



President's Message

By Tim Gantz

I hope that all of you are experiencing a great first semester. As you read the newsletter, you will see that our organization has been busy on many fronts. First, we have been involved in the revision of the "Model Local Educational Agency Special Education Policies and Procedures" for the State. Second, we continue to work with our partners at DPI on RTI and issues of eligibility. Finally, Barb Van Heren has been working on issues sur-

rounding disproportionality. Clearly our landscape is full. In the coming months you will be receiving information on the WCASS Winter Conference. We hope that you each take time from your busy lives to attend so that you can learn more about these important issues and provide valuable input as our organization moves forward.



Executive Director's Comments . . .

I would like to take this opportunity to remind you that this publication is provided to you as part of your yearly membership dues in WCASS. It is provided to those members that have an Active Membership. We also have several associate member classifications, which do not receive the journal. However, these members can view the newsletter on our Web site (<http://www.wcass.org>).

The Department of Public Instruction is in the process of revising "Model Local Educational Agency Special Education Policies and Procedures." With the revision of IDEA and Wisconsin Statutes Chapter 115, all school districts will need to revise their policies and procedures. I would encourage you to carefully review the DPI model policies and procedures when they come out and revise your district's documents as needed. Districts should consider following the DPI model policies as closely as possible so long as they fit into the format your district is using.

If the last DPI model policies are a guide, many parts of the policy will be taken directly

from federal and state statutes. Many times the statutes are not written so they are clearly understandable by the reader. If your district policies and procedures are going to be useful to district staff and community members, they should be written so as to be user friendly. Districts may want to consider using a best practice guide or notes in the policies to explain the operational procedures that will be used within the district for the difficult-to-understand legal language.

But do remember if the substance of the law is changed in the district's policies and procedures, those changes will have to be provided to the Department of Public Instruction. During my experience as an administrator, we did not do a very good job of keeping our policies up with procedures or our procedures up with policy. I think this document should be given a higher level of importance in many school districts.



Phil Knobel

Message from Gary Myrah, President-Elect: Wall Street Raises Questions Related to Mainstreaming & Inclusion

Years ago, children like Eric were routinely institutionalized in residential facilities, and many received no education at all. The milestone 1975 law now known as the Individuals with Disabilities Education Act brought more of them into public schools and, wherever possible, regular classrooms. By mixing with nondisabled children, the theory went, special-needs students would learn more, behave better and gain social acceptance. By 2005, about 54% of special-education students were educated in “fully inclusive” settings—spending 80% or more of the school day in a mainstream classroom—up from 33% in 1990. A special-education student costs nearly twice as much to educate as a regular student, according to the Center for Special Education Finance, a Palo Alto, Calif., research firm.

But, like the 1970s push to deinstitutionalize mentally ill adults, educational mainstreaming has produced troubling side effects. While many benefit, some special-needs students flounder in regular programs. Lacking adequate federal funding, public schools often are reluctant to pay for the services such students need. In many districts, mainstreaming has contributed to high teacher turnover and classroom commotion.

The previous selection is an excerpt from the electronic version of a story entitled “Educating Eric” from the May 12, 2007, article written for the *Wall Street Journal* by Robert Tomsho and Daniel Golden. This article came to my attention after a staff person brought in a different article that appeared in the August 21, 2007, *Wall Street Journal*, titled “When Special Education Goes Too Easy on Students.” The article focused on the practice of allowing for “reasonable accommodations” to help “disabled students” pass tests and graduate.

If you go to the page on the *Wall Street Journal* Web site that covers “Mainstreaming” (<http://www.WSJ.com/Mainstreaming>), you will find several articles that have recently been written for the *Journal*. They also provide several pages of charts that portray the increase of mainstreaming children needing special education into the regular classrooms.

It is also interesting to read some of the other associated articles written by Daniel Golden and Robert Tomsho. Whereas their articles may shift from one perspective to another, the sense you have after reading the articles is that special education is not a positive experience and that regulations related to special education are weakening the U.S. educational system.

As directors we lead interesting lives. We read articles such as the one referred to above and realize there is strong sentiment against special education and the cost of programming. Then, before we can get a cup of coffee, we can have a parent on the phone who feels the district is not providing enough services for his or her child. Within the same day we may be faced with looking at an alternative placement for a student that will cost more than a year’s tuition at an Ivy League school. Or we may be faced with several requests for additional paraprofessional help due to the workload in various programs.

As I have mentioned in previous articles, our positions are the lightning rod for concerns/problems in a district. Most of us have not had specialized training on how to balance all of these demands, and many will experience extreme stress as they try to find resolutions to these problems. I have learned techniques and strategies through the years by observing how veteran directors have handled situations and then discussing the experience.

