

Wisconsin Council on Special Education Draft Meeting Minutes

Date March 16, 2018

10:00am – 3:00pm

Department of Public Instruction, Room P41

Draft Meeting Minutes #317

Council members in attendance: Dara Atandare, Patricia Becker, Margaret Carpenter, Maria Escalante, Regene Floyd-Sambou, Mackenzie Gabler, Nicole Hansen, Michael Hipple, Sue Larsen, Jennifer Mims-Howell, Santiago Navarro, Sara Nerenhausen, Wendy Overturf, Lori Poppe, Lynette Stansfield, Amy Stevens, Samantha Villagomez, Carla Witkowski.

DPI Staff in attendance: Van Haren, Daniel Parker, Patti Williams, Julia Hartwig, Courtney Jenkins, Rita Fuller, Nancy Molfenter, Jayne Bischoff,

Public Appearances: Jessaca Jens and Pamela Hencke

BUSINESS MEETING #317: Jennifer Mims-Howell called the meeting to order, it was seconded, and the meeting came to order.

1. **Welcome New Council Members & Introductions**
2. **Public Appearances:** Parents Jessaca Jens and Pamela Hencke expressed concerns for their children in their local school districts. There was a request for the DPI Compliance Assistant Director to respond to the concerns of both parents, and assist them through the complaint process. The request was approved by Council's chairperson Jennifer Mims-Howell. Parents were provided information on the complaint process, an explanation of the two approaches possible, and information on the one year statute of limitations requirement. DPI Assistant Director offered to show parents the complaint form and walk them through the process. The parents accepted.
3. **Minutes of Meeting #316:** (Jennifer to lead; all to review) Approved
4. **Correspondence/Chairpersons' Report:** (Jennifer Mims-Howell & Amy Stevens)
 - a. **Council's roles and responsibilities:** Each member will provide feedback based on the role they have on the board so there is a balance of information from the committee. The Council is charged with consulting the state's superintendents, developing evaluations of special education in Wisconsin and report information, implement policies relating to coordinator of students with disabilities, and whatever else the superintendent wants the board to do, and providing feedback to DPI. It was clarified that Council's agenda is set, depending on guidance from DPI.
 - b. **Open Forum Letter Review & Discussion of Second Open Forum:** There was a lot of good feedback about the Open Forum in October 2017, but chairs felt the need to discuss how to respond to participants. A letter was drafted for Council to review before sending to parents. Council members' responses are due to chairs by April 14, 2018. Council will discuss the need for a second Open Forum.

The last meeting and discussion on Open Forum, the group discussed what happens with the comments. Co-chairs took that information and drafted a

letter. It is a generalization of the trends heard at the meeting. Co-chairs asked Council members to respond to them on the things they missed or may need an additional emphasis. Some information that came out of the Open Forum was around parents saying they don't know where to get information. The draft letter include links to where they can obtain specific information.

- c. **Potential Revisions to ByLaws:** Council was asked to review the Wisconsin Council on Special Education ByLaws and provide comments to co-chairs in email by April 13, 2018.
- d. **University of Wisconsin Whitewater Life Program:** Students can live on campus amongst other college students but live amongst counterparts, with access to all the university curriculum with supports that help them live on their own as responsible adults. Spearheaded by Dr. James Collins. For more information, email lifeprogram@uww.edu.

5. Council Member Reports and Issues (Full Council)

- a. **Alternative Augmented Communication:** Mike Hipple reports his team has been meeting monthly and wants to meet with school districts to educate and network with them. Mike Hipple would also like to work with Department of Public Instruction and know what is happening with Wisconsin Tech, including what are the questions they would like to see on a questionnaire his team is working on? Council's chair asked Mike to provide the Council with the questionnaire so the Council can respond to his questions.
- b. Jayne Bishop (DPI Consultant) responded to Mike's questions by speaking on Wisconsin's Assistive Technology Program (WisTech). WisTech is Wisconsin's assistive technology program funded by the Wisconsin Department of Health Services (DHS), under the AT Act of 1998, as amended. WisTech provides information on selecting, funding, installing and using assistive technology. AT items include commercially-made equipment, custom-made devices or common products that have been modified to serve a specific need. WisTech if funded through the Wisconsin Department of Health Services to provide:
 - Alternative financing
 - Device Exchange
 - Training, Technical Assistance
 - Policy Advocacy
 - Device loan
 - Device Demonstration
 - Public Awareness
- c. WisTech uses its three-year Wisconsin State Plan for Assistive Technology to communicate its goals and activities to the citizens of Wisconsin and the federal Rehabilitation Services Administration. WisTech is required to have an Assistive Technology Advisory Council (AT Council), composed of no fewer than 9 and no more than 13 members. At least fifty-one percent of the elected membership of the AT Council are people with disabilities, who use assistive technology. Other members of the AT Council are appointed prescribed by AT Act to include a set of representatives from agencies and organizations. These are representatives from:
 - Wisconsin Department of Public Instruction, (Jayne Bischoff, SET)
 - Wisconsin Division of Vocational Rehabilitation,
 - Council on Workforce Investment,
 - An Independent Living Center, and

