



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Elizabeth Burmaster  
Superintendent of Public Instruction  
Wisconsin Department of Public Instruction  
P.O. Box 7841  
Madison, Wisconsin 53707

**FEB - 9 2007**

Dear Superintendent Burmaster:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP) recent verification visit to Wisconsin. As indicated in my letter to you of April 13, 2006, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under Part B of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to Wisconsin during the week of November 6, 2006.

The purpose of our verification reviews of States is to determine how States use their general supervision, State-reported data collection, and statewide assessment systems to assess and improve State performance, and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Wisconsin Department of Public Instruction (WDPI), OSEP staff met with you, Deputy Superintendent Anthony Evers, Assistant Superintendent Carolyn Stanford Brown, State Director of Special Education Dr. Stephanie Petska, and WDPI's cross-cutting teams of staff who were responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State-reported data; and (3) ensuring participation in, and the reporting of, student performance on statewide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents<sup>1</sup>, including the following: (1) the Part B Wisconsin Annual Performance Plan (APR) for Federal Fiscal Year (FFY) 2003, submitted to OSEP in March 2005; (2) the Wisconsin State Performance Plan (SPP), submitted to OSEP in December 2005; (3) Wisconsin's FFY 2006 Part B Grant application; (4) national special education data related to Wisconsin's rankings for educational environments, dropout rates, and graduation rates; (5) WDPI's reply to OSEP's Desk Audit for Part B General Supervision, Data Collection and Assessment; (6) the Wisconsin Procedures for Focused Monitoring Manual, September 2006; (7) WDPI's website; (8) the Wisconsin complaint decision log from September 2005 to August 2006; (9) the Wisconsin Due Process Hearing Requests log from August 2005 to June 2006; (10) WDPI's focused monitoring files; and other pertinent information relating to the

<sup>1</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of your State's systems.

## Page 2 - Honorable Elizabeth Burmaster

State's performance in ensuring services and outcomes to children with disabilities. OSEP also conducted a video teleconference on October 10, 2006 with members of Wisconsin's State Advisory Council and Stakeholders group to hear their perspectives on the strengths and weaknesses of the State's system for general supervision, data collection and statewide assessment.

### **Structure of the State School System**

The State's public education system is comprised of 426 local school districts; the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired (State Schools); Department of Health and Family Services; Department of Corrections; and 15 independent charter schools. There are also 12 Cooperative Education Service Agencies (CESAs) and Regional Services Network Directors (RSNs). The CESAs, and their perspective RSNs, are private agencies, which serve in a contractual capacity to the local educational agencies (LEAs) in their regions. CESAs provide services such as technical assistance, monitoring processes and support, and related services to low incidence students with disabilities. In smaller districts, RSNs are often contracted to serve as special education directors.

During the verification visit, WDPI explained how its special education administrative structure integrates the State's monitoring system with policy and planning functions, technical assistance, professional development, and support services systems. When fully staffed, there are 22 special education team (SET) consultants responsible for implementing the State's Continuous Improvement Focused Monitoring System (CIFMS), under the supervision of the State Director of Special Education and two Assistant Directors. The team is divided into topical workgroups that include: procedural safeguards, IDEA complaints, focused monitoring of the graduation gap, focused monitoring of reading achievement, data systems verification (currently focusing on accurate reporting of environment data), disproportionality, and assessment. Approximately half of the consultants on the SET are associated with a categorical program and provide technical assistance in their program area. Each consultant also reviews approximately 20 LEA Local Performance Plans (LPP), including IDEA flow-through and preschool entitlement budgets. Additionally, many of the consultants monitor discretionary grants associated with the indicators in the SPP, including the Wisconsin Statewide Parent-Educator Initiative, Wisconsin Statewide Transition Initiative, and Early Childhood discretionary grants.

