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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)

Jan.7, 1998

Dear Co Chairs

I am a parent of student with a hearing impairment and wish to share some concerns and requests regarding the bill that would replace Wisconsin current statute chapter 115. I support the amendments I feel that equal footing as a parent is a must to better our child education. I at this time with our child education have great difficulties having any impact on our child education, these amendments would help us when push for our child education need to be met. The school has a difficulty time listing to us; these amendments could be a great support to us in the I.E.P. meetings and more. Thank-you for this time. Please copy and distribute my letter to all education committee members. Because so few people received information in time to share their opinion on of the proposed bill, I request that 2 additional hearings be scheduled, one in Milwaukee and one in the Stevens Point/Wausau area, with timely notice for each.

Sincerely



Jeff and Brenda Miller
809 Acker parkway
DeForest, WI 53532



Testimony submitted to the Senate and Assembly Education Committees – SB 384 and AB 674

Submitted by Juanita Pawlisch, Wisconsin Department of Public Instruction

January 7, 1998

Good morning. My name is Juanita Pawlisch and I am the assistant state superintendent for special education at the Department of Public Instruction. I am providing this testimony on behalf of State Superintendent John Benson.

We very much appreciate the efforts of the Senate and Assembly Education Committees to schedule this joint hearing on companion bills AB 674 and SB 384. We believe that there is an urgent need to enact this legislation in the current legislative session.

The urgency in passing this legislation was created when Congress reauthorized the federal Individuals with Disabilities Education Act. The reauthorization made major changes in the federal special education law and most of those changes took effect immediately after the reauthorization statute was signed by the President on June 4, 1997. The inconsistencies between state and federal special education law have resulted in confusion on the part of both parents and school staff and an unnecessarily burdensome process of identifying and serving children with disabilities.

More positively, the timing of the federal special education reauthorization was almost ideal for Wisconsin. Nine months before the federal reauthorization statute was passed by Congress, State Superintendent Benson announced an initiative to comprehensively review and revise our state special education law. Even without the federal reauthorization we would want to make major revisions to our state special education statute because in many ways that statute no longer conforms to good educational practice or meets the needs of parents and educators.

Although there is broad agreement that our state special education law needs to be changed, and most of the provisions of AB 674 and SB 384 have consensus support, there continue to be issues in which there is a difference of opinion on how the law should be changed. That should be no surprise because special education is an area about which people hold sharply divergent positions and they hold those positions very passionately. From the beginning, it has been the department's position that any changes in the law that we would propose to the legislature must reflect a balance between the various organizational perspectives. In spite of the differences that people have on a few important issues we believe that we have achieved consensus support for these bills because most people recognize that enacting the package is important and to achieve that goal there needs to be a willingness to compromise on some issues.

AB 678 and SB 384 are the result of a very long and inclusive process. In October of 1996 we distributed more than 20,000 copies of a bulletin that outlined our intention to review and revise the state special education law and announced twelve regional hearings at which people could provide testimony. Approximately 450 people attended at least one of those hearings which were held in November of 1996, and many more people submitted written comment. In January of 1997 the department appointed nine task forces to study and make recommendations on specific areas of the law that emerged through the public hearings or were long-standing issues in special education. About half of the membership of most of these task forces were either parents of children with disabilities or staff of parent advocacy organizations.

Based upon advice received through the hearings and the task force meetings, the department put together the outline of a statutory proposal, and in May of 1997 we started to meet with a very wide range of stakeholder organizations. We made extensive changes to our proposal based upon the recommendations received through dozens of these stakeholder meetings. In July of 1997 we contacted the Legislative Reference Bureau to begin the process of drafting this statute. We also wrote an 18 page narrative description of what we were proposing and that narrative was widely distributed to various organizations and it served as the basis for additional meetings.

Throughout the 14 months that we have been working on this project we were sharing our progress and tentative recommendations with the state and federally mandated special education advisory panel. One of the statutory responsibilities of the State Superintendent's Advisory Council on Exceptional Education is to "comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities." Over the past 14 months the department made numerous changes to our proposal based upon advice given by the advisory panel.

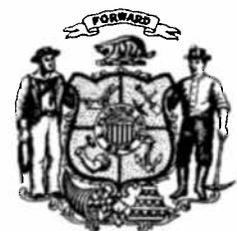
Until very recently there was still debate over a few specific issues that were addressed in AB 674 and SB 384. Several key school and parent organizations met last week and reached agreement on an amendment to this legislation that represent a compromise on those debated issues. The Department of Public Instruction supports that amendment.

AB 674 and SB 384 represent the most sweeping and progressive revision to special education in this state since 1973. We believe that these bills represent a "win" for everyone; a win for children with disabilities, a win for their parents, a win for schools, and a win for the general public. These bills would conform state law to federal law, in fact, the bills come close to a pure federalization of the special education evaluation and placement procedures. These bills would remove from school districts and parents many of the currently mandated meetings and paperwork that characterize special education today. They would remove from school districts much of the input based reporting of data and adherence to state prescribed program approval criteria. Although this proposed legislation would give school districts a higher level of authority to develop and deliver special education programs that are responsive to locally determined needs and conditions that authority would be balanced by a requirement that the district report to their local community and to the department information regarding the design of their special education programs, the effects of those programs on children who live within the district. We will provide you with a copy of our written testimony and attached to that testimony will be an outline of some of the major changes that would be made by this legislation.

Thank you for your consideration.



WISCONSIN STATE LEGISLATURE



Senate /Assembly Education Committees - January 7, 1998
TESTIMONY IN SUPPORT OF AMENDED ASSEMBLY BILL 674

My name is Jan Serak. In addition to being the parent of a son with disabilities, I am the director of FACETS, a parent advocacy agency, president of the Autism Society of Wisconsin, a founding member of Quality Education Coalition, and have worked with families statewide for 14 years.

I would like to emphasize that you see before you a parent and a school administrator (that's significant) speaking on behalf of this unique stakeholders coalition. You have received the Compromise Agreement our coalition reached on issues related to this bill - *Assembly Amendment to Bill 674*. The parent organizations, including the Quality Education Coalition, Autism Society of Wisconsin, ARC of Wisconsin, Wisconsin Family Ties, Wisconsin FACETS, Parent Education Project, Omatayo African American Parent/Caregiver Support Group, and many others, ask you to support this *Amendment*. The Amendment exemplifies the collaborative spirit and best practices that must be the foundation for Wisconsin's special education system, as it has been for 20 years.

My 20 year old son Ben has autism. He will take his entrance exam for a technical college next week - a credit to 17 years of services from Greendale School District. Parents are pleased with many of the new IDEA components, such as parent participation as equal team members in the evaluation and placement process, in addition to their participation in IEP planning under current law. However, many parents feel the Wisconsin tradition of a quality process will be significantly weakened if Chapter 115 is passed without the *Compromise Amendment*.

I wish to elaborate on the 3 issues addressed by our amendment which our coalition believes allows for flexibility for districts and parents while enhancing the ability of parents to effectively participate in the process:

1st - written reports

- under the proposed Chapter 115, parents would no longer receive detailed individual evaluation reports about their child as they have in the past;
- with this Amendment, written summary of each evaluators' findings would be shared with all team members at the team meeting

2nd - multiple meetings with informed team members

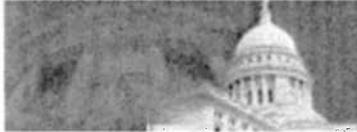
- under the proposed law, the meeting continues without breaks or assurance that members are adequately informed for effective IEP planning
- our amendment provides flexibility for multiple meetings if needed, requiring the school district representative to ask if any of the team members need more time or the evaluation summary report before moving on to IEP development.

