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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)

January 6, 1998

Luther Olsen
WI Assembly Room 9-W
Madison, WI 53708

Senator Calvin Potter
WI Senate Room 407H
Madison, WI 53703

Dear Co-Chairs Luther Olsen and Calvin Potter

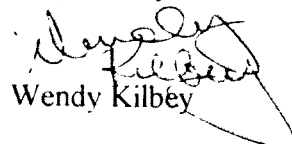
I am the parent of four children two of whom are receiving special education services in the public school system. I can tell you first hand about the trials parents face when trying to secure an appropriate education for the child they care so deeply about.

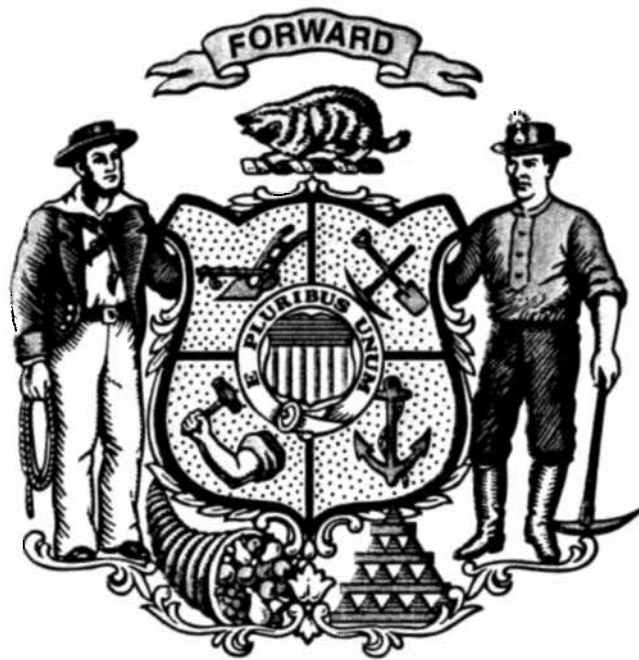
Specifically, I recall the overwhelming feeling of shock when I was informed of the determination of the M-team that my daughter had learning disabilities in fourth grade. I had been right on target in my insistence to find out why her grades were so poor, performance seemed to lack effort, she struggled with reading whole sentences, and ultimately her behavior began to deteriorate. I needed time to digest this information and prepare to become a partner with the school to find a plan to suit my daughters needs. Instead I was rushed into preparing an IEP on the very same day and felt very dissatisfied with it. Fortunately, I have a great line of communication with her teachers and we are able to negotiate changes as needed for the benefit of my child.

In my experience, I have found that the process works in my child's best interest, when the person who knows her best, her parents, are involved in an integral and respectful way throughout the whole special education process. Also, when specific provisions are in place for the transition into adulthood so that the child is equipped with the skills needed to succeed.

I fully support any measures that allow for the full inclusion of parents in the special education process.

Respectfully,


Wendy Kilbey



January 6, 1998

Rep. Luther Olsen
PO Box 8953
Madison, WI 53707

Dear Representative Olsen,

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.

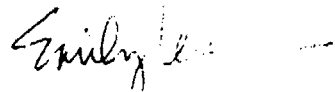
My nine year old son, Sam, is challenged by autism, and he has been enrolled in special education since age three. The first M-team meeting I attended when my son was three years old was an extremely traumatic event. The emotional impact of hearing the extent of my son's disability, as viewed by the educators who had tested 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



Memorandum

STATE OF WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION



DATE: January 6, 1998

TO: The Honorable Luther Olson, Chair, Assembly Education Committee
The Honorable Cal Potter, Chair, Senate Education Committee

FROM: ^{PHJ} Paul Halverson, Director, Exceptional Education

SUBJECT: Communication from Joanne Sontag

A team of four people has had the primary responsibility for drafting the statutory proposal and ensuring that it conforms to IDEA 1997 provisions. Those individuals are: Sheila Ellefson, DPI attorney who specializes in special education; Jack Marker, attorney; Mr. Brent Odell, School Administration Consultant, and Dr. Stephanie Petska, Special Education Consultant.

The statutory proposal is the product of extensive public input, both from school personnel and from parents. From June through November, this team of individuals has worked approximately 30 hours per week in the drafting of this legislation. Much of this time involved careful review and analysis of IDEA 1997, the Senate report and the proposed IDEA regulations, as well as the public input. In addition, Peter Grant, Attorney, Legislative Reference Bureau, has extensively analyzed this proposal for compliance with applicable federal law.

This team has spent many hours evaluating each of the issues raised by Joanne Sontag in her communication of December 21, 1997. A copy of their analysis is attached. Our summary analysis of Dr. Sontag's critique of AB 674/SB 384 is that none of the issues that she raises as a potential conflict with IDEA 1997 meets that criteria.

I hope our analysis will be helpful to you in your review.

Memorandum

STATE OF WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION



DATE: January 5, 1998

TO: The Honorable Luther S. Olsen

FROM: Paul T. Halverson *PH*

SUBJECT: Special Education - Statutory Proposal

This memo responds to the analysis regarding the special education statutory proposal submitted to you by Joanne Sontag on December 21, 1997.

1. Responsibilities assigned to LEA vs IEP Team

§115.78(2) Duties

The LEA is responsible for ensuring a free appropriate public education (FAPE) to children with disabilities, including the appointment of the IEP team members--see §115.77 and §115.78(1m). For evaluations, the LEA may add "other qualified professionals"--see §115.782(2)(b). One of the goals set for the proposed state law was to permit the evaluation, IEP program development, and placement processes to be accomplished in one meeting, rather than the three meetings required under current law. The proposal requires that a core group participate in all three phases, ensuring shared knowledge during each phase. Interest groups representing school districts support this proposal because it promotes quality and efficiency in evaluation and programing decisions. No interest group has complained that this provision inappropriately limits local flexibility.

§115.78(2)(c)

The LEA is responsible for ensuring FAPE (see §115.77) including determining the placement in which services will be provided. As noted above, assigning the placement decision to the IEP team provides for a core group to participate throughout the process and permits decisions to be made in one meeting. Note that in most cases this will result in a core of four people--parent, special education teacher, regular education teacher and administrator (LEA representative). This provision promotes quality and efficiency in decision making.

2. Coordinated Services System

IDEA, §613(a) & (f)

This statutory proposal would dramatically increase local school district flexibility with regard to the design and delivery of special education. The proposal permits, but does not require a school

district to develop an "integrated and coordinated services system". If the school district chooses to develop such a system, federal law permits expenditures of 5% of federal funds received to pay for such system. (see IDEA §613(f))

3. School-based Improvement Plan

IDEA, §613(a) & (g)

This statutory proposal permits but does not require a local school district (LEA) to submit school based improvement plans as part of its plan describing the locally determined design and delivery of special education.

4. Procedural Safeguards

IDEA, §615

The 60 day time period noted in Dr. Sontag's analysis appears in *proposed* federal regulations. More importantly, this time period was included only in a note to the actual proposed regulation. Notes do not have the force of law, although they may indicate how the regulation will be interpreted under some circumstances. See 34 CFR §300.343. Wisconsin's 90 calendar day time period is a firm outer limit protecting the child's right to timely services which may be extended under unusual circumstances. This statutory proposal incorporates the 90 calendar day limit in current Wisconsin law. If a shorter period is eventually established in federal law, this statutory proposal is drafted in a manner to require compliance with such applicable federal law. (see §115.762(3)(c) and (g) and 115.77(1m)(f)).