There are 875,174 students enrolled in the Wisconsin Department of Public Instruction, 129,875 of which are students with disabilities. Milwaukee Public Schools (MPS) is the largest school district in Wisconsin, consisting of 92,395 students, of which 16,458 are students with disabilities. Washington Public Schools is the smallest district, with 98 students, of which 18 are students with disabilities.

The "New Wisconsin Promise" is the platform of Wisconsin's educational system. It outlines the goals of the system: to raise achievement for all students; to produce quality teachers; to invest in early learning opportunities and focus on reading; to increase parent and community involvement; and to provide career and technical education, effective pupil services, special education and prevention programs. WDPI emphasized the alignment between the "New

### Page 3 - Honorable Elizabeth Burmaster

Wisconsin Promise," the State's SPP, and the State's special education goals, all of which drive the work of WDPI. WDPI reported that its stakeholders participate in all aspects of monitoring and decision making in the State.

#### **General Supervision**

In reviewing the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (2) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (3) utilizes guidance, technical assistance, follow-up, and -- if necessary -- sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

Based on the information provided to OSEP during the verification visit, it appears that WDPI's general supervision system is reasonably designed to ensure the identification and timely correction of noncompliance. However, OSEP cannot, without also collecting data at the local level, determine whether the system is fully effective in identifying and correcting noncompliance.

WDPI has established and implemented a multi-faceted general supervision system for programs serving students aged three through 21. Working collaboratively with the National Center for Special Education Accountability Monitoring (NCSEAM), WDPI has developed a general supervision system based on the following critical elements: (1) State and Federal policies and procedures; (2) local self-assessments; (3) analysis and verification of data; (5) focused monitoring; (6) dispute resolution, including complaints, hearings, resolution meetings and mediation; and (7) targeted technical assistance and training. Linkages are made across all components (monitoring, data collection, policies and procedures, enforcement, dispute resolution, interagency agreements and Memoranda of Understanding (MOUs), technical assistance and other components) that provide oversight of the State's system.

The SET works cooperatively with the WDPI Office of Educational Accountability (OEA) to support districts and schools identified for improvement, including collaborative reviews of Title I and special education discretionary grant awards. Administrative staffs from SET and OEA meet to coordinate monitoring efforts for districts identified for special education focused monitoring and district/schools identified for improvement under the No Child Left Behind Act (NCLB).

Additionally, WDPI partners with the Wisconsin Division of Vocational Rehabilitation and the Wisconsin Department of Workforce Development to address transition services to children with disabilities. WDPI also partners with the U.S. Department of Health and Human Services, and the Wisconsin Sovereign Tribal Nations. Through a Federal General Supervision Enhancement Grant (GSEG), WDPI collaborates with the Department of Health and Family Services (the

## Page 4 - Honorable Elizabeth Burmaster

State's Lead Agency for Part C) to develop and align data collection systems to monitor appropriate referrals, transition, and provision of services to children with disabilities by age three.

### **Policies and Procedures**

WDPI has developed model special education policies and procedures and individualized education program (IEP) forms. All LEAs are required to adopt policies, procedures, IEPs and other special education forms in compliance with the IDEA and State law. Each year as part of their LPP, WDPI requires that each LEA assure that all programs for children are operated in compliance with all applicable State and Federal statutes, rules, and regulations. LEAs must submit an assurance that they have adopted WDPI's model special education policies and procedures, or submit to WDPI for review any LEA special education policies and procedures that are not aligned with the model policies and procedures. In addition, WDPI collects data from all LEAs annually on the SPP indicators, including racial disproportionality. LEAs that do not meet State-defined targets are required to develop and implement improvement activities. WDPI consultants review the Local Performance Plan to ensure compliance with IDEA.

