

**Wisconsin Department of Public Instruction  
Division for Learning Support  
Special Education Team**

**Disproportionality**

**Review of Policies, Procedures, and Practices**

**Guide**

**For 2016-17 Submissions: Disproportionality Procedural Compliance  
Self-Assessment**

**September 2016**



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# **DISPROPORTIONALITY – PROCEDURAL COMPLIANCE SELF-ASSESSMENT**

## **1. PURPOSE**

The purpose of this document is to describe the procedures the Wisconsin Department of Public Instruction (WDPI) follows to implement procedural compliance monitoring focused on legal requirements related to racial disproportionality (including significant disproportionality) in special education, discipline, environment, and placement.

Wisconsin annually collects local education agency data, disaggregated by race/ethnicity, for students aged 3 through 21 in special education and in all disability categories. Every year, WDPI applies criteria to the data and identifies local education agencies (LEAs or public agencies) with racial disproportionality in discipline (Indicator 4B), special education (Indicator 9), and specific disability categories (Indicator 10). In addition, WDPI applies criteria to the data and identifies public agencies with significant racial disproportionality in discipline, special education, specific disability categories, and placement. (See Appendix A.)

Once identified as having racial disproportionality in one of the above areas, the public agency and WDPI staff review related policies, procedures, and practices to ensure that they are race neutral and in compliance with state special education law and Part B of the Individuals with Disabilities Education Act 2004 (IDEA). WDPI is further required to review noncompliance and determine whether the noncompliance contributes to the identified racial disproportionality.

The U.S. Department of Education, Office of Special Education Programs, and state law have identified the legal requirements that are related to each area of disproportionality.

### **1.1. IDENTIFICATION**

If a public agency meets criteria for Indicators 9 and/or 10 and/or the separate, but related, criteria for significant disproportionality in special education and/or specific disability areas, then WDPI provides for the review and, if appropriate, revision of

policies, procedures, and practices related to the requirements of 34 CFR 300.111, 300.201, and 300.301 through 300.311.

### **1.2. DISCIPLINE**

If a public agency meets criteria for Indicator 4B and/or the separate, but related, criteria for significant disproportionality in discipline, then WDPI provides for the review and, if appropriate, revision of policies, procedures, and practices used in the disciplinary actions of children with disabilities, to ensure that the policies, procedures, and practices comply with the requirements of the Act. (34 CFR §300.646(b)(1)) Specifically, WDPI ensures compliance with requirements relating to the development and implementation of individualized education programs (IEPs), the use of positive behavioral interventions and supports, and procedural safeguards.

### **1.3. PLACEMENT**

If a public agency meets criteria for significant disproportionality in the placement of children with disabilities in particular educational settings, then WDPI provides for the review and, if appropriate, revision of policies, procedures, and practices used in the placement, to ensure that the policies, procedures, and practices comply with the requirements of the Act. (34 CFR §300.646(b)(1))

## **2. OVERVIEW OF COMPLIANCE MONITORING – DISPROPORTIONALITY**

The WDPI monitors public agencies identified annually as disproportionate under Indicators 4B, 9, and 10, and/or the separate, but related, provisions for significant disproportionality. For these public agencies:

- The WDPI ensures the identified public agencies have policies, procedures, and special education forms that comply with special education requirements, including requirements specifically related to racial disproportionality in identification, discipline, and placement.