3rd - quality of personnel

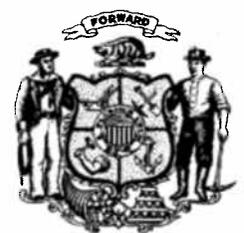
- under the proposed law, a person knowledgeable about the child's disability would no longer be required on the team as they are currently
- with our amendment, the special education teacher on the team must be trained and experienced in the child's specific disability

We believe the proposed Amendment not only addresses DPI's concern for streamlining the process and lessening reporting requirements, but also meets the parents' needs for having timely information in order to be effective team participants.

We urge timely passage of Bill 674 with our *Compromise Amendment*.

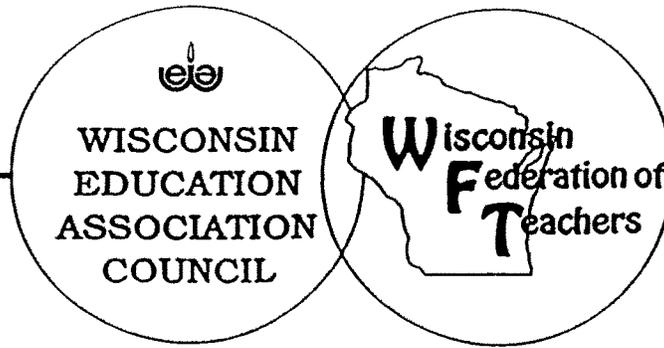


WISCONSIN STATE LEGISLATURE



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WRITTEN TESTIMONY

PRESENTED TO SENATE AND ASSEMBLY COMMITTEES

WEDNESDAY, JANUARY 7, 1998 - 10:00 A.M.

BY

**KATIE SCHULTZ STOUT, WEAC DIRECTOR OF
INSTRUCTION & PROFESSIONAL DEVELOPMENT
INFORMATION ON SENATE BILL 384 COMPANION AB 674**

THE LEGISLATION PROPOSED TODAY IN COMBINATION WITH THE FEDERAL IDEA CONTAINS MANY IMPROVEMENTS THAT WEAC/WFT BELIEVE CAN ASSIST OUR MEMBERS IN DOING WHAT THEY DO BEST AND CARE ABOUT THE MOST – MEETING THE NEEDS OF STUDENTS WITH OR WITHOUT DISABILITIES.

EXAMPLES OF IMPROVEMENT, ENHANCED BY THE AMENDMENT THAT YOU WILL BE CONSIDERING TODAY, INCLUDE A MORE EFFECTIVE USE OF EVERYONE'S TIME BY CREATING A SEAMLESS TRANSITION FROM M-TEAM FUNCTION TO IEP TO PLACEMENT, WHILE ENABLING BREAKS WHEN NEEDED BY PARENTS AND/OR TEACHERS AND SCHOOL PERSONNEL; FOCUSING ON WRITTEN REPORTS AS SUMMARIES THAT INCLUDE ALL ASSESSMENT DATA, WHILE AVOIDING EXCESS SUPPORTING LANGUAGE, WILL ALLOW TEACHERS MORE TIME WITH STUDENTS AND LESS ON PAPERWORK; AND STRENGTHENING LANGUAGE TO CLARIFY "QUALIFIED PERSONNEL" WILL INSURE THAT NEEDED INFORMATION IS PROVIDED TO ALL TEAM MEMBERS.

THE INCREASED ROLE AND RESPONSIBILITIES FOR REGULAR EDUCATION TEACHERS UNDER IDEA SHOULD HELP TO INCREASE COMMUNICATION AND

LEAD TO MORE CONSISTENT PROGRAMMING AND EXPECTATIONS. AT THE SAME TIME, IT BRINGS CHALLENGES FOR OUR MEMBERS AND FOR DISTRICTS. SCHEDULING OF MEETINGS WILL BE MORE DIFFICULT AND WILL PUSH DISTRICTS IN EXAMINING THE STRUCTURE OF THE SCHOOL DAY, WEEK AND CALENDAR TO PROVIDE THE OPPORTUNITIES FOR THE MEETINGS AND FOR TRUE COLLABORATION BETWEEN REGULAR AND EXCEPTIONAL EDUCATION FACULTY. THE OTHER CHALLENGE IN THIS AREA IS THE ONE WE OFTEN STATE BUT DO LITTLE ABOUT – STAFF DEVELOPMENT. IF WE EXPECT ALL PROFESSIONALS TO CONTRIBUTE EFFECTIVELY TO THE PROGRAM DEVELOPMENT AND DELIVERY THAT WILL MAKE THE MOST DIFFERENCE FOR STUDENTS, A SIGNIFICANT AMOUNT OF STAFF DEVELOPMENT IS NEEDED AND HAS *NEVER* BEEN PROVIDED IN MANY SCHOOL DISTRICTS THROUGHOUT THE STATE.

WHILE WE HAVE NO OBJECTIONS TO THE LANGUAGE IN THIS BILL, WE ARE VERY AWARE THAT AS WE “FEDERALIZE” OUR LANGUAGE, WE MUST, OF NECESSITY, KNOW WHAT THE FEDERAL REGULATIONS WILL BE. SINCE WE ARE IN THE MIDST OF THAT PROCESS, WE CANNOT BE CERTAIN THAT EVERY BASE HAS BEEN COVERED SO WE URGE AND HAVE BEEN ASSURED BY DPI THAT WHEN THE FEDERAL REGULATIONS ARE COMPLETED THERE WILL BE A THOROUGH EXAMINATION TO BE SURE THAT OUR NEW LAWS AND REGULATIONS MEET THE NEEDS OF CHILDREN AND THE PEOPLE THAT PROVIDE FOR THEIR EDUCATIONAL NEEDS.

SOME OF THE ISSUES THAT WE WILL PURSUE ARE NEW AND SOME ARE ONGOING, BUT NEED TO BE ADDRESSED:

- THE ISSUE OF CLASS SIZE RECOMMENDED MINIMUMS AND MAXIMUMS MUST BE ADDRESSED. WITH PROGRAM CHANGES AND MORE INCLUSIVE PRACTICES, IT IS NOT POSSIBLE FOR A LEARNING DISABILITIES TEACHER TO SERVE 20-30 OR MORE STUDENTS IN FIVE-10 OR MORE REGULAR EDUCATION CLASSROOMS. IT IS NOT REASONABLE TO HAVE 20-30 % OR MORE OF THE

STUDENTS IN A 1ST OR 2ND GRADE CLASS OF 28 NEEDING SEPARATE ADAPTIONS TO THE CURRICULUM.

IN IOWA TEACHERS HAVE AN APPEAL PROCESS THAT THEY CAN USE WHEN THEY BELIEVE, AND CAN PROVE, THAT THEY CANNOT POSSIBLY MEET THE GOALS LISTED ON THE INDIVIDUAL EDUCATION PLANS (IEP) OF THE STUDENTS ASSIGNED.

DPI IS IN THE PROCESS OF CREATING A WORK GROUP TO MAKE RECOMMENDATIONS.

