



**WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED
(1999 WISCONSIN ACT 9)**

Information Memorandum 99-10

***Wisconsin Legislative Council Staff
One East Main Street, Suite 401
Madison, Wisconsin
Telephone: (608) 266-1304***

December 28, 1999

Information Memorandum 99-10*

**WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED
(1999 WISCONSIN ACT 9)**

INTRODUCTION

This Information Memorandum describes the provisions included in 1999 Wisconsin Act 9 (the 1999-2001 Biennial Budget Act), relating to creating the Wisconsin Center for the Blind and Visually Impaired. The new law is based on the recommendations of the Joint Legislative Council’s Special Committee on Services for Visually Handicapped Students (Committee). The complete recommendations of the Committee are contained in Committee Report No. 14 to the Joint Legislative Council, *Recommendation of the Joint Legislative Council’s Special Committee on Services for Visually Handicapped Students* (October 27, 1999).

Copies of 1999 Wisconsin Act 9 may be obtained from the Documents Room, Lower Level, One East Main Street, Madison, Wisconsin 53702; telephone: (608) 266-2400.

This Information Memorandum is divided into the following parts:

	<u>Page</u>
PART I - KEY PROVISIONS OF THE NEW LAW	3
PART II - DETAILED DESCRIPTION OF THE NEW LAW	5
A. RENAMING WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED	5
B. FUNCTIONS AND GOVERNANCE OF WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED	5
1. Purpose	6
2. Services	6

* This Information Memorandum was prepared by Russ Whitesel and Joyce Kiel, Senior Staff Attorneys, Legislative Council Staff.

	<u>Page</u>
3. Leasing Space at Wisconsin Center for the Blind and Visually Impaired	10
4. Governance	10
C. MEDICAL ASSISTANCE REIMBURSEMENT FOR SCHOOL MEDICAL SERVICES	10
D. TRANSITION PLAN FOR WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED	11
E. AUDIT	11
F. BLIND AND VISUAL IMPAIRMENT EDUCATION COUNCIL	12

PART I

KEY PROVISIONS OF THE NEW LAW

The key provisions of 1999 Wisconsin Act 9, relating to the Wisconsin Center for the Blind and Visually Impaired, do the following:

- **Change the name** of the Wisconsin School for the Visually Handicapped (WSVH) to the Wisconsin Center for the Blind and Visually Impaired (WCBVI).
- Refocus the functions of WCBVI to have it serve as a **statewide educational resource center** on visual impairments for the benefit of all Wisconsin children who are visually impaired.
- Require that WCBVI **operate a school** for any state resident age three to 20 whose individualized education program (IEP) specifies the school as the appropriate placement.
- Specify **other statewide services** that may be provided by WCBVI to benefit visually impaired children.
- Provide that WCBVI and the Wisconsin School for the Deaf (WSD) are eligible to participate in the state **school medical services program**, thus allowing them to receive a portion of federal Medical Assistance (MA) reimbursement for the costs incurred in providing those services.
- Require the State Superintendent of Public Instruction (State Superintendent), by May 1, 2000, to prepare a **transition plan** setting forth specific funding and staffing recommendations for WCBVI and describing the appropriate steps for phasing in the appropriate WCBVI program modifications.
- Require the Legislative Audit Bureau (LAB) to perform an **audit** of WCBVI between July 1, 2002 and June 30, 2003.
- Create a 17-member **Blind and Visual Impairment Education Council** to advise the State Superintendent and eliminate the three-member Council on the Education of the Blind.

PART II

DETAILED DESCRIPTION OF THE NEW LAW

This part provides background information on, and a description of, the provisions of 1999 Wisconsin Act 9, relating to the Wisconsin Center for the Blind and Visually Impaired.

A. RENAMING WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED [s. 115.525, Stats.]

1. Background

Under prior law, the educational facility located in Janesville which served visually impaired children was named the Wisconsin School for the Visually Handicapped. The Committee recommended changing the name of the facility because the term “visually handicapped” is no longer commonly used and because the Committee wished to emphasize a new role for the facility and its staff, namely, serving as a statewide educational resource center on visual impairments.

2. Description of Act

The act changes the name of WSVH by deleting all statutory references to the Wisconsin School for the Visually Handicapped and replacing them with references to the Wisconsin Center for the Blind and Visually Impaired or, in some cases, to the school operated by WCBVI.

B. FUNCTIONS AND GOVERNANCE OF WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED [s. 115.525, Stats.]

Under prior law, subch. III, ch. 115, Stats., entitled “State Schools” set forth provisions relating to WSVH and WSD and, in general, included identical or almost identical provisions relating to WSVH and WSD. Prior statutes emphasized the role of WSVH as a school. The Committee heard testimony and had considerable discussion about the appropriate role of WSVH and wanted the facility and its staff to be used as a center to provide statewide services, with the school as a component of the center.