WCASS and the Regional Service Networks (RSNs) provide opportunities for sharing experiences on a regular basis. If you are just starting your career in special education/pupil services, I would encourage you to take advantage of the opportunities provided by these two groups. It is also important to establish a local support

network of directors and find time to meet and review unique cases. I have learned that the only individuals who have a clue as to what my responsibilities are (as well as offer empathy for some of the dilemmas I face) are fellow directors.

The conference committee chaired by Tammy Fruik and Greg Nyn has a great program lined up for our conference scheduled for February 6–8, 2008, at the Paper Valley Inn in Appleton. I have always looked forward to the opportunity to kibitz with friends and colleagues as we discuss the bizarre cases we face in each of our districts. Afterwards, I tend to be happy going back to my district because it always seems like someone has it worse than me. It is a way to get “recharged” in the dead of winter when the stress of “no holidays” starts to settle in and teachers become more intolerant, students become less coopera-

tive and parents become more agitated. It helps to take a break, experience professional growth and enjoy good fellowship, and return to the district with a more positive attitude. I look forward to seeing all of you once again in February.

Gary

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Reference

Tomsho, R. & Golden, D. (2007). Educating Eric: A troubled student was put into regular classes. Then he killed the principal. Has the drive for “mainstreaming” gone awry? *The Wall Street Journal Online*. Available at: http://online.wsj.com/article/SB117890885164700178.html?mod=Mainstreaming_2_1287.htm_1

SAA Report

State Budget Finally Done

On Friday, October 26th, Governor Doyle signed the 2007–09 State Budget Bill into law, ending one of the longest budget impasses in Wisconsin history. The SAA’s State Budget Summary of Major K–12 Provisions appears below.

- **Revenue Limit Increase** – maintains current law and retains the allowable per pupil revenue increase at an estimated \$264 for 2007–08, and \$270 for 2008–09.
- **Overall Proposed Funding Increase** – a biennial increase of about \$525 million. Of this figure, we see about a \$216 million increase in general, categorical, and residential school aid; with a \$309 million increase in school levy credits.
- **General Equalization Aids** – provide no increase in 2007–08 and about a \$77 million (0.8%) increase in 2008–09.
- **School Levy Credit** – increase the current school levy credit distribution for the 2007(08) property tax year by \$79.35 million. Increase the distribution for the 2008(09) property tax year by a further \$75 million, which would result in a total increase from cur-

rent law of \$154.35 million in the 2008(09) property tax year and for each year thereafter.

- **First Dollar Credit** – create a new “first dollar” property tax credit funded at \$75 million annually beginning in the 2008(09) property tax year. The credit will be distributed in a manner similar to the current lottery credit.
- **Declining Enrollment Revenue Limit Adjustment** – change the current 75% hold harmless non-recurring exemption to a full 100% non-recurring exemption. This would provide roughly \$15–\$17 million in additional annual statewide revenue limit authority.
- **Base Revenue Floor for Severe Declining Enrollment** – provide that no district starts the new school year with a revenue cap (after consideration of the per pupil adjustment and low revenue ceiling) that is less than what it had been at the end of the prior year (an additional \$2–\$3 million in statewide revenue limit authority).
- **Low Revenue Ceiling** – increase the low revenue ceiling by \$300 annually to \$8,700 in 2007–08 and to \$9,000 in 2008–09.

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("SAA Report" continued from p. 3)