- THE ISSUE OF "WHICH REGULAR EDUCATION TEACHER" TO INCLUDE IN THE IEP PROCESS NEEDS TO BE CLARIFIED. WHEN ADVANCING FROM GRADE-TO-GRADE DO YOU INCLUDE THIS YEAR'S TEACHER, NEXT YEAR'S TEACHER OR BOTH?
- DISTRICT RESPONSIBILITY – WHEN STUDENTS ARE CLEARLY IN NEED OF HELP AND SPECIFIC SERVICES DISTRICTS MUST CHALLENGE PARENT REFUSAL. WHILE THIS HAS ALWAYS BEEN PERMITTED UNDER THE LAW, MOST DISTRICTS WILL SIMPLY CHOOSE TO LEAVE THE CHILD IN REGULAR EDUCATION OR INADEQUATE PROGRAMS RATHER THAN PURSUE PLACEMENT. WHILE THESE SITUATIONS ARE RARE, IF LEFT UNADDRESSED THEY OFTEN LEAD TO UNPRODUCTIVE, DISRUPTIVE EXPERIENCES FOR THE CHILD CONCERNED AS WELL AS THE OTHERS IN CLASS.
- WHILE THE IDEA PROVIDES SOME BETTER LANGUAGE, THE ISSUE OF VIOLENT AND EXTREMELY DISRUPTIVE BEHAVIOR MUST BE ADDRESSED! OTHER STUDENTS, TEACHERS, SUPPORT PERSONNEL AND ADMINISTRATORS MUST HAVE THE INFORMATION AND SUPPORT NEEDED TO ENSURE SAFE LEARNING ENVIRONMENTS. THERE IS A MYTH OUT THERE THAT ANY BEHAVIOR EXHIBITED BY A STUDENT WITH DISABILITIES MUST BE ALLOWED. THIS IS NOT TRUE, BUT TRAINING AND RULES OR MATERIALS ON

APPROPRIATE PRACTICE MUST BE PROVIDED.

- THE PROVISION OF SUPPLEMENTARY SERVICES NEEDS CLARIFICATION.
WHO DECIDES AND WHAT ARE THE "REAL" PARAMETERS?

THESE ARE EXAMPLES OF ISSUES AND CONCERNS THAT MUST BE ADDRESSED FOLLOWING ADOPTION OF THIS NEW STATE STATUTE. SOME CAN BE ADDRESSED WITH DPI INITIATIVES AND TRAINING, OTHERS MAY NEED FURTHER LEGISLATION OR RULES, AND OTHER ISSUES MAY SURFACE WHEN THE FEDERAL REGULATIONS ARE COMPLETED.

WE ARE EAGER TO WORK WITH THE LEGISLATURE, PARENT, AND ADMINISTRATOR GROUPS AND DPI IN ANY EFFORTS THAT WILL IMPROVE LEARNING OPPORTUNITIES FOR CHILDREN. IT'S THE RIGHT THING TO DO AND A WISE INVESTMENT FOR OUR SOCIETY. WE ARE INCREASINGLY CONCERNED THAT THE STATE REVENUE CAPS ARE FORCING MORE CONFLICT AND COMPETITION FOR RESOURCES WITHIN OUR SCHOOLS. IT IS IMPOSSIBLE TO LIVE IN THIS SOCIETY AND NOT RECOGNIZE THAT OUR CHILDREN COME TO US WITH AN EVER INCREASING DIVERSITY OF NEEDS. IT IS VERY UNWISE FOR US TO BE FORCING SCHOOLS TO REDUCE SERVICES FOR CERTAIN STUDENTS IN ORDER TO SHIFT THEM TO OTHERS.

OUR SPECIAL AND REGULAR ED. STRUCTURES IN SCHOOL NEED TO WORK MORE CLOSELY TOGETHER THAN EVER BEFORE. REVENUE CAPS ARE NOT HELPING. ISN'T IT INTERESTING TO SPECULATE ABOUT HOW WISCONSIN'S TAXPAYERS WOULD FEEL ABOUT EDUCATION SPENDING NOW IF THE FEDERAL AND STATE GOVERNMENTS HAD LIVED UP TO THE PLEDGE MADE LONG AGO TO FUND 2/3 OF ALL COSTS OF SPECIAL EDUCATION? WE MIGHT BE LOOKING AT A VERY DIFFERENT PUBLIC PERCEPTION NOW!

IN ORDER TO ENABLE BETTER SERVICES TO OUR CHILDREN WITH DISABILITIES, WE PROPOSE THAT ALL COSTS RELATED TO THEIR NEEDS BE PLACED OUTSIDE OF THE REVENUE CAPS. THE STATE AND FEDERAL CATEGORICAL FUNDS ARE CURRENTLY EXEMPTED, BUT, LOCAL COSTS TO

PROVIDE THESE SERVICES ARE NOT.

WE LOOK FORWARD TO THE CONTINUING DEVELOPMENT OF SERVICES THAT WILL MEET THE NEEDS OF ALL STUDENTS AND THE CREATION OF ENVIRONMENTS WHERE ALL TEACHERS CAN MAXIMIZE THEIR SKILLS. WISCONSIN HAS AN EXCELLENT REPUTATION FOR HIGH STANDARDS AND PERFORMANCE IN EDUCATION. IT IS THE FOUNDATION UPON WHICH OUR HEALTHY ECONOMY IS BUILT. WE MUST CONTINUE TO MOVE "FORWARD."

/ar-b

ks/idea bill





Senator Calvin Potter, Chair, Senate Education Committee
Representative Luther Olson, Chair, Assembly Education Committee
Committee Members

Dear Senator Potter and Representative Olson

Thank you for the opportunity to provide testimony on the companion bills SB384 and AB674. I am Teri Black the legislative chair for the Wisconsin Occupational Therapy Association (WOTA) and I am addressing you on the behalf of hundreds of Registered Occupational Therapists and Certified Occupational Therapy Assistants who provide therapy to children with special needs in Wisconsin schools.

The Wisconsin Occupational Therapy Association supports the intent of the bills before you as well as having a concern about possible negative effects on Occupational Therapists. We support the statutory revisions insofar that they are necessary to align Wisconsin laws with federal laws. WOTA expressed that support to the Director of Exceptional Education at the Department of Public Instruction and also relayed our concerns to him prior to the final drafting of these bills.

Our concern is with the technical changes to Chapter PI 11 of the Wisconsin Administrative code that will take place if the bills are enacted. The Department of Public Instruction has indicated to WOTA that the technical rule change process would be extended to and repeal sections of PI 11.24, which addresses school occupational and physical therapy. This section was completely revised by rules promulgated by the DPI just 4 years ago after extensive public input and OTs are satisfied with the good practice parameters provided in the language. We believe that the sections of PI 11.24 that establish maximum case loads for Occupational Therapists and supervision requirements for occupational therapy assistants are not in conflict with SB 384.

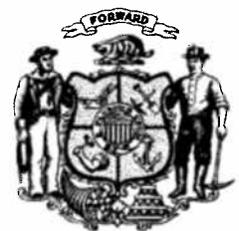
To ensure that no emergency technical rule changes are made to PI 11.24 without prior notice and public hearing we are asking that an amendment requiring notice and hearing if any changes are made to PI 11.24 sec.(5) through (10) be submitted to ensure that this section would not be repealed without Occupational Therapists being able to have the opportunity to inform the department of the effects of repealing the rules. With the amendment by Rep. Marlin Schneider and Senator Bob Jauch, OTs would positively support the bills. Thank you for your consideration.

Teri Black COTA, ROH 608-258-2311

A handwritten signature in black ink that reads 'Teri Black'.



