

STATE SUPERINTENDENT'S ADVISORY COUNCIL
ON SPECIAL EDUCATION

ANNUAL REPORT FOR SEPTEMBER 2019-JUNE 2020

Message from the Chair:

It has been an historical year, and one that we won't soon forget. As we navigated a pandemic, social and political unrest, and learned to educate in new and innovative ways, our top priorities remained clear. Our time and energy has been fully dedicated to embracing the continued positive change taking place in our state's special education system, and maintaining a sense of normalcy for our future leaders...our students.

The virtual Council meetings looked and felt very different, but this did not stop us from making needed changes to benefit our students with disabilities. The Wisconsin Advisory Council on Special Education continued to advance and move a number of recommendations forward addressing Special Education for students with disabilities in Wisconsin.

I want to extend much appreciation and gratitude to all the members of the Wisconsin Advisory Council on Special Education and the Department of Public Instruction, especially in the wake of COVID-19. These committed individuals continued to provide input, review proposed changes and revisions to state policies and guidelines, and create initiatives that will no doubt benefit students with disabilities and their advocates, now and in the future. Your dedication is truly amazing.

Respectfully Submitted,

Pamela Hencke

Council Chairperson 2019-2020

Council Purpose:

The role of the Council is to bring the voice of various special education stakeholders to DPI, share information from DPI with those stakeholder groups, and provide input on pending rules, regulations, and Wisconsin's federal reporting to the U.S Department of Education. DPI strives to have advisory councils that reflects the racial, ethnic, and geographic diversity of Wisconsin. The Council must be comprised of a majority of parents of IDEA-eligible students (age 3-21) or individuals with disabilities.

Council Mission:

The mission of the Council on Special Education is to promote the education of children with disabilities by providing broad based input to the Department of Public Instruction.

Council Function:

- Advising the state education agency of unmet needs in the education of children with disabilities within the state.
- Advising the state education agency in developing evaluations and reporting on data to the federal department of education.
- Advising the state education agency in developing plans to address findings identified in federal monitoring reports.
- Advising the state education agency in developing and implementing policies relating to the coordination of services for children with disabilities and on any other matters upon which the state superintendent wishes the Council's opinion.
- Commenting publicly on any rules proposed by the department regarding the education of children with disabilities.
- Reviewing the findings of facts, and decisions of hearings and appeals brought before the state superintendent.

Council Meeting Schedule for 2019-2020:

- September 27, 2019
- January 24, 2020
- March 13, 2020
- June 19, 2020
- All meeting agendas and meeting notes may be found on the Department of Public Instruction/Special Education website.

- Members of the public are welcome to attend Council meetings. Public appearance time is scheduled at the beginning and end of each Council meeting.

Council Meeting Schedule for 2020-2021 (Tentative):

- September 11, 2020
- December 4, 2020
- March 12, 2021
- June 25, 2021

Council Membership & Roster:

Members are appointed by the state superintendent for alternating three-year terms beginning in September of each year. The membership requirements for the Council on Special Education were changed with the reauthorization of the Individuals with Disabilities Education Act Amendments of 1997 [Sec.612 (a)(21)].

Membership includes the following representation:

- Parents of children with disabilities
- Individuals with disabilities
- Teachers (certified regular education and certified special education)
- Representatives of institutions of higher education that prepare special education and related services personnel
- State and local education officials (school board members, school district administrators)
- Administrators of programs for children with disabilities (special education directors, pupil services directors)
- Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities
- Representatives of private schools and public charter schools
- At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities
- Representatives from the state juvenile and adult corrections agencies
- Representative from the state child welfare agency

A majority of the members shall be individuals with disabilities or parents of children with disabilities.