1. WDPI ensures that each public agency has either adopted WDPI's model policies and procedures or has submitted policies and procedures that have been reviewed and approved by WDPI staff.
  2. WDPI ensures that the public agency has either adopted the department's sample IEP forms or used forms approved by WDPI.
  3. WDPI reviews IDEA complaint decisions and due process hearing decisions to ensure identified public agencies are in compliance with related requirements.
- IDEA budgets are reviewed for compliance with related special education requirements. Public agencies identified as having significant disproportionality in identification, discipline, and/or placement must reserve 15% of their IDEA flow-through and preschool funds for coordinated, early intervening services (CEIS) with a particular focus on students who are disproportionately identified. Public agencies with significant disproportionality must also submit a CEIS narrative to describe the use of the required funds.
  - WDPI staff review submission of "Preventing DISPROPORTIONALITY by Strengthening District Policies and Procedures – An Assessment and Strategic Planning Process." Staff follows-up with LEA when LEA self-assesses "beginning" or "developing" in the following focus areas: 2, 6, 21. These focus areas relate to Part B IDEA compliance in the areas of development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
  - All newly-identified public agencies under Indicators 4B, 9, and 10 and/or the separate, but related, provisions for significant disproportionality participate in the Disproportionality Procedural Compliance Self-Assessment (Disproportionality PCSA).
- All public agencies that continue to be identified participate in the Disproportionality PCSA based on risk. Public agencies with average daily membership of 50,000 or more that continue to be identified participate in compliance monitoring activities each year.

- Public agencies are required to correct noncompliance as soon as possible, but no later than one year after identification.
- Annually, the WDPI conducts activities to verify all noncompliance has been corrected and the agency is currently in compliance with regulatory requirements.

The WDPI publishes a report summarizing the findings of monitoring activities. Monitoring efforts are evaluated annually.

### ***2.1. REVIEW OF POLICIES, PROCEDURES, AND PRACTICES***

The WDPI ensures all public agencies, not just public agencies identified as having disproportionality/significant disproportionality, adopt policies and procedures, and special education forms that comply with IDEA 2004 and state law. Model public agency special education policies and procedures and model special education forms are disseminated by the WDPI (<http://dpi.wi.gov/sped/laws-procedures-bulletins/procedures/sample>, <http://dpi.wi.gov/sped/laws-procedures-bulletins/procedures/sample/forms>). Each public agency informs the WDPI whether it adopted the WDPI model policies and procedures and special education forms, or whether it developed its own policies and procedures and special education forms.

Whenever an LEA substantially modifies its policies and procedures or special education forms, the LEA submits to WDPI the new or modified policy, procedure, or special education form. The WDPI reviews the revision for compliance, and if it does not comply with special education requirements, the LEA is required to revise it. Annually public agencies assure the WDPI they understand the requirement to submit any policies and procedures or special education forms with substantive modifications. These requirements are applicable to all LEAs and not just those identified as having disproportionality/significant disproportionality.

### ***2.2. ADDITIONAL REVIEW OF POLICIES, PROCEDURES, AND PRACTICES: DISPROPORTIONALITY PROCEDURAL COMPLIANCE SELF-ASSESSMENT***

WDPI also monitors implementation of required special education requirements related to racial disproportionality via a public agency self-assessment using samples of

students' evaluation records, individualized education program records and other sources. The self-assessment content includes selected requirements of IDEA 2004 and state law, which are closely related to disproportionality (See Appendix B). Independent charter schools (2r charter schools) are required to meet IDEA requirements and eligibility criteria established under PI 36, Wis. Admin. Code.

When a LEA is identified with racial disproportionality under Indicators 9 or 10, and/or the related areas of significant disproportionality, then the LEA must also report re-evaluation data on all students, disaggregated by race.

The WDPI may modify the content of a public agency's self-assessment to include other potential compliance issues identified by the WDPI special education team. Sources of information include: state IDEA complaints; previous compliance monitoring; due process hearings; fiscal monitoring; agency policies submitted for WDPI review; data review; and state-wide issues identified by WDPI or the Office of Special Education Programs, U.S. Department of Education.

### **3. PUBLIC AGENCY PARTICIPATION IN THE PROCEDURAL COMPLIANCE SELF-ASSESSMENT AND THE DISPROPORTIONALITY PCSA**

The WDPI monitors approximately 440 local educational agencies, including independent 2r charter schools, the Wisconsin Department of Health Services, and the Wisconsin Department of Corrections. In addition, WDPI monitors the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired. Wisconsin's public agencies have been divided into five cohorts, and each cohort is 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 in compliance monitoring activities each year. These public agencies are required to participate, in a five-year cohort cycle, in the Procedural Compliance Self Assessment (PCSA).

