



# Information UPDATE

Wisconsin Department of Public Instruction/Tony Evers, PhD, State Superintendent/P.O. Box 7841/ Madison, WI 53707-7841

**BULLETIN NO. 12.01**

**August 2012**

**TO:** District Administrators, CESA Administrators, CCDEB Administrators,  
Directors of Special Education and Pupil Services, and Other Interested Parties

**FROM:** Carolyn Stanford Taylor, Assistant State Superintendent  
Division for Learning Support

**SUBJECT:** Special Education Procedural Compliance Self-Assessment

As part of its general supervision system to ensure compliance with state and federal special education requirements, the Department of Public Instruction (DPI) monitors approximately 440 local educational agencies (LEAs), including independent charter schools, the Wisconsin Department of Health Services, and the Wisconsin Department of Corrections. In addition, DPI monitors the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired. Each of these public agencies will have implemented the *Special Education Procedural Compliance Self-Assessment (Self-Assessment)* during the current Individuals with Disabilities Education Act (IDEA) State Performance Plan cycle, ending with the 2015-16 school year.

Wisconsin's public agencies have been divided into five cohorts of approximately 88 agencies each. Beginning in the 2011-12 school year, one cohort performs the *Self-Assessment* each year. Each cohort is developed to be representative of the state for pupil enrollment, areas of disability, gender, ethnicity, and race. Public agencies with average daily membership of 50,000 or more participate each year. Public agencies may be advanced on the schedule based on concerns identified by the DPI Special Education Team. The *Self-Assessment* schedule may be viewed at <http://dpi.wi.gov/sped/spp-sa-select.html>.

The *Self-Assessment* uses samples of students' individualized education program (IEP) records, and other sources. It includes selected requirements of IDEA 2004 and state law, which are closely related to improving student outcomes. The requirements in the *Self-Assessment* are related to IDEA State Performance Plan indicators. They were selected with guidance provided by the Office of Special Education Programs, U.S. Department of Education. DPI also collects data for Wisconsin State Performance Plan Indicator 11 through the *Self-Assessment*. Indicator 11 measures the percent of children evaluated for special education eligibility within 60 days of parental consent to conduct the evaluation.

The requirements in the *Self-Assessment* fall into six topical areas: parent participation, evaluation, IEP team, IEP content, discipline, and private schools. DPI may modify the content of a public agency's assessment to include other potential compliance issues identified by the DPI special education team. A compliance standard has been developed for each requirement in the *Self-Assessment*. The department strongly recommends all public agencies review the standards for assessing each of the *Self-Assessment* items to ensure compliance with them. These standards may be viewed at <http://dpi.wi.gov/sped/pdf/sa-stand-dir-new-cycle.pdf>. Annually, DPI selects public agencies to validate the accuracy of their *Self-Assessments*. DPI verifies all identified noncompliance is corrected within one year. The public agency must demonstrate all student-level noncompliance has been corrected and the public agency is currently in compliance with procedural requirements.

The 2011-12 school year marked the first year of the second cycle of the *Self-Assessment*. A total of 87 public agencies conducted the *Self-Assessment*. When a public agency identified agency-level noncompliance on a requirement, it was

required to develop and implement a corrective action plan to address the noncompliance. Any student-level noncompliance detected is corrected by the public agency as soon as possible. All noncompliance must be corrected no later than one year after identification. The attached table ranks requirements, in the 2011-12 *Self-Assessment*, by the number of public agencies reporting one or more errors for a particular requirement. The 2010-11 rankings are provided for comparison. DPI analyzes this data to identify statewide needs and develops technical assistance to improve outcomes.

Four of the most commonly missed evaluation requirement items are: parent, regular education teacher, special education teacher, and LEA representative participation in the review of existing data (EVAL-1, EVAL-2, EVAL-3, and EVAL-4). These errors commonly occur when the LEA fails to appropriately document the date and input of the required participant on the EW-1 form. Errors also occur when the LEA obtains the required input before the *Notice of Receipt of Referral* (IE-1) or *Notice of Reevaluation* (RE-1) was sent, or after the LEA requested consent to conduct the evaluation (IE-2, IE-3, RE-4, or RE-5).

There are six most commonly missed IEP requirement items. IEP-4, statement of present levels of academic achievement and functional performance is most commonly missed because the IEP team fails to document the student's functional performance. IEP-5, statement of how the child's disability affects his or her progress in the general curriculum is most commonly missed when the IEP team fails to specifically address the "how" element of the requirement. IEP-7, statement of measurable annual goals is most commonly missed when the goal is not stated in measurable terms. IEP-9, statement of the extent to which the child will not participate in the regular education environment is most commonly missed when the IEP team addresses the student's participation in the regular education curriculum rather than the regular education environment. IEP-10 and IEP 12 relate to frequency and amount of special education, and supplementary aids and services. DPI Information Update Bulletin 10.07 provides guidance on appropriately describing frequency and amount, and is available at: <http://dpi.wi.gov/sped/bul10-07.html>.

The second cycle *Self-Assessment* contains three new discipline items not present in the first cycle. Through the validation process, the department determined that many LEAs were not maintaining the comprehensive disciplinary records necessary to accurately assess compliance with these three items. It is essential all LEAs consistently record disciplinary removals for special education students. Examples of removals include, but are not limited to, out-of-school suspensions, certain in-school suspensions, certain bus suspensions, expulsions, and removals to interim alternative educational settings for weapons or drug offences or for inflicting serious bodily harm, and *de facto* suspensions. See the *Self-Assessment Standards and Directions* for a definition of *de facto* suspensions at <http://dpi.wi.gov/sped/pdf/sa-stand-dir-new-cycle.pdf>. See DPI Information Update Bulletin 06.02 for additional information on discipline requirements at <http://dpi.wi.gov/sped/bul06-02.html>.

The department strongly encourages all public agencies to review the standards and supporting materials for these most commonly missed items to ensure ongoing compliance with state and federal special education requirements.

Resources are available to assist public agencies in completing the *Self-Assessment*. A complete manual, PowerPoint presentations, and a question and answer document are available on the DPI website. Go to <http://dpi.wi.gov/sped/spp-selfassmt.html>. Public agencies may also contact their Cooperative Educational Services Agency (CESA) about assistance offered by their CESA. If you have questions about this bulletin, contact Paul Sherman at (608) 267-9157 or [paul.sherman@dpi.wi.gov](mailto:paul.sherman@dpi.wi.gov), or Patricia Williams at (608) 267-3720 or [patricia.williams@dpi.wi.gov](mailto:patricia.williams@dpi.wi.gov).

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**<http://dpi.wi.gov/sped/bulindex.html>**