

WISCONSIN COUNCIL ON SPECIAL EDUCATION
December 7, 2018
FINAL MEETING MINUTES

Department of Natural Resources, GEF 3 Room P41
(101 S. Webster Street, Madison; 608-266-1781)

Council members in attendance: David Burke, Meredith Dressel, Victoria Davila-Davis, Sally Flashberger, Mackenzie Gabler, Pamela Hencke, Mike Hipple, Katherine Kramer, Lidbury, Amanda Mack, Kelly Mechelke, Jennifer Mims-Howell, Sara Nerenhausen, Lori Poppe, Nelsinia Ramos, Lynette Stansfield, Amy Stevens, Tricia Thompson, and Carla Witkowski.

DPI Staff in attendance: Daniel Parker, Julia Hartwig, Courtney Jenkins, Alicia Reinhardt, Shelly Babblar, Abbie Pavela, Carolyn Kiefer, and Thomas McCarthy

10:00 – 3:00 pm

1. **BUSINESS MEETING #320:** Meeting called to order at 10:00 am. It was seconded. The meeting came to order.
2. **Introductions:** The new council members (Dave, Kristin, Nikki, Kathy, Kari, Chiffon, Pamela, and Nelsinia) introduced themselves to the group.
3. **Public Appearances: None**
4. **Minutes of Meeting #319:** A motion was made to approve the minutes as is, it was seconded and approved.
5. **Correspondence/Chairperson's Report (Jennifer & Amy)**
 - a. **Public Forum Debrief:** Council feels the Public Forum was successful. There was a representation from all CESAs and parents attended. Council wants to look for ways to reach more parents to attend. Council members discussed trends they seen in the Public Forum participants comments. A few trending topics were Dyslexia (a stronger trend this year), inclusive environment, fear of retaliation, communication between home and school, and transition from one grade level to another. Parents are concerned about working with General Education teachers who are not flexible with supporting their child's Special Education program. They are also concerned with communication between them and the school when it is not efficient. They are also concerned with and situations where schools do not allow volunteers in classrooms due to confidentiality clauses. They wonder how they can be effective in their child's learning, when they are not allowed to visit the classrooms. If further trends come up, Council members will call Rita.
 - b. An Open Google Form will be available for public commenting on their experience in Special Education between March 4, 2019 – March 13, 2019. Invitations will be sent to listservs of the Regional Special Education Network, Special Education Directors at public schools and the Wisconsin of Public Instruction. Council members will search for ways to reach more parent participants. Clarification was brought to a scheduling

conflict for why the Council's March 2019 Public Forum isn't in person. DPI is checking into ways to ensure the Public Forum has a secure access point for taking information from participants and is meeting to determine the most appropriate secure technology for this task. Council is not sure if Survey Monkey or Google Forms is the right option.

- c. **Attendance:** There were varying opinions about if school districts should attend Public Forum listening sessions to hear participant thoughts or not. Others feel participants might not speak honestly or openly if school district personnel is present. Council members feel schools should find ways to support parents typing their comments into the comment collection form Google.
 - d. **AAC Announcement:** AAC had two of the five AT ACC Regional meetings and very pleased to have thirty-five professionals attend the first two meetings. Thank you for helping us spread the work.
 - e. **Council Members:** Members asked questions that require the response of DPI's Communications Director. Can a Council member send an email to the Council to get verbal and written feedback. How can a Council member be sure a topic gets on the agenda and into action?
6. **IDEA Complaint and Due Process Hearing Findings & Decisions** (Jennifer to lead, DPI administrators will take questions back to Patti for answers).
- a. Decisions are posted on the website quarterly, prior to Council meetings. Some decisions are redacted (to eliminate identification) when districts are extremely small.
7. **Department of Public Instruction Report: Information and Discussion**
- a. **Director's Update**
Staffing Updates/Introduce New Employees.
 - i. Julia introduced new employees and acknowledged retirement of Marge Schenk and Janice Duff. Council welcomed DPI's new Transition and Graduation Consultant for students with disabilities, Alicia Reinhardt, and our new Learning Support Consultant (formerly known as the SLD Consultant), Marolyn Johnson.
 - b. **Federal Level**
New Director for the Office of Special Education Programs - The Office of Special Education and Rehabilitative Services (OSERS) has announced Laurie VanderPloeg as the new Director for the Office of Special Education Programs (OSEP). Laurie has dedicated the past 38 years to ensuring that students with disabilities have access to a high-quality education. Laurie steps into the role of OSEP Director next month and is excited about the opportunities this position will afford her to continue raising expectations and improving outcomes for children with disabilities. Laurie replaces Acting Director Ruth Ryder and OSEP expressed its gratitude for Ruth's incredible leadership through the years. For more information please visit: <https://sites.ed.gov/osers/2018/10/announcing-new-osep-director/>.
 - i. The Office of Special Education and Rehabilitative Services (OSERS)/Office of Special Education Programs (OSEP) is