When an LEA is required to participate in the PCSA and is also required to participate in the Disproportionality PCSA based on data meeting criteria for Indicator 4B and/or

significant disproportionality in discipline, then the following modifications are required for PCSA participation and reporting:

- **Public agencies with average daily membership of 50,000 or more:** No record reviews or reporting for items DISC-2 and DISC-3 because these items are included in Disproportionality PCSA. LEAs report “0” for student records in noncompliance.
- **Public agencies with average daily membership of less than 50,000:** No record reviews or reporting for item IEP-6; LEAs report “0” for student records in noncompliance. No sampling, record reviews, or reporting for any items in the Discipline sample; LEAs report “0” for the sample. These items are included in the Disproportionality PCSA.

No modifications are required for LEAs when participating in both the PCSA and the Disproportionality PCSA if identified under Indicators 9 or 10, and/or the separate, but related, criteria for significant disproportionality.

#### **4. PREPARING FOR THE DISPROPORTIONALITY PCSA**

In the spring of each year, public agencies are notified they are required to participate in the Disproportionality PCSA during the next school year. The WDPI strongly recommends a public agency establish an ad hoc committee to conduct the Disproportionality PCSA. The ad hoc committee should reflect the racial diversity of the student population. The ad hoc committee may be appointed by any public agency personnel or public agency body with authority to do so. Action by the school board or other governing body is not required by WDPI. Prior to conducting the self-assessment, the ad hoc committee should plan how the self-assessment will be conducted. WDPI recommends a team of public agency staff conduct the self-assessment. The team may include agency staff from the committee. If parents are participants on the ad hoc committee, they do not participate in reviewing student records and other confidential student information. It is recommended that public agency staff review the WDPI training materials located on the WDPI website prior to conducting the self-assessment. The training covers developing samples, understanding directions and standards for

assessing each requirement, developing a corrective action plan to address noncompliance, and reporting self-assessment results and corrective actions to WDPI.

## **5. CONDUCTING THE SELF-ASSESSMENT**

### **5.1. SAMPLING**

The Disproportionality PCSA uses sampling techniques, in part, to develop a representative data set. Sampling is used as a cost-effective method of assessing a public agency's performance without reviewing information on every child. The information gathered is used to generalize from the sample to all children with disabilities served by the public agency. To increase precision, some samples have been "weighted" to ensure certain subgroups are adequately represented in the sample. After an LEA uploads the appropriate student lists in the Special Education Web Portal, the web application will generate the sample(s).

### **5.2. DISCIPLINE/INDICATOR 4B**

The LEA's sample is calculated to reflect the racial proportionality of the LEA's total population of students with disabilities for the previous school year. The year-end total includes all students with disabilities, 3-21, and excludes parentally placed private school students.

The LEA must create race-specific lists of all students with disabilities suspended/expelled at least once during the previous school year, including:

- Expulsions,
- Out-of-school suspensions,
- Certain in-school suspensions,
- Certain bus suspensions, and
- De facto suspensions.

In-school suspensions are included if:

- The student's IEP was not implemented; or

- The student did not participate with nondisabled peers to the extent required by the IEP; or
- The student did not have the opportunity to appropriately progress in the general curriculum.

A bus suspension is included if the student's IEP includes transportation as a related service and the LEA did not provide for alternative transportation.

A de facto suspension is included if the student is removed from school or class for not following rules without following the procedures related to suspension.

LEAs should have procedures to accurately track and count de facto suspensions.

See WDPI Information Update Bulletin 06.02 for additional information on discipline requirements at <http://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/06-02>.

The LEA's lists must include all students ages 3-21, as well as those who have graduated or moved. Parentally placed private school students are excluded. The LEA uses the WDPI interactive sampling calculator and random.org to develop a sample that reflects the racial diversity of its population of students with disabilities for the previous school year.

