

2012-2013 Annual Report
State Superintendent's Advisory Council on Special Education
Submitted July 2013

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 serves as an advisory council to the State Superintendent on matters related to statewide delivery of special education programming and related services. The Council also provides input when requested to proposed changes and revisions to state policies, rules, regulations, and initiatives that affect students with disabilities and their advocates.

Council members are appointed by the State Superintendent. They represent a wide range of interested citizens, professionals, and educators from throughout the state. Council members include parents, teachers, administrators, administrators of programs for students with disabilities, and others concerned about the education of students with disabilities. Council meetings covered in this report were held on November 12, 2012; January 4, 2013; April 12, 2013 and July 19, 2013. The meetings were open to the public. Anyone wishing to address the council is always permitted to do so.

The 2013-2014 Council continued its responsibilities of providing input and feedback on the State Performance Plan (SPP) as it relates to the Department's plan for improving outcomes of children with disabilities in Wisconsin. Council members increased their understanding of the demands and implications of the ongoing budgetary environment, both at the state and federal level. Council worked to gain a more thorough understanding of Maintenance of Effort, ESEA Waiver, the impact of sequestration, and the state's legislative and budget impact on special education, and the proposed special needs vouchers.

The council also discussed the DPI council web page and offered a number of suggestions to make the page more user-friendly. The council also discussed the need for additional opportunities for public input and that DPI continue its effort to make parents aware of who to talk to if they are unhappy with issues and the dispute resolution process.

Reports

The Council heard presentations and had discussions related to the following topics/issues:

- **State Performance Plan/Annual Performance Report:**
 - State Superintendent Evers' Agenda 2017 is aligned to the State Performance Plan ("SPP"). The IDEA was not reauthorized within 5 years, so the SPP was extended two additional years. The DPI Special Education Team's work is centered on the 20 compliance and performance indicators that are in the SPP.

- **Council input on SPP Indicators**
 - Indicator 6 (Educational Placements of special education students, ages 3-5). Indicator 6 measures the percentage of children age 3-5 with IEPs in settings with typically developing peers. The preschool environment code decision tree is now available
 - Indicator 3 (Participation and Performance on Statewide Assessments).
 - **Indicator 3 data analysis activity:** Three groups (grades 3, 4, 5; Grades 6, 7; and Grades 8, 10) examined data about the number of students who met proficient and advanced in reading and math of students with disabilities on the Wisconsin state tests (WKCE and WAA).
 - Indicator 1 (Graduation Rates).
 - Indicator 4B (Suspension and Expulsion Rates to identify district with significant discrepancy).

- **ESEA Waiver:**
 - Wisconsin's waiver was approved on July 6, 2012. Wisconsin will implement accountability provisions for Title 1 Schools (designated Focus, Priority, or Reward schools) and School Report Cards were released publicly on October 22. A comprehensive accountability index replaced the current AYP pass/fail system and is a composite of measures of student achievement, student growth, closing gaps, and on-track to graduation/post-secondary readiness. Report cards also include student engagement indicators related to test participation rate, absenteeism rate, and dropout rate and are based on a 0-100 scale.

- **Special Education Funding:**
 - The sources of special education funding were introduced. A majority of special education expenditures are funded locally through the tax base. Information was presented on special education categorical aid and the IDEA entitlement grant. Equitable services set-aside and IDEA maintenance of effort were also presented.

- **State budget for special education**
 - State Superintendent's Proposal: Large portion for higher expectations, accountability, quality (ACT Suite and PALS expansion). More resources to expand technology including Statewide Student Information System and WISElearn and WISEdash. Fair Funding for Our Future reintroduced and maintained special education categorical aid.

- **Results Driven Accountability (RDA):**
 - It was reported that growth in compliance indicators has been marked, but there is also need to focus on student outcomes. OSEP is redesigning the monitoring process to be more balanced. The focus will still be on the APR and indicators designed to measure outcomes most closely aligned with improving results. Meeting requirements determination will acknowledge a State's effectiveness in improving outcomes for children with disabilities and a differentiated system of support of monitoring and technical assistance. OSEP is developing a matrix to address data related to Indicator 3.