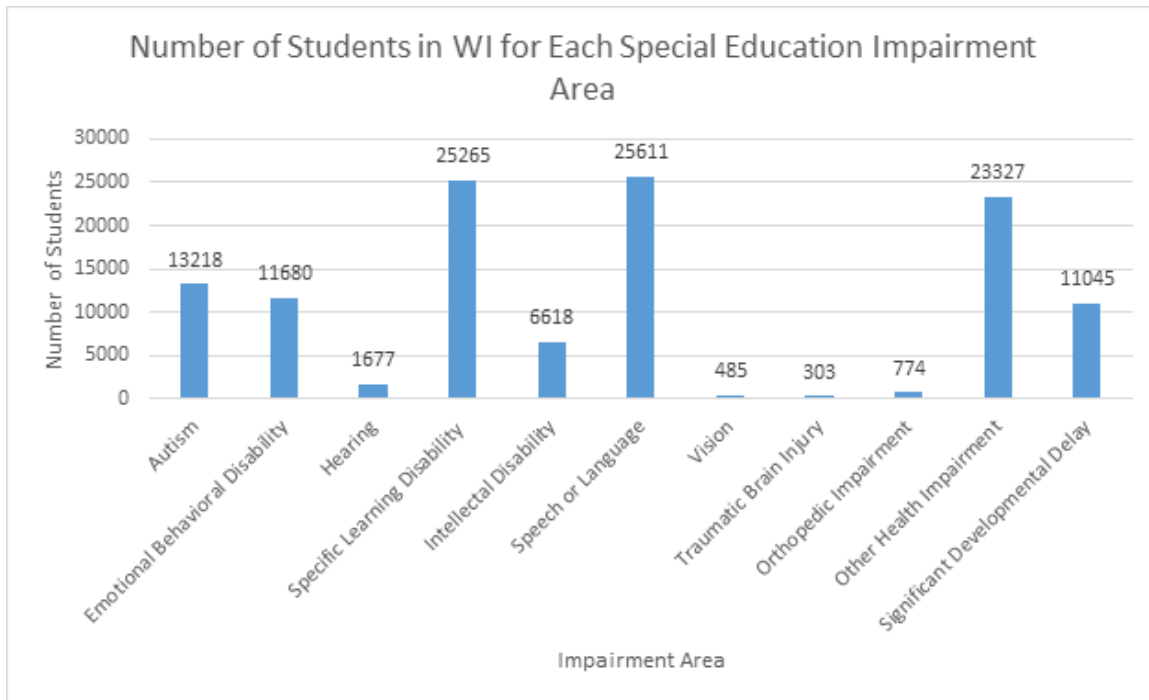
2019-2020 Council Members Include:

Name:	Representation:	Term Expires:
Kristin Burki	Department of Children and Families	June 30, 2021
Loucricia Carson	Parent	June 30, 2022
Victoria Davis Davila	Parent	June 30, 2020
Hugh Davis	Parent	June 30, 2022
Meredith Dressel	Department of Workforce Development	June 30, 2022
Nicole Froelke	Parent	June 30, 2021
Pamela Hencke	Council Chairperson/Parent	June 30, 2021
Michelle Johnson	ASWA/Principal	June 30, 2022
Chiffon King	Parent	June 30, 2021
Katherine Kramer	Charter School Representative	June 30, 2021
Julie Lidbury	Department of Corrections	June 30, 2021
Amanda Mack	Director of Special Education/WCASS	June 30, 2021
Kelly Mechelke	Private School Rep/Principal/Catholic	June 30, 2021
Jennifer Mims-Howell	Special Education Director/Parent	June 30, 2022
Kari Moore	Charter School Representative	June 30, 2021
Jessica Nell	Individual with a disability	June 30, 2022
Cynthia Perry	IHE Private College/Parent	June 30, 2022
Nelsinia Ramos	Council Vice Chair/Parent	June 30, 2021
Deborah Rathermel	Department of Health Services	June 30, 2020
Lester Spies	Wisconsin Association of School Boards	June 30, 2021
Nikki Sprague	Special Education Teacher	June 30, 2022
Amy Stevens	IHE Representative - Public	June 30, 2021
Stacey Stone	Individual with a disability/Parent	June 30, 2022
Nicole Vander Meulen	Individual with a disability	June 30, 2022
Carla Witkowski	Parent/BIA Early Intervention	June 30, 2021
Sara Zwiefelhofer	Parent and Special Education teacher	June 30, 2022

Department of Public Instruction Representatives:

- ❖ Barbara Van Haren, DPI-Assistant Superintendent
- ❖ Julia Hartwig, DPI-Director, Special Education
- ❖ Daniel Parker, DPI-Assistant Director, Special Education
- ❖ Courtney Reed Jenkins, DPI-Assistant Director, Special Education
- ❖ Patti Williams, DPI-Assistant Director, Special Education
- ❖ Lynn Winn, DPI-Assistant Director, Special Education
- ❖ Rita Fuller, DPI-Special Education Consultant, Special Education
- ❖ Carolyn Kiefer, DPI-Office Operations Assistant, Special Education

Special Education Students Served in Wisconsin:



**Department of Public Instruction Required and Special Reports
2019-2020 by Council Meeting Date:**

September 27, 2019

- 1) *The Office of Special Education Programs (OSEP) determined that Wisconsin once again met requirements under state IDEA determinations and explained how Differentiated Monitoring and Support (DMS) is a part of Results Driven Accountability. In addition, Wisconsin met the Every Student Succeeds Act 1% participation threshold requirement, Wisconsin met requirements. Wisconsin remains at the Universal level for Compliance and Results, and is that the Targeted level for Fiscal and SSIP.*
- 2) *State Systemic Improvement Plan (SSIP)-A special report on Wisconsin's State Systemic Improvement Plan (SSIP) for Indicator 17 was provided as well as a discussion on future opportunities to support the work of our SSIP. When OSEP announced a shift on how states would be accountable for the success of students with disabilities, Wisconsin, with input from Council, selected a reading/literacy focus as part of Wisconsin's Results Driven Accountability (RDA) focus. The SSIP outline show Wisconsin has developed and implemented structures to improve this reading/literacy focus. An overview of the four improvement strategies that are part of the SSIP were discussed. These four strategies are focused on results and rooted in equity. As part of RDA, annual targets were set in 2013, and the department has met all previous targets with the exception of the target set for last year. Going forward, the Department may have an opportunity to apply for a federal State Personnel Development Grant (SPDG) to support Wisconsin's work on improving outcomes for students with disabilities and sought feedback from council on the following:
 - (i) considerations for selecting an evidence-based practice/area of focus
 - (ii) considerations for selecting schools/districts for a study cohort, particularly focused on the next State Personnel Development Grant application opportunity*

January 24, 2020

- 1) *On December 5, 2019, DPI uploaded preliminary joint federal notification packets for local education agencies (LEAs) into our Safe Access File Exchange. Every LEA received a packet to inform continuous improvement efforts to eliminate achievement gaps between students with and without IEPs. The reports provide preliminary LEA determinations for all school districts, which*

weights equally results and compliance for preliminary identifications, under the Individuals with Disabilities Education Act (IDEA), and school-level reports (ESSA), which include preliminary identifications, if any, for Targeted Support and Improvement.

2) *The Indicator 8 family engagement survey* will this year increase response rate requirements to 10% per district to ensure better representation of families (specifically families of color and specific disability areas). The increase may specifically affect larger districts.

3) *Annual Performance Report (APR) Targets Extension*

i. DPI Courtney Reed-Jenkins and Seth Bishop, provided a special report on federal indicator targets that need Council feedback so Wisconsin can extend the existing Indicator targets for one additional year while states await an updated federal indicator framework. Data tables and graphs on past targets and APR reporting was provided to Council and Council provided recommendations for extending one year targets that will be included in the APR report due annually (typically February 2nd.) OSEP's strong recommendation was to extend targets for an additional year, as adjustments can be made by states when a new framework is released. Council members asked questions and engaged in discussion for each of the targets. Publicly reported outcomes for these indicators are available at the state and district levels on WISEdash Public as well as through DPI's Special Education District Profiles web page.

ii. Council was asked to set targets for outcome indicators and no compliance indicators as compliance indicators are set by the Department of Education for all states. Other than inquiring about minor clarifications on the purpose or measurement of each target, Council voted to keep all targets the same for one additional year with minimal discussion. Council had additional feedback to DPI for the following indicator target:

- Indicator 3B (Assessment Participation - ACT) Council members commented on reasons why parents do not want their children to participate in state assessments and how parent opt-out is the general reason why students are not taking this assessment. Another Council member noted increases in seizure disorders that may result in fewer students taking assessments. Guidance from OSEP says this target cannot drop below the baseline of 92.16%. DPI provided historical reasons why the target is set at 95% to keep it consistent with ESSA requirements. DPI clarified that targets should be set ambitiously and that DPI monitors and addresses slippage if a target is not met. The Council voted

unanimously to keep the Indicator 3B target at 95%, but noted it might be beneficial to receive additional quantitative data to review before voting on this indicator next year.

