



Luther S. Olsen

State Senator

14th District

TO: Senate Committee on Education
FROM: Senator Luther Olsen
DATE: Tuesday, December 19, 2017
SUBJECT: Testimony for Senate Bill 556

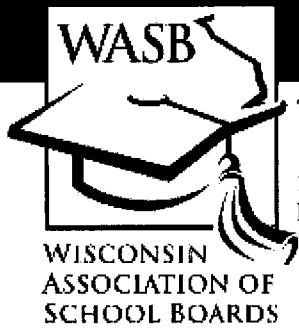
Thank you members of the Senate Committee on Education for holding a hearing and allowing me to testify in support of Senate Bill 556 (SB 556).

Students with extended absences are often faced with the possibility of exclusion from extracurricular activities, delayed graduation, or even expulsion. When students who are unable to attend school due to a physical or mental condition face these challenges it leaves families unsure of what options are available to them. Some students with disabilities have extended periods of absences due to complex medical issues, so a child that has been determined to have a disability may be eligible for certain special education related services.

This bill requires a school counselor, social worker, psychologist or nurse to determine whether to refer a child who has been absent for an extended period of time for an evaluation of whether the student is a child with a disability. It will also require a school attendance officer to notify the parent of a student that has missed ten or more days of their ability to request an evaluation. The parents of a student with a disability that has been frequently absent will also be notified that they may request to have their child's individualized education program (IEP) reviewed and revised if appropriate.

This bill will help facilitate better communication between parents and school districts regarding students with disabilities to ensure that they are receiving the educational accommodations necessary to thrive.

Again, thank you for holding a hearing today. I ask for your support on SB 556 and I would be more than happy to answer any questions.



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 FAX: 608-257-8386

TO: Members, Senate Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: December 19, 2017
RE: Concerns with Senate Bill 556 as Introduced

Thank you for the opportunity to testify on Senate Bill 556. Last session, former Rep. Cory Mason introduced similar legislation, which the Wisconsin Association of School Boards (WASB) opposed. After the session was completed the WASB worked with Rep. Mason and suggested a number of improvements that were incorporated into the version before you today. We believe those changes better address the concerns underlying the bill and reduce the compliance burdens on schools. Nevertheless, we have a couple of concerns we want to bring to your attention.

Section 1 of the bill contains language we recommended. This section aims to get to the bottom of why certain pupils have an inordinate number of *excused absences* due to being temporarily not in proper physical or mental condition to attend school, but are expected to return to school when the condition diminishes or ends. This section requires school officials to determine whether such a pupil, who may or may not have some type of long-term medical condition or disability-related concern, should be referred for a special education evaluation.

Upon further review, we think two slight changes in Section 1 are needed. As written, the bill requires the school attendance officer to direct a "pupil services professional" (i.e., a school counselor, school social worker, school psychologist or school nurse) to determine whether to refer the child for an evaluation as to whether that child is a "child with a disability." We believe this language should be amended so that the "*a special services or pupil services administrator or the person fulfilling those duties for the school district or a pupil services professional*" is also involved in making that determination. We think it would be beneficial to involve the district's special education administrator or coordinator in the process (or at least not to unintentionally exclude that person from the process). We also believe that the bill should include referrals for a determination as to whether the student qualifies as a "child with a disability" not only for purposes of special education but for purposes of Section 504.

Section 2 of the bill adds a requirement that the notice that is sent to the parent or guardian of a child who is found to be "habitually truant" (i.e., has five or more *unexcused absences* during a semester) must include certain information about referrals for evaluation of whether the child has a disability, including information about the school district's referral and evaluation procedures or the procedures for reconvening the child's IEP team, if the child already has an IEP, to consider revising the child's IEP.

In our view, Section 2 arguably addresses an *entirely different* student population (habitual truants) than is addressed in Section 1 (pupils with *excused* absences due to an illness or other medical condition that may even be a potential disability).

