



"Leadership in Public School Governance"

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TO: Members, Senate Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: December 19, 2017
RE: Concerns with Senate Bill 556 as Introduced

Thank you for the opportunity to testify on Senate Bill 556. Last session, former Rep. Cory Mason introduced similar legislation, which the Wisconsin Association of School Boards (WASB) opposed. After the session was completed the WASB worked with Rep. Mason and suggested a number of improvements that were incorporated into the version before you today. We believe those changes better address the concerns underlying the bill and reduce the compliance burdens on schools. Nevertheless, we have a couple of concerns we want to bring to your attention.

Section 1 of the bill contains language we recommended. This section aims to get to the bottom of why certain pupils have an inordinate number of *excused absences* due to being temporarily not in proper physical or mental condition to attend school, but are expected to return to school when the condition diminishes or ends. This section requires school officials to determine whether such a pupil, who may or may not have some type of long-term medical condition or disability-related concern, should be referred for a special education evaluation.

Upon further review, we think two slight changes in Section 1 are needed. As written, the bill requires the school attendance officer to direct a "pupil services professional" (i.e., a school counselor, school social worker, school psychologist or school nurse) to determine whether to refer the child for an evaluation as to whether that child is a "child with a disability." We believe this language should be amended so that the "*a special services or pupil services administrator or the person fulfilling those duties for the school district or a pupil services professional*" is also involved in making that determination. We think it would be beneficial to involve the district's special education administrator or coordinator in the process (or at least not to unintentionally exclude that person from the process). We also believe that the bill should include referrals for a determination as to whether the student qualifies as a "child with a disability" not only for purposes of special education but for purposes of Section 504.

Section 2 of the bill adds a requirement that the notice that is sent to the parent or guardian of a child who is found to be "habitually truant" (i.e., has five or more *unexcused absences* during a semester) must include certain information about referrals for evaluation of whether the child has a disability, including information about the school district's referral and evaluation procedures or the procedures for reconvening the child's IEP team, if the child already has an IEP, to consider revising the child's IEP.

In our view, Section 2 arguably addresses an *entirely different* student population (habitual truants) than is addressed in Section 1 (pupils with *excused* absences due to an illness or other medical condition that may even be a potential disability).

The purpose of the truancy notice to parents and guardians is to inform them that their child is habitually truant and that they may wind up in court and face legal penalties unless they take action to remedy the situation. We fear that adding this disability evaluation-related information to this notice may confuse parents and guardians and detract from the main purpose of the notice, which is to notify parents and guardians that there is a legal problem that may result in legal consequences if not addressed. The potential for confusion will be greater to the extent it is clear that the child has no disability.

Similarly, there is a potential for additional, unnecessary costs associated with suggesting that parents request a special education evaluation in situations where nothing indicates that such an evaluation would be relevant. While we cannot easily estimate the potential added expense districts would incur to convene an individualized education program (IEP) team to evaluate habitually truant pupils where there has been no indication the pupils need services underneath the IDEA, we assume it would be substantial.

The notice given to parents and guardians of habitually truant pupils under that statute (section [118.16\(2\)\(cg\)](#), Stats.) is already required to include:

1. A statement of the parent's or guardian's legal responsibility to cause the child to attend school regularly.
2. A statement that the parent, guardian or child may request program or curriculum modifications for the child and that the child may be eligible for enrollment in a program for children at risk.
3. A request that the parent or guardian meet with appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time and place for the meeting and the name, address and telephone number of a person to contact to arrange a different date, time or place. The date for the meeting shall be within 5 school days after the date that the notice is sent, except that with the consent of the child's parent or guardian the date for the meeting may be extended for an additional 5 school days.
4. A statement of the penalties that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required by law.

We believe that if the parent or guardian appropriately responds to the notice of truancy and meets with school officials, then the information shared at that meeting will indicate the best path forward for addressing the root cause of the pupil's truancy. To the extent that, in some situations, there may be reason to suspect a potential disability or the need to revisit a pupil's existing individualized education program (IEP), a school district's existing "child find" and referral obligations under the IDEA would become relevant as far as making appropriate referrals.