March 13, 2020

1. *Review IDEA Decisions and Complaints*-Department of Public Instruction (DPI) received more complaints in the last year than any other year. Many complaints relate to implementation of IEPs (e.g. IEPs not written clearly, services not implemented) as well as complaints relating to supporting behavior needs of students (e.g. lack of behavior supports). Continue to reinforce 60-day evaluation timelines and issuing corrective action for all complaints to ensure issues do not continue in the future. Two DPI consultants were a part of a national dispute resolution organization workgroup help by the Center for Appropriate Dispute Resolution (CADRE) to discuss how best to provide LEAs, e.g. school districts, with procedures for how State Educational Agencies (SEA)s process IDEA complaints. Council inquired if the format for complaint decisions that is provided to council could include more context. DPI discussed some options for providing complaint decision updates to council in the future (e.g. links to decisions included in the document) and will update this process.
2. *Joint identifications were released to all Legal Education Agencies (LEAs) in Wisconsin.* These identifications for LEA determinations in special education; Wisconsin moved to 50% compliance and 50% results as well as including educational environments (Indicator 5 and 6) to the determinations. All LEAs received this data.
3. *State 2021-23 Biennium Budget Planning-Areas of the Budgetary Concern:* Special Education, Mental Health, Early Childhood, Additional Learning Time (After School) Workforce Needs – Educator Preparation
4. *FFY2018 APR summary now available.*
5. *Seclusion & Restraint Overview*-Marge Resan provided an update to revisions in Wisconsin's seclusion and restraint law, pursuant to 2019 Wisconsin Act 118 that revises Section 118.305 of the Wisconsin Statutes. DPI outlined those areas of the law that remain the same and those areas of the law that were revised. Resources outlining these changes can be found on the WI DPI seclusion and restraint web page. Council noted one of the biggest changes was that the new law removed requirement that training include trainees demonstrating use of seclusion and restraint and now includes requirement that trainees identify prohibited techniques. Council noted the contributions of statewide

family support and advocacy organizations that helped to get the revision to this law passed. DPI will also be providing additional resources to schools on state and national resources in relation to evidence based positive behavior interventions and supports.

June 19, 2020

1. *This special report focused on the redesign of report cards for and how DPI is producing secure preview report cards available to public.* Laura Pinsonneault presentation with Patrick Chambers. The department is working on visual changes and gaps calculation changes, how outcomes are calculated for students, and gaps in the state. Priority to share with state, but challenging data. The priority area calculations needed to change: 1. Large score fluctuations year-to-year-Goal greater stability 2. Important but complicated measure. Trend lines, differences in slopes, complex data tables.
 - a. Cabinet Decisions
 - a. Approved use of single target group for purposes of Gaps calculations
 - b. Approved proposal to apply a multiple measures approach to evaluating target group outcomes.
 - b. Take-aways
 - a. Target group based on prior performance reflects and supports our focus on continuous improvement.
 - b. Equity-focused
 - c. Target group composition still disproportionately includes historically marginalized populations
 - d. Most schools get a score
 - e. Manageable for school staff
2. *APR/SSIP Report-Courtney Reed Jenkins & Lynn Winn-This is a robust stakeholder engagement process. Wisconsin consistently meet requirements under determination that OSEP makes annually. As we move forward, what should we be looking at as our focus? Literacy is a definite key to success, but we need to know, based on our current results, should we consider narrowing the band. Should the SiMR remain focused on grades 3-8 or be narrowed? What strategies have the greatest likelihood of improving outcomes for learners with IEPs?*

Council Public Outreach:

➤ Public Forum-October 16, 2019

As authorized by the State Superintendent, the Council may conduct one public forum per year. The purpose of this public forum is to assist council members in advising the State Superintendent of Public Instruction on the educational needs of students who receive special education through an Individualized Education Program.

The Public Forum allows the State Superintendent's Advisory Council on Special Education to:

- Listen to families, school administrators, educators, community representatives, etc.
- Gather input on the unique challenges and successes of special education in Wisconsin
- Advise the State Superintendent and the Department of Public Instruction
- Hear about any topic upon which people may choose to comment.

Below you will find from the Public Forum:

- A) Copy of the communication letter that went to all participants in February regarding feedback results from the Public Forum
- B) Summary of the top seven issues raised during the Public Forum included some commentary

A. Communication Letter:

February 2020

RE: State Superintendent's Council on Special Education Summary of Feedback

Hello Public Forum Listening Session Participant(s):

The members of the Wisconsin Council on Special Education would like to thank you for participating in the Public Forum that was held on Wednesday, October 16, 2019. We received much feedback statewide at the CESAs locations, DPI and MPS, and including all the feedback that was submitted online. We understand your time is valuable and we appreciate spending it on special education.