The purpose of the truancy notice to parents and guardians is to inform them that their child is habitually truant and that they may wind up in court and face legal penalties unless they take action to remedy the situation. We fear that adding this disability evaluation-related information to this notice may confuse parents and guardians and detract from the main purpose of the notice, which is to notify parents and guardians that there is a legal problem that may result in legal consequences if not addressed. The potential for confusion will be greater to the extent it is clear that the child has no disability.

Similarly, there is a potential for additional, unnecessary costs associated with suggesting that parents request a special education evaluation in situations where nothing indicates that such an evaluation would be relevant. While we cannot easily estimate the potential added expense districts would incur to convene an individualized education program (IEP) team to evaluate habitually truant pupils where there has been no indication the pupils need services underneath the IDEA, we assume it would be substantial.

The notice given to parents and guardians of habitually truant pupils under that statute (section 118.16(2)(cg), Stats.) is already required to include:

1. A statement of the parent's or guardian's legal responsibility to cause the child to attend school regularly.
2. A statement that the parent, guardian or child may request program or curriculum modifications for the child and that the child may be eligible for enrollment in a program for children at risk.
3. A request that the parent or guardian meet with appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time and place for the meeting and the name, address and telephone number of a person to contact to arrange a different date, time or place. The date for the meeting shall be within 5 school days after the date that the notice is sent, except that with the consent of the child's parent or guardian the date for the meeting may be extended for an additional 5 school days.
4. A statement of the penalties that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required by law.

We believe that if the parent or guardian appropriately responds to the notice of truancy and meets with school officials, then the information shared at that meeting will indicate the best path forward for addressing the root cause of the pupil's truancy. To the extent that, in some situations, there may be reason to suspect a potential disability or the need to revisit a pupil's existing individualized education program (IEP), a school district's existing "child find" and referral obligations under the IDEA would become relevant as far as making appropriate referrals.



Survival Coalition

of Wisconsin Disability Organizations

P.O. Box 7222, Madison, Wisconsin 53707

Date: December 19, 2017

TO: Senate Committee on Education

FR: The Survival Coalition of Wisconsin Disability Organizations

RE: Support for SB 556

Chairperson Olsen and Senate Committee on Education Members:

The Survival Coalition of Wisconsin Disability Organizations is comprised of over 30 statewide groups representing people with all disabilities and all ages, their family members, advocates and providers of disability services. Survival Coalition supports high expectations for all students with disabilities. Early identification of students who struggle with chronic absenteeism is important to the student's long term success. Students who miss even 10% of school learn less than their peers and perform significantly lower on state tests. Youth with disabilities who leave school unprepared for adult life are more likely to end up living in poverty and are more reliant on public benefits over their lifetime.

Students who are considered chronically absent or truant are often not considered as students with disabilities. Sometimes these students have never been referred for an evaluation to determine if they should be receiving special accommodations or special education services that could support their learning, even while absent from school or until they can achieve regular attendance. Parents may not know that special education services could help.

Students with disabilities can be harmed by current truancy policies in these ways:

- Referrals for truancy force entry into the juvenile justice system.
- Students do not receive the supports and services to address their disability related conditions.
- Students with chronic absences are less likely to graduate on time and to be employed in the future.
- Students are often unfairly discriminated against due to their medical or mental health condition by being unable to participate in extracurricular activities due to District attendance policies.

SB 566 would be a step in the right direction to provide additional protections for students who are unable to attend school due to chronic medical or mental health conditions. Families would be guaranteed the following under the new law:

- A school attendance officer would be required to refer a student to a pupil services staff to consider whether the student needs a special education evaluation.
- A school attendance officer would be required to notify parents of their right to request a special education evaluation.
- Parents would be informed of their right to request a review of current special education programming.

We appreciate the opportunity to provide testimony and ask that you support SB 556.

Thank you.