Provisions in federal law related to placement in "alternative educational settings" and "manifestation determinations" are incorporated in this statutory proposal. (see §115.762(3)(c) and (g); §115.77(4)(j)7 and §115.77(9); §115.792(3)(b)7; and §115.80(1)(c), and (4),(5) and (8)).

Proposed Line by Line Changes or Questions

§15.377, 10, 11, 15, 16, 17

The references appear to be to sections of the statutory proposal, rather than to §15.377. If that is correct, these are all technical amendments which were included in this proposal to ensure that terminology in Wisconsin law conforms to changes proposed in Ch. 115. Substantive changes to areas of law beyond special education were avoided in this proposal. Adding "related services" and deleting "severe", as suggested, would go beyond the scope of changes needed to ensure conformity in language use. The suggested change from IEP team to LEA for evaluations also was made simply to conform language--see comment above for the response to the suggestion that this should be an LEA function.

§115.76(11)

This change was made by staff of the Legislative Reference Bureau. Notice that tests must be administered in the child's native language--§115.782(2)(a)3.a.-- while notices to parents must be in their native language--§115.792(2) & (3)(b).

§115.76(13)

The definition of “person acting as a parent of a child” appears in current Wisconsin Law at PI 11.02(37). This provision in the statutory proposal represents no change in long established law and practice in this state and simply moves a definition from the current rule to the proposed statute. Much of PI 11 would be repealed if the statutory proposal is enacted, including this definition. This term has appeared in the rules because current and proposed federal regulations use the term without precisely defining it.

§115.76(16)

The terms “least restrictive environment” and “educated with nondisabled children to the maximum extent appropriate” are essentially synonymous. The first term (LRE) does not appear either in IDEA or in federal regulations (except as the title to §§300.550-.553 and as a way of referring to the concept)--LRE is a short-hand way of referring to education with children who do not have disabilities.

Specific Learning Disability

This term is not defined in the statutory proposal. Eligibility criteria for all included categories of disability are specifically addressed in current state rule. In addition, the Department is reviewing those criteria for 6 disabilities, including learning disabilities. Any modifications to eligibility criteria would be pursued through the rules revision process.

Local educational agency duties

§115.77 (3) This section does not prevent an LEA from using funds in accordance with §613 (f) or (g) of IDEA. It is intended to make it clear that state and federal funding specifically earmarked for use on behalf of children with disabilities be used only for that general purpose. Specific uses, such as those described in §613 (f) and (g), or described in §115.88 of the draft statute, merely contain more explicit language regarding the use of monies.

§115.77 (4) The statutory proposal greatly increases local flexibility regarding the design and delivery of special education. Range of severity is one of the variables included in the proposal to assist the LEA in describing the design of its delivery system. Other variables include the extent to which the delivery system is organized around particular disabilities, age/grade range of pupils, licensure and other preparation or experience of staff, and pupil/teacher ratio. Parents, the community and department staff will understand the delivery system when the variables utilized in making programming decisions are described.

§115.78 (3)(a) The note accompanying §300.343 of the proposed federal regulations, states that an LEA “...offer services in accordance with an IEP within 60 days of receipt of parent consent to initial evaluation.” The LRB statutory draft specifies 90 days from receipt of referral, which represents a continuation of long-established Wisconsin law and practice. If federal law adopts a more restrictive time limit, this statutory proposal is designed to incorporate that stricter time limit. (See §115.762 (3)(c) and (g) and §115.77 (1m)(f).)

§115.78 (3)(b), (c) and (d) The provisions for extension of the timeline are not new; they are contained in current state rules, which have been approved by OSEP. These provisions allow an LEA to seek extension of the timeline for a specific period of time for good cause. If, for example, the parents have not agreed to an evaluation until most of the 90-day timeline has expired, or if it is determined that additional testing needs to be conducted, or the child has been unable to undergo testing, it would be reasonable for an LEA to seek an extension. If federal rules eventually create a shorter timeline, this proposal is drafted to ensure compliance with applicable federal law.

§115.782 (2) Please see response at §115.78 (2) p. 1 above.

§115.782 (2)(b) "If appropriate" is a parenthetical statement in sec. §614 (c), IDEA 1997. The task force that met on referral through placement determined that it is very important that information about the child generated prior to a special education referral be considered as the LEA moves forward with regard to decisions about the child and his or her eligibility for special education.

The stakeholders, including parents and LEA staff, agree parents should be provided with information regarding the qualifications of evaluators. Consensus language developed by those stakeholders regarding the qualifications of evaluators will be introduced before the legislative hearing.

§115.782 (2)(d) Please see response to §115.78 (2), p 1 above.

§115.782 (3)(a) Please see response to §115.78 (2), p. 1 above.

§115.782 (3)(b) Please see response to §115.78 (2), p. 1 above.

The manner in which evaluation reports are prepared and shared has been the subject of extensive public interest, input and debate. Consensus language around the evaluation report developed by stakeholders will be introduced before the legislative hearing.

§115.782 (3)(c) Please see response to §115.78 (2), p. 1 above.

This section deals with a child who is found not to be a child with a disability. The notice, with a copy of the evaluation report, will be sent to the parents upon the completion of the evaluation, which includes a meeting of participants to determine eligibility.

§115.782 (4)(a)(1) This section is preceded by the statement, "A local educational agency shall..." The LEA is responsible for provision of a free, appropriate public education which includes evaluation, IEP development and delivery of services pursuant to such IEP. (see §115.77)

§115.787 (2)(c)(1) The department proposed the use of federal language here. The Legislative Reference Bureau deleted the word "attaining."

§115.787 (2)(d) The department proposed the use of federal language here. The Legislative Reference Bureau deleted the phrase "if any."

§115.787 (2)(g)(1) This section requires, "Beginning when the child attains the age of 14, and annually thereafter..." This is consistent with IDEA 1997 language, which states, "beginning at age 14, and updated annually..." This is a requirement for the IEP, which is required to be reviewed at least annually.

The department proposed the use of federal language regarding "transition service needs". The Legislative Reference Bureau deleted that language, but retained the specific language regarding courses of study.

§115.787 (2)(g)3 This notice goes to the parents, informing them that their rights will transfer to their child when the child attains the age of 18.

§115.787 (2)(h)2 The parenthetical remark was deleted by the Legislative Reference Bureau. The specific requirement, however, was retained in the statutory draft.

§115.787 (3)(e) The IEP will be sent with the placement notice, which will generally be developed as part of the IEP. If in a particular case the LEA develops an IEP and adjourns the process before determining a placement, the parent must be given the IEP "on request" pursuant to federal rule.

§115.79(1) This section as drafted refers to evaluation "under §115.782" which includes initial evaluations and reevaluations. The suggested change is redundant.

§115.792 (2)(g) This section closely models federal language. The notice is in written form, but may also be explained in other modes of communication, if appropriate.

