



State of Wisconsin \ DEPARTMENT OF PUBLIC INSTRUCTION

State Superintendent's Council on Special Education

2007 – 2008 ANNUAL REPORT

State Superintendent's Council on Special Education
September 2008

Mandated under Chapter 15.377(4), Wisconsin Statutes, and 20 U.S.C. 1412 (a)(21), the Wisconsin State Superintendent's Council on Special Education provides advisory input to the State Superintendent on matters relating to 1) the statewide delivery of special education programming and related services and 2) the degree to which such services are applied to individual students with disabilities. The Council provides input to the State Superintendent on any rules and regulations proposed by the State as well as state policies and initiatives that affect students with disabilities and their advocates.

Appointed by the State Superintendent, Council membership consists of individuals, including parents, teachers, and administrators of programs for students with disabilities, concerned about the education of students with disabilities. Council membership represents a wide range of interested citizens and educators from across the state. Council meetings are held every other month on the second Wednesday evening and Thursday morning of that month. The meetings are open to the public. Anyone wishing to address the Council may do so.

The 2007-2008 Council worked to gain a full understanding of the issues affecting special education across Wisconsin. Key issues continued to be alignment of IDEA and Wisconsin special education law, district use of the continuous improvement and focused monitoring system (CIFMS), disproportionality, and reaching Wisconsin's Statewide Performance Plan goals. These topics continued to provide discussion points and to raise questions to which the Council attempted to respond on behalf of Wisconsin's students with disabilities.

Several relevant topics were presented to the Council by experts offering detailed and specific information thus allowing the Council to advise and comment to the State Superintendent. Topics included:

Response to Intervention (RtI) ~ Brian Anderson, Director of Special Education for Appleton Area School District (and former Council member) reported on Appleton's Response to Intervention Model. The district tapped into existing district initiatives and structures to build capacity and support for their RtI model.

Significant Developmental Delay (SDD) ~ Mary Peters, DPI Consultant, updated the Council on the proposed change in SDD eligibility criteria. State rule PI 11.36 (11) of the Wisconsin Administrative Code establishes that SDD eligibility pertained to children age three through age five. In addition, a SDD identification would preclude a finding of any other impairment. The proposed state rule change would allow SDD identification from age three through age nine. In addition, the change would allow an accompanying speech/language impairment. The proposed rule change would align Wisconsin's state rule with federal law. [NOTE: Public

hearings on the proposed rule change were held in September and October of 2007. Comments are being summarized.]

Specific Learning Disability (SLD) ~ Kathy Laffin, DPI Consultant, provided the Council with an update on the proposed change in eligibility criteria for SLD. The current state rule (PI 11.36(6) of the Wisconsin Administrative Code) states that a finding of SLD requires 1) documentation of a classroom achievement delay, 2) a significant discrepancy between academic achievement and intellectual ability, and 3) an information-processing deficit. The proposed state rule aligning Wisconsin with federal law would include eliminating the requirement of a significant discrepancy, permitting use of data on a child's response to a scientifically-based intervention, and add reading fluency as an area of identification for SLD. The proposed change in SLD eligibility criteria would allow districts four years to phase in the new criteria. [NOTE: Public hearings on the proposed rule change were held in September and October of 2007. Comments are being summarized.]

Extended Grade Band Standards for Wisconsin Alternative Assessment (WAA) ~ Sandy Berndt, DPI Consultant, provided the Council with information on WAA – an alternative for students with disabilities who are unable to meaningfully participate in the Wisconsin Knowledge and Concepts Examinations (WKCE) with accommodations. Wisconsin students are assessed in grades 3 through 8 as well as in grade 10. The student's IEP team determines whether a student in the tested grades will participate in WKCE, the WKCE with accommodations, or the WAA. The WAA includes a performance task assessment for the content areas of reading and math for grades 3 through 8 and 10 and for science in grades 4, 8, and 10. These alternative assessments are linked with Wisconsin's content standards through the Wisconsin Extended Grade Band Standards.

