

Wisconsin Part B

Table B – Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 4</p> <p>The State’s FFY 2003 APR did not include evidence that it required a review (and, if appropriate, a revision) of the districts’ policies, procedures and practices related to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards to ensure that policies, procedures and practices comply with Part B, as required by 34 CFR §300.146, and the directions to the FFY 2003 APR.</p> <p>OSEP’s October 13, 2005 response letter required the State to submit, within 60 days from the date of the letter, or if the State preferred, with the SPP, either: (1) evidence demonstrating that it was meeting the requirements of 34 CFR §300.146; or (2) a plan to ensure correction of the noncompliance as soon as possible but not later than one year from the date OSEP accepted the plan.</p>	<p>On page 35 of the SPP, the State described the process and criteria it used to identify school districts with significant discrepancies in the rates of suspensions and expulsions. The State further indicated it would require LEAs identified during the 2004-2005 school year with significant discrepancies in the rates of suspensions/expulsions of children with disabilities for more than ten days to assure the State that their policies, procedures and practices comply with Part B, §300.146 by April 1, 2006. The Wisconsin Department of Public Instruction (WDPI) will then verify LEA assurances, and require these LEAs to include in their 2006-2007 special education plans, due July 1, 2006, improvement activities directed at decreasing the number of children with disabilities suspended/expelled for more than ten days in a school year.</p>	<p>The State has provided a plan to correct the noncompliance.</p>	<p>The State must ensure that this noncompliance is corrected, and include data in the APR, due February 1, 2007, that demonstrate compliance with 34 CFR §300.146(b). The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 9</p> <p>Disproportionality (34 CFR §300.755(b):</p> <p>In the State's FFY 2003 APR, it did not include: (1) any documentation that it had met its responsibility, under 34 CFR §300.755, to provide for the review and, if appropriate, revision of the policies, procedures and practices used in identification or placement to ensure that the policies, procedures and practices comply with the requirements of Part B; or (2) as directed in OSEP's December 2004 letter, the results of such review.</p> <p>In OSEP's October 13, 2005 response, the State was required to, within 60 days from the date of the letter, or if the State preferred, with the SPP, either: (1) provide: (a) documentation that it ensured the review of policies, procedures and practices used in the identification and placement of children with disabilities to ensure consistency with the requirements of Part B and that they were race-neutral, for those districts with data showing significant disproportionality in the identification of children with disabilities and in specific disability categories or the placement of children with disabilities in particular educational settings, as required by 34 CFR §300.755; and (b) the results of such review; or (2) specify what steps the State would take to implement its plan to report on the results of its review of policies, procedures and practices, as outlined above, and to ensure correction of the noncompliance as soon as possible, not to exceed one year from the date of the letter.</p>	<p>On page 59, Indicator 10 of the SPP, the State specified the steps it will take to implement its plan to ensure compliance in accordance with 34 CFR §300.755(b).</p>	<p>The State has provided a plan to correct the noncompliance.</p>	<p>The State must ensure that this noncompliance is corrected, and include data in the APR, due February 1, 2007 that demonstrate compliance with 34 CFR §300.755(b). The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 General Supervision: <u>Identification and timely correction of noncompliance.</u></p> <p>OSEP's December 2004 letter directed the State to submit, regarding nine areas of potential noncompliance identified in the general supervision section of OSEP's letter, either: (1) documentation that the State ensured the correction of Part B noncompliance that it identified, within a year of identification; or (2) a plan that included strategies, proposed evidence of change, targets and timelines to ensure correction of identified noncompliance within a reasonable period of time, not to exceed one year from when OSEP accepted the plan. The nine areas of potential non-compliance were: (1) accepting and processing referrals (34 CFR §300.300); (2) timely notice to parents; review of existing data prior to evaluation (34 CFR §300.300(a)(1)(i)); (3) review of effects of previous interventions at evaluation meetings (the State cited to State provision 115.782(b)(1)); (4) present levels of educational performance (34 CFR §300.347(a)(1)(i) and (ii)); (5) measurable annual goals, benchmarks and short-term objectives (34 CFR §300.347(a)(2)); (6) IEP services sufficiently clear (34 CFR §300.300); (7) participation in the regular education environment and the general curriculum (34 CFR §300.347(a)(4)); (8) transition statements and service needs in IEP (34 CFR §300.347(b)(1)); and (9) reporting progress to parents (34 CFR §300.347(a)(7)(ii)).</p> <p>In its FFY 2003 APR, the State provided data regarding the districts that had not yet corrected the noncompliance in these areas. OSEP's October 13, 2005 response required the State to submit, with its SPP, data and analysis demonstrating that noncompliance it identified during the FFY 2003 reporting period (July 1, 2003 through June 30, 2004) was corrected within one year of its identification.</p>	<p>On page 72, Indicator 15, of the SPP, under the heading of Compliance Monitoring, WDPI reported that all noncompliance identified through monitoring during the 2003-2004 school year has been corrected and all corrective action plans were closed.</p>	<p>The information provided by the State indicated that it resolved all noncompliance identified through its monitoring in 2003-2004, as required by 34 CFR §300.600 and 20 USC 1232d(b)(3).</p>	<p>No further action required. OSEP looks forward to reviewing data in the APR due February 1, 2007 demonstrating continued compliance with these requirements.</p>