- Wisconsin Department of Health Services, Office of Blind and Visually Impaired.

If anyone is interested in applying to be a member, they can find the AT Council Member Application: <https://atc.wisconsin.gov/members-and-liaisons.htm>

If you have questions about WisTech, please contact WisTech Program Coordinator Mason Aumanstal, at 608-266-3118 or by email: masone.aumanstal@dhs.wisconsin.gov.

Information retrieved from WisTech's website on March 15, 2018: <https://www.dhs.wisconsin.gov/disabilities/wistech/index.htm>

The presentation was followed up by comments/questions from Council members.

- d. **Additional Council Members (Sally Flaschberger):** The Survival Coalition of Disability Organizations launched a survey on quality special education and how funding is impacting the quality in schools. This is to help provide input to the Blue Ribbon Commission on school funding as they consider new ways to fund schools. There has been no increase in special education funding for almost a decade, and more than 500 responses showing families concerns. Sally will be preparing a report that will be published in June 2018. Most of funding from Special Education students comes from schools' regular education funds. The survey asks specific questions, but also allows parents to share their individual stories. There are limited resources. Sally will share additional suggestions in June.

6. **Part A: IDEA Complaint and Due Process Hearing Findings & Decisions (Jennifer to lead):** Findings & Decisions were reviewed by Council members. No questions were asked because no decisions were yet made on the current cases.

7. **Part B:** Comments taken by Patty Williams.

8. **Department of Public Instruction Report: Information and Discussion**

- a. **Special Education Team's Director's Update: Barbara Van Haren** (with Assistant Directors Patricia, Daniel, Julia, & Courtney):

1. **Staff Updates:** Barb congratulated Courtney Jenkins on her new position as Assistant Director and work on Disproportionality around the state. Courtney will do improvement process and Equity work around the state. Nancy Molfenter has transition to a new team at DPI. DPI is in the midst of interviewing for new roles and are actively involved in the recruitment process for these new roles. Barb introduced Seth Bishop (Data Analyst), Carolyn (OOA), Izzy (OOA) and Iris Jacobson (Academic Accommodations Instructional Modifications Consultant). Izzy will prepare Barb's weekly email and Carolyn will support with DPI contracts. Iris Jacobson specializes

in accommodations and modifications. Seth Bishop also works with Julia on the improvement plan by gathering data.

- b. Federal Level:** On Feb. 12, the U.S. Department of Education (ED) [released](#) its budget request for the 2019 fiscal year (FY19). One of the six main themes of the budget relates to serving children with disabilities. You can read more about the President's commitment to ensuring that high-quality special education and related services meet the unique needs of children with disabilities and their families in ED's [FY19 budget fact sheet](#) or the [President's full budget request](#).

Starting on April 30, 2018, the now-archived [Building the Legacy: IDEA 2004](#) (Legacy) website will redirect users to the U.S. Department of Education's new Individuals with Disabilities Education Act website ([new IDEA website](#)). Content from the Legacy site is available for reference on the new IDEA website, and can be found on the [Building the Legacy: IDEA 2004](#) historical reference page. We encourage users to bookmark the new IDEA website using the following link: <https://sites.ed.gov/idea>.

