

State Superintendent's Advisory Council on Special Education 2020-2021 Annual Report

Message from the Chair

The State Superintendent's Advisory Council on Special Education is pleased to submit its 2020-21 Annual Report.

Educators along with students with disabilities and their families faced unprecedented challenges during the year due to the COVID-19 pandemic. The Council recognizes the extraordinary efforts of teachers, administrators, and school staff to provide safe learning environments for their students. We also honor the remarkable flexibility and advocacy of parents and primary caregivers as they strove to ensure that their children were receiving an appropriate education.

Despite the challenges presented by COVID-19, the Council continued to meet and performed its duties under state and federal law. We held two public forums during the year and heard compelling testimony from educators, parents, and concerned citizens. At our request, DPI revised reporting of IDEA complaint data to provide more insight into the types of complaints being submitted and the populations affected. We provided input to the update of the special education eligibility rule for Emotional Behavioral Disability. We also saw the first-ever report from DPI on seclusion and restraint in Wisconsin schools, which showed disproportionate use among students with disabilities.

The discussions at Council meetings confirm that all members are strong supporters of public education. We also recognize that the needs of some students are not being met. Therefore, we have committed ourselves to taking a deeper look at council functions and operations, specifically:

- The public forum process and whether changes in process would yield data from a larger sample population
- How we can play a more significant role in advising the Department of Public Instruction on the unmet needs of students with disabilities
- How we can better share information with stakeholder groups that they can use to advocate for special education in our public schools

These plans will present a challenge as a significant portion of the Council's 2021-22 time will be spent reviewing and commenting on DPI reports/plans, such as the Wisconsin State Performance Plan and the Annual Performance Report. Nevertheless, we believe we are up to the task.

Respectfully submitted,

Hugh Davis
Council Chairperson

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Council Purpose

The role of the Council is to bring the voice of various special education stakeholders to the Department of Public Instruction (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 reflect the racial, ethnic, and geographic diversity of Wisconsin. The Council must be comprised of a majority of parents of Individuals with Disabilities Education Act (IDEA)-eligible students (age 3-21) or individuals with disabilities.

Council Functions

- 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 U.S. 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 DPI 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 2020-2021

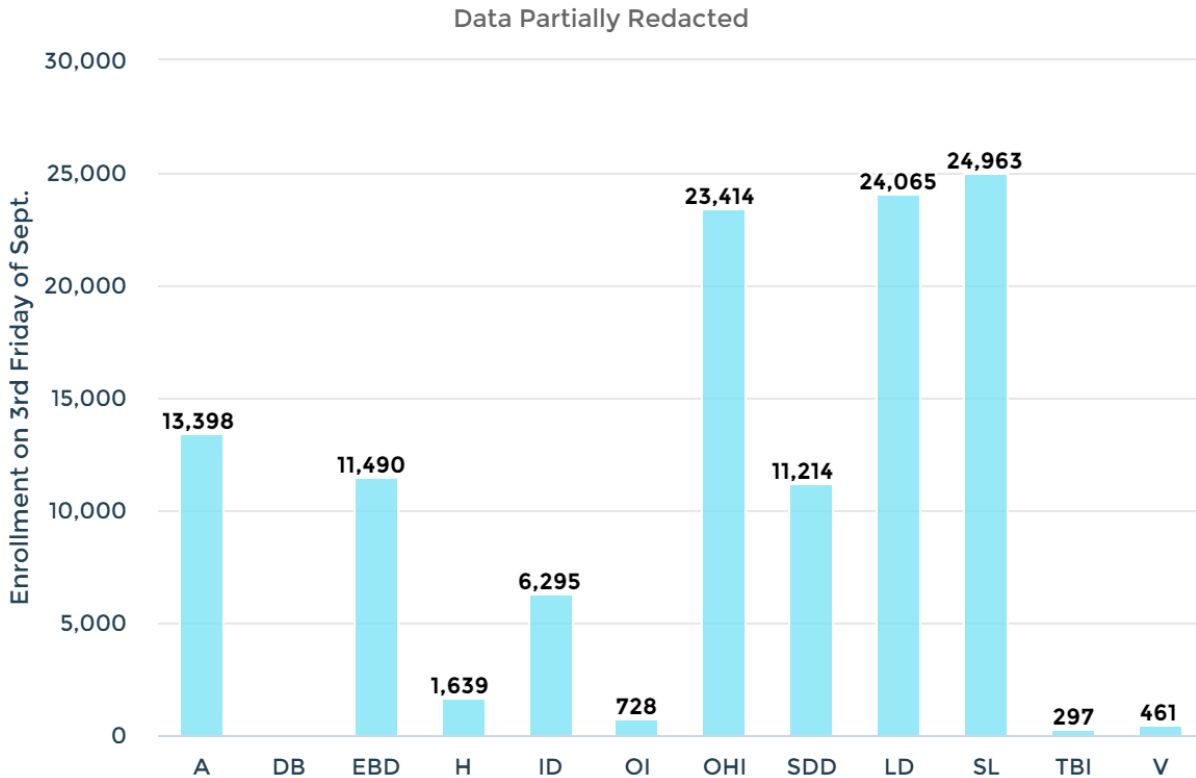
(all meetings moved to virtual meetings due to COVID-19)

- September 11, 2020
- December 04, 2020
- March 12, 2021
- June 25, 2021

All meeting agendas and meeting notes may be found on the [DPI Special Education Special Education Council Agenda and Meeting webpage](#).