### **Procedural Compliance Self-Assessment**

WDPI requires each of its LEAs to conduct a Procedural Compliance Self-Assessment, at least once during a five-year cycle, to ensure compliance with special education requirements. An LEA may be advanced in the self-assessment cycle based on its complaint history or its selection for focused monitoring. The State's protocol for the self-assessments contains very detailed standards for each of the requirements involved based on compliance standards for making determinations in accordance with IDEA. The requirements in the procedural compliance self-assessment fall into six topical areas: parent participation, evaluation, IEP team, IEP content, discipline, and private schools. WDPI may modify the content of a public agency's self-assessment to include other potential compliance issues identified by WDPI's special education team. Sources of information include: State IDEA complaints; previous compliance monitoring or CIFMS reports; due process hearings; the public agency's LPP; agency policies submitted for WDPI review; and statewide issues identified by OSEP. There are very prescriptive directions for selecting samples. Identified noncompliance must always be corrected. If the level of identified noncompliance is 20% or less, the LEA must determine whether there is a trend or specific area of concern in a particular school, and if so, it must be addressed at that level. If the noncompliance level is greater than 20%, there must be an internal control system that identifies, tracks and monitors noncompliance. WDPI may make recommendations of corrective actions and provide technical assistance to LEAs, and LEAs are responsible for ensuring that any identified noncompliance is resolved in a timely manner, and no later than one year from identification.

Each year, WDPI verifies the procedures and accuracy in one-fourth of the LEAs that did a self-assessment in a school year. They are selected according to: (1) whether or not an LEA was advanced because of complaints or focus; (2) error patterns (a high rate of noncompliance); (3) other red flags; and (4) random selection. An LEA is less likely to receive a verification review if: (1) the LEA completed the Procedural Compliance Self-Assessment accurately and included

## Page 5 - Honorable Elizabeth Burmaster

the recommended self-assessment participants; (2) there is no pattern of IDEA complaints against the district; (3) there are no concerns raised during their LPP review; and (4) there are no other concerns identified by WDPI.

As part of the verification process, WDPI checks to see if the LEA complied with sampling guidelines. WDPI monitors review at least 20% of the files that the LEA sampled as part of its self-assessment review. WDPI also interviews the individuals whom the LEA interviewed as part of its self-assessment and the staff who conducted those interviews, and corrects any misunderstandings the LEA may have had regarding the standards. If there is a significant discrepancy between WDPI and the LEA, WDPI requires the LEA to review all of the samples again for items of discrepancy. WDPI also verifies correction of all findings of noncompliance, through several methods including desk audits, telephone calls, and interviews. If a finding was based on interviews, WDPI may conduct its follow-up over the telephone. Information learned through self-assessments and verifications are published.

### **Focused Monitoring**

WDPI has developed a focused monitoring system to incorporate the most effective elements of continuous improvement and focused monitoring, to achieve positive results for children with disabilities in the State while ensuring continued compliance with State and Federal laws and regulations.

WDPI reported that a key factor in the effectiveness of its focused monitoring system is the input received from its diverse group of stakeholders. The State reported that two groups, the State Superintendent's Council on Special Education and the CIFMS Stakeholder Group, participate in all aspects of monitoring and decision making in the State. WDPI also partners with technical assistance resources, such as NCSEAM, the National Early Childhood Technical Assistance Center (NECTAC), the Early Childhood Outcomes Center (ECO), the National Secondary Transition Technical Assistance Center (NSTTAC), the North Central Regional Resource Center (NCRRC), the National Association of State Directors of Special Education (NASDSE) and others, to incorporate best practices in ensuring improved outcomes for children with disabilities.

The CIFMS stakeholders analyzed statewide student outcome data to determine two priority areas for focused monitoring: (1) reduce the gap in reading achievement for students with disabilities and student without disabilities; and (2) reduce the gap in graduation rates for students with disabilities and students without disabilities. The CIFMS stakeholders identified eight student enrollment groups (cohorts) of school districts in the State for focused monitoring. Each district within a cohort is ranked according to the data related to each priority area. Two cohorts will focus on reading, based on trend data; and two will be selected for graduation. Another group will be selected randomly. MPS, the only local school district in Wisconsin with an average daily membership (ADM) of over 50,000, is monitored every year.