The maximum number of student records reviewed for Indicator 4B or the separate, but related, area of significant disproportionality, is 70 (rounding may occur). In cases where the number of students disciplined within a particular racial category is smaller than the sample size calculated for that particular racial category, the overall sample is adjusted.

See Appendix C for detailed instructions.

### ***5.3. SPECIAL EDUCATION/INDICATOR 9***

The LEA's sample is calculated to reflect the racial proportionality of students with initial evaluations and found eligible between July 1 of the previous year and June 30 of the current year.

The student entered by the LEA into the application, and used to generate the sample, includes all students with disabilities, 6-21, initially evaluated and found eligible during the dates specified. The data excludes parentally placed private school students.

The maximum number of student records reviewed for Indicator 9 or the separate, but related, area of significant disproportionality, is 70 (rounding may occur).

See Appendix C for interactive sampling calculator.

#### ***5.4. SPECIFIC DISABILITIES/INDICATOR 10***

The LEA's sample is calculated to reflect both (a) the racial proportionality of students initially evaluated **and found eligible**, July 1 of the previous year to June 30 of the current year and (b) the proportionality of students in specific disability categories in which the LEA has racial disproportionality under Indicator 10 or the separate, but related, area of significant disproportionality.

The student list(s) entered by the LEA into the application, and used to generate the sample, includes all students with disabilities, 6-21, initially evaluated and found eligible during the dates specified. The data excludes parentally placed private school students.

The maximum number of student records reviewed for Indicator 10 or the separate, but related, area of significant disproportionality, is 70 (rounding may occur).

See Appendix C for detailed instructions.

## **6. EVALUATING COMPLIANCE**

IEPs in effect at the end of the school year in which the student was found eligible, IEP team evaluations from the previous school year, and public agency records are used to conduct the Disproportionality PCSA. The WDPI has standards and directions for each requirement in the Disproportionality PCSA. The standards and directions are applied by the public agency staff in completing the Disproportionality PCSA. These appear in Appendix B.

Record review checklists have been developed by the WDPI for use with pupil records of students in the samples (See Appendix D). The checklists contain requirements relevant for each sample and is recommended, but not required, for LEA use.

Electronic recording forms have been developed to summarize the results from each sample (See Appendix E). The electronic recording forms are not required.

All records created for the Disproportionality PCSA must be maintained for the year in which the self-assessment is completed and for four (4) additional fiscal years (July 1 through June 30).

## **7. REPORTING AND REVIEWING DISPROPORTIONALITY PCSA RESULTS**

The results are required to be reported via the web-based application *Disproportionality PCSA*, accessed through the Special Education Web Portal. The LEA's Director of Special Education must either enter the results or designate another user to enter the results by authorizing them to access the *Disproportionality PCSA*. The WDPI strongly recommends the public agency's Disproportionality PCSA ad hoc committee review the results and proposed corrective actions prior to the public agency reporting the results to WDPI.

Each year the WDPI reviews all public agency self-assessment reports.

Results from independent 2r charter schools are reported by WDPI to the charter schools' authorizing entities.

## **8. CORRECTING NONCOMPLIANCE**

At the time the public agency reports the Disproportionality PCSA results, the web-based application identifies any areas of noncompliance. The public agency must correct any noncompliance as soon as possible, and no later than one year from the date WDPI notifies the public agency of noncompliance by letter.

Each individual instance of noncompliance must be corrected as specified in the Disproportionality PCSA report, and steps must be taken to ensure future compliance.

When the public agency's Disproportionality PCSA indicates an error, the public agency must develop agency-wide corrective actions to correct the identified noncompliance and to ensure future compliance.

As soon as possible after identifying the noncompliance, the public agency corrects all compliance errors for individual students in the Disproportionality PCSA samples. The steps required to address compliance errors for individual students are prescribed by WDPI (See Appendix B). Public agencies are informed of the steps that must be taken to address these errors by the web-based reporting application.

The public agency is required to review noncompliance, disaggregated by race. If the LEA identifies any race-based patterns in the noncompliance, then it must conduct a program review to address the disproportionality.