A Key Interagency Agreement ~ Council member Cindy Cain reported on the new interagency agreement (considered a national model) among the Division of Vocational Rehabilitation (DVR), the Department of Health and Family Services, and the Department of Public Instruction (DPI). This agreement addresses the long-term support for people with disabilities. The agreement is available online at http://dwd.wisconsin.gov/dvr/pdf_files/dpi_interagency_agreement.pdf.

Appropriate Use of Seclusion and Physical Restraint in Special Education Programs ~ Lynn Boreson, DPI Consultant, discussed the DPI publication on the appropriate use of seclusion and physical restraint in special education programs. Both seclusion and physical restraint are to be used as a last resort (to keep the student and others safe) and should be discussed as a possible contingency in the IEPs of some students. Discussion included the need for crisis intervention training for school staff which teaches staff members to defuse a potentially dangerous situation, protect the student and others from injury, and regain a safe learning environment for all. Resources are available on the DPI website at <http://www.dpi.wi.gov/sped/ed.html>.

Mental Health Issues in School ~ John Humphries, DPI Consultant, reported on mental health issues and announced training for school staff on this issue. This training would teach staff to recognize the signs of mental health problems in students and locate possible resources in the community. DPI has put together a training module that is available on the DPI website. In addition, the Council was reminded of the high suicide rate in Wisconsin and the materials available through DPI to train district staff on warning signs and resources – all free of charge.

At each Council meeting, Dr. Stephanie Petska - Director of the DPI Special Education Team, provided updates to the Council on current federal and state matters and specific initiatives affecting special education in Wisconsin. Topics included:

1. the status of the State Personnel Development Grant - the grant and anticipated reductions for the 2008-2009 school year
 2. the Disproportionality Summer Institute
 3. training for use of the Wisconsin Alternative Assessment (WAA)
 4. statewide autism training
 5. the Governor's Juvenile Justice Commission including recommendations for reduction of racial disparities and review/revision of school discipline policies
 6. response to intervention
 7. IDEA indicators of compliance and improvement
 8. revised model SPED policies and procedures – districts may adopt the model or use as a template to develop their own
 9. parental consent to bill Wisconsin Medicaid for medically-related special education and/or related services
 10. a June 3, 2008 memo regarding licensure of charter school instructional staff and the possible impact on special education
 11. the National Association of State Directors of Special Education (NASDSE) Response to Intervention project
 12. the roles of general education and special education in response to intervention
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The Council held two public listening sessions to gather information on concerns and gain an understanding of the impact of regulations and practices on students with disabilities. The first public hearing was held during the Superintendent's Fall Leadership Conference in Middleton, Wisconsin in November 2007. The second public forum was in Appleton, Wisconsin in May 2008. Information gathered from these two listening sessions were presented to DPI. Topics of concerns included:

1. implementation of response to intervention (RtI)
2. highly-qualified special education teacher training and shortage of teachers
3. use of paraprofessionals in SPED programming
4. dyslexia – criteria, how it fits into specific learning disabilities, programming
5. transitioning from special education to adult post-secondary programs
6. mental health concerns and resources
7. inclusion versus specialized programming
8. how general education and special education will interrelate in response to intervention
9. changes in eligibility criteria for SDD and SLD
10. statewide needs for parent education/parent partnerships
11. cross-categorical teacher training and programming

The Council continues to find these listening sessions invaluable and will hold two during the upcoming year. One will be held during the 2008 Superintendent's Fall Leadership Conference and the other will be announced later.

The Council formally submitted the following recommendations to the State Superintendent:

Response to Intervention (RtI):

- to assign a team to research the most effective systems/models for RtI implementation,
- to promote best practice for districts to follow in implementation of RtI, and
- to take the lead in communicating this information in a public relations campaign.

On behalf of the State Superintendent's Council on Special Education, I wish to express our sincere appreciation to Dr. Stephanie Petska and Courtney Reed Jenkins for the guidance and dedicated work they have provided to the Council. Their work affirms their deep concern for the welfare and education of Wisconsin students with disabilities.

Respectfully Submitted by

Julie Lidbury

Julie Lidbury, Vice Chairperson
State Superintendent's Council on Special Education