WDPI staff conduct onsite reviews to assist LEAs in identifying issues related to outcomes for children. Prior to the on-site focused monitoring visit, an LEA must complete a Procedural Compliance Self-Assessment. In addition, WDPI conducts a Focused Monitoring Performance Review, formerly referred to as the "data retreat," a drill-down review process of policies and

## Page 6 - Honorable Elizabeth Burmaster

procedures. In this process, IEP records, policies and procedures, complaint decisions, and results from focus forum interviews are also reviewed. These activities are also used as tools to ensure validity of the focused monitoring data. Two to three weeks after the focused performance review, the SEA conducts an on-site review. The State uses all available data to tailor the on-site process in each school district. Once the on-site review is completed, followed by an exit meeting, a comprehensive report of findings is sent to the district within 30 days.

### **Timely Correction of Noncompliance**

From the 1998-1999 through the 2003-2004 school years, WDPI's monitoring system focused on compliance with procedural requirements. WDPI acknowledged that the procedures used to correct noncompliance at that time were not effective in ensuring correction within one year of identification, and during the 2004-2005 school year WDPI focused on ensuring the correction of continuing noncompliance, closing out 121 corrective action plans after determining that the LEAs had corrected the noncompliance.

All LEAs must submit documentation to demonstrate correction within one year of any noncompliance identified through self-assessments or other oversight activities. WDPI verifies that noncompliance is corrected by examining student records and other documents and conducting interviews. For requirements assessed through interviews, WDPI staff conduct interviews with teachers, parents, and others to determine whether noncompliance is corrected. If WDPI determines noncompliance is not corrected, WDPI works with the LEA to ensure correction of the noncompliance as soon as possible. If WDPI determines that noncompliance has not been corrected within one year of identification, the department applies additional sanctions.

Once an on-site review is completed, followed by an exit meeting, a comprehensive report of findings is sent to the LEA within 30 days. At such time, the LEA district has one year from the time of the report to correct any identified noncompliance. Within 60 days, a plan is due to the State detailing the correction of any identified noncompliance. The assigned SET continues to provide ongoing technical assistance and oversight to the district to ensure compliance and improve outcomes for children with disabilities. WDPI provides exhaustive technical assistance opportunities and training to its employees at the State and local levels to address the requirements of IDEA, State policies and procedures, and improve outcomes for children with disabilities.

WDPI reported that since the 2004-2005 school year, it has ensured that, with the exception of MPS, all LEAs have corrected identified noncompliance within one year from the date of identification. During the verification visit, WDPI informed OSEP that, in the spring of 2000, it identified extensive noncompliance in MPS. Sixty-two items of concern were identified in the areas of behavior, discipline, personnel and transition. WDPI conducted additional monitoring activities in 2002, and found that MPS had neither implemented the required corrective actions nor corrected the noncompliance. WDPI determined that the continuing noncompliance was due largely to the district's site-based management approach to special education, and the lack of a districtwide accountability system for special education. WDPI developed a Special Education Oversight Action Plan (SOAP) with MPS. WDPI required the district to develop and implement

## Page 7 - Honorable Elizabeth Burmaster

a multifaceted, centralized leadership structure and accountability system for special education, and employ nine Special Education Leadership Liaisons (SELLs) to be responsible for special education compliance in the district's schools. WDPI has required the district to assess compliance in 200 schools each year, and report the results of those reviews to WDPI. WDPI has also required the district to establish parent centers. WDPI further reported that it has provided ongoing and extensive targeted technical assistance to the district, and conducted onsite monitoring activities, including annual focused monitoring reviews, and required the district to conduct annual Procedural Compliance Progress Reviews. Jointly, the district and WDPI identified 15 schools that needed intensive intervention.

In its letters to the district of November 6 and 13, 2006, WDPI stated that the district "has made very good progress in reducing substantially the number of areas of noncompliance," and that, WDPI was confident that the district will be able to correct the remaining areas of noncompliance shortly. WDPI's letter informed the district that, "noncompliance that continues after June 2007 will result in the imposition of additional sanctions on MPS by [WDPI]."