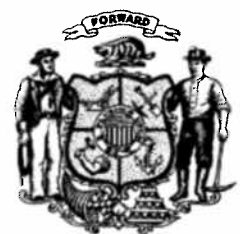
§115.792 (3)(b) Analysis referred to (3)(a), but it appears intended reference was (3)(b). IDEA complaints must be filed with DPI, so it is the department which is charged with the responsibility to send notice.

§52, 118.15 (4) This is not a part of Chapter 115. Technical amendments were made in other sections of Wisconsin law to conform with Chapter 115.

Additional questions: The IEP team discusses program development, including extended school year, if appropriate. All of §615 (k) was incorporated by reference in the state statutory proposal. IDEA 1997 language will govern alternative educational settings and manifestation determinations.



WISCONSIN STATE LEGISLATURE



Assembly and House Committee on Education

January 6, 1998

Dear Representatives:

I am writing in opposition of proposed Chapter 115 Bill. My husband and I adopted four special needs children; all of them were placed in our home as infants. They came to us with numerous needs. For example, Zakary, the youngest is now age 9. He has mild Cerebral Palsy, he is borderline retarded, he has been diagnosed with Fetal Alcohol Effects, and he has Attention Deficit Hyperactivity Disorder. He is 2-3 years behind his peers in academic and social areas. His handwriting is barely legible. His speech patterns are very basic. His co-ordination and balance are very poor. How could any one person write an effective IEP for this child? It takes many heads together to try to figure out what is best for him; how much to push him to keep him progressing; how little to push him so he doesn't give up and on and on. He may be just one child, but no one person is able to put together a plan that would incorporate all of his needs.

And Zak is not the only special needs child with multiple problems. Our other three have numerous needs as well. If we are going to really do an Individual Educational Plan correctly, let's get input from all of the individuals who work with the child.

Also for any one person to put together the reports from various professionals is a waste of time, talent, and energy. Is there some reason why we cannot read more than one report and put pertinent facts together on our own? Please give us parents a little credit. And also give us the reports of the professional staff before the IEP is written so we have a chance to study them before we are asked to approve the plan.

Thank you for your time.

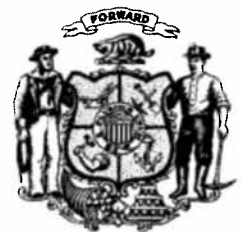
Sincerely,

A handwritten signature in cursive script that reads "Gloria Pieters". The signature is written in dark ink and is positioned above the typed name and address.

Gloria Pieters
303 Railroad Avenue
Boyceville, WI 54725



WISCONSIN STATE LEGISLATURE



Public testimony submitted to the Joint Education Committees of the Wisconsin State Assembly and State Senate, January 7, 1998:

My name is Ruth Smasal Adix. I'm the parent of a child who is now 17. My daughter, Alleah, has multiple challenges and is one of the most remarkable people you might ever have the privilege to know. Alleah has greatly benefitted from her public education and she regularly surpasses expectations others have for her. She is currently included in regular education classes at the high school level and she is involved in a school-to-work transition program to prepare her for a productive life as a working adult.

Over the years I have been very involved in my child's education and have volunteered many hours working with schools and other parents. I serve on the Department of Public Instruction's Exceptional Education Council, I'm a founding member of the Quality Education Coalition, and I serve on numerous disability and school related committees at the local, state and national level. I live in Fall Creek, WI and bring with me personal testimony from a group of parents who are connected to Special Friends in Chippewa Falls. A group of nine dedicated parents came out amid the icy road conditions two days ago, in north-central WI, in order to learn more about Chapter 115 and submit testimony for me to bring today.

I first want to thank the Department of Public Instruction for the dedicated work of it's staff who met with others and drafted statute language. Chapter 115 promises to build a new system of special education in our state that closely mirrors the progressive work of the Individuals with Disabilities Act (IDEA) at the federal level, yet tailors this law to more appropriately meet the needs of children within the state of Wisconsin.

As a member of the Exceptional Education Council and as a member of the Quality Education Coalition, I worked with others, often within short turn around time frames, to build consensus for the final wording that would go into Chapter 115. Since the release of the final draft from the Legislative Reference Bureau in mid-December, I have sat with other stakeholders to address remaining areas of concern within the bill and work out these concerns in the spirit of collaboration and in doing what is best for children. The result of these meetings is the Consensus Amendment which are being introduced to you today along with Chapter 115.

Chapter 115 has been written to encourage quality -vs- quantity... to encourage creativity in the delivery of education programs -vs- traditional programming.... to promote educational outcomes for students -vs- simple service delivery. Chapter 115 requires that both parents and local education agencies take more responsibility in the development of individualized educational programs for children as well as defining the scope and nature of a district's special education service system.

As much as I like various aspects of this bill, I have grave concerns about the actual opportunities parents will have for *meaningful* parent participation unless the Consensus Amendment is also past. This amendment adds specific opportunities for parents and other IEP team participants to be given information in writing (not just orally) that is central to understanding the needs and

strengths of a child. Without this amendment, parents and other IEP team participants could attend a full range of evaluation and planning meetings without ever being given information in writing, to review and consider, in the process of developing a quality individualized education program for a child.

In addition, this amendment requires that every IEP team include an individual who has expertise within the area of a child's disability or suspected disability. Without this change in Chapter 115, educational programs *will* be designed for children without the input of *anyone* who has special training and expertise in the area of the child's disability.

My remaining concerns, I have been assured, will be addressed in the promulgation of rules and regulations that follow the successful passage of Chapter 115. These concerns are related to the overall quality of educational programs developed and implemented by local education agencies. As I noted earlier this law attempts to emphasize quality instead of quantity. Individual education agencies will be asked, for the first time, to "develop a plan and program narrative for the provision of special education and related services...". But a "plan" is not enough, standards by which to measure the quality of such plans need to be developed. With the removal of minimum and maximum student-to-teacher ratio's, what will take it's place? As we strive to lower the class size in our public education system, will special education be allowed to implement any student-to-teacher ratio without the guidance of some standard of excellence? What are the other ways in which schools will be monitored for excellence and appropriate programming for students?

Finally, I am concerned with what will happen to our current State Aid formula. The Department of Public Instruction initially proposed drastic changes in this formula that were strongly opposed by parent, advocate and school administrative groups alike. Concerns regarding transportation costs to school districts and the loss of individual aids for children who need them were leading issues that caused DPI withdraw these changes. A full review of the alternatives in the State Aid formula was not possible given the time lines for setting forth this bill. DPI agreed to appoint a 'group' to study this issue. A study group alone however, should not determine actual changes in such funding formulas. Other constituent groups and key stakeholders need to be consulted and involved.

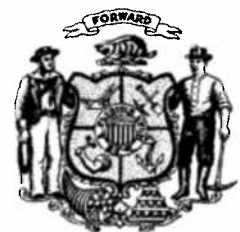
Thank you for your time and consideration. I hope that you will offer your full support to the passage of Chapter 115 along with the proposed Consensus Amendments.

Testimony submitted by:

Ruth Smasal Adix
524 So. State St.
Fall Creek, WI 54742



WISCONSIN STATE LEGISLATURE



FAX TRANSMISSION

DATE: 1/07/98

TO: Sen. Calvin Potter
WI Senate, Rm 407-H
State Capital
Madison, WIFROM: Terri Larson-Baxter and
Robert Baxter
4838 N. Town Hall Road
Eau Claire, WI 54703
Phone: 715-874-4961

Urgent! Please deliver this written testimony to the legislator listed above. I believe this legislator is attending a Public Hearing today at the Senate Chambers, 119 Martin Luther King Blvd., regarding Chapter 115 Amendments. It is important that this testimony be delivered to him/her as soon as possible. Thank you for your time and effort.