The purpose of the Council on Special Education to advise the State Superintendent of the Department of Public Instruction about the educational experiences children and families with disabilities may encounter which could include: developing evaluations, reporting data, plans to address findings, develop and implement policies, and other matters in which the State Superintendent requests Council's opinion including commenting publicly on rules proposed by the Department of Public Instruction. *(Full reference of this statute may be found in: Wisconsin Statutes, section 15.377(4))*

By receiving open and honest feedback through the Public Forum, this information assists Council members with topics statewide concerning students who receive special education through an individualized education program (IEP). The Council is then able to provide feedback to the Department of Public Instruction Special Education Team and the State Superintendent. Hearing statewide voices from constituents helps us better understand the triumphs and challenges that parents, special interest groups, teachers/administrators, and most importantly, students with disabilities are encountering within special education in the State of Wisconsin.

The Council Chairs have thoroughly gone through all of the public comments, (note takers were at each Public Forum location) and summarized the top issues regarding special education in our state. Additionally, any concern addressed has been grouped into a section and all are listed at the end of this document.

Thank you for taking the time to provide feedback regarding special education within our state by participating in the 2019 Public Forum. We will again be holding an online commenting session this spring. This will be open between March 9th-16th, 2020, please watch for more details.

For more information on the Council's quarterly meetings, please visit the following website. Meetings are open to the public for attendance and public appearance and comment is always welcomed. <https://dpi.wi.gov/sped/council/meetings>. Thank you again for your time.

Sincerely,

Pamela Hencke

Wisconsin Council on Special Education Chairperson

B. Summary of top issues from the Public Forum:

Below is a list of the top issues from the Public Forum: *(with commentary to better explain)*

1. Least Restrictive Environment (LRE)/Inclusion/Integrated Classroom/Placement in Special Education

- *Equity for special needs students-Are meaningful opportunities being provided for learning; To what extent is inclusion implemented throughout the state; does inclusion work for all; guidelines for LRE.*

2. Implementation of the IEP

- *Concerns over proper training for staff completing IEP's-Goals may lack substance for students with disabilities; may lack accommodations/modifications that are available; IEP's not always individual and/or adequate for all students with special needs.*
- *Additional Resource; IEP*

3. Dyslexia/Reading Disabilities

- *Professional development of staff to support students in needed-More literacy awareness for students with dyslexia; how to better meet the needs of students overall with dyslexia*

4. Transition to Job/Vocational/Post-Secondary

- *Meaningful classroom instruction and development is needed in this area. Continue to grow supports for overall better outcomes for students after high school; peer to peer learning beneficial.*
- *Additional Resource; Transition*

5. Behavior Intervention

- *Are behavioral Specialists needed in schools-Improvements to the Behavior Intervention Plan (BIP process overall); growing concerns in this area.*
- *Additional Resource; Behavior Intervention*

6. Parent Involvement/Engagement

- *Families are needing assistance navigating resources available-Increase parent participation for better student outcomes; ensuring parents understand rights for their*

children; increase parent collaboration with schools; help with advocacy and have more accessibility to the community resources available.

- *Additional Resource; Engagement*

7. Results Driven Accountability

- *Ensuring high expectations for all students.*
- *Additional Resource; Results Driven Accountability*

Council Planning Priorities Grid for 2019-2021:

Council worked diligently this past year to construct a *Special Education Council Planning Priorities Grid* to utilize as a working document to continue to advance Council initiatives the next several years. By effectively working with the WI Department of Public Instruction Special Education Team, we continued to achieve success in Special Education together. Goals and outcomes that are defined in this *planning grid* will continue to be priorities. These were compiled directly from a. responses from the Public Forum Feedback received in Spring 2019 and Fall 2019 and b. the collaboration of diverse Council members who bring special education expertise from around the State. Furthermore, this *planning grid* includes the five driving focus areas from the WI Department of Public Instruction Special Education Team based on Promoting Excellence for All (PEFA).

Department of Public Instruction- Special Education (5) Focus Areas for 2019- 2020 based on Promoting Excellence for All (PEFA)	Special Education Council Priority Discussions (01-24-20 & 03-13-20 meetings)	Public Forum Comments from Spring, 2019 and Fall, 2019 (top concerns)
Effective Instruction -each student is taught by teachers using high quality evidence-based, culturally responsive materials and practices.	Special Education Categorical Aid -funding rates for special education -mental health funding -early childhood funding -after school funding -work force transition funding -additional educators/staffing shortage/training shortage	Implementation of IEP -proper training of staff -goals lack substance -individual vs. group goals -accommodations not available -Eligibility issues even gaining access to special education for many