Based upon the errors identified in the samples, the public agency takes appropriate additional steps to ensure future compliance, such as communicating with staff, reviewing future work product, revising policies, procedures, or forms; training staff; increasing supervision; or adding staff and other resources. As part of its Disproportionality PCSA verification activities, the WDPI verifies each public agency's correction of compliance errors for individual students in the samples, and verifies the agency is in current compliance with regulatory requirements.

## **9. CORRECTIVE ACTION PLANS**

A public agency is required to submit to the WDPI a corrective action plan addressing the noncompliance via the Disproportionality PCSA web application. The WDPI strongly recommends self-assessment results and proposed corrective actions be reviewed with the agency's ad hoc self-assessment committee prior to submitting a corrective action plan to WDPI. The corrective action plan includes required activities to bring about compliance and to ensure future compliance (See Appendix B). For all noncompliance identified through the Disproportionality PCSA, LEAs must review and, if necessary, revise policies, procedures, and practices to ensure compliance with IDEA. Additional corrective actions could include training staff, increasing supervision, changing staff

assignments, or adding staff and other resources. WDPI's web-based reporting system provides the proposed correction strategies reasonably calculated to correct the identified noncompliance in a timely manner and ensure future compliance (See Appendix B).

Each public agency needs to review its internal control system as part of participation in the Disproportionality PCSA. An internal control system allows an LEA to detect and promptly correct noncompliance. Data from an internal control system assists the LEA to determine root causes of noncompliance. Finally, an internal control system helps ensure the LEA continues to maintain compliance with federal and state special education requirements.

Components of an effective internal control system are:

1. **Infrastructure System:** The LEA should create or update its infrastructure for systematic record review and ongoing monitoring of correction. The system should clearly outline who has responsibility for its continuous operation. The system may involve teachers, school psychologists, directors of special education, as well as LEA representatives. The system may include review of random samples of records, similar to the process included in the Disproportionality PCSA. Effective systems allow for monitoring at the school, department, or individual staff member level as appropriate for each LEA. "Drilling down" to these various levels allows LEAs to discover root causes of noncompliance and provides a method for efficient and effective correction and technical assistance. Systems should ensure record reviews are completed in a timely manner, respecting required timelines. LEAs should ensure the internal system of control is used consistently across all schools.
2. **Ongoing training:** A critical component of the system is ongoing training on correct implementation of procedural requirements. Some LEAs may choose to base training on the Disproportionality PCSA Standards and Directions. LEAs should plan for initial training of new staff, as well as updated and refresher training of veteran staff.

3. **Tools:** The LEA should develop tools to be used at the school, region, or public agency level. Examples of tools include comprehensive compliance checklists, protocols for peer reviews, and computerized form systems with built-in compliance checks.

Some LEAs review IEPs for compliance after the IEP team meeting has occurred. Corrections to IEPs may be made without a meeting provided the corrections do not affect or change a student's educational placement and the LEA and the parent agree. The LEA must provide written notice describing the changes and a copy of the revised IEP. The LEA must reconvene the IEP team in order to make any corrections affecting or changing a student's educational placement.

#### **10. VERIFYING PUBLIC AGENCY NONCOMPLIANCE IS CORRECTED**

The WDPI verifies all public agencies have corrected any identified noncompliance, and are currently in compliance with regulatory requirements, within one year of notifying public agencies of noncompliance. The verification process is conducted as soon as possible and prior to the end of the one-year period for correcting noncompliance, so WDPI may provide additional technical assistance to ensure the public agency's noncompliance is corrected within one year of notification. The WDPI determines whether noncompliance is corrected by examining pupil records and other documents and conducting interviews when warranted. WDPI staff randomly selects students from the samples and examines their records. WDPI may collect data or conduct interviews onsite when warranted. The WDPI determines whether the agency is currently in compliance with regulatory requirements by examining a reasonable sample of randomly selected pupil records created after the agency completes its corrective action activities.