January 7, 1998
Written Testimony
Public Hearing on Chapter 115 Revisions
119 Martin Luther King Blvd., Senate Chambers
State Capital, Madison, WI

Rep. Luther Olsen
WI Assembly Room 9-W
Madison, WI 53708

Senator Calvin Potter
WI Senate Room 407H
Madison, WI 53707

Dear Rep. Luther Olsen, Senator Calvin Potter, and Members of the Committee:

We are the parents of three children. Our eight year old son, Andy has multiple disabilities. Andy is included in a regular second grade classroom at his neighborhood school. He receives Special Education Services to support his individual educational needs. Currently, Andy receives Special Education Services from a Teacher of Children with Cognitive Disabilities, Speech and Language Pathologist, Occupational Therapist, Specially Designed Physical Education Teacher, Vision Impaired Specialist, Hearing Impaired Specialist, Audiologist, School Psychologist, Licensed Educational Assistant (Special Education Aide), and last but not least a **Board Certified/Registered Music Therapist**. As parents, we find working with school staff is a constant collaborative challenge. Andy's individual educational needs exemplify why Wisconsin has Special Education Law (Chapter 115).

We are writing to you today about Chapter 115 Revisions. Many of the revisions compliment the Federal IDEA 1997 Reauthorization. As parents, we firmly believe that we have the right to be involved as equal participants in any discussions and/or decisions affecting our child. In reading through the Chapter 115 Revisions, there are issues which concern us. We believe Chapter 115 would be more effective with the following added to Chapter 115 Revisions:

1. Compromise Amendments - Assembly Bill 674

S. 115.78 (1m) (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) 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.

page 2
Public Hearing Chapter 115
Written Testimony (cont.)

S. 115.782 (2) (e) Each individual educational program team participant who administers tests, assessments, or other evaluation materials as part of an evaluation or reevaluation of a child under this section shall prepare and make available to all team participants at a team meeting a written summary of the participants findings that will assist with program planning.

S. 115.782 (3)(b) If any IEP Team participant 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.

2. S. 115.76 Definitions (14) "related services" music therapy - board certified/registered.

3. S.115.88 State aid. (1) PERSONNEL.

Paraprofessionals shall be licensed and appropriately trained in the child's type(s) of disabilities.

The board may contract with private, or public agencies for physical or occupational or music therapy services on the basis of demonstrated need.

As legislators, you may wish to ask the State Superintendent and Department of Public Instruction staff why the State of Wisconsin has never adopted license requirements for Music Therapists. Many children with disabilities are denied the educational benefits of Music Therapy due to the Department of Public Instruction not adding Music Therapy any where in Chapter 115 or the Administrative Code. Please encourage the Department of Public Instruction to add this needed therapy. Music Therapy helps my son receive significant appropriate education which gives his individual education meaning.

We appreciate your time and the great undertaking in Revising Chapter 115 to make it a law that truly reflects a collaborative effort.

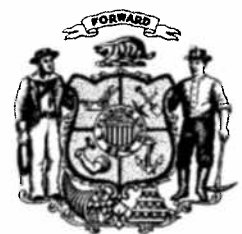
Sincerely,

Terri Larson-Baxter - Robert Baxter

Terri Larson-Baxter and Robert Baxter,
Parents
4838 N. Town Hall Road
Eau Claire, WI 54703
715-874-4961



WISCONSIN STATE LEGISLATURE





The Arc-Wisconsin

121 S. Hancock Street • Madison, Wisconsin 53703
Phone (608) 251-9272 Fax (608) 251-1403

Advocating Rights Of Citizens With Developmental Disabilities

January 7, 1998

To: Co-Chairs, Representative Luther Olsen, Senator Calvin Potter and
Members of the Joint Education Committee

From: Jackie Becker, Staff Person for The Arc-Wisconsin

Re: Testimony on Companion Bills AB674 and SB384

I am an employee of The Arc-Wisconsin, an organization serving children and adults with developmental disabilities. Each year we receive numerous calls from parents who need assistance with the special education process.

We support companion Bills AB674 and SB384 with the amendments proposed by the consensus group. As a member of the Quality Education Coalition, I have worked with representatives from other organizations on the development of the amendments that we feel are necessary to enable parents to become equal partners in the IEP process and the education of their children.

These bills which would bring Wisconsin's Special Education Statutes into compliance with the federal statutes include many positive changes that would increase parental participation in the special education process and improve transition planning for students with disabilities.

Some of the parents The Arc serves have developmental disabilities themselves. Having a disability does not make one a less effective parent, but it may mean that parent needs extra time to understand and digest information. This is one reason we feel it is extremely important for the local educational agency (LEA) to 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. Parents may need extra time to comprehend the information and seek assistance if they don't understand it. Receiving reports during or after a meeting would make it difficult for parents to be equally informed participants with school staff.

Parents who do not have disabilities often find the acronyms, terminology, test results, and the entire process to be overwhelming. That is why we feel it is necessary for the LEA to take the time to ask members of the IEP Team if they want copies of the evaluation report or if they need additional time before proceeding.

We feel these amendments would truly bring the Wisconsin statutes into compliance with the federal wording and intent.

Thank you for this opportunity to address your committee. Please feel free to contact me should you have any questions regarding The Arc's support of these bills.

Dorothy Will - President
Perry Mueller - Treasurer

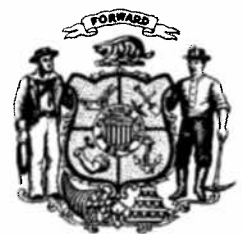
Leigh Roberts - Vice President
Angie Zender - Secretary


Kevin Myren - Past President
Jon A. Nelson - Executive Director





WISCONSIN STATE LEGISLATURE



 ASW... ASW... ASW... ASW... ASW... ASW...

PUBLIC HEARING
January 7, 1998

Senator Potter, Representative Olsen and Members of the
Senate and Assembly Education Committees:

Members of the Autism Society of Wisconsin urge your support of the proposed legislation to bring Wisconsin in conformance with the federal IDEA, the Individuals with Disabilities Education Act. We ask your support of AB674 and SB 384 with the amendments proposed by the "stakeholders' group" representing both parents and providers of educational services.

The proposed amendments do not require major changes in the proposed legislation but they are essential to assure that children receive educational services to meet their individual needs and to assure that they reach their full potential as adults and citizens.

The proposed amendment which requires at least one special education teacher on the IEP team with current disability-specific training and experience related to the child's disability is essential to provide accurate assessment and appropriate planning to meet the child's needs.

The timeline amendment [s. 115.78(5)] is essential to assure that every member of the team has the necessary information, and time to process that information, before designing the child's individual education plan. The LEA must have the responsibility to inform the team members of this right. Parents have basic information and intuition about their child's disability, strengths and needs but are often unfamiliar with the terminology of educational assessments and need time to process information and perhaps to deal with a new diagnosis on an emotional level.