Background information and a description of the provisions of the act relating to the functions and governance of WCBVI are separated into various components and are described in this section. The act makes no substantive changes in subch. III, ch. 115, Stats., with respect to WSD.

1. Purpose

a. Background

Prior law provided that the object of WSVH was:

. . . to afford persons with visual impairments . . . a practical education and physical rehabilitation which may aid them to make a living, discharge their duties as citizens and secure to them all possible happiness. [s. 115.52 (1), Stats.]

b. Description of Act

The act provides that the purpose of WCBVI is to serve as a statewide educational resource relating to visual impairments to benefit all Wisconsin children who are visually impaired.

2. Services

a. Background

Prior statutes referred to WSVH as a residential school and also referred to WSVH's role in maintaining a circulating library of books for persons with visual impairments. However, in addition to operating a school and library, the Committee heard testimony that WSVH staff and the staff of the Educational Services Center at WSVH provide, to some extent, outreach, testing, evaluation, assessment, consultation, braille and other materials production for local school districts, cooperative educational service agencies (CESAs) and others. The Committee discussed the previous trend of declining enrollments at WSVH and heard testimony from speakers who described the changing role of state schools for the blind and visually impaired in the United States. The Committee reached a consensus that the facility in Janesville should remain open, but with a focus on providing services to benefit the children in the state who are visually impaired and not simply those who are placed at the school.

The Committee discussed the appropriate length of placements at the school operated by WCBVI. Some Committee members expressed a desire to see an emphasis on short-term placements for specific purposes, such as providing instruction in aspects of the expanded core curriculum. Some Committee members emphasized that, due to particular circumstances, some pupils may need to be placed at the school for longer periods of time and emphasized that the school should be equipped to handle those cases. Committee members ultimately agreed that the length of a particular child's placement at the school should be based on the child's IEP.

b. Description of Act

The act provides that WCBVI must provide services which benefit children throughout the state who are visually impaired, with WCBVI's operation of a school as one component of those statewide services. The act lists other statewide services which may be provided by

WCBVI but specifies that it is not an all-inclusive list. The act also itemizes “additional services” which, with some variations, are specified in current law.

The act specifies that, in addition to providing services at WCBVI’s facility at Janesville, WCBVI may provide services at any location in the state and may operate regional service satellites throughout the state to provide services.

Provisions of prior law and the act relating to the school, other statewide services and additional services are as follows:

1. School. (a) Residents. **Prior law** provided that blind residents of the state who are six to 20 years old, and for the duration of a school term, blind residents who become 21 years old during the school term, who are capable of receiving instruction must be received and taught at WSVH free of charge. The State Superintendent could admit older residents upon the payment of fees and upon the recommendation of the Secretary of Health and Family Services, the Director of the Technical College System or the WSVH Director.

The act provides that WCBVI must operate a school at which all state residents three to 20 years old who are visually impaired, and for the duration of a school term all the residents of this state who are visually impaired and become 21 years old during that school term, must be received and taught free of charge if the IEP for the resident and the resident’s educational placement specify the school operated by WCBVI as the appropriate placement. **The act** retains prior law with respect to admission of older residents.

(b) Nonresidents. **Prior law** permitted admission of blind nonresidents who were six to 20 years old, and for the duration of a school term nonresidents who were blind and became 21 years old during that school term. **Prior law** provided that nonresidents could be received upon payment of fees fixed by the State Superintendent at an amount not less than \$75 per month.

The act provides that nonresidents who are visually impaired, who are three to 20 years old, and for the duration of a school term those who become 21 years old during the school term, whose IEP and educational placement specify the school operated by WCBVI as the appropriate placement and who are capable of receiving instruction may attend the school operated by WCBVI if fees determined by the State Superintendent are paid. **As under prior law** with respect to WSVH, **the act** provides that a nonresident may not attend the school operated by WCBVI if it would mean that a resident pupil would be excluded.

(c) Pupil use of residential facilities. **Prior law** provided that all pupils at WSVH must equally and freely receive board, lodging and laundry without discrimination. **The act** retains this provision but specifies that the WCBVI Director may determine that board, lodging and laundry may not be provided to an individual because appropriate services are not available for that individual at WCBVI’s residential facilities. According to comments made by speakers and Committee members, the act reflects prior practice when it was not feasible to provide residential care for a pupil at WSVH.

