

Quality Education Coalition

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MEMO

TO: Members of Budget Conference Committee

FROM: Jeff Spitzer-Resnick
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RE: Education Budget Items

As you deliberate over the budget, the Quality Education Coalition (QEC) felt that it would be helpful to provide our view of the budget as it relates to special education. As you may know, QEC is Wisconsin's only statewide coalition of parents, educators and advocates who work to improve the system of special education in Wisconsin. Accordingly, our position on the 2007-09 budget is driven by our desire to improve the quality of special education in Wisconsin.

Please note that I am using the same budget item numbers as the Legislative Fiscal Bureau used in its memo describing the differences between the Assembly and Senate versions of the budget.

1. General School Aids Funding Level

Although you may wonder why QEC cares about the General School Aids funding level in the context of special education, this level is critical to avoid putting the already insufficient special education categorical aids level into further crisis. Apparently there is no dispute between the Assembly and the Senate over the Governor's budget item for special education categorical aids, which adds \$53 million over the biennium, would result in a decline in that already low reimbursement rate. Combined with federal reimbursement of approximately 16%, this means that local school districts will continue to pay well over half of the costs of special education. They are forced to do this while they have their revenue constrained by state imposed revenue caps. Thus, the unfortunate reality is that some school districts are forced to reduce regular education funding in order to meet their state and federal obligations to provide a free appropriate public education (FAPE) to children with disabilities. Other school districts are forced to deny those rights to children with disabilities because the funding simply is not available to them. If the Assembly's version of the budget passes, Wisconsin school districts will be forced to cut an additional \$85.4 million out of their budgets, further exacerbating their inability to meet their legal obligations to provide FAPE to children with disabilities. Therefore, QEC urges you to adopt the Joint Finance position, as approved by the Senate.

25. Supplemental Special Education Funding

For the reasons described above under the General School Aids formula, school districts are struggling to meet their legal obligations to provide FAPE to children with disabilities. This problem is exacerbated in small, declining enrollment districts with high numbers of children with special needs. The Senate addresses this dilemma by adding \$3.5 million as a special categorical aid for these districts. QEC fully supports the Senate's proposal.

26. Autism Scholarship Program

Despite the fact that this proposal was never discussed at the Joint Finance public hearings, nor voted on during Joint Finance, the Assembly has sought to resurrect the bill that was not passed by the previous legislature as a budget amendment. For all the reasons which QEC opposed that bill last session, we continue to oppose it now. Those reasons are as follows:

- A) **The Autism Scholarship Program perpetuates a growing disparity in access to resources based on the diagnosis of a child rather than need.** All children with disabilities have a right to a well-implemented IEP and a right to reach their greatest potential; this is not unique to children with autism. All children who benefit from good special education services will be more independent and successful adults; this also is not unique to children with autism. The Wisconsin legislature has focused much emphasis in recent years on children with autism. This was understandable given the change in Medicaid funding for autism services. Unfortunately, this focus has unintentionally increased the inequity between families of children with autism and families who have children with significant mental illness, physical disabilities or developmental disabilities.
- B) **Single parents, families without a car, or families with both parents working full time will not have the flexibility needed to provide transportation for their child and therefore will not be able to participate in this program.** Moreover, it is highly unlikely that private schools will be able to educate children with complex needs related to autism for merely \$15,000, per year. Once again, this means that low and moderate income families will not be able to access this scholarship. It is truly ironic that the legislature is even considering a scholarship for students whose families are wealthy enough to be able to transport them and cover the additional costs of educating their children, beyond those expenses covered by the so-called scholarship.
- C) **The Autism Scholarship Program promotes the segregation of children with autism from our schools and communities.** While it is true that many Wisconsin schools need to do a better job of educating and including all children with disabilities, it is also true that many children with disabilities are educated successfully with their peers. A critical outcome of inclusive learning environments is that all children learn about disabilities and how to accept and live with a diverse community of peers. If the Autism Scholarship Program becomes law, it will result in

more children with autism ending up in segregated school settings. When children do not have the opportunity to learn and live with each other, what will prevent their continued isolation in potentially segregated settings as adults?

- D) **The Autism Scholarship Program promotes a divestment in public education.** We agree that school districts face many challenges to implementing IEP's for children with complex needs. We believe the solution lies in improving the capacity of schools to do this for all children. When schools learn how to maximize positive outcomes for one child they can use lessons learned for many children. We are concerned that this use of targeted funds will lead to potentially private, segregated schools for children with autism. Of course, it should be noted that no such school currently exist.

It could also reinforce those public schools that would prefer not to deal with students with autism, to send them elsewhere. If this happens, how will private schools meet the requirements of federal IDEA law? They are not currently required to do so. Who is responsible to assure implementation of the IEP? What is the impact on children in the home district when funding leaves the district? How will it be determined if and when the local school district needs to pick up the excess cost, beyond the scholarship, if a private school is deemed the optimal placement for the child, as current law currently requires?

IDEA and state special education law together provide a framework for a free appropriate public education (FAPE) that meets the individualized needs of each child. The Autism Scholarship Program does not fit into that scheme at all, and will cause confusion, litigation, funding inequities, and segregation of children with autism. QEC believes that the greatest number of children will benefit from the effective use of public education dollars if IDEA is adequately implemented. Wisconsin has failed to provide the needed training, oversight and enforcement of IDEA to accomplish this. This is a joint responsibility of local school districts and DPI. The Autism Scholarship Program does not take Wisconsin in the right direction to improve educational outcomes for all children. Therefore, QEC urges you to vote against this provision which the Assembly want to add into the budget.

29. Four-Year-Old Kindergarten Grants

As the LFB memo to Joint Finance on this subject (#642) points out, 170 school districts in Wisconsin do not offer 4K. In addition to the negative implications for early education for all children in those districts that do not offer 4K, this failure is particularly problematic for students with disabilities for two reasons. First, in districts without 4K, children with disabilities often end up receiving their education in segregated programs solely with other children with disabilities. This is contrary to the intent of both state and federal law which requires education children with disabilities in the least restrictive environment. In addition, it is well known that providing an enhanced early education for children with disabilities will often result in reducing their need for more expensive supports in later years in school. Thus, the long term costs for educating children with disabilities who are able to participate in 4K, will likely decrease. Better yet, their academic and behavioral performance will likely improve. For all these reasons, QEC

urges you to adopt the Joint Finance position which will expand the availability of 4K to more locations in Wisconsin and do it in such a way that prioritizes community collaboration, which means that the options will be even greater for all children eligible to receive 4K in their communities.

31-33. SAGE items

Although SAGE funding does not directly support special education, it has some wonderful indirect benefits. First, the smaller class sizes allow teachers to spend more time with children who may have emerging disabilities, and potentially avoid the need to evaluate them and identify them as needing special education. Second, smaller class sizes increase the likelihood that children with special needs will not require additional teacher aides to be included in a regular education class. Accordingly, QEC urges you to adopt the Senate position on item 31 (Additional SAGE Funding); and the Joint Finance position on item 32 (SAGE Program Expansion) and item 33 (SAGE Program—Second and Third Grade optional).

Finally, we look forward to the conclusion of your budget deliberations so that Wisconsin's school districts can plan their annual budgets accordingly. If you have any questions about our input, feel free to contact me.