As a parent of a son who was excluded from his local public schools, and as one of the original group who worked for the law that gave every child the right to go to school, I seek your support for AB 674 and SB 384 and the proposed amendments to refine Wisconsin's pioneering law.

Thank you.

Frances Bicknell
Legislative Chairperson



Testimony: January 7 Hearing

Assembly Bill 674: Chapter 115

Sister Patrice Colletti, SDS

Executive Director

Parent Education Project of Wisconsin, Inc. (PEP-WI)

My name is Sister Patrice Colletti, and I am the executive director of the Parent Education Project of Wisconsin, an independent, non-profit agency that serves parents of children with disabilities attending our public schools in all seventy two of our Wisconsin counties. There are more than 110,000 children with disabilities in Wisconsin. PEP-WI serves approximately 17,000 each year.

Throughout the discussion, creation, writing, and revision of this proposed bill, PEP-WI encouraged and supported parents in their roles as equal and important participants in the creation of an historical statute. PEP-WI knows that the perspectives parents bring, as primary consumers of education, and as the best experts on their child, are vital to a child's success. PEP-WI also knows that, unless it is designed to encourage, support, and protect the rights and roles of parents, special education systems too easily forget parents' essential roles. The Individuals with Disabilities Education Act of 1997 (IDEA 97), which is the federal counterpart to this state statute, clearly recognizes parents as equal partners in the process of special education for the very first time in our nation's history. Wisconsin's Chapter 115 must do the same.

The Parent Education Project is also a founding and active member of the Quality Education Coalition, a group of agencies and individuals working together to make

sure that quality education for children with disabilities occurs on the policy level as well as in the individual classroom. As part of the Quality Education Coalition, and as Wisconsin's federally funded parent training and information center, PEP-WI worked alongside representatives of parent groups, administrators, general educators, special educators, and others to negotiate the consensus amendments listed as "Assembly Amendment to 1997 Assembly Bill 674." It was not until this group of key stake holders met together that the key issues and concerns in the bill itself were finally satisfactorily addressed.

Assembly Bill 674 has much that is good for Wisconsin. The five amendments, however, strengthen the bill even more. **PEP-WI supports Assembly Bill 674 WITH ALL THE CONSENSUS AMENDMENTS.** Let me briefly tell you why.

1. The amendments were created through a process of mutual negotiation between key stake holders who agreed that, by working together, we could resolve our individual concerns. The overall process of developing the bill was extensive; key groups were offered opportunities for input. Yet, essential differences remained. The proposed bill maintained a mind set that is almost thirty years old. These consensus amendments move Wisconsin into the new millennium with a new paradigm of education for children with disabilities. That new paradigm is already reflected in federal law, and is strengthened in all the ways Wisconsin has chosen to improve upon federal law to meet the unique needs of our state's children.

2. The consensus amendments directly address the need for each member of the IEP (Individual Education Program) team, which for the first time ever, now includes parents as equal partners, to have equal access to the information they need to

design a quality program for the individual child. (S. 115.782 (2) (e))

3. This bill with its amendments ensures that the IEP Team includes, and protects the inclusion of, parents as partners in the entire process, from referral to placement.

3) This bill, with its amendments, appoints a decision-making team that brings expertise and experience related to the child's disability to the discussion, mandating that parents, as experts on their child, and disability-professionals with expertise in the child's disability, are team members. (S.115.78 (1m)(c))

4) This bill, with its amendments, establishes a timeline that protects the rights of the child, supports active and forward moving decision making, and allows team members to fit the process to the child, rather than assuming that a single meeting will meet a child's needs. As it should be, this individualized education program process is, in fact, designed around the unique individual needs of each child. (S. 115.78 (5) It keeps Wisconsin's 90 day timeline to prevent delays in planning and services and to protect children from wasting time in inappropriate programs. (S.115.78 (3))

5) This bill, with its amendments, strengthens federal mandates regarding evaluations by providing all members of the IEP team with written summaries so that their planning and decision making is informed decision making. (S. 115.782 (2) (e)) Parents and any other member of the team have the right to receive and analyze comprehensive written report data or to have additional time for planning, and the school has the responsibility to make sure that this occurs. (S. 115.782 (3) (b))

Is this bill, with the amendments, a perfect process to ensure quality education for

every child? No. By the nature of educational systems, it cannot be.

But, even though it is not perfect, and even though all stake holders had to give a little, compromise a little, and will be asked to work a little harder, this bill , with its amendments, offers the Wisconsin's children with disabilities a better chance at effective, individualized education than ever before in our history.

Parents will still struggle to navigate systems that are not particularly "parent friendly." Children will still have IEPs that don't quite meet their needs. Teachers will still struggle to figure out what, specifically, a written IEP is supposed to mean for them in their classroom. Principals will still struggle to find the resources to meet needs in a time of mandatory budget caps and limited state reimbursements. But this bill, with the amendments, offers new possibilities for working together, as equal partners, as equal experts. It empowers parents to claim their needed and rightful role in their child's education. It increases educators' opportunities to utilize their professional skills. And, ultimately, it can empower each child to achieve his or her individual potentials in school.

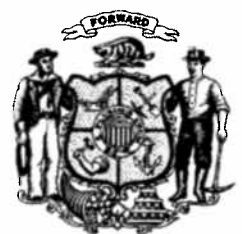
Without the amendments, developed in strong consensus, this will not happen. I urge you to **pass Assembly Bill 674 with all of the consensus amendments.**

Thank you.

S. Patrice M. Colletti, SDS
Executive Director
Parent Education Project of Wisconsin, Inc.
2192 South 60th Street
West Allis, WI 53219



WISCONSIN STATE LEGISLATURE



wpta wisconsin physical therapy association, inc.

a chapter of the american physical therapy association, inc.

WPTA Testimony on Senate Bill 384 and Assembly Bill 674
before the Education Committee
January 7, 1998



Good morning Chairman Potter, Chairman Olsen and Committee Members. My name is Lori Dominiczak. I am a School Physical Therapist and a member of the Legislative Action Committee for the Wisconsin Physical Therapy Association. I am here today representing the 1,850 Physical Therapists and Physical Therapist Assistants in the State of Wisconsin to testify on SB 384 and AB 674. The Wisconsin Physical Therapy Association generally supports this bill with a few exceptions which I will explain later in my testimony. Thank you for the opportunity to comment on the proposed changes to Chapter 115, Wisconsin Special Education Statutes.

On behalf of the Wisconsin Physical Therapy Association, we would first like to commend the State of Wisconsin for being proactive in aligning our current educational law with that of the newly-ratified Individuals with Disabilities Education Act (IDEA). The proposed Individual Educational Plan (IEP) Team Process would streamline evaluation, IEP goal development, and placement for children with exceptional educational needs. Hopefully, there will be mechanisms defined for parents of these children to learn the new process and thus, become truly active participants in it. The final IEP will then represent the strengths and needs of the "whole" child. It will be more functional and should facilitate team collaboration on goal attainment. The inclusion of regular education personnel in the IEP process is also a positive change and long overdue.

Questions remain regarding the operational aspects of the process. With consolidation of team members' reports into a single document, what assurances are there that pertinent details of individual specialists' reports (such as PT and OT) will not be lost? Is the proposed process parent-friendly? That is, will parents have adequate information and time to make informed decisions and to effectively participate? And finally, will initial IEP team meetings become too lengthy and costly? It will be interesting to track the fiscal impact of implementing the new process.