(d) School term. *As under prior law* with respect to WSVH, *the act* provides that the State Superintendent may fix the period of the school year at the school operated by WCBVI, prescribe the school terms and confer diplomas on pupils who have completed the prescribed curricula. *The act* adds a provision specifying that, pursuant to a pupil's IEP, the pupil may be placed at the school for less than a school term. The latter provision was added to encourage the development of short-term programs at WCBVI.

(e) Transportation. *As under prior law* with respect to WSVH, *the act* specifies that WCBVI may provide transportation for resident pupils at the school operated by WCBVI.

2. Other statewide services. *Prior law* did not specify that WSVH could provide services other than a school, a library and the additional services discussed in item 3., below. *The act* specifies that other statewide services provided by WCBVI may include any of the following:

- (a) Providing testing, evaluation and assessment services to assist local educational agencies (LEAs), CESAs and county children with disabilities education boards (CCDEBs).
- (b) Providing technical assistance and consultation services to entities such as LEAs, CESAs, CCDEBs and private schools.
- (c) Developing and disseminating curriculum and instructional materials.
- (d) Providing in-service and other training to teachers and other staff serving pupils who are visually impaired.
- (e) Providing training, technical assistance and consultation services for: (1) parents of children who are visually impaired; and (2) professionals who work with children who are visually impaired.
- (f) Providing materials in braille, large print and other appropriate formats to children in the state who are visually impaired.
- (g) Providing training to teachers and braillists about braille codes and formats used by individuals who are visually impaired.
- (h) Loaning books and other materials from WCBVI's library.
- (i) Serving as a clearinghouse of information about children who are visually impaired, including providing information related to library resources, adapted materials and current research.
- (j) Assisting in the provision of assistive technology services for pupils who are visually impaired.

- (k) Lending, renting or leasing technological materials and assistive technology devices to LEAs, CESAs and CCDEBs.
- (l) Facilitating the preparation of teachers for pupils who are visually impaired by providing assistance to teacher preparation programs.
- (m) Coordinating and collaborating with public and private agencies and organizations which provide services to individuals who are visually impaired, including the development of employment skills and opportunities.
- (n) Providing other statewide services that relate to the education of children who are visually impaired.

3. Additional services. (a) Birth-to-two services. *Prior law* provided that WSVH could provide instruction or services for preschool children with visual impairments and their parents. *The act* specifies that WCBVI may provide instruction or services for children from birth to two years of age who are visually impaired and their parents. As noted above, the act also provides that children who are three to 20 years of age may be served by WCBVI.

(b) Library. *As under prior law* with respect to WSVH, *the act* provides that books acquired by WCBVI constitute a circulating collection for persons who are visually impaired. *Similar to prior law* with respect to WSVH, *the act* provides that all school age children may use the books if they comply with criteria established by the WCBVI Director and approved by the State Superintendent.

(c) Summer programs. *Prior law* permitted, but did not require, the State Superintendent to grant approval for a summer school at WSVH. *The act* specifies that WCBVI must provide summer programs each year for children who are visually impaired.

(d) Adult summer program. *Prior law* specified that there must be a summer school at WSVH each year for adults with a visual impairment. *The act* specifies that there must be a summer program at WCBVI each year for adults who are visually impaired. *The act* adds a provision specifying that the State Superintendent may contract with other entities to provide this program.

(e) Independent living skills. *The act* allows WCBVI to use, with the approval of the State Superintendent, the house currently available for the WSVH Superintendent's residence as a facility in which individuals receive instruction in and practice independent living skills. *Prior law* did not include a specific provision relating to this.

3. Leasing Space at Wisconsin Center for the Blind and Visually Impaired

a. Background

Prior statutes did not have specific provisions relating to leasing space at WSVH's facility at Janesville--other than the provision which specified that the State Superintendent may permit the City of Janesville to use portions of the grounds at WSVH as a city park. Because of previous decreasing enrollments at WSVH and uncertainty about how much of the facility would be needed for WCBVI functions, the Committee recommended inclusion of a provision which would permit the State Superintendent to lease space at WCBVI under certain circumstances.

b. Description of Act

The act provides that the State Superintendent may lease space at WCBVI's facility at Janesville which is not required by WCBVI to any person if the State Superintendent determines that the use will not be inconsistent with the operation of WCBVI. The act also provides that the income from the lease is credited to a DPI appropriation which is for the operation and maintenance of WCBVI. The act retains the provision in prior law which allowed the State Superintendent to permit the City of Janesville to use portions of the grounds of WCBVI as a city park.

4. Governance

a. Background

Prior law required the State Superintendent to maintain and govern WSVH.

b. Description of Act

As under prior law with respect to WSVH, the act requires the State Superintendent to maintain and govern WCBVI. The act additionally specifies that the State Superintendent must appoint an individual who has training and experience in educating pupils who are visually impaired as the WCBVI Director. The act is silent as to whether the WCBVI Director will also serve as the head of the school at WCBVI or whether another person will serve in this capacity.