Special Education Student Count 2020-2021

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2020-2021 Ongoing Council Agenda Items

Updates from Wisconsin DPI Special Education Director

- The majority of updates related to current guidance and information relating to the COVID-19 public health emergency as well as a summary of the types of IDEA complaints submitted. Additional updates include updates from US Department of Education Office of Special Education Programs and Wisconsin DPI updates relating to new guidance, resources, and supports available to Wisconsin school districts and families.

State complaint review

- Based on council feedback, new formats for state complaint reports were shared with council disaggregated by race and CESA region of the person filing the state complaint.

2020 Annual Complaint Filing Data (January 1, 2020 - December 31, 2020)

Complaints filed in 2020: 68

Complaints filed in:

CESA 01: 24	CESA 02: 19	CESA 03: 3	CESA 04: 3
CESA 05: 1	CESA 06: 9	CESA 07: 0	CESA 08: 1
CESA 09: 2	CESA 10: 2	CESA 11: 4	CESA 12: 0

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Accepted: 59 Withdrawn or dismissed: 9 Pending decision: 0
Pending mediation: 3 Pending due process: 1 Decisions issued: 46
Decisions finding violations: 37
Decisions leading to further corrective action: 35

Quarterly Information: (2020-11-19 to 2021-02-26)

Number of total complaint decisions issued this quarter: 11
Number of complaint decisions this quarter involving
Child Find: 0 Evaluation: 3 IEP Development: 6
IEP Implementation: 2 Placement: 4 Post-Transition Planning: 0
Discipline: 2 Behavior: 4 Shortened School Day: 1
Parent Communication: 3
Determination of Person Authorized to Make Education Decisions: 2

Quarterly Information (2021-03-01 to 06-01-21)

Number of total complaint decisions issued this quarter: 9
Number of total complaint decisions issued previous quarter: 11

Complaint decisions by complainant's identified ethnicity and race:

Hispanic/Latino: 1 Not Hispanic/Latino: 2 American Indian/Alaska Native: 0
Asian: 0 Black/African American: 2
Native Hawaiian/Other Pacific Islander: 0 White: 4

Number of complaint decisions this quarter involving"

Child Find: 0 Evaluation: 0 IEP Development: 8
IEP Implementation: 3 Placement: 0 Post-Transition Planning: 1
Discipline: 0 Behavior: 2 Shortened School Day: 1
Parent Communication: 3 Graduation: 1 ESY: 1
Pupil Records: 1 Transportation: 1

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2020-2021 Council Agenda Special Topics and Discussion

September 2020 Special Reports

Overview of Special Education Return to School Guidance

Changes to PI-11

- Council provided input on changes to speech and language impairment, emotional behavioral disability, and speech or language impairment criteria

December 2020 Special Reports

Special Education Funding and Biennial Budget Request

- Council requested information about how special education is funded

Updates on PI 11

- Council provided input on changes to specific learning disability criteria

Mental Health Resources and Support to Schools and Families

- DPI provided a presentation on CARES act funded mental health resources along with other grants and resources available to Wisconsin school districts

March 2021 Special Reports and Discussion

Extending the Age of High School Enrollment

- Council made the following recommendation to Wisconsin DPI: "the council recommends to the state superintendent that she inform districts of their ability to use ESSR funds to extend compensatory education for students who would age out at 21 to receive extended school year services in 2021-2022."

State Performance Plan / Annual Performance Report / State Systemic Improvement Plan (SPP/APR/SSIP) Update

June 2021 Special Report

Stakeholder Input on Wisconsin's State Performance Plan, 2020-25- Indicators 1, 2, 14 and Debrief

- Council and members of the public provided input and recommendations for target setting for Graduation, Drop Out, and Post High-School Outcomes

Other Topics in 2020-2021

Council discussed priorities they felt should be raised up in council meeting discussions as they relate to students with disabilities.

Council debriefed responses to the public forum listening session.

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Wisconsin Council on Special Education Public Forum

Wednesday October 14, 2020

What did council hear at the public forum?

The feedback provided was varied and diverse. While all will be used by the Council, there were six topics mentioned frequently.

1. **Family Engagement:** It's clear there are parents who don't feel they or their children are understood, accepted, or supported by their schools, resulting in critical student needs not being met.
2. **Following procedures:** Many commenters spoke of noncompliance with special education procedures, including crucial elements of the Individuals with Disabilities Education Act (IDEA) such as child find, least restrictive environment, disciplinary process, evaluation, and IEP development.
3. **FAPE/Denial of services:** Students with disabilities are entitled by law to a free, appropriate public education (FAPE). Commenters spoke of services being delayed, terminated, or not provided.
4. **Virtual learning:** Several commenters spoke about virtual learning, especially asynchronous methods, not being appropriate to their children's needs.
5. **Literacy:** Participants spoke passionately about the need to improve screening for reading disabilities and to adopt/train research-based reading methods statewide.
6. **Funding:** A number of commenters raised concerns about special education funding and related stories about school districts having to transfer money from the general fund to special education.