Another aspect of the proposed Statute changes raises concern from physical therapists providing service in educational environments. This is in the area of establishing appropriate staff/student

enrollment or caseload ratios. The current language is not specific [Ch.115.762(3) (d)], and we understand that rule changes may be made that would eliminate the specificity of the law as it relates to Physical Therapy and Occupational Therapy [PI11.24(7) (b)]. PI11.24 rules were written and passed in August 1993. The rules have worked very well in the four short years they have existed. One purpose of the rewrite of PI11 was to clarify the supervision requirements for Physical Therapist Assistant (PTA) and Occupational Therapy Assistant (COTA) providers. The supervision level approved was the most restrictive allowed in any treatment setting, and caseload maximum standards were an essential part of this. This, along with clear definitions of the role and responsibility of the PT and OT, assured quality and satisfied that need for the State Superintendent's Council on Teacher Certification and the Council on Exceptional Education. Elimination of the language could lead to any of the following:

- ▶ Increased possibility that caseloads become too high to adequately address identified IEP goals in the most effective therapy service delivery model
- ▶ Increased risk of inappropriate care provided by unqualified individuals who are not adequately supervised by licensed Physical and Occupational Therapists
- ▶ Inappropriate over-utilization of PTA and COTA providers to reduce administrative costs for school districts
- ▶ Potential differences between Local Educational Agencies' caseload standards which could be confusing for therapists working in several different school districts and could exacerbate the aforementioned points

It is for these reasons and to assure the continued provision of quality physical therapy services in school that we strongly support retention of the current language in PI11.24 as clarification of Chapter 115.762(3) (d). If the rules are to be changed and a task force developed to do so, we feel input from physical therapists in school environments should be considered. It is those of us who are currently providing these services who can best address the pros and cons of many of the issues.

Thank you for the opportunity to present our views today.



Sue Endress
1516 E. Newport Ave.
Milwaukee, WI 53211
414-964-1881
940-6427 cell

Testimony presented to the joint Education Committees on AB 674
Presented January 7, 1997

I support AB 674 with the amendments!!!

My name is Sue Endress. I am the proud mother of a 16 year old daughter who is profoundly deaf and attends Milwaukee Public Schools as a sophomore. With a full time interpreter, Megan is in regular classes and is a fierce competitor on her swim team.

I am also a parent advocate with FACETS and have worked with families throughout this state. In fact, when I looked at your districts, I realized I have worked with families in each of your districts except for Assembly District 87.

I was part of the original focus groups pulled together by DPI to help give creation to the Proposed Chapter 115. I was also part of the group that met recently to create the proposed amendments before you today. This bill and its amendments, especially its amendments, show what can be accomplished when parents, teachers & administrators sit down together on behalf of children. I know. My daughter's success, both in and out of school, is the result of many such people who have made it possible.

While today, I don't need separate meetings or immediate access to evaluation reports. But I couldn't have done that 12 years ago. I needed the reports and I needed the time to think about Megan's deafness & its implications for her future success. This bill with its proposed amendments provides the flexibility to allow parents to ensure they have the time & information necessary for them to be effective advocates for their children.

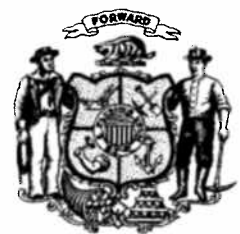
My experience with my daughter has made me a firm & fierce believer that parents are the child's first and everlasting teacher and that it is possible to create partnerships with the many professionals who provide services to children like her. It certainly doesn't mean I have agreed with everything the professionals have told me, indeed, I have challenged their opinions more than once! But throughout the years, we never lost our one true focus, and that was to create the best educational experience possible for Megan, because as her mother, I would never settled for anything less.

Yet, I am concerned about the hundreds and hundreds of children in MPS who, for many reasons, are not being provided opportunities to be successful. I am so pleased that the Assembly education committee will be spending the next 2 days in Milwaukee. While your proposed itinerary looks ambitious, I urge you to seek out and talk with parents like myself & others here today. Tours are nice, but we've been there. And we have a wealth of experience and opinions to share. So I look forward to your visit & give me a call.

In summary, I support this amended bill. And I look forward to the the fact it does not end here today. Laws are nice, but the true measure of the success and worth of a law is when you have every child who is prepared to live life to the fullest such as my daughter. I look forward to making this law work!!!



WISCONSIN STATE LEGISLATURE



722 Williamson Street
P.O. Box 7851
Madison, WI 53707-7851

State of Wisconsin
WCDD
Council on Developmental Disabilities

VOICE (608) 266-7826
TDD (608) 266-6660
FAX (608) 267-3906

Date: January 7, 1998

To: Representative Luther Olson, Chairperson
Assembly Committee on Education

Senator Calvin Potter, Chairperson
Senate Committee on Education

From: Judith A. Fell, Chairperson

Re: Support for AB 674/SB 384 as modified by amendments 1 through 5

The Wisconsin Council on Developmental Disabilities strongly supports passage of AB 674/SB 384 as modified by the amendments proposed by the Quality Education Coalition, Wisconsin Council of Administrators of Special Services, Wisconsin Education Association Council, School Administrators Alliance, and other organizations. AB 674/SB 384 makes many positive changes to Wisconsin law which will improve the education of students with disabilities, however, amendments 1-5 greatly improve the bill. The Council had some concerns about the bill relating to parent participation in development of the individualized education plan (IEP) which are addressed by the amendments. The Council strongly believes the amendments will improve the effective cooperation between parents and school districts and will lead to the development of education program plans serving the best interests of children with disabilities.

The Council strongly supports the amendments ensuring that parents have copies of the evaluation reports and written summaries of findings prior to determination of eligibility for special education services, development of the IEP, and placement decisions. As the bill is currently written without the amendments, parents would receive one written report consolidating all the evaluation reports at the meeting to determine eligibility for special education services. The amendments would require the local educational agency (LEA) to present parents and other meeting participants with the option to receive copies of the evaluation reports and a written summary of findings before proceeding with development of the IEP. The Council believes providing parents with all available information about the child prior to deciding education plans and placements, if requested, will help parents be well-informed participants in the process.

The Council also strongly supports the amendments which require the LEA to ask parents and other meeting participants if they need additional time or another meeting before proceeding with the development of the IEP or determination of educational placement. The Council strongly believes that the majority of parents will need additional time after the eligibility meeting in order to read and understand the evaluation reports before proceeding with development of the program plan. Otherwise, the parents' ability to effectively participate in planning services for their children is severely impaired. It is very difficult for any person to listen to verbal discussion, read written documents, and understand all the information fully during a meeting. The Council also believes

Representative Luther Olsen
Senator Calvin Potter
January 7, 1998
Page 2

that many parents will be intimidated by the IEP process and other meeting participants and will not request additional time or copies of the reports without being presented with the option.

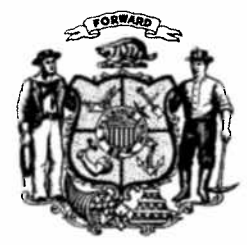
The Council strongly supports the requirement of inclusion on the IEP team of at least one member with extensive and current disability-specific training and experience related to the child's disability, or where appropriate, at least one special education provider of the child. It is essential that qualified personnel knowledgeable about the unique needs of the child participate throughout all stages of the IEP process in order to develop the best education program plan possible to meet the needs of the child.