rethinking Results Driven Accountability (RDA) to ensure we are in the best position to improve early childhood and educational outcomes and raise expectations for infants, toddlers, children, and youth with disabilities, their families, their communities, and the nation. Specifically, we are interested in your thoughts about what is working well and what should change in the State Performance Plan/Annual Performance Report (SPP/APR), the State Systemic Improvement Plan (SSIP), annual determinations under the Individuals with Disabilities Education Act (IDEA), and OSEP's system of differentiated monitoring and support (DMS). Please submit your input to RethinkRDA@ed.gov by **Friday, Dec. 21st**. We will review and consider all submissions.

- ii. **Differentiated Monitoring and Supports** – Wisconsin received the annual Differentiated Monitoring and Support (DMS) designation from OSEP. OSEP's DMS system is a component of Results Driven Accountability. DMS is designed to identify potential grantee risk to the Department and to assist OSEP in effectively using its resources to monitor grantees. DMS addresses State-specific needs in the areas of results, compliance, State Systemic Improvement Plan (SSIP), and fiscal by differentiating levels and types of monitoring and support based on each State's unique strengths, progress, and challenges in each area. DMS is a multi-tiered model for monitoring and providing support based on the principle that supports are first provided at a core or universal level to effectively address the needs of all States. Targeted monitoring and support is generally based on OSEP's identification of common needs among multiple States. Intensive monitoring and support is reserved for those States with the most intense or complex challenges to implementation.
- c. Wisconsin will receive **universal monitoring and supports** in all four areas: results, compliance, fiscal, and SSIP and is not in need of targeted or selected monitoring and supports. I would like to extend my appreciation to all of our special education parents and partners represented on Council who made this possible! Thank you!
- d. SSIP - OSEP state lead for Wisconsin conducted initial feedback call on their [SSIP Phase 3, Year 2](#), submissions. Glowing report from Bryan Grigg – very complimentary regarding our emphasis on coaching, etc.
 - i. **Equity in IDEA - Update on racial disproportionality in special education identification, placement, and discipline** On July 2, 2018, the U.S. Department of Education (Department) postponed the compliance date for implementing the significant disproportionality regulations by two years, from July 1, 2018, to July 1, 2020. The Department has also postponed the date children ages 3 through 5 must be included in the

analysis of significant disproportionality, from July 1, 2020, to July 1, 2022. Wisconsin has remained steadfast in its commitment to move forward with revisions to “significant disproportionality” criteria to come into alignment with the December 2016 federal regulations. This commitment is because we see racial disproportionality in special education as a civil rights issue, and addressing disproportionality in special education is a key strategy to meet our state’s goal to close race-based achievement gaps. After extensive stakeholder input during 2017, Wisconsin revised criteria for determining significant disproportionality. The criteria Wisconsin will use, beginning with the 2018-19 school year, reflects the standard methodology outlined in the December 2016 final regulations (with a slight modification to the methodology):

- Methodology: risk ratio*
 - Risk ratio threshold: 2.0
 - Cell size: 10/30
 - Reasonable progress: Yes (>0.25/yr for two prior consecutive years)
 - Multi-year analysis: Yes (3)
- e. Wisconsin is using a weighted risk ratio until additional federal guidance is released. Wisconsin will see a significant increase in the total number of local education agencies (LEAs) required to reserve 15% of Part B funds under IDEA for comprehensive coordinated early intervening services (from approximately eight LEAs to approximately fifty LEAs per year). However, the majority of the LEAs already use Part B funds to support general education activities, either through coordinated early intervening services or a Title I School wide set-aside.