Sincerely,

Survival Co-Chairs:

Maureen Ryan, moryan@charter.net (608) 444-3842

Beth Swedeen, beth.swedeen@wisconsin.gov (608) 266-1166

Kristin M. Kerschensteiner, kitk@drwi.org (608) 267-0214

Lisa Pugh, pugh@thearc.org (608) 422-4250

To: Senator Olsen, Chair, and Members of the Senate Committee on Education
From: Disability Rights Wisconsin, Sally Flaschberger, Lead Advocacy Specialist
Re: Testimony in support of SB 556
Date: December 19, 2017

Recommendation: Support

My name is Sally Flaschberger and I am a special education advocate with Disability Rights Wisconsin. Thank you for the opportunity to testify today in support of 2017 SB 556. Disability Rights Wisconsin is Wisconsin's Protection and Advocacy system for people with disabilities. A major focus of our work both individually and systemically across the state focuses on special education and the rights of students with disabilities. Our agency provides assistance to students related to school refusal, school absences due to chronic conditions, and truancy referrals for students with disabilities related to disability-related absences.

Students miss school for many reasons but dealing with chronic medical or mental health conditions can be one of the most impactful reasons a student is unable to come to school. Students with disabilities can be treated as a habitual truant once they reach the 10 days of absence and consequences instead of interventions are imposed on the student and family. Students with disabilities are 50% more likely to be chronically absent.

Over the course of the last several years, I have worked with several families whose children were absent from school for more than 10 days. Often, these students have been out of school many days, aren't receiving any education, and are being threatened with truancy. In addition, the students have often not been referred for a special education evaluation even though the parents have informed the school district the absences are related to physical or mental health impairments. Parents have provided extensive medical documentation and access to medical professionals to verify absences and conditions with no further follow up by school staff in regards to how this is impacting education.

Last year, I worked with a teen who had been diagnosed by her outside mental health provider with anxiety and depression and had been receiving treatment for over a year. She had started to miss school periodically in the last six months of her 8th grade year. During her freshman year, she moved to a new school district and was having difficulty attending school due to her anxiety and depression. The school was concerned and decided to file truancy charges against the student for her extensive absences. The student entered the juvenile system and eventually the court removed the student from home and placed her in Shelter Care for 30 days as punishment. During this time, the young girl did not receive mental health treatment. She stopped showering and was generally sinking further into depression. After 30 days, it was determined this consequence was not changing her behavior and she returned home. Her depression worsened and she tried to commit suicide.

MADISON	MILWAUKEE	RICE LAKE	
131 W. Wilson St. Suite 700 Madison, WI 53703	6737 West Washington St. Suite 3230 Milwaukee, WI 53214	217 West Knapp St. Rice Lake, WI 54868	disabilityrightswi.org
608 267-0214 608 267-0368 FAX	414 773-4646 414 773-4647 FAX	715 736-1232 715 736-1252 FAX	800 928-8778 consumers & family

The parent felt the school could be doing more but she didn't know what this was. After many months, the parent was given information by an outside mental health provider about special education. Learning of this option, the mom requested the evaluation for her daughter. This was seven months and almost 100 days of absences later. This proposed legislation would have helped this parent and school to act more quickly to put interventions in place and help break this student's cycle of school refusal and begin attending school on a regular basis.

Early identification can reduce future absenteeism and provide greater success for students. School Districts have a responsibility to evaluate students if they suspect a disability. This bill would put in place another trigger for schools to consider these absences as part of a disability. Schools could ensure students are receiving the appropriate services to be successful and make progress at school. Many parents have no experience with the special education system and are not aware of how to request an evaluation. The school attendance officer will be required to notify the parents of a student that has missed ten or more days of their ability to request an evaluation. In addition, the parents of a student who is already receiving special education services will also be notified that they may request to have their child's individualized education program (IEP) reviewed and revised.

Disability Rights Wisconsin asks you to support this bill to protect students who experience chronic absences due to a physical or mental health impairment. The additional requirements for this group of students will lead to better outcomes by reducing chronic absenteeism. Thank you for considering our comments and the perspective of students with disabilities and their families.