- **Sequestration:**
 - Congress delayed decisions about spending cuts for approximately 2 months. DPI recommends districts continue to be mindful about sequestration. Discretionary grant recipients may budget at their full amount for the 2012-13 school year. The sequestration will take effect in July for the 2013-14 school year. About 5.23% that will affect discretionary and entitlement grants.
- **State Personnel Development Grant (SPDG):**
 - DPI received approval to delay implementation of the SPDG from October 2012 until January 2013 due to the departure of staff.
- **SLD Criteria:**
 - Significant discrepancy model for identification sunsets at the end of 2013; new criteria will include response to intervention.
- **Proposed Special Needs Vouchers:**
 - Special needs scholarship: Included in Governor's budget proposal as well as general voucher expansion for nine school districts. DPI opposes special needs vouchers because of the loss of Free Appropriate Public Education and due process rights to the individual student upon enrollment at a private school.
- **Response to Intervention (RtI) Center:**
 - Wisconsin's vision for Response to Intervention (RtI) and Positive Behavioral Interventions and Supports (PBIS) includes collaboration, balanced assessments, high quality instruction, multi-level systems of support, and culturally responsive practices. Focus is on effective universal supports, then selected, and intensive supports for students
- **Culturally Responsive Education for All: Training and Enhancement (CREATE):**
 - CREATE is a state-wide systems change initiative designed to eradicate the achievement gap among diverse student populations and eliminate race as a predictor of participation in special education. It has 6 major components including: the American Indian Student Achievement Network, the CREATE Conference, the CREATE e-newsletter, the Culturally Responsive Early Childhood Project, the Needs Assessment/Professional Development Strategic Plans, and Professional Development Opportunities.

IDEA Complaints and Due Process hearing decisions

- 44 IDEA Complaints were shared with the Council
- 3 due process hearing decisions were shared with the Council

Public Forum

The Council held its annual Public Forum Listening Session in conjunction with the State Superintendent's Leadership Conference on Special Education at the Marriott West on

November 12, 2012. Broad topical areas and specific comment/suggestions from the public are highlighted below.

- High schools are overemphasizing college readiness and need to focus more on alternative education programs.
- Include “Futures Planning” as part of secondary transition.
- FBAs/BIPs are not monitored and reviewed frequently enough by IEP teams.
- Schools are seeing more students who have severe mental health needs and do not have the resources to work with these students. Districts try hard, but too often these students are being reassigned to behavioral schools/programs which often exacerbate the student’s mental health issues.
- Students have limited access to mental health support (especially in northern and rural Wisconsin). There is a need to figure out how to get these services in the schools. Ideas include day treatment in the school setting.
- Concern about the private school choice program and the possible special needs vouchers. While there are many parents of special needs students who would like their children to attend choice schools, too many of them do not realize that they will be losing their rights if they enroll their child in a choice school. Additional concern that money funneled through the special needs vouchers will be done so without any accountability in regards to the students' special education needs.
- Need for additional training regarding the new seclusion and restraint legislation. Some schools telling parents they will not touch the child and it is leading to staff injury. Parents and schools need more information. Also wondering if DPI is monitoring the implementation of the new legislation.
- Makeup of the Council- where are the people from Northern Wisconsin and the individuals of color? Suggested we have a council meeting at tribal nations in Northern Wisconsin.
- Suggestion that DPI look at New Mexico’s dual diagnosis model. Process focuses on student needs and strengths and has resulted in increased attendance and decreased dropout rate.
- Families moving from IFSPs (Birth to 3 system) to IEPs (schools) need more transition preparation and encouragement to remain involved in their children’s services. Many parents don’t feel that they belong and we don’t talk to parents using language they understand.
- Wanted reassurance that Charter Schools are represented on the Council. Nicola Ciurro introduced herself as the Charter School representative.
- Some parents, especially in early childhood, feeling like they have to chose between school programs and in home autism programs.
- Some parents are revoking consent for special education so they can enroll in open enrollment.

The Council approved the following motions:

Indicator 6 data and proposed targets. Targets for the next year for Indicator 6A is 32% and Indicator 6B is 25%.

The Council had a very rich and productive year amidst the ongoing challenges of the state climate. Council discussions, which were honest and frank, were enriched by presentations from

the Department, outside presenters, and members of the public. By sharing information, taking on new responsibilities, and creating a forum for honest discussion the Council is poised to be productive and impactful for its members and the constituents which they represent.

On behalf of the State Superintendent's Advisory Council and Special Education, I wish to express our appreciation to Dr. Stephanie Petska and Courtney Reed Jenkins for their unwavering work on behalf of the special education community as well as the Council. I also wish to express our appreciation to the other members of the Department who took their time to present information and share their expertise with the Council. Finally, we would like to thank you for your support and for the opportunity to serve.

Respectfully Submitted,

Nicola Ciurro

Nicola Ciurro, MA, MS
Vice Chairperson
State Superintendent's Advisory Council on Special Education