The Council believes the amendments are a good compromise between the interests of school districts, teachers, parents, and students with disabilities, and should be immediately incorporated in the bill. Although the bill improves Wisconsin's special education law, the amendments will lead to greater communication and cooperation between parents and school personnel.

Thank you for your consideration of this testimony. If you have any questions or concerns, please contact Linda Huffer, Interim Executive Director, at 266-7826.



WISCONSIN STATE LEGISLATURE





P.O. Box 7851
Madison, WI 53707-7851
608/261-8397 (voice)
888/947-7452 (toll free in WI)
608/261-8396 (TTY)
608/264-7742 (fax)

January 7, 1998

Representative Luther Olsen
WI Assembly Rm. 9-W
Madison WI 53708

Senator Calvin Potter
WI Senate Rm. 407H
Madison WI 53707

Dear Co-chairs Olsen and Potter:

Directed by persons with disabilities, the State Independent Living Council is a reflection of their powerful voices and an agent of change for human rights. The State Independent Living Council (SILC) promotes self-determination and first-class citizenship by advocating for policies, practices, and attitudes which facilitate individual choice, integration and empowerment of persons with disabilities. The Council represents individuals of all ages with all types of disabilities.

At this time, SILC would like to support passage of the bill to replace Chapter 115, with the inclusion of the amendments developed by the Stakeholders Group. Specifically, these amendments would require the following:

- The IEP team should include 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.
- 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.
- Any IEP team 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.

- If any IEP team participant 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.
- The above information shall be added to the section of the bill describing Parent Notice of Rights and Responsibilities.

SILC was established under the Federal Rehabilitation Act to promote opportunities for people with disabilities to control their own lives, live where they wish, and be full participants in community life. The members of SILC are deeply interested in supporting efforts which further this cause. We thank you for your efforts to support children with disabilities in schools.

Sincerely,

A handwritten signature in cursive script that reads "Fred Greasby". The signature is written in black ink and is positioned above the printed name.

Fred Greasby, MSW
Chair

dw:1/7/98

the state independent living council (SILC) believes:

It is the right of all persons with disabilities to have the freedom and the opportunity to control their own lives, manage their own affairs and live as they choose within the community, and to pursue educational, career and other personal goals which help them in their efforts to become active, contributing members of the community.



the SILC is:

Grounded in law. Created by the federal Rehabilitation Act Amendments of 1992 and confirmed by executive order of the Governor in 1993, the State Independent Living Council is composed of 14 Governor-



appointed individual members from around the state.

Diverse. These members represent people of all ages with a broad range of disabilities.



Consumer-controlled. The law sets forth that the majority of our members are individuals with disabilities who are not employees of any state agency or independent living center.

the SILC:

- Promotes independent living for persons with disabilities throughout Wisconsin.
- Develops, implements, monitors, and evaluates a three-year State Plan for Independent Living Services, in conjunction with the Division of Vocational Rehabilitation.
- Supports the development and expansion of the Network of Independent Living Centers.

- Supports training opportunities for individuals with disabilities, family members and providers of independent living services.



- Assists in developing and expanding independent living services, particularly in parts of the state where needs are the greatest.
- Helps communities become more aware of the value of independent living, both to the community and to persons with disabilities.

*the independent living
philosophy*

The philosophy of independent living is to promote consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society.

*to learn more about
the SILC*

Call the State Independent Living Council toll-free in Wisconsin at 1-888-WIS-SILC (1-888-947-7452) or call 1-608-261-8397 (voice) 1-608-261-8396 (TTY)

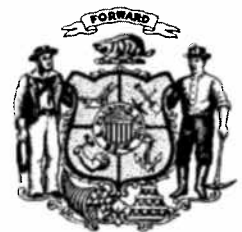


*empowerment
and independence
for persons
with disabilities*





WISCONSIN STATE LEGISLATURE





Wisconsin Council of Administrators of Special Services, Ltd. (WCASS)

*An affiliate of the Council of Administrators of Special Education,
the National Association of Pupil Services Administrators, and the
School Administrators Alliance*

President, Charles Hastert

WCASS GENERAL MEMBERSHIP MEETING

DATE: January 7, 1998, Madison, WI, - Hearing Chapter 115

TO: Wisconsin Senate & Assembly Education Committee Chairs & Members

FROM: Chuck Hastert, President Wisconsin Council of Administrators of Special Services

CH

RE: WCASS SUPPORTS DPI CHAPTER 115 STATUTORY PACKAGE WITH STAKEHOLDERS GROUP CHAPTER 115 AMENDMENT LANGUAGE

I like to thank you for your opportunity to testify today. I am Chuck Hastert, President of the Wisconsin Council of Administrators of Special Services, and I represent WCASS on the School Administrators Alliance Executive and Steering Committees. WCASS Supports DPI Chapter 115 Statutory package with stakeholders groups chapter 115-amendment language.

We truly have cause to celebrate the reauthorization of the Individuals with Disabilities Education Act (IDEA). The changes in the law strengthen the profession, give educators more flexibility in educating students with special needs, and improve services for children. In addition, the law enables educators and parents to collaborate in providing educational services for children with disabilities.

Likewise, today we truly have cause to celebrate proposed Wisconsin Chapter 115, too. For the reauthorization of federal special education law, the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 created new federal requirements in special education processes. The Department of Public Instruction has undertaken a comprehensive review of Wisconsin's special education processes and procedures. After receiving a significant amount of input from parents and school staff including holding public hearings at each of the twelve CESA's, the Department of Public Instruction's statutory proposal largely adopts and relies on the Individuals with Disabilities Education Act (IDEA) Amendments of 1997.

Members of the Wisconsin Council of Administrators of Special Services (WCASS) have reviewed the proposed changes to Chapter 115, Wis. Stats. The review was done by three committees of fifteen members each, with further review by the combined membership of those committees. Also, all members had opportunity to contact committee members, the President, the Board, and RSN's for individual and collective recommendations. Representatives of the committees also met with a special committee of School Administrators Alliance to discuss the issues involved and made recommendations to SAA Legislature Committee. In addition to that review, the chairs

of the committees and the WCASS President met with DPI staff a number of times to discuss and clarify the intent of some aspects of the document.

WCASS is supportive of the overall direction of the proposed changes. We understand the intent is to federalize Wisconsin special education law to simplify the procedures currently used in Wisconsin and to reduce the maximum extent possible inconsistencies and conflicts between state and federal requirements. An additional outcome is an increase of local control with less focus on prescriptive procedures and more focus on benefits for children with disabilities, and their families. Also paper work would be reduced. Those are purposes, which WCASS can wholeheartedly endorse and support.

WCASS supports the concept of the proposed consolidated plan and application. However, the content should be limited to that information which is required by federal law and necessary for management of state categorical aids. Once the statutory changes occur, some points of the consolidated unified plan (program narrative) will need to be addressed through regulation, or through practices and procedures with DPI. WCASS has been reassured by DPI that we will be partners in the establishment of rules, procedures, and practices especially as described in 115.77 (Local Education agency duties). Since we work in the field, we feel we are best qualified to provide information on these points. Overall, the WCASS supports the Wisconsin Department of Public Instruction Chapter 115 Statutory Package with Amendments, because special education services for Wisconsin children with exceptional educational needs will improve. I am very willing to answer any questions, you might have. Thank You.