A team of **OSEP-funded Parent Centers** recently curated a [collection of web-based resources](#) on trauma-informed care. The collection explores the following topics:

- What is trauma-informed care?
- Trauma and specific populations
- Building trauma-informed schools
- Responding to disasters

Many of the resources are available in Spanish and other languages.

- f. **State Level:** Special Education Team has a new [Weekly Updates webpage!](#) On this page is where you can find archived “What’s New?” weekly update items. We hope this webpage will assist in the efficiency of searching for pertinent information that goes out in the weekly email.
- g. **2019-21 Biennium Budget for Special Education – Total \$1.4 Billion and \$600 Million for special ed - unprecedented**
The department requests \$75,060,900 GPR in FY20 and \$531,060,900 GPR in FY21 to increase the reimbursement rate for special education expenditures to 30 percent in FY20 and 60 percent in FY21.

The department requests no change to expenditure authority under Wis. Stat. sec. 20.255(2)(bd), Additional special education aid, but requests that the appropriation type be changed to sum sufficient. The department also requests modifying the program to allow for reimbursement of 100 percent of eligible prior year costs above the \$30,000 per student high cost threshold.

The department requests to decrease expenditure authority in the appropriation under Wis. Stat. sec. 20.255(2)(be), Supplemental special education aid, by \$1,750,000 GPR in FY21 and to repeal the supplemental special education categorical aid program, beginning in FY21.

The department requests \$3,500,000 GPR in FY20 and \$3,500,000 GPR in FY21 to expand the Transition Readiness Grant (TRG) program.

- h. **Notification Letter on 1.0% participation cap for Alternate Assessment-Dynamic Learning Maps (DLM)**
DPI notified all LEAs exceeding 1.0% participation in one or more given subject areas on the alternate assessment (DLM) in the 2017-18 academic year. Notification letters, with additional information and procedures, were sent to the superintendents, directors and DACs in 180 (down from 211) districts exceeding the 1.0% cap. Districts complete verification forms confirming the students participating in the alternate assessment (DLM) meet the definition of “the most significant cognitive disability”. Participation rates for all districts, along with additional information will be posted on our website:
<https://dpi.wi.gov/assessment/dlm/1-percent-participation>
- i. **Preliminary Federal Notifications** On December 6th, all LEAs received a preliminary joint federal notification packet regarding ESSA and IDEA identifications. In addition, LEAs received information about newly coordinated statewide supports available to all schools and districts whether they are preliminarily identified under ESSA, IDEA, or not at all. For more information, review the resources on our new [Continuous Improvement](#) webpage, including

our [2-minute video](#) about what these identifications will mean and the new landscape we're working to build.

- j. **LEA determinations** The Individuals with Disabilities Education Act (IDEA) requires DPI to determine if each local educational agency (LEA) meets the requirements of Part B of the federal requirements, including both compliance and results indicators. Typically, **LEA determinations** are issued this time of year. DPI is focused on aligning federal requirements to ease the workload faced by districts and to more meaningfully help districts implement practices focused on equitable opportunities for all students. Beginning this year in an effort to align special education and Title I requirements, a single joint notification of findings under ESSA and IDEA will be issued to districts, including LEA determinations, disproportionality and the identification of schools for comprehensive and targeted support and intervention. On December 6, DPI will load into SAFE a joint federal notification packet, which will include preliminary LEA Determinations. When calculating the preliminary 2018 IDEA determinations, the Department continued the process of gradually shifting toward balancing results and compliance indicators and using the weights of **65% Compliance and 35% Results** for 2018 LEA determinations.

- k. **Ensuring the Continuation of FAPE under IDEA, by Anita Castro and Patricia Williams, Special Education Team, DPI**
Principals and associate principals serve an important role in ensuring the continuation of a free appropriate public education (FAPE) for students with disabilities under the Individuals with Disabilities Education Act (IDEA). But what is "FAPE" and how can administrators help ensure it is provided? Has the understanding of FAPE changed since the United States Supreme Court issued their ruling in the case of *Endrew F. v. Douglas County School District*? This article from the Association of Wisconsin School Administrators (AWSA) will help answer these questions and provide resources to support your school in ensuring FAPE for your students with disabilities. Read more about this article [here](#). For a complete list of DPI Special Education team articles with AWSA click [here](#).