Department of Public Instruction- Special Education (5) Focus Areas for 2019- 2020 based on Promoting Excellence for All (PEFA)	Special Education Council Priority Discussions (01-24-20 & 03-13-20 meetings)	Public Forum Comments from Spring, 2019 and Fall, 2019 (top concerns)
School and Instructional Leadership -each student’s needs are met in schools led by high quality and effective educators	Parent Support & Family Engagement -more help for parents/caregivers to understand and be part of the IEP process and how to help their child -create a team approach; mutual respect between staff and parents -parents/children not feeling accepted, understood or welcomed at their schools, feeling excluded	Least Restrictive Environment -equity for special needs students -meaningful opportunities for inclusion; not always the right fit. -inclusive placements need to be reviewed
Family and Community Engagement -each student attends a school that authentically engages with families, communities, and libraries	Teacher & Staffing Shortage Retention & Recruitment -address the teacher and staffing shortages -proper training for special education staff and paraprofessionals	Teachers – Professional Development and Retention -proper training is needed; teachers and support staff in roles with no background in special education or even possibly education at all
Safe and Supported Students -each student learns in an environment that promotes social, emotional, and physical well being and removes barriers to learning	Additional Support in Rural Districts -major shortages in; staffing, training, supports, technology	Results Driven Accountability -ensuring high expectations for ALL students
Meaningful Relationship with Students -each student has meaningful connections with at least one adult in their school	More Assistive Technology -not adequate materials/technology in schools; teachers need access to training to enhance their understanding/ability to support students -barriers to overcome to encourage/promote AT for effective accountability /access/achievement	Parent Involvement/ Engagement -families need assistance navigating resources -increase parent participation for better student outcomes -understanding rights for their children

Department of Public Instruction- Special Education (5) Focus Areas for 2019-2020 based on Promoting Excellence for All (PEFA)	Special Education Council Priority Discussions (01-24-20 & 03-13-20 meetings)	Public Forum Comments from Spring, 2019 and Fall, 2019 (top concerns)
State Budget	Additional Funding/Supports for Mental Health Support/Behavior Analysis -need consistent recommendations and support	Transition to Job/Vocational/Post - Secondary -grow supports for overall better outcomes for students after high school
X	Inclusion Strategies Reviewed -inclusive placements are key and need attention. -Equity and meaningful opportunities need to be given to all	Behavior Intervention -improvements to the behavior intervention plan (BIP)
X	More Funding for Special Education -reviewing data state-by-state, reviewing percentages for special education, may be helpful comparison -more funding needed	Dyslexia / Reading Disabilities -proper training of staff -literacy awareness -how meet needs of students

Additional Education Opportunities for Council Members:

Council Members were invited to attend the State Superintendent’s Leadership Conference held November 14-15, 2019 in Wisconsin Dells.

Council Statutory Guidelines for the purpose of this report:

Wisconsin Statutes; Section 15.377 (4)

Council on special education. There is created in the department of public instruction a council on special education to advise the state superintendent of public instruction about the unmet educational needs of children with disabilities, in developing evaluations and reporting on data to the federal department of education, in developing plans to address findings identified in federal monitoring reports, in developing and implementing policies relating to the coordination of services for children with disabilities and on any other matters upon which the state superintendent wishes the council's opinion; and to comment publicly on any rules proposed by the department of public instruction regarding the education of children with disabilities. The state superintendent of public instruction shall appoint the members of the council for 3-year terms, and shall ensure that a majority of the members are individuals with disabilities or parents of children with disabilities and that the council is representative

of the state population, as determined by the state superintendent. The council shall be composed of individuals who are involved in, or concerned with, the education of children with disabilities, including all of the following:

(a) Teachers of regular education and teachers of special education.

[http://docs.legis.wisconsin.gov/document/statutes/15.377\(4\)\(b\)](http://docs.legis.wisconsin.gov/document/statutes/15.377(4)(b))

(b) Representatives of institutions of higher education that train special education and related services personnel.

(c) State and local education officials.

(d) Administrators of programs for children with disabilities.

(e) Representatives of agencies other than the department of public instruction involved in the financing or delivery of related services to children with disabilities.

(f) Representatives of private schools, charter schools, and tribal schools, as defined in s. [115.001 \(15m\)](#).

(g) At least one representative of a vocational, community or business organization that provides transition services for children with disabilities.

(h) Representatives from the department of corrections.

(i) Parents of children with disabilities.

(j) Individuals with disabilities.

Mandated under Chapter 15.377(4), Wisconsin Statutes and 20 U.S.C. 1412(a) (21), the Wisconsin State Superintendent's Advisory Council on Special Education (Council) serves as an advisory council to the State Superintendent on matters related to statewide delivery of special education programming and related services.