fed. Regulations: 300.345 (e)]

115.79 (1)

add: An evaluation, or reevaluation, if appropriate, is conducted . . .
comment: LEA is responsible, and may be receiving a child from another district in which the child was identified

115.792 (2) (g)
Line _____

Add: the way in which the parents may obtain a written description. . .

115.792 (3) (a)
the Line _____

Add: ". . . individualized education program meeting, upon parent request regarding registering of a complaint, . . ."

Note: WI statute indicates DPI will distribute notice if complaint registered, but if parent indicates to school they want to register a complaint, notice should be given

Sec. 52, 118.15 (4)
Line _____

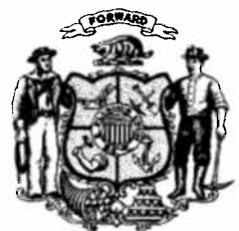
delete: an individualized education program team
change to: the local educational agency

Additional questions: Where will Extended School Year decisions be discussed?
Alternative Educational Setting? [IDEA, Sec. 615, (k)] Manifestation Determination Review?

Sections not reviewed: Section 50: 115.81; 115.812; 115.817; 115.82; 115.88; 115.882; 115.897;
115.90;
Section 51-124



WISCONSIN STATE LEGISLATURE



December 29, 1997

JAN 02 1998

Luther Olsen
Box 8953
Wisconsin Assembly, Room 9-W
Madison, WI 53708

Dear Luther Olsen,

I am a professional who works with students with disabilities and their parents. I would like to share a few concerns and requests regarding the proposed changes to Chapter 115. Many changes in this law are good. It appears that its over-all impact will be to increase the level of parent participation in planning the education of their children.

However, there are still some areas of concern. Parents should be provided with a written copy of the evaluation report after the M-Team meeting and before the IEP meeting. The proposal would consolidate evaluations into a single report. With this proposal, how can ample consideration of the evaluation report be given before placement is considered? Parents need to be a full partner on the IEP team. They need this evaluation information on their child in written form well before the IEP meeting.

Also, I ask that the IEP team include at least one member with specific training in the disability of the student. The IEP team should also include at least one special education teacher of the student.

Please copy and distribute this letter for the other members of the education committee.

I am also quite concerned that only one hearing on these important changes has been scheduled. I request that a similar hearing be held in either Ashland or Superior with sufficient notice to allow consumers and family members in this part of the state to provide oral testimony on a proposed change that will affect all of Wisconsin.

Sincerely,

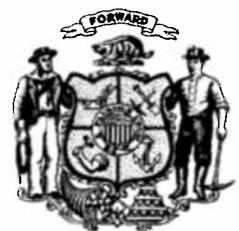


John Nedden-Durst
HCR 64 Box 8-2
Cornucopia, WI 54827
715-742-3279

cc: Senator Calvin Potter



WISCONSIN STATE LEGISLATURE



December 29, 1997

Luther Olsen
WI Assembly rm. 9-W
Madison, WI. 53708

JAN 05 1998

Senator Calvin Potter
WI Senate rm. 407H
Madison, WI. 53707

Dear co-chairs Luther Olsen and Calvin Potter

I am a professional supporting students, as well as a parent of a child with a disability. I wish to share a few concerns and requests regarding the proposed bill that would replace Wisconsin's current statute Chapter 115. The proposed bill incorporates many of the recent changes in federal statute, the Individuals with Disabilities Education Act which are very positive for families and children, including parents becoming equal participants throughout the special education process and strengthening of early transition planning for students. However, some issues of concern remain. I ask that you consider the following requests for changes to the proposed bill to replace Chapter 115.

In order to ensure full parent participation and "equal footing" among all IEP team participants, require that:

a written copy of the evaluation report containing complete evaluation information from each individual evaluator and documenting eligibility must be provided to all IEP team participants (including the parents) after the meeting to review the child's IEP and placement.

In order to ensure that students receive appropriate individual programs, require that:

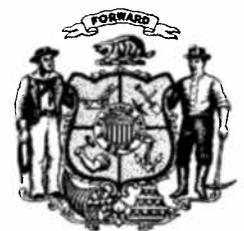
each IEP team must include at least one member with current disability-specific training and experience in the handicapping condition the child is suspected to have, which at least includes one special education teacher of the child.

Please copy and distribute my letter to all education committee members before the January 7th hearing. Because so few people received information in time to share their opinion on the proposed bill, I request that 2 additional hearings be set up, one in Milwaukee and one in the Stevens Point/Wausau area, with timely notice for each.