### **Mediation**

WDPI contracts with the Wisconsin Special Education Mediation System (WSEMS), located at the Marquette University Center for Dispute Resolution Education, to implement a statewide special education mediation system. WDPI reported that there are 23 active, long-standing and thoroughly trained mediators who implement mediation procedures in the State. The Marquette University Center for Dispute Resolution Education makes every effort to align mediators with each situation and geographic location. Mediation agreements may be enforced in a State court or a district court of the United States.

WDPI noted that there has been a decrease in the number of mediations, and that it believes that is because the mediators are engaged in the facilitation of IEP meetings. There is also a high agreement and satisfaction rate in the mediation system, which WDPI attributes to the joint leadership between parents and mediators.

The mediation system is evaluated through parent, attorneys and district staff surveys. The WDPI liaison to the WSEMS meets quarterly with WSEMS project partners to monitor the system's annual progress.

### **Impartial Due Process Hearings**

WDPI reported that up until 2004, there were 55-65 hearing requests per year, with 10 or fewer requests actually proceeding to a due process hearing. Since that time, there have been fewer than 40 hearing requests per year, and, recently, as few as four or five held per year. With so few hearings, there are only two primary hearing officers and two back-up hearing officers.

In its December 2005 SPP, the State reported that, during the July 1, 2004-June 30, 2005 reporting period, all four fully adjudicated due process hearing requests resulted in decisions within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party. Prior to OSEP's verification visit, WDPI provided updated data for

Page 8 - Honorable Elizabeth Burmaster

hearing requests received between July 1, 2005 and June 30, 2006. Data collected by WDPI from July 1, 2005 through June 30, 2006 show that there were 30 due process hearing requests received. Of the 30 requests received, three resulted in a fully adjudicated hearing decision, all within 45 days from the end of the resolution meeting period. Twenty-five other requests were withdrawn or otherwise resolved by the parties within 45 days from the end of the resolution meeting period or within a specific extension of the timeline. The other two requests were still pending, with extensions, at the time of OSEP's verification visit.

### Complaints

The Part B regulations require that WDPI issue its written decision on each Part B complaint within 60 days of the date that the complaint is filed, unless the timeline is extended due to exceptional circumstances with regard to a particular complaint, or if the parent (or individual or organization, if mediation or other alternative means of resolution is available to the individual or organization under State procedures) and the public agency agree to extend the time to engage in mediation, or other alternative means of resolution (34 CFR §300.152(a) and (b)(1)).<sup>2</sup> In its December 2005 SPP, WDPI reported an 84% level of compliance with these timeline requirements. In its March 23, 2006 response to the SPP, OSEP informed the State that: (1) it must ensure that this noncompliance was corrected and include data in the APR, due February 1, 2007, demonstrating compliance with these requirements; (2) 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; and (3) failure to demonstrate compliance at that time might affect OSEP's determination of the State's status under section 616(d) of the IDEA.

During the verification visit, OSEP reviewed more recent data, from July 1, 2005 to June 30, 2006. WDPI reported that it received 61 complaints between July 1, 2005 and June 30, 2006, six of which were withdrawn by the complainant. Fifty-five complaints were issued with reports, six of which exceeded the 60-day timeline without an extension of the timeline due to exceptional circumstances with regard to a particular complaint. Accordingly, WDPI reported an 89% level of compliance. OSEP will respond to the State regarding this issue after it has had an opportunity to review the State's FFY 2005 APR.