WISCONSIN STATE LEGISLATURE



Written Testimony for Senate Bill 384/Assembly Bill 674
submitted by
Jeanne F. Erickson
214 W. Sherman Avenue
Fort Atkinson, Wisconsin 53538
(920) 563-9997

Charipersons Olsen and Potter, members of the Committee on Education;

Thank-you for taking the time to read this submitted testimony. I am in support of Senate Bill 384 with two areas of concern. As a volunteer parent advocate for 10 years, my role has been to attend M-Team meetings, IEP meetings, and any follow-up meetings with parents as requested. In this role I serve to listen to all that is offered to the parents and assure that the information presented is heard, and that the necessary questions and concerns are voiced. These meetings are often difficult times for parents, making the absorption of what is said more difficult.

Currently, parents have the right to request that copies of all individual evaluators reports be made available at the M-Team. Also, parents have the right to receive a copy of the M-Team summary report before proceeding with the IEP meeting. Receiving these reports enhances parents understanding and allows for increased participation and actions as informed parents. SB 384 consolidates all the individual evaluators reports and the M-Team summary report into one "evaluation report", which would be given to the parents along with the "notice of placement."

Only by request will the parents receive this prior to the development of the IEP.

This proposed change will eliminate a full understanding and "picture" of the student, for both the parents and professionals working with the student. It is my experience that often, professional participants of the meetings are called out, or need to arrive late to the meeting, and thus do not hear all that is presented. Without the individual reports, pertinent information regarding the student will not be available. The individual reports also serve as a reference for the parents and professionals as the progression of the student is followed from year to year.

Current law requires that the IEP team include the child's teacher and the M-Team includes qualified personnel including a special education teacher licensed and appointed for their expertise in the current or suspected handicapping condition of the child. The proposed change does not define the terms "trained and knowledgeable" and "qualified", although all mentioned in the bill. There is also not requirement for licensure or knowledge of the provider in the area of the child current or suspected handicapping condition. Omission of these requirements will potentially undermine the quality of the child's programming.

As I stated I support SB 384 with the following amendments:

- 1: maintain past requirements for providing parents with complete written evaluation information before the IEP meeting, and
- 2: include past definitions and professional requirements of the M-Team and IEP team.

Respectfully,





My name is Laurine Lusk. I am a parent of two teenage children with disabilities, our daughter who has autism and our son who has a learning disability. I'm here to speak on their behalf and also, as the chairperson of the Quality Education Coalition. The QEC is the state-wide coalition of disability-related agencies, organizations and individuals working for the provision of quality educational services for students with disabilities.

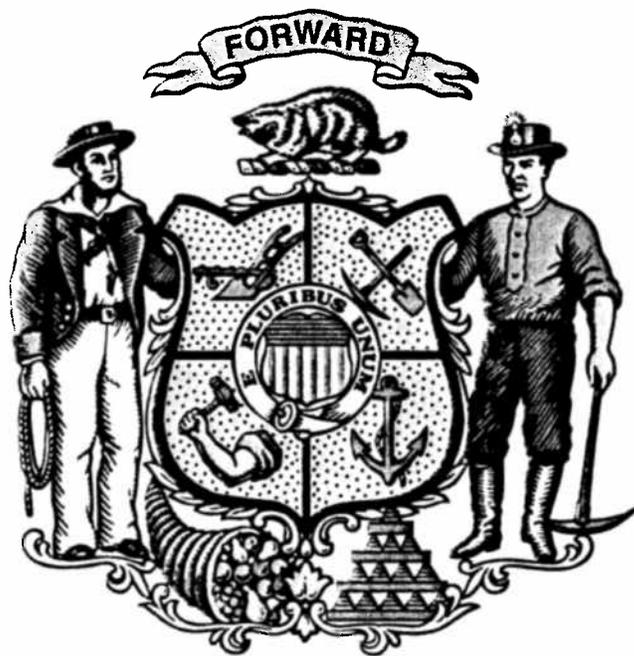
For the 15 years that I have been actively involved in working with my children's schools, it hasn't been easy. I've had to pursue trainings, interpret statutes and regulations, and research court cases. I've turned my energies away from normal family life and simple pleasures, towards becoming an expert in my children's special disability-related needs, best educational practices, legal rights and effective communication, so that I could support the educators in designing and providing appropriate services to my children, and the hundreds of other children I've advocated for over the years. By knowing my children like no other person could I (like the parents of the approximate 117,000 Wisconsin children with disabilities) have earned my place at the planning table along with the educator-team members from my children's schools.

With the reauthorization of the federal statute that protects the educational rights of students with disabilities, Congress increased the responsibilities of schools to honor parent participation and strengthen parent involvement. For the first time, parents are to be FULL and EQUAL members of their children's planning teams throughout the special education process of: evaluation, determination of eligibility, development of the children's Individual Education Plans (IEPs), and determination of the children's placements. But, with the way this bill has been drafted, the promise of full and equal parent participation may be seriously undermined. With that concern in mind, I was a part of working with others in developing the consensus amendments that are before you. My experience in the field tells me that without the amendments, this bill will NOT provide the level of parent/school collaboration and quality educational services the *federal statute intended* and will NOT allow for schools to make the important shift towards a new and more effective way of tapping into Wisconsin's greatest and most valuable resource...dedicated and knowledgeable families. Therefore, I ask that you pass this bill to replace Chapter 115, along with ALL of the amendments developed by the consensus group, and keep the promise of quality services and full parent participation.

In this very exciting time of change in the field of special education, I and other child-advocates from various backgrounds stand ready to lend our expertise to this law-making process and to the future process of developing the regulations, policy manuals and other Department of Public Instruction materials which will help to implement this statute. For these to be the best that they can be, it is critical that we maintain the unprecedented level of collaboration modeled by the group which developed the consensus amendments.

I would like to close by thanking you for your efforts thus far, on behalf of children with disabilities and their families, and wishing you all the best,... as your work will significantly impact the lives of hundreds of thousands of precious Wisconsin children and their families for many, many years to come. Thank you.

Laurine Lusk, 1722 County Road PB, Verona, WI 53595, (608) 845-3101.



Paul Rusk
Committee Clerk, Senate Education Committee
Wisconsin Senate
P.O. Box 7882
Madison, WI 53707-7882

RE: SB 384, Statutory Proposal on Special Education

Dear Mr. Rusk:

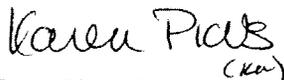
The Wisconsin Occupational Therapy Association (WOTA) represents over 2100 occupational therapists and occupational therapy assistants statewide with over 450 therapists and assistants currently working in the public schools. WOTA wishes to express both support and concern regarding the pending Senate Bill 384, which revises the statute for special education. We support the statutory revisions insofar that they are necessary to align Wisconsin laws with federal laws. WOTA expressed that support to the director of Exceptional Education at DPI and will express support for the statutory changes at the legislative public hearing.

Our concern is with the technical changes to Chapter PI 11 of the Wisconsin Administrative Code that will take place if SB 384 is enacted. The Department of Public Instruction has indicated to WOTA that the technical rule change process may be erroneously extended to sections of PI 11.24, which addresses school occupational therapy and physical therapy. Only 4 years ago the legislature passed a complete revision of PI 11.24 following extensive public input. We believe that the sections of PI 11.24 that establish maximum caseloads for occupational therapists and delineate supervision requirements of occupational therapy assistants are not in conflict with SB 384.