If the noncompliance is found through the "Preventing DISPROPORTIONALITY by Strengthening District Policies and Procedures – An Assessment and Strategic Planning Process" or the Disproportionality-PCSA, then WDPI specifically follows the Procedures for Verifying Correction of Noncompliance Identified for State Performance Plan Indicators 4B, 9, and 10.

When, as a result of its verification activities, the WDPI determines all noncompliance is corrected and the agency is currently in compliance with regulatory requirements, the WDPI notifies the public agency it is in compliance. If the WDPI determines all noncompliance is not corrected, or the agency is not currently in compliance with regulatory requirements, the WDPI will provide training or technical assistance to assist the public agency to correct the noncompliance as soon as possible. Verification activities continue until the public agency is able to demonstrate 100% compliance. If the public agency is an independent 2r charter school, the school's status is reported by WDPI to the school's authorizing entity. The self-assessment is complete when WDPI verifies all noncompliance is corrected and notifies the agency.

Annually, WDPI is required to make a determination about whether each public agency meets the requirements and purposes of IDEA. If the agency does not correct identified noncompliance and demonstrate it is currently in compliance with regulatory requirements within one year of being notified of noncompliance by WDPI, the public agency's annual determination is affected and other sanctions may be applied.

#### **11. DETERMINING WHETHER PUBLIC AGENCY NONCOMPLIANCE CONTRIBUTES TO SIGNIFICANT RACIAL DISCREPANCY IN DISCIPLINE OR RESULTS IN "INAPPROPRIATE IDENTIFICATION"**

WDPI is required to review all noncompliance and determine whether the noncompliance contributes to the significant racial discrepancy in discipline (Indicator 4B and the separate, but related, requirements for significant disproportionality) or results in inappropriate identification (Indicators 9 and 10 and the separate, but related, requirements for significant disproportionality).

WDPI uses an internal workgroup to make these determinations. WDPI considers the following factors in making the determinations:

- Amount and frequency of noncompliance;
- Severity of noncompliance;
- Dates of noncompliance;

- Dates of data used to identify LEAs for significant discrepancy or disproportionality;
- Research related to disproportionality;
- Guidance from the U.S. Department of Education, Office of Special Education Programs;
- Information from public agency and community; and
- Other.

When an LEA is determined to have noncompliance that contributes to significant racial discrepancy in discipline or results in inappropriate identification, then WDPI provides written notification.

## **12. PUBLIC REPORTING**

LEAs are required to publicly report the revision of any policies, procedures, and practices when identified with significant disproportionality in the areas of discipline, special education, specific disability categories, or environment.

## **13. REPORTING CATEGORIES FOR RACE/ETHNICITY**

WDPI asks LEAs to report on the race/ethnicity of students using the same categories as reported in the Wisconsin Student Number Locator System and Individual Student Enrollment System.

The data is collected in a 2-part question format.

Part One: Is this person Hispanic or Latino? (Must choose one)

- Hispanic or Latino
- Not Hispanic or Latino

Part Two: Select one or more of the following categories that apply to this person.

- American Indian or Alaska Native
- Asian

- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

## **APPENDIX A – DISPROPORTIONALITY CRITERIA**

Wisconsin Criteria for Indicators 4B, 9, 10, and Significant Disproportionality

## **INDICATOR 4B**

### ***INDICATOR AND MEASURE***

Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Percent = (# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State) times 100.

*State Performance Plan 2005-2006 through 2012-2013 (Revised February 2012)*

### ***WISCONSIN'S CRITERIA***

1. Minimum n size of 2 students with disabilities for a given race/ethnicity suspended/expelled for more than 10 days
2. Risk for racial/ethnic group greater than 2 standard deviations above the statewide risk for a given reporting period.

Wisconsin's criteria for Indicator 4B does not require longitudinal data. In other words, we analyze and report on one year of data.

## INDICATOR 9

### *INDICATOR AND MEASURE*

Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Percent = (# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State) times 100.