- **SPED Categorical Aid** – increase \$53.6 million over the biennium.
- **Supplemental SPED Categorical Aid** – provide \$1.75 million in 2008-09 and create a new special education appropriation for school districts that meet the following criteria:
 1. Per pupil revenue cap authority in the prior year was below the statewide average.
 2. SPED expenditures as a percentage of total district expenditures were above 16% in the prior year.
 3. Membership in the prior year was less than 2,000 pupils.
 4. Also, require that a district could receive this aid or the high-cost SPED aid in a given year, but not both.
- **SAGE** – increase FTE low-income pupil aid from \$2,000 to \$2,250 in accordance with current law (\$26.8 million increase over the biennium).
- **Aid to High Poverty Districts** – provide \$21 million over the biennium and create an annual appropriation for aid to school districts that have at least 50% of the district enrollment eligible for free or reduced lunch. It is estimated that 23 districts would be eligible for this aid.
- **Grants for Improving Academic Achievement** provide \$10 million in 2008-09 in a new annual appropriation for grants to Milwaukee Public Schools (MPS) to improve pupil academic achievement.
- **Transportation Aid** – increase the reimbursement rate for pupils transported more than 12 miles from \$180 to \$220 for both years of the biennium. No new GPR funding needed.
- **Aid to Small Rural School Districts** – create a new sparsity categorical aid program in 2008-09 (\$3.6 million), establishing the following eligibility criteria:
 1. District enrollment of 725 or less.
 2. Less than 10 students per square mile.
 3. FRL eligibility of at least 20%. Aid would be \$300 per pupil for districts with FRL of 50% or more and \$150 for districts with FRL between 20% and 50%.
- **School Breakfast Program** – increase per meal reimbursement rate from 10 cents to 15 cents per breakfast served by public and private schools (\$3.3 million increase over the biennium). Increase applies beginning in 2007-08.
- **Four-Year-Old Kindergarten Grants** provide \$3 million in 2008-09 and create an appropriation for grants to school districts to implement a 4K program. Preference will be given in the awarding of the two-year grants to districts that use community approaches to early education.
- **Milwaukee Parental Choice Program Reestimate** – increase funding \$8.2 million in 2007-08 and \$16.7 million in 2008-09.
- **Milwaukee/Racine Charter Schools Program Reestimate** – increase funding \$4 million in 2007-08 and \$8.6 million in 2008-09.
- **Grants for School District Consolidation** – provide \$250,000 in 2008-09 in a new annual appropriation for grants to school district consolidation feasibility studies.
- **School Library Aids Reestimate** – a reestimate of projected school library aids from the Common School Fund (\$6 million increase in 2007-08; \$11 million increase in 2008-09).
- **School Library Aid** – provide that up to 25% of a school district's school library aid (from the Common School Fund) may be used to purchase library-related computers and software.

WCASS Winter Conference
February 6-8, 2007
Paper Valley Inn, Appleton, WI
Watch for more details.

WCASS Region News

Region 1 Chair: Mary Cimbalnik (*Mary.Cimbalnik@pewaukee.k12.wi.us*)

Region 1 has set its schedule and topics for next year. As in the past, we will be combining our meetings with CESA #1 RSN. Lunch will be provided at 11:30 AM followed by the noon meeting at CESA #1, 19601 W. Bluemound Road in Brookfield 53045.

- November 27, 2007 Service Delivery Models

- January 30, 2008 Response to Intervention Legal Update/WCASS Awards (Time and location TBD)
- March 18, 2008
- April 30, 2007 TBD—Any requests or suggestions?

Region 2 Chair: Bob Geigle (*robert.geigle@oshkosh.k12.wi.us*)

Region 2 members gathered for their fall meeting on September 27, 2007, at CESA 8 in Gillett. The agenda included two presentations; an RSN update from the RSN Coordinators in CESAs 6, 7, and 8; and time for sharing and networking. In the absence of both the Region Chair and the Region Secretary, Charles Hastert presided over the meeting and Barb Behlen served as secretary. I want to express my appreciation to both of them for filling these leadership roles at the meeting.

Mary Gerbig, attorney with Davis & Kuelthau, addressed the topic of Student Records System/Requirements, Timelines & Other Issues. The main points of her presentation were districts are required to maintain records for five years after a student is no longer enrolled in the district; test protocols are behavioral records under state law and are not subject to a specific retention period; a child's education records must be provided to a parent without delay but no more than 45 days after a request is made; and districts should develop a record maintenance policy to address these areas and also include e-mails and e-records.

Kathy Laffin, SLD consultant from the Department of Public Instruction, gave a presentation on the "Proposed SLD Criteria." She discussed some background information, the rationale, implications

for school district implementation, training issues, and the timelines related to the proposed SLD criteria. Ms. Laffin emphasized the criteria must permit the use of a process based on the child's response to scientific, researched-based interventions as one component of the criteria. Considerations for directors included forming a collaborative leadership team, completing a building need-based needs assessment, regularly reviewing student data, looking at existing resources, and looking at various methods of intervention.

The RSN update focused on providing the most current information on the Wisconsin Alternate Assessment for Students with Disabilities (WAA-SwD), reviewing the state RSN Meeting Summary, and introducing the new CESA 7 & 8 WATI Consultant, Patti Lindstrom Drescher.

Region 2 has scheduled two more meetings for school year 2007–08. The winter meeting will be held January 31, 2008, with CESA 6 as the host in Oshkosh. The spring meeting and awards presentation will be held April 24, 2008, with CESA 7 as the host in Green Bay.