Sincerely,



Amy Reiter
N5673 State Hwy. 47/55
Shawano, WI. 54166



January 3, 1998

JAN 06 1998

Luther Olsen
WI Assembly rm.9-W
Madison, WI 53708

Senator Calvin Potter
WI Senate rm. 407H
Madison, WI 53707

Dear co-chairs Luther Olsen and Calvin Potter,

I am a parent of a student with a disability and I would like to share some concerns and requests regarding the proposed bill that would be replacing Wisconsin's current statute Chapter 115. The proposed bill incorporates many of the recent changes in IDEA which are very good for families and children, one of which is that parents become equal participants throughout the special education process. Another very good change is the strengthening of early transition planning for students. However, I am concerned about some issues that remain.

I ask that you would consider the following requests for changes to the proposed bill to replace Chapter 115.

1. In order to ensure full participation and equality among all IEP team members, require that a written copy of the evaluation report containing complete evaluation information from each individual evaluator and documenting eligibility must be provided to ALL IEP team participants (including the parent) AFTER the meeting to review the child's evaluation and determine eligibility and BEFORE the meeting to develop the child's IEP and placement.

2. In order to ensure that students receive appropriate individualized programs, require that each IEP team must include at least one member with current disability-specific training and experience in the handicapping condition the child is suspected to have, which at least includes one special education teacher of the child.

Please copy and distribute my letter to all education committee members before the January 7th hearing. Because very few people heard about the hearing in time, I request additional hearings be held, one in the Wausau area and maybe one in the Milwaukee area with plenty of notice for when it will be held.

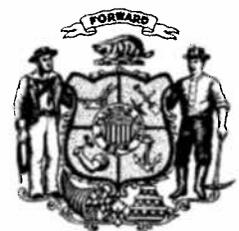
Sincerely,

Mrs. Doreen Fierke

Mrs. Doreen Fierke
N492 Hwy 13 Stetsonville, WI 54480 715-678-2314



WISCONSIN STATE LEGISLATURE



January 3, 1998

Assemblyman Luther Olsen
P.O. Box 8953
Madison, WI 53708

JAN 06 1998

Senator Calvin Potter
P.O. Box 7882
Madison, WI 53707

Dear Co-chairs Luther Olsen and Calvin Potter:

As the parent of two sons, both of whom have disabilities, I wish to submit this letter as testimony regarding the proposed bill that would replace Wisconsin's current chapter 115. My comments are based upon my personal experiences with my own sons as well as my volunteer work as an advocate for other parents.

While I am encouraged to see that changes in federal statute stress the fact that parents are to be treated as equal participants throughout the IEP process, I am concerned about how this goal can be accomplished as currently described in the proposed state statute. My concerns are based upon my personal experiences sitting through M-Team, IEP and Placement meetings feeling anything but an equal participant.

My major concerns center upon when and how parents are given copies of the evaluation report. I feel strongly that receiving a copy of this report with the notice of placement is way too late in the IEP process for parents to play any significant role as truly equal participants.

Most importantly, PARENTS CANNOT TRULY BECOME EQUAL PARTNERS in the M-Team, IEP and Placement process IF THEY ARE NOT GIVEN EQUAL ACCESS TO WRITTEN INFORMATION!!!

Secondly I feel strongly that PARENTS SHOULD NOT HAVE TO REQUEST A COPY OF THE REPORT if they want to receive their copy before the notice of placement.

Let me explain these points from a parent's perspective. You walk into any of these meetings and most often are immediately outnumbered by the "professionals". All of these experts already have written information about your child before them either in their lap top computers or on paper. They have met with and evaluated your child and you. Most often they have already shared with each other their findings before you ever enter the room. You walk into that meeting not knowing what they discerned about your child or what opinions they have drawn from their meeting(s) with you.

As a parent, your child is obviously your number one priority. You are emotionally invested in the outcome of each and every meeting which will delineate how your child will receive special education services or whether they will in fact receive any services at all. No matter how nice the other individuals at that meeting are and no matter how much they might also care about the well-being of your child, they are doing a job. Their job involves them in the lives of many children during the course of a year. The outcome of the meeting will not affect them personally.

With no written information from these individuals to refer to during these meetings, and when so much depends upon the outcome, parents are quite naturally left feeling very *apprehensive, powerless and often threatened.*

As the meeting progresses, you may hear statements about your child which you disagree with or find disturbing. No matter how well educated you are, no matter how much you have tried to mentally prepare yourself for this meeting, it is very difficult to respond to these comments on the spur of the moment. You are very emotionally involved in any and all findings regarding your child and quite naturally can become defensive. Not having access to the written information upon which these findings are based, only exacerbates your feelings of helplessness. How can you possibly respond as an equal participant if you do not have the same information as the rest of the participants?