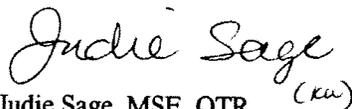
We wish to draw your attention to the possible consequence of enacting SB 384, which would not be in the best interest of children with disabilities or their parents. To avoid this critical error, WOTA is working on an amendment to SB 384 that will ensure that the existing administrative code that conforms with SB 384, specifically PI 11.24 (5) through (10) would not be repealed without following the proper channels of notice and public hearings.

If you have any questions or concerns please contact Teri Black, WOTA's Legislative Chair at (608) 258-2311.

Thank you,


(KW)

Karen Picus, OTR
President WOTA


(KW)

Judie Sage, MSE, OTR
Chair OT's Working in the Schools (OT-WIS)



Representative Luther Olsen
Senator Calvin Potter
Members of the Joint Committee on Education:

My name is Donna Rosinski. I am the parent of a nine year old boy with autism, and the president of the Madison Area Chapter of the Autism Society of America. Autism is a neurological disorder that affects a person's communication skills, social skills, and sensory systems. Alex was diagnosed with autism at the age of three, after nearly being expelled from nursery school. He could speak, but he spoke very little at school. Much of his speech was echolalic--he would repeat exactly what you said to him. He would also recite memorized chunks of dialogue from videos that he'd watched, which is called delayed echolalia. He mixed up the pronouns I and you. At home, his play consisted of taking his toy signs and cars and lining them up in one place, and then taking them and lining them up someplace else. He did not do "pretend" play. His social skills were poor; he would get right in the faces of other kids, sometimes grabbing or hugging them. I could see them back away when they saw him coming. Some of the kids told their parents that Alex hit them (that's why he almost got expelled). He was a happy child, sweet and affectionate. He was sensitive to loud noises, often covering his ears. Alex was impulsive, always running ahead of me (and he's fast!). Once he took off running down our street while we had friends over for dinner. By the time my husband caught up with him, he was almost four blocks away. We could never trust him outside alone. When he was tested by professionals, they found delays of more than one year in speech and both fine and gross motor skills.

Now, at nine years old, Alex looks, acts, and speaks like a normal nine-year-old. He is a third grader at Leopold Elementary in Madison. He no longer needs an aide, and no longer qualifies for speech, physical, or occupational therapy. Academically, his teacher considers Alex to be one of her top students. He has scored 100% on most of the weekly spelling tests. He knows his math facts and is an excellent reader. This year he was placed into a Talented and Gifted math group. Alex plays on recreational soccer and basketball teams, and performs competently in both sports. He loves sports and can converse about many sports knowledgeably.

Why am I telling you this? Because I want you to know that miracles are happening in the public schools for children with autism. But our miracle might not have happened if just a few small things had been changed. I would like to bring you back in time, for a moment, to the worst day of my life. That was the day of Alex's M-team meeting. The testing that had been done earlier had made it quite clear that there was something wrong with Alex, but we still didn't know what it was. One by one the M-team participants went through their test results, and one by one they admitted that they had no idea what was wrong with our son. Even the school psychologist said he didn't have a clue. But we were lucky, because there was a highly qualified autism specialist on the team. She convinced us, and the rest of the team, that Alex was a high-functioning child with autism. If that autism specialist had not been on the team, I'm convinced that Alex would not have been correctly diagnosed, and his story might have gone quite differently. We needed a person on the team who could make the correct diagnosis, and who knew the correct educational remedies to apply for that diagnosis. For that reason, I am asking you to support the Stakeholder's Amendment language that would require a special ed teacher with disability-specific training to be on the IEP team. Without this, miracles like ours won't happen.

That M-team meeting was the worst day of my life because it was the first time that I was confronted with the diagnosis of autism. At the time, although I had taught for eight years, I knew almost nothing about autism. So I was in shock because the little that I did know about autism didn't seem to resemble my son in any way. I certainly knew nothing about any treatments or educational programs that might be helpful to children with autism, and in addition, I had no knowledge of what kinds of things should be in the IEP. For my husband and I to have been forced to have the IEP meeting at the same time as the M-team meeting would have been cruel as well as counterproductive. In order for parents to participate knowledgeably in the IEP planning, they need some time to learn about their child's disability and what treatments and techniques may best help the child. I feel strongly that two separate meetings for M-team and IEP are necessary. In fact, I feel so strongly about this that I don't think that the Stakeholder's Amendment language protects parents enough. Their language states that if the child is determined to have a disability, the parents must be asked if they want a copy of the evaluation report or additional time before proceeding to develop the IEP. I feel that it is unfair to ask parents who may be traumatized to make this type of decision when they are having the worst day of their lives. And, finally, I can tell you from experience that I was so emotional during the M-team meeting that I couldn't remember much of it later on. A parent needs the written reports and test results from each team member so that he can refer back to it later. I don't

feel that parents should have to request these reports; they should be provided automatically, preferably a week before the M-team meeting. Here again, I don't feel that the Stakeholder's Amendment language goes far enough in protecting parents.

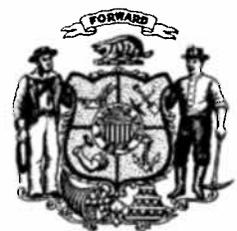
Most parents of children with special needs are somewhat taken aback by the extent to which they are expected to participate in their child's education, and many of them feel inadequate to the task. Yet they are the ones who know the child best, and their contribution to the IEP is critical. That is why it was written into the law in the first place. The original changes to Chapter 115 submitted by the Department of Public Instruction would undermine parent's ability to participate knowledgeably in their children's education. The Stakeholder's Amendment language addresses some of those problems, but does not provide enough protection in some areas. I hope that you will protect the ability of parents to participate in their child's education so that there will be more miracles like Alex's coming out of the public schools.

Thank you for the opportunity to testify.

Donna Rosinski, president
Autism Society of America, Madison Area Chapter
2859 Dunton Circle
Madison, WI 53711
(608) 276-8358



WISCONSIN STATE LEGISLATURE



**TESTIMONY TO JOINT SENATE/ASSEMBLY EDUCATION COMMITTEES
IN FAVOR OF AB 674/SB 384 WITH SUBSTITUTE AMENDMENT**

by

Jeffrey Spitzer-Resnick
Managing Attorney

The Wisconsin Coalition for Advocacy (WCA) is the state designated Protection and Advocacy agency which represents the rights of individuals with disabilities in Wisconsin. As managing attorney for WCA's Developmental Disabilities team, one of my principle duties is to represent the rights of children with disabilities in Wisconsin's schools. Accordingly, it is with keen interest that I present this testimony in favor of AB 674/SB 384 as amended by the recently drafted substitute amendment.

As many of you know, President Clinton signed into law substantial changes to the federal Individuals with Disabilities Education Act (IDEA), on June 4, 1997. AB 674/SB 384 substantially rewrites Wisconsin's current special education statutes by adopting many of the federal changes in order to bring Wisconsin law into compliance with federal law. However, AB 674/SB 384 accomplishes more than merely federalizing Wisconsin law. This is important because the newly amended IDEA left many gaps for states to fill in. Thus, Wisconsin is at a crossroads in determining whether it wants to fill in those gaps in such a way that will serve to provide the most appropriate education to children with disabilities in our state. AB 674/SB 384 accomplishes this in many ways. Since the bill is nearly 100 pages long, I will not go through it section by section. Rather, I will highlight some of the key positive provisions. I will also focus on why the substitute amendment is necessary to our support for this bill.