WDPI requires that any noncompliance identified in a complaint decision be corrected as soon as possible, and in all cases within one year from identification. WDPI encourages LEAs to self-assess their compliance on issues in complaints, and to begin the process of correcting any noncompliance even before they receive WDPI's complaint decision. The WDPI complaint investigator assigned to the complaint will follow-up with the district to ensure corrective action

---

<sup>2</sup> After the issuance of OSEP's letter to the State in March 2006, OSEP published the final regulations implementing Part B of IDEA. The amended regulations provide an additional circumstance under which the State must grant an extension of the 60 day time limit for resolving complaints. In addition to granting extensions for "exceptional circumstances" with respect to a particular complaint, the State must also permit an extension if the parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency involved agree to extend the time limit to engage in mediation pursuant to paragraph (a)(3)(ii) of this section, or to engage in other alternative means of dispute resolution, if available in the State. (34 CFR §300.152(b)(1)(ii))



## Page 9 - Honorable Elizabeth Burmaster

was implemented. If there is no response from the district, a follow-up letter is sent to the district.

### **Collection of Data Under Section 618 of the IDEA**

In reviewing the State's system for data collection and reporting under section 618 of IDEA, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has addressed barriers to the implementation of procedures for data collection and reporting data under section 618 of the IDEA.

In 2002, a new web-based application was launched to replace the State's diskette system. This application was designed to improve the accuracy and efficiency of the collection of data. WDPI reported that this application proved popular with LEAs and has eliminated common problems associated with the diskette system.

More recently, Wisconsin's Student Enrollment System (ISES), developed by Third Day Solutions, was designed to collect enrollment and exit data for all students, regular and special education. The data for child count, personnel, free appropriate public education (FAPE), exiting and discipline of all students, are discrete data collections. Personnel, exiting and discipline data are collected by teams outside of the Special Education Team in collaboration with the Special Education Team.

Child count and FAPE data are collected from individual student records with students assigned an identification number (ID) that is unique within an LEA. Because this ID is not unique across the State, the Department is moving toward including these data in the ISES application. The intent is to have the Child Count application fully integrated into the ISES application for the 2007-2008 school year. Currently WDPI has contracted staff on-site, in addition to WDPI staff, to assist in the maintenance, support and management of the ISES system.

During the verification visit, WDPI informed OSEP that State statute requires that the count date for regular education data be the third Friday in September, and that -- in order to integrate the special education child count data collection with general education data collection -- WDPI has begun to use the third Friday in September as its count date for special education child count for the data that it submits under section 618. This is inconsistent with 34 CFR §300.641(a), which requires that, for purposes of the annual report required by section 618 of the Act and 34 CFR §300.640, the State must count and report the number of children with disabilities receiving special education and related services on any date between October 1 and December 1 of each year. Within 60 days from the date of this letter, the State must submit its plan for correcting this noncompliance, and ensuring that the State's next submission of child count data under section

Page 10 - Honorable Elizabeth Burmaster

618 meets the requirements in 34 CFR §300.641(a) for a count date between October 1 and December 1.

Personnel data are collected via the PI-1202 Fall Staff Report using individual staff records with staff being reported by position/assignment and social security number (SSN). The position/assignment and SSN are compared to the Department's licensing database to determine whether or not staff are licensed/highly qualified. LEAs have until the end of the school year to get special education teachers licensed. Licensing issues often occur with paraprofessional positions.

Beginning with the 2005-2006 school year, the exiting special education data were collected using ISES exit data so that the data would be school year specific. Discipline data are collected via aggregate counts under the report headings of suspension, expulsion, interim alternative educational setting, and IDEA Federal discipline. The IDEA Federal discipline report is a subset of the suspension and expulsion reports, in that data are only collected for students with disabilities who have been suspended or expelled for more than 10 days. The State's discipline data collection is currently being rewritten to be student/incident specific to accommodate the new IDEA discipline reporting requirements.

Assessment data are collected and maintained by the Office of Educational Accountability. The Special Education Team's consultant is responsible for the analysis of all data. The State contracts with CTB McGraw-Hill to develop, collect and distribute the results of the assessment data.

