

To: Assembly Committee on Education
From: Disability Rights Wisconsin (Contact: Lisa Hassenstab, Public Policy Manager, lisah@drwi.org)
Date: February 6, 2024
Re: AB1024, AB1025, AB1026

Disability Rights Wisconsin (DRW) appreciates the opportunity to address the proposals resulting from the Speaker's Task Force on Truancy. Wisconsin students with disabilities have generally higher rates of absenteeism, and they join students of color and students from families with lower incomes in this situation. DRW often hears from families of students with disabilities who experience truancy processes as an additional weight and burden in situations where they are already struggling. This testimony speaks to three of the six bills presented by the task force.

AB1024 – in support

DRW is pleased to support AB1024, which would update the required notice of habitual truancy to include information on the right to request an evaluation under the Individuals with Disabilities Education Act (IDEA), as well as the right to request that an existing Individualized Education Plan (IEP) be reviewed for possible revision. Excessive absences can be an indicator of an unrecognized disability and may also indicate that special education services are not fully addressing a student's disability-related needs. DRW would also support an amendment to further expand the notice by adding information on how unexcused absences may be corrected, as parents have also spoken with our advocates about absences being miscounted or miscategorized as unexcused.

AB1025 – for information only

DRW has heard from families whose students find it challenging to get to class on time due to their disabilities, who are then deemed habitually truant for unexcused tardies because their district has chosen to count tardies toward truancy. AB1025 would provide much-needed relief for those students and their families by requiring districts to use 1/3 of a day as a threshold for counting an unexcused absence as a day of truancy. However, while the bill would benefit students in districts whose policies are overly restrictive, the bill would also harm students in districts where the threshold is currently less restrictive than 1/3 day by exposing them to truancy-related threats and sanctions that do not currently apply.

AB1026 - opposed

Disability Rights Wisconsin opposes AB1026, which would create a threshold of unexcused absences for mandatory grade-retention. Research has shown grade-retention to be an ineffective and often harmful practice, expending resources that could more appropriately be used for much-needed support. Students with disabilities are already at increased risk for bullying and dropping out, two risks grade

retention has been shown to increase.^{1,2} This proposal would not, as the co-sponsorship memo stated, “make parents and students accountable for missing school for unexcused reasons” but would result in punishment on top of struggle for students already at risk.

Disability Rights Wisconsin is a private non-profit organization that protects the rights of people with disabilities statewide, with a mission to advance the dignity, equality, and self-determination of people with disabilities. DRW serves as the federally mandated Protection and Advocacy system for the State of Wisconsin, charged with protecting the rights of children and adults with disabilities and keeping them free from abuse and neglect.

Thank you for your consideration of this testimony, and please reach out with questions at any time.

¹ Crothers, L. M., Schreiber, J. B., Schmitt, A. J., Bell, G. R., Blasik, J., Comstock, L. A., Greisler, M. J., Keener, D., King, J. A., Lipinski, J. (2010). A preliminary study of bully and victim behavior in old-for-grade students: Another potential hidden cost of grade retention or delayed school entry. *Journal of Applied School Psychology*, 26(4), 327-338.

² Jimerson, S. R., Anderson, G. E., & Whipple, A. D. (2002). Winning the battle and losing the war: Examining the relation between grade retention and dropping out of high school. *Psychology in the Schools*, 39(4), 441-457.