A good example of a positive change brought about by AB 674/SB 384 is found in Sec. 115.78(1m) which discusses who the required members of the Individualized Education Program (IEP) team must be. In the past, parents often found that school district representatives might offer particular services for their children at IEP meetings, only to receive a phone call later, that a school district administrator, had vetoed the provision of those services perhaps for monetary reasons. Under subsection (d) of this section, AB 674/SB 384 now requires that the school district have a representative on the IEP team, who is "authorized to commit the available resources" of the district. This amendment, therefore, would solve that serious problem.

Prior to the recent drafting of the substitute amendment for AB 674/SB 384, WCA had a number of concerns with certain aspects of the bill. Although the Department of Public Instruction (DPI) had portrayed AB 674/SB 384 as a consensus product resulting from months of discussions with all the interested parties, DPI never brought all the interested parties together to review the final

version of the bill, and to see whether a consensus could be achieved regarding any of the concerns which many of the interested stakeholders had. Though much of the bill did represent a consensus product, some provisions did not. Fortunately, through the hard work of Jan Serak and Nissan Bar-Lev of the Wisconsin Special Education Mediation Project, the stakeholders were brought together on December 30, 1997, to see whether true consensus could be reached, which has fortunately resulted in the drafting of the substitute amendment. Although WCA was not present at that stakeholders meeting, it was represented through its membership in the Quality Education Coalition (QEC), which was present at that meeting.

The substitute amendment accomplishes the following important things which will better provide for the provision of appropriate education for children with disabilities in Wisconsin. First, under Sec. 115.78(1m)(c), the IEP team must include at least one special education teacher, "who has extensive and recent training and experience related to the child's specific known or suspected disability." This will better enable the IEP team to appropriately evaluate and program for the child.

Second, under Sec. 115.782(2)(e), each IEP team member who administers tests or otherwise evaluates a child, must make a written summary of his or her findings available to all other IEP team members, including the parents in order to assist with program planning. This logical amendment is critical to appropriate parent understanding of and participation in programming decisions.

Third, under Sec. 115.782(3)(b), the school district will be required to ask each IEP team member if he or she wants a copy of the evaluation report or additional time before the IEP team develops the program for the child. Once again, this will enable all IEP team members, including the child's parents to more effectively program for the child.

In sum, AB 674/SB 384, with the substitute amendment, is truly the product of a collaborative effort between parent and child advocates, teachers, school administrators, school board members and DPI, which will place Wisconsin among the leaders in the provision of special education for children with disabilities as we head towards the new millennium. As DPI works on other details of Wisconsin's special education laws and regulations in the near future, including student-teacher ratios, transportation, teacher aides, and eligibility standards, WCA hopes that DPI will work with all the stakeholders to produce true consensus on those issues as well.



THE ST. CROIX DISABILITY COALITION

The St. Croix Disability Coalition is a group of consumers, professionals and parents in St. Croix, Pierce, Dunn and Polk counties. Among our goals is to advocate for the inclusion and integration of persons with disabilities into the mainstream of community life.

The Special Education services within the school setting is one of many important areas in the life of a disabled child. A "perfectly" adjusted and implemented IEP or Individual Education Plan provides the child and his or her family with a much less stressful environment in which to lead a normal life.

The need for the assurance of professionals trained in understanding the child's specific disability and the specific needs of the child are crucial. Language specifying who is qualified to make appropriate evaluations, assessments and decisions concerning the child's future educational services and goals is essential.

Confidence in the ability and competence of service providers by parents and students reduces stress in the school and home environment. Good solid partnerships between parents and school professionals is essential to good education for every child.

With the increase need to involve other agencies in the individual education plans of a child in the transition plan requirements, more detailed reports are necessary. Children as well as parents are now to be not only equal but also active parts of the IEP and Transitional Planning Team. The accurate and completeness of reports by individual team members lends credibility to statements of individual team members. Knowing your thoughts were heard, acknowledged and valued builds partnerships.

The ability of parents to stop a meeting in progress to evaluate the information presented to them is very important. The decision that parents and students must make in deciding the students individual education plan can and do in most cases affect not only the working relationship of the family and school professionals but also the students educational future opportunities for success.

RESOURCES

The St. Croix Disability Coalition provides resources on:

- * Americans with Disabilities Act
- * Technical/Adaptive Equipment
- * Employment
- * Specific Disabilities
- * Camps/Recreation
- * Supplemental Security Income
- * Social Security Disability Income
- * Division of Vocational Rehabilitation
- * Legislative Information
- * Local, State, and National Organizations
- * Materials List including:
 - books
 - pamphlets
 - videocassettes
 - audiocassettes
- * Other services for persons with disabilities.

FUNDING

Funding for activities and special events have been provided by:

- * Greater St. Croix County United Way
- * Hudson United Way
- * United Cerebral Palsy of West Central Wisconsin
- * Hugh J. Andersen Foundation
- * Otto J. Bremer Foundation
- * ISM of New Richmond
- * Full Citizenship Initiative of St. Croix and Pierce Counties



GREATER ST. CROIX CO.
UNITED WAY

HUDSON AREA
UNITED WAY



ST. CROIX DISABILITY COALITION, INC.

755A SOMMERS ST NO.
HUDSON, WI 54016
(715)381-1456

NEW RICHMOND
(715)246-7733

EMAIL:

scdc@wi.frontiercomm.net

The Coalition works to help communities become more aware of the needs of people of all ages who are differently-abled in St. Croix, Polk, and Pierce Counties.

In existence since 1986, the St. Croix Disability Coalition works to increase awareness of disability-related issues including: accessibility, education, community employment, improved transportation, socialization, recreation, community integration, and individual advocacy.

ADVOCACY

- * Educational activities in the schools and communities, including simulations
- * Count-Me-In Puppets
- * Provision of computer-based resource materials on disabilities from the local, state, and national levels; Americans with Disabilities Act, support groups; and many other services
- * Workshops and presentations
- * Accessibility surveys
- * Individual advocacy
- * Recreational programs including:
 - Bowling
 - Semi-formal Dinner Dance
 - Summer Weelemd Camping

MEMBER GROUPS

Member groups include: Tie-Ins; United Cerebral Palsy of West Central WI; Junior Coalition of Eau Claire and Baldwin-Woodville; Stepping Stones of St. Croix Co.; Barrier Busters of Eau Claire Co.; Chippers of Chippewa Co.; KBC, Inc.; and Full Citizenship Initiative of St. Croix and Pierce Counties.

STEPPING STONES BARRIER BUSTERS CHIPPERS

These three groups consist of adults who are differently-abled and have been advocating for themselves in the areas of community employment, improved transportation, public awareness, accessibility, and sponsoring meetings with decision-makers.

JUNIOR COALITION

In 1991, a Junior Coalition was formed in the Baldwin-Woodville and Eau Claire areas. Activities include; presenting Count-Me-In puppets, and educational and recreational activities.

TIE-INS

Tie-Ins sponsors activities with schools and organizations to promote disability awareness. Students and others simulate disabilities using wheelchairs, crutches, earplugs, blindfolds, and other items. Speakers, videotapes, bibliographies, and activity lists are available.