The USDE is proposing to postpone the compliance date for implementing the significant disproportionality regulations by two years, from July 1, 2018, to July 1, 2020. The USDE is also proposing to postpone the date children ages 3 through 5 must be included in the analysis of significant disproportionality, from July 1, 2020, to July 1, 2022. We are proposing to postpone the compliance date in order to thoroughly review the significant disproportionality regulations and ensure that they effectively address the issue of significant disproportionality and best serve children with disabilities. This analysis is part of the Department's Regulatory Reform activities pursuant to [Executive Order 13777](#), "Enforcing the Regulatory Reform Agenda." A 75-day comment period began 2/27/18. You can submit your written comments online at: www.regulations.gov. Wisconsin intends to provide comment opposing the delay and recognizing the importance of eliminating racial disparities in special education.

- c. ED releases Andrew F. Q & A** As such, the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) has released a [question and answer \(Q&A\) document](#) addressing the *Andrew F.* decision. The [Q&A document](#) provides parents and other stakeholders with information on the issues addressed in the ruling and the impact of the court's decision on the implementation of *IDEA*. Earlier this month, Secretary DeVos published an [op-ed article](#) supplementing

the Department's Q&A document. Wisconsin is developing a bulletin regarding FAPE – hoping to share at our next council meeting.

- d. **ESSA Update:** U.S. Secretary of Education Betsy DeVos on January 16, 2018 announced the approval of [Wisconsin's consolidated state plan](#) under the Every Student Succeeds Act (ESSA). Allowing states more flexibility in how they deliver education to students is at the core of ESSA. Each state crafted a plan that it feels will best offer educational opportunities to meet the needs of the state and its students. The following are some of the unique elements from Wisconsin's approved plan as highlighted by the state:
- Cuts the achievement gap in half in six years for all subgroups of students in English language arts, mathematics and graduation rates.
 - Supports evidence-based interventions for school improvement in the lowest-performing schools, implemented in collaboration with stakeholders.

Special education and Title I's joint efforts were positively highlighted in the feedback on the state plan.

- e. **State Level:** State Superintendent Tony Evers sent a letter to Gov. Scott Walker and legislative leaders asking for a special session to adopt a comprehensive school safety agenda. In his statement about the work he says, "All of these proposals are focused on improving safety for students and their schools."

Statement

PDF: <https://dpi.wi.gov/sites/default/files/news-release/dpinr2018-26.pdf>

HTML: <https://dpi.wi.gov/news/releases/2018/evers-offers-comprehensive-agenda-improve-school-safety>

Agenda

[A Comprehensive Approach to Ensuring Safe and Educationally Sound Schools](#)

<https://dpi.wi.gov/sites/default/files/news-release/dpinr2018-26-safety-agenda.pdf>

Letter

[Letter to Gov. Scott Walker and Legislative Leaders](#)

<https://dpi.wi.gov/sites/default/files/news-release/dpinr2018-26-letter.pdf>

[Governor Walker's School Safety Bill](#)

- f. **PI 34 Licensing Changes:** The department recently released an administrative rule proposal that repeals and recreates PI 34, which governs educator preparation programs and licensure of educators. This

is the result of work of Department of Public Instruction (DPI) staff and stakeholders that stretches back over a year. It also reflects changes to the lifetime license as included in the governor's budget bill. The proposed rule changes are meant to make the licensing process more understandable and increase flexibility, while maintaining high-quality staff in Wisconsin schools. The department solicited public comment on this rule in a series of hearings in January and online. We received over 900 comments on the rule and are in the midst of evaluating all of those and determining changes to the proposed rule. After that, a report will be issued to the Wisconsin legislature summarizing the public comment received and the DPI's response to that comment. The proposed rule, as revised due to public comment, would then move to the legislature, who must approve it before it can go into effect. We will be submitting a rule revision to the legislature in late March. <https://dpi.wi.gov/tepd/News>

Assembly Bill 999 companion bill to **Senate Bill 848** for initial licensure as a special education teacher.

Senate Bill 821 is a companion bill to AB 693 for Rights of and protections for teachers.

[AB-589 Sign Language Regulation](#) (Brostoff, Jonathan)

Regulation of sign language interpretation services, providing an exemption from emergency rule procedures, granting rule-making authority, and providing a criminal penalty.