8. **Special Report: Legal Updates**

- a. Patti was out sick and postponed presenting Legal Updates Report to Council's March 2019 Meeting. Council motioned to accept if Thomas McCarthy could present on Open Meetings Law in Wisconsin, in place of Patti's Legal Updates Report. The Council accepted the motion.
- b. Thomas McCarthy, DPI's Communications Director presented on Open Meetings Law in Wisconsin and the need for Council to comply with it. DPI's communications team offered to leverage their services to support the Council. Thomas stated Robert's Rule is the system in place for Open Meetings requirements and that system should be respected in processes.

All meetings must be open, visible, and transparent to the public. Thomas McCarthy responded saying Council members should be cautious of the type of work and function of work when requesting information.

- c. He outlined the open meeting requirement (e.g. here is the DPI bulletin) https://fred.dpi.wi.gov/system/files/official/policy-bulletins/1.145_open_mtgs.pdf
- d. Key points of emphasis:
 - i. If council meets together to discuss business of the council it could be considered a “meeting” and trigger open meeting requirement
 - ii. This includes email chain responses to council business
 - iii. Emails about “agenda item ideas” or “what dates should the council meeting be this year” for a council meeting are excluded (i.e. ok and not considered open meeting)
 - iv. A council member asked if she could have council members email her with input as they have recently been appointed to a government body and wanted to provide input from the council.
 - v. Tom explained how this would be considered a “meeting” if they solicited input (e.g. at lunch, after the meeting, etc or via email) and that they cannot do this without triggering open meeting requirement and instead they should ensure that input is an agenda item of a future council meeting and is included in the open meeting notice for that future meeting
 - vi. Summary: Council members cannot escape their role as a council member and should not discuss council business with each other outside of council meeting (e.g. even at a conference they all attend).

9. Special Report: Impact of Changes to Equitable Participation under Title 1, Part A Funds

- a. Shelly and Abbie presented on the distribution and allocation of Title 1 funds to public and private schools. Title 1 funds are distributed based on a set simple formula, and distributed to low income families statewide. Almost all districts in Wisconsin gets Title 1 funds. Private schools can choose not to accept and participant in Title 1 funds.

10. Lunch

11. Special Report: Statewide Continuous Improvement Efforts

- a. Julia and Courtney presented on coherent continuous improvement for advancing equity in education, how IDEA and ESSA relate in equity, Federal Identifications focusing on responsiveness to needs, preliminary joint federal notification packet, racial disproportionality in special education, continuous improvement plan, and proposed supports for continuous improvement. The continuous improvement efforts focus is building supports for districts who are identified as needing support.
- b. Julia and Courtney reviewed the continuous improvement website and asked Council members to determine if the content on the site is useful to different groups and provide suggestions on what is missing? Council feels the content on the continuous improvement website is useful to schools and districts, but is not useful for families and communities.

Suggestions included make the site useful for families by adding a parent tab where key information is clarified with the use of terms that make more sense to parents.

12. Unfinished Business

a. Council Member Reports and Issues

Sally asks how to ensure the special education budget (an overview of budget allocation and use) and additional topics are listed as special reports on the Council's agenda. Since the Council's chairpersons' roles have shifted since before, they have authority in what items are placed on the agenda. Council voted on forming a sub-committee to develop a letter on the special education budget allocation. DPI administrators/directors will meet with the communications team to ensure Council is in compliance about this topic and adheres to the Open Meeting Law. A DPI administrator or director will inform Council with additional guidance and parameters for the sub-committee meeting. The chairs entertained a motion to establish a sub-committee of not more than six members to draft a letter on the special education budget. The motion was seconded and approved. Sally accepted lead responsibility for this committee. Council members Pamela Hencke, Vicki Davila-Davis, Tricia Thompson, Lori, and Lynette volunteered to be members on the sub-committee.

13. New Business: None

14. Announcements

- a. Next Meeting Date (June 21, 2019)

15. Adjournment: A motion to adjourn was made and seconded. The meeting adjourned at 1:47 pm.