Whether this be an M-Team, IEP or Placement meeting, *not having written copies of the evaluation reports and complete information from each individual evaluator, places you at a distinct disadvantage.* Once again I must stress that, **A PARENT CANNOT TRULY BE AN EQUAL PARTICIPANT IN THE SPECIAL EDUCATION PROCESS UNLESS GIVEN EQUAL ACCESS TO ALL WRITTEN INFORMATION UPON WHICH DECISIONS ARE BEING MADE.**

As to my second point that parents should not have to REQUEST a copy of the report if they want it before the notice of placement, I once again am responding from personal experience. **MOST PARENTS WILL NOT KNOW THAT THEY HAVE THE RIGHT TO REQUEST THE REPORT.** If the information on parental rights is anything like the current brochure, this information will be buried in a single statement somewhere within a lengthy text.

If your child is being considered for special education, then either you or the school have major concerns about how well your child is doing in school. This fact in itself is stressful. School personnel, of course, already know what procedures must be followed not only to assess your child but also to ensure compliance with the law. I can assure you that if they are not required to offer you these reports earlier in the process, they will not do so. Nor will they deem it necessary to tell you that you have the right to request them at any time. Parents, already overwhelmed by their child's problems are now in addition facing a process which is probably unfamiliar to them.

IF EQUAL PARTICIPATION OF PARENTS IS TO TRULY BECOME MORE THAN JUST WORDS ON A PIECE OF PAPER, then once again I must stress that PARENTS MUST RECEIVE COPIES OF ALL INFORMATION THAT IS MADE AVAILABLE TO ALL OF THE OTHER PARTICIPANTS FROM THE BEGINNING THROUGH THE END OF THE PROCESS.

This issue is very fresh in my mind having just endured a very painful experience this past summer and fall. Because this was a summer M-Team, I was told there would not be time to have the evaluation reports available for my husband and I at the time of the M-Team, which is what I had requested.

As we sat there listening to the findings of the evaluations, we were frequently troubled by statements made about our son by one particular diagnostician. She countered our questions about her findings with statements about how our son could be "trained" to do certain things. These statements were wholly contrary to our knowledge of our son and were inconsistent with the findings of the medical professionals who had been treating our son for many years.

Because we did not have access to the written information and findings upon which her comments were based, our responses to her statements were easily brushed aside. When we finally received our copy of the M-Team report we could clearly see where she had drawn her conclusions which we felt were a clear disregard for his medical diagnosis as well as a misinterpretation of comments our son had made. (We were at first only given a two page summary of the report although we had requested copies of the individual reports. Most parents would not have known they had a right to more information.)

We received the M-Team report two days before the initial IEP meeting which is still well before the time of "notice of placement" currently proposed. The outline of the IEP we were handed at the meeting was of course based partially upon what we considered the erroneous findings of this diagnostician. Months later this situation is still unresolved.

This entire experience has been a nightmare for us and for our son. I felt it important for you to be aware of our experience for I know it is not unique. As you consider how the state of Wisconsin can best serve children with disabilities and include their parents as equal participants throughout the IEP process, I hope you will think seriously about the comments I have made.

I also hope you agree from reading this testimony, that our situation also reinforces the need to ensure that at least one school representative chosen to participate in the IEP process must have current disability-specific training and experience in the handicapping condition the child is suspected to have.

Please copy and distribute my letter to all education committee members before the January 7th hearing. I hope this letter has arrived in time for you to do so. Also, because so few people received information in time to share their opinion on the proposed bill, I request that you schedule additional hearings in other areas of the state with timely notice for each.

Sincerely,

Ellen Pizer-Kupersmith

Ellen Pizer-Kupersmith
1117 N. 44th St.
Milwaukee, WI 53208
(414)344-0990



January 4, 1998

Luther Olsen
WI Assembly rm. 9-W
Madison, WI 53708

Senator Calvin Potter
WI Senate rm. 407H
Madison, WI 53707

Dear co-chairs Luther Olsen and Calvin Potter

I am writing to you as a parent of a student with a disability as well as a professional providing support services to students and I wish to share a few concerns and requests regarding the proposed bill that would replace Wisconsin's current statute Chapter 115. I have read the bill and realize it incorporates many of the recent changes in federal statute, the Individuals with Disabilities Education Act which are very positive for families and children; this includes parents becoming equal participants throughout the special education process and the strengthening of early transition planning for students. However, some issues of concern remain. I ask that you consider the following requests for changes and the rationale for the changes to the proposed bill to replace Chapter 115.