[LRB-1898 Memo Restraint of Pupils](#) (Olsen, Luther) The seclusion and physical restraint of pupils. *Deadline: Monday, March 12, 5 pm.*

- g. Transportation Bulletin:** The department has developed an updated bulletin addressing questions related to transportation of students with IEPs. [Bulletin 18.01](#) replaces 03.06, and will be available on our website next week. Questions address route considerations, discipline, safety and specialized equipment, and considerations relating to homelessness, foster care, open enrollment, private schools, and the Special Need Scholarship Program.
- h. Guidance:** The department is working in partnership with DHS to develop joint guidance for schools to clarify the state agency interpretation of the intersection of federal IDEA and Medicaid coverage policies as related to provision of behavioral treatment in a school setting. More information on compulsory school attendance is available through DPI's *Answers to Frequently Asked Compulsory School Attendance Questions*: <http://dpi.wi.gov/sites/default/files/imce/sspw/pdf/schlattendga.pdf>. In rare circumstances, an IEP team may shorten a student's school day when doing so is required to address a student's unique disability-related needs. It is not appropriate for an IEP team to shorten a student's school

day solely to accommodate regularly scheduled non-school medical or therapeutic appointments. More information on shortened school day is available through DPI's *Information Update Bulletin 14.03*:
<http://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/14-03>

- i. **Guardianship:** Per federal and state requirements, there is a required question in the PTP (Indicator 13) that asks IEP teams to ensure students and their families are informed about changes that occur when a youth turns 18. In addition, both Pam and I have participated on the Supported Decision Making work group run through the BPDD.
<https://dpi.wi.gov/sites/default/files/imce/sped/pdf/tran-adult-services-guide.pdf>
http://wi-bpdd.org/wp-content/uploads/2017/10/Supported_decision_making_booklet.pdf
- j. **ESSA Federal and state level update:** A few things have happened on the federal level. The fact sheet has come out at the federal level under IDEA. US Department of education has released a new special education website. The legacy site is still available, but there is a new IDEA website:
- Postpone compliance date around significant disproportionality. The rule is out from July 2018 to 2020. Also proposing to postpone the date of Early Childhood for another 2 years from 2020 to 2022. Wisconsin was ready to implement new regulations as of July 1, 2018, but this is the comment period. Wisconsin is ready to move forward.
 - Response to Andrew F. Wisconsin will release guidance around FAPE and the Andrew F. case. DPI will share that with Council when completed. Annual Performance Report was submitted before Feb. 1 deadline. Waiting for feedback from OSEP before sharing information. RDA work is led by Julia Hartwig and she will discuss later in the meeting.
 - Wisconsin plans to cut academic gap in the areas of Math, Reading, and Transition. The state is addressing the challenges with getting information to teachers, teacher/staff turnover and emerging teachers who have not been through a full teacher program. Transition Improvement Grant has connected with colleges and universities to present to pre-service programs to address the gaps for teachers out in the field who have not gone through a pre-service presentation. DVR is also working to build relationships between schools and families. Nancy Molfenter provided deeper information on the Transition Improvement Grants.
 - **Early Childhood Video:** Jenny Giles, the Early Childhood Consultant talked on meaningful inclusion in early childhood and the Inclusion Policy Statement (2015), then expressed this message in the form of a video. The video provided an emphasis on engagement, a sense of belonging, and

participation in the classroom. The video was made in collaboration with the Sun Prairie School District and is available at www.dpi.wi.gov/meaningfulinclusion.

9. Lunch

10. Special Report: State Systemic Improvement Plan – Evaluation & Improvement Strategies by Julia Hartwig and other Department of Public Instruction Consultants prepared a report on the State Systemic Improvement Plan report and discussed the evaluation plan with interim data, coordinated improvement framework and supports, College and Career Ready Individualized Education Plans, Co-Teaching, and updates on Procedural Compliance Self-Assessment.

11. Special Report: State Report Card & ESSA Accountability (Laura Pinsonneault): Laura discussed context for state and federal accountability, debrief and look ahead, an overview of the state accountability system, and the ESSA vs. state accountability crosswalk. The team decided Council will add the ESSA Accountability report to next meeting.

12. New Business: Ad Hoc committee will review bylaws, positions members may want to serve in, and ideas they would like to share. Jennifer motioned the Council to see if they want a continuation, Sally Carla, Rita, and Laura, Amy will give review of Council ideas and see if Council will move to have a 2nd Open Forum during the 2018-2019 year.

13. Old Business: None

14. Announcements: Next Meeting Date (June 22, 2018)

15. Adjournment: Meeting adjourned at 3:11pm.