
AMY BINSFELD

STATE REPRESENTATIVE • 27TH ASSEMBLY DISTRICT

Testimony before the Assembly Committee on Education

Representative Amy Binsfeld

February 7, 2024

Dear Chairman Kitchens and Members of the Education Committee,

Thank you for the opportunity to provide testimony in support of Assembly Bill 1024, which relates to notice to the parent or guardian of a habitually truant child.

Assembly Bill 1024 is a product of the Speaker's Task Force on Truancy. This legislation emphasizes on early intervention and support for children who may be struggling due to underlying disabilities. By requiring schools to include information about the option for parents or guardians to request an evaluation of whether their child has a disability, the bill acknowledges the importance of addressing potential barriers to regular school attendance at an early stage. This proactive approach is crucial in identifying and addressing the root causes of truancy, rather than simply imposing measures on students and their families.

In contrast to current law, which primarily focuses on parental responsibilities and potential penalties for truancy, Assembly Bill 1024 takes a more holistic and student-centered approach to addressing this issue. By recognizing the complex factors that may contribute to habitual truancy, including disabilities that may go undetected, the bill promotes a culture of empathy, support, and inclusion within our education system.

Assembly Bill 1024, is an opportunity to prioritize the well-being and academic success of all students, particularly those who may be most vulnerable to slipping through the cracks of our educational system. By ensuring that children with disabilities receive the support and accommodations they need to thrive in school, we can work towards a future where every student has an equal opportunity to reach their full potential.

Thank you for listening to my testimony and I am happy to answer any questions you may have.



WISCONSIN STATE SENATE

DAN KNODL

STATE SENATOR • 8TH DISTRICT

Assembly Bill 1024
Public Testimony
Assembly Committee on Education
February 7, 2024

Thank you Chairman Kitchens and members for holding this hearing on Assembly Bill 1024.

This bill is the culmination of months of work undertaken by the Speaker's Taskforce on Truancy. I would like to thank Representative Binsfeld, who chaired the committee, and Representative Drake, who was the vice-chair.

In-school instruction is paramount to a young child's developing brain. Therefore, as a society we must ensure our children are receiving the necessary education to succeed as adults. Regular attendance at school is a prerequisite.

AB 1024 seeks to provide greater transparency to parents and/or guardians about the welfare of their child and/or children. The legislation requires a notice to be given to parents who have a child who is habitually truant – absent without an excuse for part or all of five or more days during a school semester. The notice details four items for the parent to review to ensure their child is receiving a quality education.

This bill is a part of a broader package to address the crisis of increasing truancy in our schools.

I'd like to thank Representative Binsfeld for introducing this bill. Thank you for your time, and we would be happy to answer any questions you may have.



Feb 2nd, 2024

Assembly Committee on Education
Rep. Joel Kitchens, Chair
State Capitol, Rm 314 N
Madison, WI 53708

Dear Rep. Kitchens and members of the Committee:

The Wisconsin Board for People with Developmental Disabilities (BPDD) appreciates being invited to testify before the Assembly Special Committee on Truancy. Truancy disproportionately impacts students with disabilities. Students with disabilities may miss school due to chronic medical, mental health, or other conditions related to disability.

Two bills before this committee (AB 1025 and AB 1024) are positive steps to statewide consistency and better information for families. We have concerns that a third proposal (AB 1026) will have negative impacts on students with disabilities.

AB 1025 Truancy Definition

This bill establishes a statewide standard that missing more than 1/3 of a school day without an acceptable excuse should be considered an absence. Consistency across districts is a positive step. Currently, there is variation across districts as to what amount of missed time is considered an absence. Some schools count even brief tardies as an absence, even if the student is in attendance most of the day.

The bill recognizes that partial absence on some days is a reality for many families. It is particularly true for students with special health care needs, disabilities, and mental health concerns who may be coordinating medical or therapeutic appointments that overlap with the school day. Many parents do not have choices when it comes to scheduling appointments, and the variety of start and end times between districts may make coordinating appointments that do not conflict with school time even more difficult.

In the event a student is referred to truancy court, a standard truancy definition ensures the amount of missed time is consistent across jurisdictions.

AB 1024/SB 968 Truant Notice

This bill makes improvements to the information parents receive in the statutorily required habitually truant child notice. Many students who are considered habitually truant are often not referred for a special education evaluation even when parents have informed the school district the absences are related to physical or mental health impairments. Many parents do not know they can request a special

education evaluation or modification of an existing IEP or 504 plan. This bill ensures parents are informed they may request an evaluation or modification of an existing IEP.

We support amending this bill to also include notification that parents can retroactively provide proof their child was not in attendance because of appointments or other reasons that are excused in a school districts' attendance policy. We suggest this intent can be accomplished by adding an item to [118.16\(2\)\(cg\)](#) . as follows:

“A statement that the parent or guardian may correct unexcused absences by providing the school district with documentation demonstrating the absence is excused under s. [118.15\(3\)\(a\)](#) or (b).”

AB 1026/SB 969 Grade Promotion

This bill prevents grade advancement solely based on total attendance, which we find problematic and disproportionately harmful to students with disabilities. We are unaware of any other state that takes this approach.

Students may miss school and still have sufficient mastery to pass. This bill does not connect academic mastery to the decision about whether a student should advance. Students could have high academic achievement, miss 30 days, and be retained in their current grade. Even when students are struggling academically, research has demonstrated grade retention has negative outcomes for students.

Current law includes exemptions to compulsory school attendance. These exemptions are intended to cover children with special health care needs, significant illnesses or mental health conditions, and students with disabilities that may miss many partial days due to a variety of appointments. It is unclear in the bill whether students who meet these exemptions would be automatically retained if they cross the 30-day absence threshold.