Respectfully submitted,
Bob Geigle, Region 2 Chair

Region 3 Chair: John Peterson (*petersonj@mail.fortschools.org*)

For those of you who are new to the profession this year, I hope that you are receiving good guidance and counsel and finding the job enjoyable. For those of you who are returning to the

field, I hope you are still enjoying the challenges and opportunities that this job presents on a daily basis. The school year has gotten off to a good

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start and has already presented several challenges and changes. In Region 3, Attorney Tom O'Day from Godfrey & Kahn came to CESA 2 and presented on transition. Attorney O'Day's presentation was well attended and well received by the Directors in the Region 3 area. With several districts going through (or will be going through) the self-assessment, this was a very timely topic.

Outside of transition, another big topic that has received a lot of attention is the revised Wisconsin Alternate Assessment (WAA). Region 3, as well as the rest of the state, recently had the opportunity to be trained on how to administer the WAA. The representatives from DPI that put on this presentation did a good job of fielding questions and concerns. They highlighted the reasons behind why the state had to make changes and

then discussed those changes at great length. I know my staff was appreciative of this information, and we are anxious to see how the testing process goes in January.

Region 3 will continue to discuss transition, the WAA, and other topics on a regular basis. We are planning to hold our Region 3 meetings on the same day as the legal updates that CESA 2 hosts. I am currently working on finding a location to host our meetings after the legal updates and will be e-mailing the Directors as soon as this location is determined. If you have any questions, concerns, and/or items that need to be discussed at the WCASS executive board, do not hesitate to contact me. I can be reached via e-mail (peterstonj@mail.fortschools.org).

Region 4 Chair: Diane Knudsen

If you are from Region 4 and need some information on the happenings in your region, contact Diane (knudsend@esschools.k12.wi.us).

WCASS Region 4 meeting – September 25, 2007 – CESA 10

The first topic of discussion included the initial information about holding the next region meeting in January during a joint RSN retreat with CESAs 10, 11, and 12 in Minong. There was concern about excluding WCASS members who are in CESA 4. Individuals from CESA 4 who were in attendance were not concerned, and it was agreed that if they were able, they were welcome to attend. People are encouraged to contact their respective RSN directors and/or the Region 4 chair to present ideas for agenda items for the retreat and Region 4 meeting.

A copy of the WCASS position paper on the proposed rule change to SKD, along with a copy of the letter from WCASS president Tim Gantz to Stephanie Petska, was distributed. The ensuing discussion presented some concerns as well as support from individuals regarding the rule change. Diane Knudsen will present the WCASS position paper this evening to the DPI Public Hearing being held at CESA 10. Others are welcome to share their views and opinions, as well, either in oral or written form.

Peter Martin of Knutson, Flynn, and Dean, P.A. presented a legal update. This was, as always,

very informative, citing recent court rulings on parents' rights, FAPE, and pupil records. Peter's presentation and the discussion following gives us all many things to think about.

Additional discussion included the possibility of a standardized Special Education Policy and Procedures manual for use by districts. With new requirements of IDEIA 2004, it was agreed that we would start doing some fact-finding by discussing this with DPI for possible models to work from.

Additional topics included a question about timelines for parent referral in the RTI process, guidance and direction from DPI about what constitutes research-based interventions, and questions about transfer students and common assessments. One person asked for some clarification of the 30/60/90 day timelines for eligibility/IEP meetings, and a question was raised about the use of sign language interpreters for children who do not have hearing impairments but who have cognitive disabilities or are English language learners.

Watch for details of the upcoming RSN retreat and WCASS Region 4 meeting.

Please send any information about new directors, change of address, and discussion items for the January meeting to Diane Knudsen by e-mail (knudsend@esschools.k12.wi.us).

Culturally Responsive Practices in Schools: A Checklist to Address Disproportionality in Special Education

The overrepresentation of students with racial, cultural, ethnic, and linguistically diversity (RCELD) in special education has been well documented for over 30 years (Artiles, Harry, Reschly, & Chinn, 2002; Connor & Boskin, 2001; Coutinho & Oswald, 2000; Harry & Klingler, 2006; Patton, 1998). This phenomenon is known as disproportionality. *Disproportionality* is generally defined as “the representation of a particular group of students at a rate different than that found in the general population” (Gravois & Rosenfield, 2006, p. 42). The most recent reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004 (20 U.S.C. § 1400 *et seq.*) noted the continuing and growing problem of disproportionality in special education and several new statutory provisions addressed this issue.