C. MEDICAL ASSISTANCE REIMBURSEMENT FOR SCHOOL MEDICAL SERVICES **[s. 49.45 (39), Stats.]**

1. Background

Under current law, a school district or a CESA is eligible to participate in the state medical services program. This program allows eligible entities to receive reimbursement for a portion of their costs incurred in providing eligible medical services from the federal government MA program. The Committee concluded that the statutes should be amended to permit WSD

and WCBVI to participate in this state program in order to allow them to recapture some of their expenses from the federal government.

2. Description of Act

The act provides that WCBVI and WSD are eligible to participate in the state school medical services program, thus permitting them to receive a portion of federal MA reimbursement for administrative costs and the costs incurred in providing medical services.

D. TRANSITION PLAN FOR WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED [SECTION 9139 (2c) of 1999 Wisconsin Act 9]

1. Background

The Committee recognized that refocusing the functions of WCBVI would require careful planning and preparation. They understood that the broad parameters set forth in the Committee's recommendations would need further delineation in order to allow for successful implementation.

Therefore, the Committee specified a procedure and deadline for the preparation and review of a transition plan for WCBVI that would describe the appropriate steps for phasing in the program modifications.

2. Description of Act

The act does the following:

a. Requires the State Superintendent to prepare a transition plan--setting forth specific funding and staffing recommendations for WCBVI and describing the appropriate steps for phasing in the appropriate program modifications.

b. Requires the State Superintendent to consult with the Blind and Visual Impairment Education Council (see Section F., below) in preparing the plan and requires the Blind and Visual Impairment Council to review the plan.

c. Requires the State Superintendent to submit the plan to the Governor and Legislature no later than May 1, 2000.

E. AUDIT [s. 115.525 (7), Stats.]

1. Background

The Committee determined that monitoring WCBVI by the Legislature was essential. Aware of previous LAB audits that focused primarily on the cost per pupil and of the need to

allow WCBVI to implement legislative changes, the Committee recommended that the LAB be required to initiate an audit three years after the effective date of the legislation. Committee members thought that this approach would allow the audit to focus on the success of the changes implemented by WCBVI in the initial three-year period and the effectiveness of WCBVI to serve as a statewide educational resource for the benefit of all Wisconsin children who are visually impaired.

2. Description of Act

The act requires that the LAB perform a performance evaluation audit of WCBVI in the 2002-03 state fiscal year, that is, between July 1, 2002 and June 30, 2003. The act requires that the LAB submit its report to the Legislature by June 30, 2003.

F. BLIND AND VISUAL IMPAIRMENT EDUCATION COUNCIL [ss. 15.377 (1) and 115.37, Stats., and SECTION 9139 (2cc) of 1999 Wisconsin Act 9]

1. Background

In the Committee review of the operation of WSVH, it was clear that DPI and the State Superintendent had not fully utilized the present three-member Council on the Education of the Blind. It was also clear that in order to develop adequate support for the refocused WCBVI, the State Superintendent will require thoughtful and practical advice from a broad range of persons interested in all aspects of the education of visually impaired pupils. Therefore, the Committee recommended replacing the Council on the Education of the Blind with a “Blind and Visual Impairment Education Council.” The new council substantially expands the number of persons providing advice and specifies a list of responsibilities and duties.

2. Description of Act

The act does the following:

a. Replaces the three-member Council on the Education of the Blind with a 17-member Blind and Visual Impairment Education Council which must consist of the following members, at least one of whom has been certified by the Library of Congress as a braille transcriber:

- (1) Three parents of children who are visually impaired.
- (2) Three persons who are members of an organization affiliated with persons who are visually impaired.
- (3) Three licensed teachers, one of whom is a teacher of the visually impaired, one of whom is an orientation and mobility teacher and one of whom is a general education teacher.

- (4) One school board member.
- (5) One school district administrator.
- (6) One school district special education director.
- (7) One CESA representative.
- (8) One person who has experience in educating the visually impaired or in educating teachers of the visually impaired and is affiliated with an institution of higher education.
- (9) Three other members, at least one of whom is visually impaired.

b. Requires the State Superintendent to seek the advice of and consult with this council on issues related to persons who are visually impaired.

c. Requires the council to do various things, such as: (1) advise the State Superintendent on statewide issues; (2) make recommendations to improve WCBVI services; (3) propose ways to improve teacher preparation; (4) propose ways to improve coordination between DPI and other agencies in providing services to the visually impaired; and (5) review the transition plan for WCBVI.

RW:JLK:ksm:rv:wu;wu;ksm