*State Performance Plan 2005-2006 through 2012-2013 (Revised February 2012)*

### *WISCONSIN CRITERIA*

1. Risk Ratio of 2.0 or Greater: In calculating the risk ratio for over-representation, WDPI uses the Westat developed equation for risk ratio (risk for racial/ethnic group for disability category / risk for comparison group for disability category) with a comparison group of the remaining race/ethnic categories.
2. Calculating Risk: Because white students have been the unit of comparison used by the National Research Council in their analysis of this issue, and because white students in Wisconsin have never been regarded as an over-represented racial group in special education, or in any disability category, their risk level for the state is used as the comparison group for this second factor. For each racial group, over-representation may be considered where the risk level for the given group exceeds the state's risk level of white students in that category by at least one percent. This additional measure also ensures that districts will not be considered for the highest level of review where the risk for a given group is low. To ensure that white students could be regarded as over-represented at the district level, white student risk level at the district level is compared to white student risk level at the state level in the same manner as every other racial or ethnic group.
3. Cell size: To be identified for over-representation based on statistical data, a racial or ethnic group must have at least ten members in a given cell used for risk ratio analysis, and a total enrollment of 100 students for any given racial group.

**Consecutive Years:** Acknowledging the factors of changing demographics, anomalies in data collection, and other factors, WDPI requires districts to meet the above criteria for three consecutive years.

## INDICATOR 10

### *INDICATOR AND MEASURE*

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Percent = (# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State) times 100.

*State Performance Plan 2005-2006 through 2012-2013 (Revised February 2012)*

### *WISCONSIN CRITERIA*

1. Risk Ratio of 2.0 or Greater: In calculating the risk ratio for over-representation, WDPI uses the Westat developed equation for risk ratio (risk for racial/ethnic group for disability category / risk for comparison group for disability category) with a comparison group of the remaining race/ethnic categories.
2. Calculating Risk: Because white students have been the unit of comparison used by the National Research Council in their analysis of this issue, and because white students in Wisconsin have never been regarded as an over-represented racial group in special education, or in any disability category, their risk level for the state is used as the comparison group for this second factor. For each racial group, over-representation may be considered where the risk level for the given group exceeds the state's risk level of white students in that category by at least one percent. This additional measure also ensures that districts will not be considered for the highest level of review where the risk for a given group is low. To ensure that white students could be regarded as over-represented at the district level, white student risk level at the district level is compared to white student risk level at the state level in the same manner as every other racial or ethnic group.
3. Cell size: To be identified for over-representation based on statistical data, a racial or ethnic group must have at least ten members in a given cell used for risk ratio analysis, and a total enrollment of 100 students for any given racial group.

**Consecutive Years:** Acknowledging the factors of changing demographics, anomalies in data collection, and other factors, WDPI requires districts to meet the above criteria for three consecutive years.

## SIGNIFICANT DISPROPORTIONALITY

### *WISCONSIN CRITERIA*

The WDPI followed Westat recommendations for the formulas below. The WDPI considered multiple factors in defining significant disproportionality, including the population size, size of individual LEAs, and composition of State population. The determination of significant disproportionality by race or ethnicity is based solely on a collection and examination of data and not on a LEA's policies, procedures, or practices.

**Special education identification.** The WDPI annually identifies LEAs with significant disproportionality in overall special education identification. LEAs are identified via statistical analysis using the following criteria:

- Minimum cell sizes: To be identified for significant disproportionality based on statistical data, a racial or ethnic group must have at least 10 students with disabilities and a total enrollment of 100 students for any given racial group.
- Risk Ratio of 4.0 or Greater: In calculating the risk ratio for significant disproportionality, WDPI uses the calculator developed by Westat for risk ratio (risk for a racial/ethnic group for students with disabilities / risk for comparison group for students with disabilities) with a comparison group being the remaining race/ethnic categories.
- Risk of 1.0% or Greater than White Students (State Risk): Because white students have been the unit of comparison used by the National Research Council in their analysis of this issue, their risk level for the state is used as the comparison group for this second factor. For each racial group, significant disproportionality may be considered where the risk level for the given group exceeds the state's risk level of white students in that category by at least one percent. This additional measure also ensures that LEAs will not be considered for the highest level of review where the risk for a given group is low.
- Multi-year analysis: LEAs must meet the criteria, above, for three years in a row.