The WDPI data management steering committee is developing guiding principles for data collection and reporting. The committee is monitoring the development of a comprehensive longitudinal data system to increase the State's data system capacity, including the ability to use accurate and timely data and engage in data-driven decision making to improve student achievement.

The State's ISES system is a secured system that can only be accessed by authorized administrators at the school and district levels. Data entry personnel vary from district to district. There are various levels of access, and administrators are bound by a confidentiality agreement. Local administrators review the data and acknowledge the validity before they are submitted to the district. The data are run through a validation process before they are locked or confirmed by a top school administrator and submitted to the central office for compilation. Edit checks are built into the system. Once data are validated, districts have an allocated time period to correct the data prior to public posting.

WDPI offers multiple modes of training to ensure the accuracy and efficiency of data collected at the local levels. CESAs are contracted to provide local on-site training. There are also on-line tutorials, and media sites/webcast training opportunities available to staff. User manuals are posted on the web, as well as responses to frequently asked questions. A help desk is also manned during business hours to provide technical assistance to users.

Page 11 - Honorable Elizabeth Burmaster

OSEP's March 2006 letter to the State noted that the data submitted in the State's SPP for Indicators 1, 2, and 5 were not completely accurate and/or complete, and recommended that the State reconsider its baseline data for Indicator 20 of the SPP and provide accurate information, including improvement activities in the APR due February 1, 2007. During the verification visit, WDPI informed OSEP that it was in the process of updating its data system and that current data had only recently become available. OSEP will respond to the State regarding this issue after it has reviewed the data submitted by the State in its FFY 2005 APR.

With the exception of the issues identified above, WDPI's system for data collection and reporting of data under section 618 of the IDEA appears reasonably designed to ensure timely and accurate data.

### **Statewide Assessment**

In reviewing the Wisconsin system for statewide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for statewide assessments that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements.

In order to better understand your system for statewide assessment, OSEP also discussed with your staff how the alternate assessment is aligned with grade-appropriate content standards. The Wisconsin Student Assessment System (WSAS) includes student testing in Reading and Mathematics in grades 3-8 and at grade 10. In addition, testing is administered in grades 4, 8, and 10 for English, Language Arts, Science, Social Studies and Writing. The WSAS includes the Wisconsin Knowledge and Concepts Examination (WKCE), which is a criterion-referenced test, and the WAA-SwD, which is an evidence-based alternate assessment. These assessment frameworks, based on alternate achievement standards, are aligned with the State's standard-based assessment system.

Statewide testing takes place in the fall of each year. There is no out-of-level testing allowed and all students with disabilities are included in the assessment system. Although parents of students with and without disabilities are permitted to opt out of having their child participate at grades 4, 8, and 10, the participation rate for students with disabilities is very high – at 99% for grades 3-8 and 96% at grade 10. There is no opting-out provision for students with disabilities participating in the WAA-SwD. Students with disabilities that are publicly placed in private schools, students who are incarcerated in county correctional facilities, and students in State schools are also included in the assessment system.

Wisconsin provides for a wide variety of approved accommodations to allow for meaningful participation in State and districtwide assessments. These accommodations are posted on the WDPI website and are also included in the Assessment Guidelines and Accommodations Matrix.

## Page 12 - Honorable Elizabeth Burmaster

The guidelines are to be used by IEP teams to determine whether students with disabilities will participate in the WKCE, with or without accommodations, or in the WAA-SwD.

In determining which assessment a student will take, the IEP team addresses each of the following criteria for each of the content areas tested: (1) if the student's curriculum and daily instruction focus on knowledge significantly different from those represented by the State's content standards for students of the same chronological age; (2) if the student's present level of academic and functional performance significantly impedes participation and completion of the general education curriculum even with significant program modifications; (3) if the student requires extensive direct instruction to accomplish the acquisition, application, and transfer of knowledge and skills; and (4) if the student's difficulty with the regular curriculum demands is primarily due to his/her disability, and not to excessive absences unrelated to the disability, or social, cultural or environmental factors. There is a section on the State's model IEP form, where the IEP team records the decision regarding which assessment the student will take as well as the accommodations that will be provided. Parents are also informed as to whether their child will receive accommodations on their tests. Every parent receives a report each spring indicating whether their child is being tested and what accommodations are being provided.