**Walworth County
Handicapped Children's Education Board**

Phone 414/741-4118

OFFICE
LAKELAND SCHOOL
504 WEST COURT STREET
ELKHORN, WI 53121

January 7, 1998

Senator Calvin Potter
Representative Luther Olson
Wisconsin Legislature
Madison, WI 53707

Dear Senator Potter and Representative Olson:

I would like to take this opportunity to encourage you to approve Senate Bill 384 and Assembly Bill 674 along with amendments as presented.

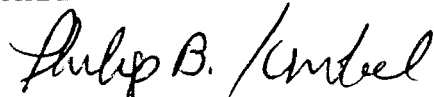
While I support the passage of these bills there are a couple of concerns that must be expressed. My position and input into the re-authorization of IDEA and Chapter 115 has been that we must reduce the paperwork and meeting times for teachers and other school personnel so as to increase direct instructional time for students with disabilities that are served in Wisconsin public schools. I am not convinced that IDEA and now SB 384 and AB 674 will lead to a reduction of paperwork but could indeed increase it.

I am particularly concerned that the requirements of the school district plan under 115.77 could become a major reporting requirement for school districts depending on the requirements as established by the Department of Public Instruction. I hope this plan doesn't become a reporting nightmare for districts.

These bills will also require school districts to serve students until age 22, which increases the number of students served in programs by Wisconsin school districts. This may increase costs to schools that have revenue limits and have seen the percentage of categorical aids decrease during the last two legislative budget sessions.

Sincerely,

WALWORTH COUNTY HANDICAPPED
CHILDREN'S EDUCATION BOARD

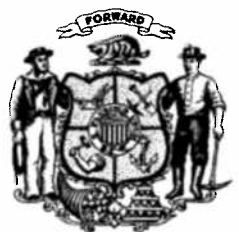


Philip B. Knobel
Director, Special Education

PBK:cah



WISCONSIN STATE LEGISLATURE





SCHOOL ADMINISTRATORS ALLIANCE

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Madison, WI 53704
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FAX (608) 242-1290

James M. Lynch
Director of
Government Relations

**Testimony Before the Senate and Assembly Education Committees
on SB 384/AB 674 - Chapter 115 Revisions
January 7, 1998**

An Alliance of:

**Association of
Wisconsin School
Administrators**
Tim Laatsch
Executive Director

By

**Steve LaVallee, Chair, School Administrators Alliance
Director of Pupil Services, Adams Friendship Area School District**

**Wisconsin Association
of School District
Administrators**
Miles Turner
Executive Director

**Wisconsin Association
of School Business
Officials**
Don Mrdjenovich
Executive Director

**Wisconsin Council for
Administrators of
Special Services**
Chuck Hastert
President

I am here today on behalf of the School Administrators Alliance to speak in favor of SB 384/AB 674 which would amend Wisconsin's special education laws to be consistent with the federal Individuals with Disabilities Education Act, which was re-authorized in 1997.

BACKGROUND INFORMATION

The reauthorization of federal special education law, the Individuals with Disabilities Education Act (IDEA) Amendments of 1997, created new federal requirements in special education processes. The basic structure of Wisconsin's current special education law was established in 1973 by Chapter 89, Laws of 1973. Due to Wisconsin enacting legislation prior to the establishment of federal special education law, there were significant differences in emphasis between these laws. Although state laws and rules were modified in the late 1970's and again in the late 1980's to conform to federal law, the differences between Wisconsin's M-team structure and the federal IEP structure have never been fully reconciled. However, school districts must meet the requirements of both federal and state law. This has led to several difficulties including unnecessarily complex special education procedures, paperwork, and reporting practices. In addition, this complexity has led to conflict between schools and parents as well as higher costs due to more time being spent on due process and compliance issues.

The Department of Public Instruction undertook a comprehensive review of Wisconsin's special education processes and procedures in October of 1996. The purpose of this review was to determine if changes could be made to Wisconsin law that would make it more responsive to the needs of children, would reduce the extensive paperwork associated with special education, would make what was left of the paperwork simpler and easier to understand, and could result in significantly reduced costs for local school districts.

After receiving a significant amount of input from parents and school staff including holding public hearings at each of the twelve CESA's, the Department of Public Instruction's statutory proposal largely adopts and relies on the Individuals with Disabilities Education Act (IDEA) Amendments of 1997.

SCHOOL ADMINISTRATORS ALLIANCE POSITION

The School Administrators Alliance supports the Department of Public Instructions efforts to "federalize" Wisconsin special education law. We support the position that all changes be kept consistent with federal requirements and not create additional or different requirements.

We support the intent to federalize Wisconsin special education law as this proposal will simplify the current procedures and reduce the inconsistencies between state and federal requirements. These changes will lead to an increase in local control with less focus on prescriptive procedures and more focus on benefits for children with disabilities.

SPECIFIC POSITION STATEMENTS

After reviewing of SB 384/AB 674, the following positions are supported:

Early and Ongoing Collaboration and Assistance

- A system of early and ongoing collaboration and assistance should not be mandated. A mandate creates a ceiling instead of a floor. Many schools have fine systems to provide collaboration and assistance. School districts should be encouraged to have such programs in place and be given guidance on quality approaches and best practices for such systems.

Referral

- We support the adoption of federal requirements in the area of referral.
- We oppose inclusion of requirements that are beyond federal requirements. These include requiring the inclusion of information about prior interventions and their effect as well as the special education licensure of evaluators. These proposals are not part of the federal requirements.

Evaluation, IEP Development and Placement

- We support the concept of a consolidated meeting with an emphasis on the child's needs and less on eligibility criteria. We recognize that in some cases separate and/or multiple meetings may be necessary. However, to mandate additional requirements is inconsistent with federalizing the state processes and procedures.
- We support the elimination of individual reports but endorse the availability of data on pupil performance being present at the team meeting.

Categorical Aids

We oppose the elimination of categorical aids for special education assistants and special transportation.

- We support a comprehensive evaluation of the current method of funding special education to determine if there is a better mechanism for distribution of categorical aids. If a different method of funding special education is chosen, consideration needs to be provided those districts which would lose aid.
- We support the elimination of the special aide approval form.

Minimum/Maximum Enrollment

- We support the complete elimination of all minimum/maximum enrollment ranges.

Unified Plan and Application

- We support the concept of a consolidated/unified plan and application. The content should be limited to that information which is required by federal law and necessary for management of categorical aids. Additional information should not be required.
- We support the inclusion of "quality indicators" for special education as part of the currently required school district performance disclosure report. Such an approach would eliminate the appearance of a dual and separate system of education. In addition, this information would then be available to all parents in the district. However, only those indicators required in the federal law or for regular education should be included. This is consistent with the position of federalizing Wisconsin's law.
- We support the elimination of burdensome paperwork requirements as proposed by the Department of Public Instruction.

The School Administrators Alliance supports the Wisconsin Department of Public Instruction's efforts to federalize special education laws within the State of Wisconsin. If you have any questions regarding the SAA's support of SB 384/AB 674 please contact Jim Lynch at (608) 242-1370.