Likewise, some students may have mental health or other needs that impact in-person attendance and there can be multiple reasons it may take time to put a home learning plan into place. It is unclear how absences from school while an individualized plan is being developed would count against the 30 day threshold. Also unclear is how partially attended days would be counted. Currently, district attendance policy varies with some counting missing a few minutes as missing a full day. For students with multiple medical, therapy, and reoccurring appointments they could easily reach 30 days of partial attendance, which under this bill would seem to result in automatic grade retention.

Setting an arbitrary attendance standard that results in automatic punitive measures has consequences beyond the individual student. Grade retention increases class size and age ranges of students within a class, with consequences for classroom management. It appears students who are absent 30 days in successive school years would remain perennially in the same grade and never advance. We believe

this approach is unlikely to improve attendance but may increase the number of students dropping out of school.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities¹.

Thank you for your consideration,

Beth Swedeen

Beth Swedeen, Executive Director,
Wisconsin Board for People with Developmental Disabilities

¹ More about BPDD https://wi-bpdd.org/wp-content/uploads/2018/08/Legislative_Overview_BPDD.pdf.



February 7, 2024

Assembly Committee on Education

**Department of Public Instruction Testimony
2023 Assembly Bills 1024, 1025, 1026, 1027, 1028, and 1029**

Thank you, Chairman Kitchens and members of the committee, for the opportunity to testify on the legislation proposed by the Assembly Speaker's Taskforce on Truancy.

The Department of Public Instruction (DPI) is appreciative of the attention and policy proposals before the committee related to truancy. While we oppose most of what is before the committee today, we are optimistic that an ongoing conversation with policymakers will result in solutions that will benefit kids. Wisconsin, like states across the nation, is attempting to re-engage learners and families and make sure they attend school regularly.

Wisconsin is entering the challenge of student and family engagement from a position of deficit when compared to other states. During the pandemic, many states leveraged pandemic relief dollars to test and explore evidence-based strategies to draw learners back to school. By contrast, Wisconsin used a small portion of its state set-aside to contract with the Graduation Alliance to provide counseling and services to encourage families to re-enroll. While using Graduation Alliance proved to be a smart strategy, those funds are set to expire this Fall, and the service covers learners who disenroll – the deepest end of the continuum related to interventions related to attendance.

Before addressing the individual bills, the department wants to draw attention to the national trend related to using chronic absenteeism in place of truancy. The 2015 Every Student Succeeds Act (ESSA) altered state activities and data collections around truancy by asking states to focus on chronic absenteeism and ending the requirements that states report truancy to the federal government. Chronic absenteeism is strictly defined as missing instruction, where truancy focuses on whether a learner has an excuse for missing instruction. Many districts across Wisconsin are attempting to tackle their chronic absenteeism rates by leveraging strategies that focus on engagement and removing barriers to receiving instruction. There is an overlap between truancy and chronic absenteeism, and they also measure distinctly different things.

The department is providing testimony for information only on AB 1027 and 1028, the truancy grant program and enabling language. DPI is supportive of the intent of these bills and believes additional funding is needed to address student engagement issues. The need is far greater than a \$2 million, one-time grant that supports a single staff position within a district.

The department is opposed to AB 1024, the proposal to provide notification to parents of students experiencing truancy regarding special education services. We are open to an ongoing conversation

about how to improve notification and believe the eventual outcome of this bill will lead to better policy development. While this legislation targets one underlying factor which can contribute to truancy through notification changes, it does not consider a number of other factors known to be barriers to student engagement (transportation, the child or a family member's mental health challenges, substance abuse, economic instability and/or homelessness) DPI is concerned that focusing on disability status alone misses the opportunity to provide outreach to families who may be facing the other challenges that contribute to a child's truancy. It also may have an unintended outcome of families assuming that truancy is a condition of receiving special education services from their local districts.

The department opposes AB 1025, creating a uniform definition of truancy. We support the intent of the authors to create a statewide, clear definition of truancy. However, additional time and input is needed to ensure implementation is possible without adverse impacts to local communities and policies. The issue deserves additional time and input from all the impacted parties, as well as a longer implementation period to ensure proper services are in place to support the systems that will be impacted by using a more stringent definition of truancy.

The department opposes AB 1026, which requires retention of pupils based on truancy rates. Mandatory retention is not an evidence-based solution to attendance issues and increases the likelihood of dropouts. DPI can find no evidence of retention based on truancy alone across the nation, nor can it find any supporting evidence that the strategy will improve student outcomes. In fact, according to a recent [American Institutes of Research national scan of state attendance policies \(2023\)](#), state activities are trending toward diversion and juvenile justice reform, along with a combination of prevention strategies to intervene and remove barriers families face.

Finally, the department opposes AB 1029, requiring the publication of truancy rates on school and district report cards. DPI already includes chronic absenteeism as a part of its report card system. As discussed earlier, the state followed national trends in ending its focus on truancy, meaning we would need to begin collecting truancy data again, which would take time to implement. The 2024-25 timeframe cannot be met. We are also concerned that reporting on two closely related measures may cause confusion for schools, families, and communities.

We appreciate the ability to engage with committee members on the policies before you today, and hope these bills spur additional conversation to tackle the significant issues we agree need attention. There are far too many technical and implementation issues left in these bills that require time and energy to solve. We encourage this committee to take the additional time to get this right for the kids and communities you collectively serve.

If you have questions or want additional information, please contact Kevyn Radcliffe, Legislative Liaison, at kevyn.radcliffe@dpi.wi.gov or (608) 264-6716.