In an effort to address the disproportionality issue, the Wisconsin Department of Public Instruction (WDPI) funded a collaborative project among the Madison Metropolitan School District (MMSD), the University of Wisconsin Oshkosh (UWO), and WDPI. *Culturally Responsive Practices in School: The Checklist to Address Disproportionality* was developed over a two-year period. During the first year, three UWO special education researchers conducted a comprehensive literature review on disproportionality. In addition, the university researchers reviewed IEP team records from MMSD. The literature review and IEP records review provided the researchers with insights into relevant educational practice issues surrounding the identification of students with RCELD for special education.

The researchers generated a list of questions and conducted focus groups of MMSD special education program support teachers, school psychologists, and others involved in the special education assessment process to solicit input on issues such as exclusionary factors, referral beliefs and practices, assessment practices, IEP team factors, and staff professional development needs. An online survey employing a modified Delphi method to distinguish essential from nonessential checklist items was then administered to a sample of MMSD and National Institute for Urban

School Improvement (NIUSI) staff. This process eliminated a number of checklist items.

During the second year of the checklist development process, MMSD staff piloted the checklist in ten elementary schools. These schools were selected because of their involvement with an MMSD/NIUSI partnership. During mid-year and end-of-year focus groups and meetings with principals, special and general education teachers, school psychologists, and central administrators, a variety of feedback on the use of the checklist was solicited.

Purpose of the Checklist

Any effort to respond to the issue of a disproportionate number of students with RCELD being placed into special education programs must consider relevant external and internal factors. The checklist was designed to assist school staff in identifying and discussing relevant external factors (e.g., impact of high stakes assessment and accountability demands, school district priorities and policies) and internal factors (e.g., school-wide ecology and supports, general education teacher beliefs and practices, early intervening services, IEP processes at the referral, assessment, and special education eligibility determination stages). The purpose of the checklist is to:

- guide schools in eliminating the misidentification of students with RCELD in special education and
- ensure that only students with disabilities (an identified impairment and a need for special education) are placed into special education programs based upon a comprehensive evaluation process and application of existing eligibility criteria.

It is *not* intended to be used for teacher or program evaluation.

Checklist Format

The checklist is formatted to contain four key elements in each of three sections.

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("Culturally Responsive Practices . . ." continued from p. 5)

- **Critical questions** guide school professionals in discussions and practices for teaching and assessing students with RCELD.
- **Respondents** describe who would be expected to be the key individuals to address each critical question.
- **Quality indicators** offer examples of best educational practices to illustrate appropriate responses to each critical question.
- **Rubrics** allow respondents to evaluate the degree to which the school has addressed each critical question. The rubrics for the critical questions contain four response items reflecting a continuum of little or no attempts or progress toward addressing the critical question to substantial and appropriate attempts or progress.
- **Evidence or documentation** allows respondents to indicate the form or location of evidence/documentation used in responding to the critical questions (Section III only).

Sections of the Checklist

Section I: Culturally Responsive Beliefs and Practices of Schools and General Education Classrooms

This section is designed to review the comprehensiveness and effectiveness of the school-wide and general education classroom practices, services, and programs. It provides a school and general classroom profile that establishes necessary context in assessing any student's academic and behavioral performance, and it can be reviewed or completed annually for each school. District-wide support for the completion of this section is critical, and it is important to identify any school-wide issues that may contribute to disproportionality. This section could be completed on an annual basis or more frequently, if circumstances war-

rant. Input from the responses will assist schools in developing a school improvement action plan.

Section II: Culturally Responsive Coordinated Early Intervening Services (EIS) and Referral to Special Education

This section focuses on the coordinated early interventions, including classroom specific supports, school-wide supports, and time-limited specialized support. It is more selective than the critical questions raised in Section I because not all students' educational experiences will be reviewed and assessed at this stage. There is an assumption that school personnel will not view a special education referral of a student with RCELD as inevitable. Use of the checklist encourages development of appropriate supplementary services and accommodations to address a student with RCELD who has academic and behavioral concerns within the general education classroom, and it is completed for each student when early intervening services in the context of response to intervention (RTI) are needed.

Section III: Culturally Responsive IEP Team Decision Making – Evaluation and Eligibility Determination

At this stage, the student has been referred for special education evaluation, during which specific issues, beliefs, and practices pertaining to special education evaluation and eligibility determination are reviewed and assessed. The focus of Section III includes discussion of the exclusionary factors associated with eligibility decision making. There are three variations of the checklist in this section: evaluation and eligibility determination for students K–12, for early childhood age students, and for transfer students.

The complete checklist is available on the Web site of the Wisconsin Department of Public Instruction (<http://www.dpi.state.wi.us>).

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