As parents are acknowledged as equal participants, and in fact the only constant team member throughout their child's education program, it is imperative that parents are given the evaluation report with individual evaluator's reports prior to the meeting to develop the child's IEP and placement. As a parent involved in my son's education, I need and deserve the time to assimilate the sometimes vast amount of information if I hope to contribute to and agree upon specific IEP goals. As a parent and a professional, I believe parents that are better informed and prepared for the meeting will save all involved precious time. As a parent, I will review the documents and come prepared with any questions I may have for the professionals and I will come with an idea of goals I feel are important to include in the IEP. As a professional, I can answer any questions the parent may have come with and possibly avoid the parent needing to exercise their right to discontinue the IEP meeting because they are overwhelmed by the information they did not receive prior to the meeting. Consolidating the process into one meeting can only work for all involved if everyone, including parents, are prepared.

To allow parents to exercise the partnership that is intended in the proposed bill, it should be changed to require that:

a written copy of the evaluation report, including complete written evaluation information from each individual evaluator and documenting eligibility, must be

provided to all IEP team participants (including the parent) before the meeting to review the child's evaluation and determine eligibility and before the meeting to develop the child's IEP and placement.

I believe another area that needs to be addressed is the section clarifying the participation of qualified disability-specific personnel on the IEP team. If the IEP is to determine the educational goals and placement of my son, the team creating this document must be qualified and have expertise in the area of my child's disability. As the bill is presently written, it only mentions that a team member be "trained and knowledgeable" and "qualified" but no definition of those terms are included leaving too much room for interpretation by individuals that build IEP teams but may have little understanding of the child or his or her disability.

In order to ensure that students receive appropriate individualized programs that will not require frequent revisions due to inappropriate goals or placement, the bill should be revised to guarantee the following:

each IEP team must include at least one member with current disability-specific training and experience in the handicapping condition the child is suspected to have, which at least includes one special education teacher of the child.

Please copy and distribute my letter to all education committee members before the January 7th hearing. Because so few people received information in time to share their opinion on the proposed bill and with the holiday season, I believe that 2 additional hearings need to be scheduled, one in Milwaukee and one in the Stevens Point/Wausau area, with timely notice for each.

I appreciate your time and hope that you will take into consideration the above issues so that we can create a document that will support my child and all children with special needs and abilities as they strive to grow and learn.

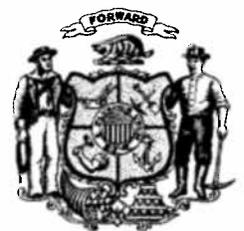
Sincerely,

A handwritten signature in cursive script that reads "Lisa Young".

Lisa Young, parent and PT
N106W16354 Old Farm Rd.
Germantown, WI 53022
(414)255-6848



WISCONSIN STATE LEGISLATURE



Amy Behl
2015 16th Ave
Blomenc, WI 54704
715-538-1055

January 5, 1997

Luther Olsen
WI Assembly rm - 9-10
Madison, WI 53708

Senator Calvin Potter
WI senate rm. 407H
Madison, WI 53707

Dear co-chairs Luther Olsen and Calvin Potter:

I am the mom of a child with a disability. As he grows older, I get increasingly concerned about the laws that protect him.

Recently, I attended a meeting regarding the proposed bill that would replace Wisconsin's statute, Chapter 115. In order to ensure full participation by parents and equal rights around all IEP participants, I understand that many of the changes are very positive in favor of my child's rights & my rights as the mother.

Unfortunately, some issues remain. I am asking that you consider these requests.

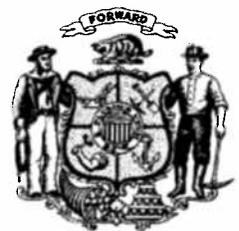
I feel very strongly that the Collaborative Amendments to Chapter 115 in the Special Education Statutes be enacted into law, so further protection of my sons rights are ensured.

Thank you for your time in this matter.

Sincerely,




WISCONSIN STATE LEGISLATURE



January 5, 1998

Luther Olsen
WI Assembly rm. 9-W
Madison, WI 53708

and Senator Calvin Potter
WI Senate rm. 407H
Madison, WI 53707

Senator Co Chairs Luther Olsen & Calvin Potter,

I am a parent of a student with a disability and I wish to share a few concerns and requests regarding the proposed bill that would replace Wisconsin's current statute Chapter 115. The proposed bill incorporates many of the recent changes in federal statute, the Individuals with Disabilities Education Act which are very positive for families and children, include parents becoming equal participants throughout the special education process and strengthening of early transition planning for students. However, some issues of concern remain. I ask that you consider the following requests for changes to the proposed bill to replace Chapter 115.

In order to ensure full parent participation and "equal footing" among all IEP team participants, please pass the collaborative amendments put forth in the joint public hearing by the GEC, WCASS, The School Board Association and others.

Sincerely,

Connie M. Boswe
7184 County Hwy S
Chippewa Falls, WI 54729-5818
Phone 715-723-0812

In addition, the monitoring of "quality" in special education programs needs to be further addressed in State rules and regulations related to the new Chapter 115.