WDPI consultants provide several regional trainings regarding all aspects of the assessment process. These regional trainings are supplemented by web-based and distance education-based training several times a year to ensure that district staff have access to the most up-to-date information. Additional technical assistance is also available upon request to the districts through telephone conferences.

WDPI is in the process of updating the WAA-SwD (Wisconsin Alternate Assessment for Students with Disabilities) to reflect extended grade level assessment frameworks in Reading Math, and Science. Included in this effort is a clarification of the performance level descriptors for each grade cluster. The State was recently awarded a GSEG to further enhance and improve the WAA-SwD, including the development of an online version of the Wisconsin Alternate Assessment (WAA), performing evidence studies and inter-rater reliability studies, and providing additional technical assistance to district staff.

The participation of students with disabilities in the assessment system is monitored in several ways. Through the district self-assessment process, information regarding the use of accommodations, and in the decision-making process, is included. WDPI is currently piloting a verification process to determine if accommodations that are on the IEP are being provided to students with disabilities. In addition, following the scoring period, all test booklets are returned to the test developer to account for every student in the grades assessed, regardless of whether they participated, or how they participated.

During the verification visit, WDPI informed OSEP that some districts conduct districtwide assessments, and that it was in the process of determining which districts conduct such assessments, and of developing a process to determine whether those districts were in compliance with the requirements of sections 612(a)(16) and 614(d)(1)(A)(i)(VI) of the IDEA with respect to districtwide assessments. WDPI acknowledged that it did not yet have in effect a process for identifying noncompliance with IDEA requirements with respect to districtwide

Page 13 - Honorable Elizabeth Burmaster

assessments. By the FFY 2006 APR, due February 1, 2008, the State must submit documentation to OSEP that WDPI has corrected this area of noncompliance.

Additionally, as noted in OSEP's March 2006 letter, the State did not provide data on the participation rate of students with disabilities who took regular assessments with accommodations, as required by section 612(a)(16)(D) of IDEA 2004. OSEP will respond to the State on this issue after reviewing the State's FFY 2005 APR.

### Conclusion

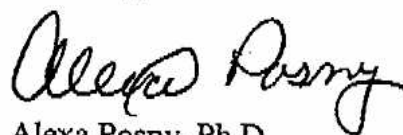
With respect to State complaint timelines, OSEP will respond to the State after it has reviewed the State's data submitted in its FFY 2005 APR.

Within 60 days from the date of this letter, the State must submit its plan for correcting noncompliance with 34 CFR §300.641(a), and ensuring that the State's next submission of child count data under section 618 contains a count date between October 1 and December 1. In addition, OSEP will respond to the State regarding its data for Indicators 1, 2, and 5 after it has reviewed the State's FFY 2005 APR.

By the FFY 2006 APR, due February 1, 2008, the State must submit documentation to OSEP that WDPI has corrected the noncompliance with the requirements of sections 612(a)(16) and 614(d)(1)(A)(i)(VI) of the IDEA with respect to districtwide assessments. OSEP will respond to the State regarding its data on the participation rate of students with disabilities who took regular assessments with accommodations, as required by section 612(a)(16)(D) of IDEA 2004, after reviewing the State's FFY 2005 APR.

OSEP's verification review has assisted in gaining a better understanding of your State's systems for monitoring, data collection and statewide assessment related to children with disabilities served under Part B of the IDEA. We appreciate the cooperation and assistance provided by your staff during our visit, and look forward to our continued collaboration with Wisconsin to support your work to improve results for children with disabilities and their families.

Sincerely,



Alexa Posny, Ph.D.

Director

Office of Special Education Programs

cc: Stephanie Petska, Ed.D.  
Director of Special Education