Special Projects Have Included:

- * Annual Disability Awareness Fair
- * Co-sponsorship of Advocacy Training Workshops
- * St. Croix Rides--a special transportation project
- * Accessibility Studies for Communities
- * Participation in Wisconsin Disability Awareness Day at the State Capitol
- * Participation in County Transition Councils



My name is Vivian Weber-Pagel, and I serve as Vice Chair of the Exceptional Education Advisory Council. I am representing the Council today because the Chairperson is unable to attend. I would like to share with you a bit of information about the Council and about the process which has resulted in the Statutory Proposal which we are here to discuss today.

The Exceptional Education Council is a State advisory group which is required under Federal and State Law. The role of the Council is to provide reaction, input, and advice on issues and to comment on any proposed laws, rules, regulations which affect the education of children with disabilities. The council is made up of 19 members, the majority of whom are parents of children with disabilities or individuals with disabilities. Other members of the Council include school administrators, regular and special education teachers, private school and university representatives. It is a broad-based Council whose membership is from throughout the State of Wisconsin and represents both rural and urban perspectives.

I have been on the Council for 2-1/2 years and during much of that time the Council's focus has been preparing for the revision of State Law related to the education of children with disabilities. Recognizing the conflicts which exist between the State and Federal Laws, the State Department of Public Instruction issued a Bulletin in October of 1996 announcing that it would be making a comprehensive review of special education law and would be seeking broad-based input during this review.

In November of 1996, Public Forums were held in each of the twelve CESA's. Information was gathered from stakeholders around the State. While opinions on individual issues were often diverse, a body of very important concerns sifted out of these Forums. Information from the forums was summarized and shared with the Council and other stakeholders.

During February and March of 1997, Task Forces were brought together to discuss the various issue areas and to offer recommendations on key issues. These Task Forces again represented a balance between parents of children with disabilities, individuals with disabilities, regular and special educators, administrators, university and private school representatives.

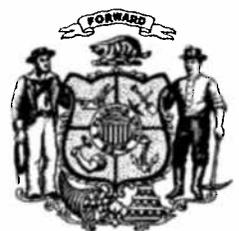
The recommendations of the Task Forces were shared with the Council and have since been the primary focus of discussion. Members of the Council have had opportunities to openly share their opinions, feelings and recommendations. Discussion was often lively and always enlightening. During this time the Council also heard presentations from representatives of various State groups wishing to address the body on these issues. The Council carefully reviewed the documents and made several recommendations in the form of motions regarding how draft Statutory language could be modified. The Department responded and the Council voted in support of the Statutory package.

It is important to recognize that the Statutory package does not, well actually cannot, reflect what every individual would like. But in the end, the package represents a consensus of opinion and strikes a balance between the divergent points of view. It is the result of an above-board, public process in which ample opportunities were made for free expression.

The Council believes that it is important that this Legislation be passed and passed quickly in order to reconcile the differences between State and Federal Law. The proposal represents a positive step for students, parents and school districts. We urge you to pass Senate Bill 384/Assembly Bill 674.



WISCONSIN STATE LEGISLATURE



Wisconsin Special Education Statutory Proposal Highlights

- This statutory proposal is the most sweeping and progressive revision to special education in this state since 1973.
- The proposal is a "win" for everyone; a win for children with disabilities, a win for their parents, and a win for schools.
- Passage in the 1998 legislative sessions is critical to the interests of these children, their parents, and school districts.
- Failure to enact this proposal will result in great confusion, misdirected resources, and unnecessary paperwork as schools struggle to meet the newly enacted requirements of federal special education law, and additional disparate requirements of current state law.

This statutory proposal is the product of extremely expansive public input over the past year.

- The statutory proposal incorporates public testimony, recommendations from task forces, input from parent and school interest groups, and the advice of the State Superintendent's Council on Exceptional Education. We believe that this statutory proposal appropriately reflects and balances the varying and divergent positions advocated by different constituent groups.
- October, 1996: John Benson disseminated 20,000 copies of a bulletin statewide (including all school districts, major education organizations, and parent organizations) announcing an initiative to comprehensively review special education in the state, and seeking input on where and how to make changes that would be responsive to and protect the interests of children with disabilities, reduce the extensive paperwork requirements, make the remaining paperwork simpler and easier to understand, and might result in a cost savings.
- November, 1996: Public forums were conducted in each of the 12 CESA regions to obtain public comment about the manner in which Wisconsin's special education laws should be revised. Over 400 people attended; oral testimony was received from 116 individuals comprised approximately equally of parents and school staff. Many letters of written testimony were received as well.

- February - March, 1997: Nine separate task forces, made up of approximately 130 people, were created to review the input (testimony) received and formulate recommendations for Department of Public Instruction (DPI) use in revising special education laws. (Task forces were representative of major stakeholders. Half of the members of the three major task forces dealing with process and procedure steps and program delivery were parents of children with disabilities or employees of parent advocacy organizations. Each of the remaining six task forces addressing different areas of disability identification included parents and/or parent advocacy organization representatives as well as teachers, administrators and university representatives.)
- Department staff also considered information gathered during interviews conducted with hundreds of parents and school staff as part of the DPI's onsite special education monitoring review process over the past two years.
- The State Superintendent's Council on Exceptional Education, the federally and state mandated advisory panel, has been consulted regularly about this statutory proposal, and their advice and input has been sought throughout its development.
- During the Spring and Summer of 1997, the DPI met regularly with parent and school interest groups as it began to more formally craft concepts and actual language to implement recommendations received from the task forces and the testimony in general.
- It was clear from the analysis of the written and oral testimony, information provided by parents, and task force recommendations that sweeping changes were commonly called for. To respond to these recommendations and the new requirements of the federal Individuals with Disabilities Education Act (IDEA) Amendments signed into law in June of 1997, it was evident that significant statutory revisions were needed in addition to revisions in administrative rules.

Procedural Highlights

- The statutory proposal largely reflects and relies on the federal IDEA 1997 statutory language, augmenting it only as necessary to address unique state circumstances. This approach will enable the state to repeal virtually all of the rules in Chapter PI 11 of the Administrative Code relating to referral, evaluation, individualized education programs (IEPs), and placement.
- The proposal includes specific language which requires school districts to comply with applicable federal statute and rules. This approach will significantly reduce, if not eliminate, the need for the department to continually

revise state statutes and administrative rules in order to be in compliance with federal law. This will result in a savings to all Wisconsin taxpayers.

- Paperwork under this statutory proposal is reduced, leaving teachers and other staff, such as school psychologists, more time for teaching and working with students and parents.
- Parents' role will be strengthened by making them equal participants with school personnel throughout the entire process of evaluation, program planning, and placement rather than just at the time of IEP development as under current law and rules.
- The separate multidisciplinary team structure will be eliminated and the responsibility for evaluation, IEP development, and placement will be assigned to the IEP team which will include parents and a regular education teacher.
- The premise that evaluation, IEP, and placement decisions would be made in separate meetings will be eliminated. The proposal allows these decisions to be made in one meeting or in several meetings depending on individual circumstances. If at any point during the process, parents or school staff believe that additional time is needed, additional time will be provided. This right to additional time will be included in the written notice to parents and will be discussed orally at each meeting of the IEP team.
- The evaluation process will include the review of existing data, including prior interventions and the results of those interventions. On the basis of that review and input from the parents, the team will determine what, if any, additional data is needed to determine the child's eligibility for special education.
- A single evaluation report that includes documentation of the determination of eligibility will replace the requirement for individual reports from all evaluators. Parents may obtain a copy of the evaluation report upon request at any point following the determination of eligibility and before the IEP team continues with its decision making process. This right must be included in the written notice to parents and discussed orally at the beginning of each IEP team meeting. Parents, however, must receive the evaluation report no later than notice of placement.

Program Delivery Highlights

- The existing rules in Chapter PI 11 relating to program delivery are outdated. Virtually all of the program delivery rules will be repealed. For example, the administrative rules contain job descriptions that unduly restrict when school

districts can employ staff for certain kinds of positions and how that staff may be utilized. In addition, the current rules include program designations that view special education as a place rather than a service. Finally, the rules are premised upon a categorical delivery model that is not reflective of practice in many school districts.

- Under the proposal school districts will be given broad authority to design and deliver special education in a manner that fits the local conditions. In return, a much higher level of disclosure to parents regarding how the district is delivering special education and related services is required. Specifically, the proposed system will give parents, the community, and the department information necessary to participate meaningfully in the overall plan, design, and evaluation of a school district's total delivery of special education and related services.
- Currently, school districts submit to the department extensive data relating to every special education staff member and their work assignment. The district is required to receive DPI approval for any staff changes. Program approval is often viewed as primarily limited to approval for payment of state categorical aid for approved staff. Each school district submits a federal flow through application that is totally separate from all of the state data reporting and program approval.
- Under the proposal, state and federal special education reports and applications will be combined into a single "unified plan" that is written in narrative form understandable and available to the school staff, parents, and the general public. The required elements and schedules for federal and state reporting processes will be consolidated.
- Currently, both the state and federal special education applications are reviewed against input standards only. While the unified plan retains some input elements, the new plan emphasizes an output oriented approach focused on better results for children with disabilities. This will increase district accountability to parents and the community. Examples include: the graduation rate of children with disabilities, participation rates and results in statewide and districtwide assessments, measures of parent and adult student satisfaction with special education services, and post high school student follow-up.
- Data reporting to the department, under the proposal, will be much more results focused and will, therefore, make that process more meaningful to parents, school districts, and the department. Over time the data reporting requirements will result in administrative savings because only changes will need to be reported.

Enrollment/Class Size

- The department heard a great deal of concern around the issue of maximum enrollment figures. Generally, there was a sense among parents and school staff that some state guidelines are needed to prevent uncontrolled increases in enrollments. The statutory proposal gives the department explicit authority to establish enrollment criteria. To address this important issue, State Superintendent Benson will appoint a task force to make recommendations to the department.

State Aid

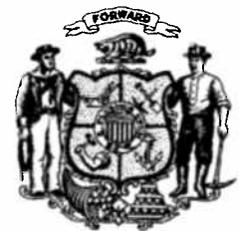
- Given the intense controversy surrounding any change to the existing state categorical aid formula, the statutory package retains current language and allowable costs. At the same time, State Superintendent Benson will appoint a task force to examine alternative funding mechanisms and to make recommendations to him for inclusion in his budget proposal next spring.

Conclusion

- When the department started this process well over a year ago, people were told that this would not just be some tinkering around the edges. Quite the contrary, this proposal is sweeping and progressive in its revisions.
- This statutory proposal is good public policy because it is the product of an unusually expansive and representative public input process.
- The statutory proposal responds to and strikes an appropriate balance among the varied and divergent positions we heard over the course of the past year.
- The proposal reconciles the differences between current state and federal law which have led to unnecessarily complex special education procedures, paperwork, and reporting practices, and have been a source of misunderstandings and frustrations on the part of both school staff and parents.
- Passage of this statutory proposal is critical to children with disabilities in this state, their parents, and school districts. The proposal responds to the public desire to simplify the process and make it more parent, child, and school district friendly. In addition, this proposal permits greater flexibility for school districts while increasing accountability to parents and the community.



WISCONSIN STATE LEGISLATURE



QEC ISSUES ON PROPOSED CHAPTER 115 BILL

Written Evaluation Reports

Issue: Quality and timing of evaluation information available may decrease effectiveness of parent participation on the IEP team (see note below*).

Current law: Currently, parents have the right to request that copies of all individual evaluator reports be made available at the M-team. Reviewing these individual reports has enhanced parent involvement during eligibility determinations. Also, all parents have always received a copy of the M-team summary report before proceeding with the IEP meeting. Reviewing all evaluation information in advance allows parents to act as *informed* members during the IEP.

Proposed law: consolidates all the individual evaluators reports and the M-team summary report into one "evaluation report" which would be given to parents along with the "notice of placement." Only when the parents request to receive a copy of the "evaluation report" early will they receive the written information before the development of the IEP. Individual evaluators information could be presented *orally* with *no written record* of testing information provided to parents at the time that the IEP team determines the child's eligibility for services.

Action Needed: To ensure that all IEP team participants have needed evaluation information, amend the proposed bill to maintain past requirements for providing parents with complete, written evaluation information before the IEP meeting to read: "*a written copy of the evaluation report, including complete evaluation information from individual evaluators and documentation of eligibility will be given to all IEP team members to review before the meeting to develop the IEP and placement.*"

QUALIFIED PERSONNEL INVOLVED

Issue: Participation of qualified disability-specific personnel on the IEP team is required.

Current law: requires the M-team to include qualified personnel including a special education teacher licensed and appointed for their expertise in the current or suspected handicapping condition of the child. The IEP team is also required to include the child's teacher.

Proposed law: says that the IEP team shall include "one special education teacher, or where appropriate, at least one special education provider of the child," but doesn't require any licensure or knowledge in the area of the child's current or suspected disability. The proposed law mentions "trained and knowledgeable" and "qualified" but does not include a definition of those terms. Omission of requirements for disability-specific qualifications and expertise potentially will undermine the quality of the child's programming (evaluation, determination of eligibility, IEP development and placement.)

Action Needed: Amend the bill to include a definition of "qualified" by requiring the IEP team to include at least one member with "*extensive and current disability-specific training and experience related to the child's disability, which at least includes one special education teacher of the child.*"

* The term *IEP team* is now changed to mean the group that makes all decisions about a child's evaluation, eligibility, IEP and Placement. Parents are now part of that group.

*Open up
new code 98.100
not yet added
quality*

4 or 5 part of team - minimum is 3
others invited in - district adds in

no time line in idea - gone beyond past 90 days
feds - 60 days + could change
state has to authorize amend code

Timing of written report + charging district
one more issue
school district

meeting stops unless parent says yes
PII how you give notice??

PII - must be notified -

go so far + then stop?
(teachers + administrators)

Parents want (int 9?)

Parents knowledgeable - they can do more

School Admin Allen + WFAE
if change dependent

~~AB 605~~

~~AB 605 - Green~~

① assigns member teams - through placement
decisions

try allow local agency flexibility
except 1 person knowledgeable - but not 5

not purely federalize /

most flexibility removed from parents

not evaluation as an early
placement ^{programming development} _{network} } separate

idea cohesive, blended process
unless someone on team says do it separately

trailer amendment later / too complicated 2
confusion on school speeds

IEP is evaluation / those not on team?
may be viewed as members
participate vs membership

gone beyond letter of law
gone beyond because parents may
involved

bill:
one member knowledgeable of evaluation results
(formal response) PH go over legal
counsel

group evaluates
" does IEP - bad - not same
team
Same team throughout

do IEP & placement considerations same time
can be same IEP & placement
federation expectation VS MAY

DH with the parent

team is same IEP in Wisc law *
most people said they wanted
school as

as opposed to separate team

a different team call by & configuration
one doing evaluation
placement
program

PH room for teams meet more than one

115.72
a

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