**Eligibility categories.** The WDPI annually identifies LEAs with significant disproportionality in particular disability categories (cognitive disabilities, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments, and autism). If the WDPI identifies a concern or has reason to believe that there are issues with other disability categories (i.e., through written complaints, due process filings, etc.), then the WDPI explores the concerns with those categories. LEAs are identified via statistical analysis using the following criteria:

- Minimum cell sizes: To be identified for significant disproportionality based on statistical data, a racial or ethnic group must have at least ten students with the particular disability and a total enrollment of 100 students for any given racial group.

- Risk Ratio of 4.0 or Greater: In calculating the risk ratio for significant disproportionality, WDPI uses the calculator developed by Westat for risk ratio (risk for racial/ethnic group for disability category / risk for comparison group for disability category) with a comparison group of the remaining race/ethnic categories.
- Risk of 1.0% or Greater than White Students (State Risk): Because white students have been the unit of comparison used by the National Research Council in their analysis of this issue, their risk level for the state is used as the comparison group for this second factor. For each racial group, significant disproportionality may be considered where the risk level for the given group exceeds the state's risk level of white students in that category by at least one percent. This additional measure also ensures that LEAs will not be considered for the highest level of review where the risk for a given group is low.
- Multi-year analysis: LEAs must meet the criteria, above, for three years in a row.

**Settings/Placements.** The WDPI annually identifies LEAs with significant disproportionality in the placement in particular educational settings of children with disabilities. LEAs are identified via statistical analysis using the following criteria:

- Minimum cell sizes: To be identified for significant disproportionality based on statistical data, a racial or ethnic group must have at least ten students within the particular educational setting and a total enrollment of 40 students with disabilities for any given racial group.
- Risk Ratio of 4.0 or Greater: In calculating the risk ratio for significant disproportionality, WDPI uses the calculator developed by Westat for risk ratio (risk for racial/ethnic group within a particular educational setting/risk for comparison group within the setting) with a comparison group of the remaining race/ethnic categories.
- Risk of 1.0% or Greater than White Students (State Risk): Because white students have been the unit of comparison used by the National Research Council in their analysis of this issue, their risk level for the state is used as the comparison group for this second factor. For each racial group, significant disproportionality may be considered where the risk level for the given group exceeds the state's risk level of white students in that particular setting by at least one percent. This additional measure also ensures that LEAs will not be considered for the highest level of review where the risk for a given group is low.
- Multi-year analysis: LEAs must meet the criteria, above, for three years in a row.

**Discipline.** The WDPI annually identifies LEAs with significant disproportionality in the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. LEAs are identified via statistical analysis using the following criteria:

- Minimum cell sizes: To be identified for significant disproportionality based on statistical data, a racial or ethnic group must have at least ten students in the

disciplinary category and a total enrollment of 40 students with disabilities for any given racial group.

- Risk Ratio of 4.0 or Greater: In calculating the risk ratio for significant disproportionality, WDPI uses the calculator developed by Westat for risk ratio (risk for racial/ethnic group for disciplinary category / risk for comparison group for disciplinary category) with a comparison group of the remaining race/ethnic categories.
- Risk of 1.0% or Greater than White Students (State Risk): Because white students have been the unit of comparison used by the National Research Council in their analysis of this issue, their risk level for the state is used as the comparison group for this second factor. For each racial group, significant disproportionality may be considered where the risk level for the given group exceeds the state's risk level of white students in the disciplinary category by at least one percent. This additional measure also ensures that LEAs will not be considered for the highest level of review where the risk for a given group is low.
- Multi-year analysis: LEAs must meet the criteria, above, for three years in a row.

**APPENDIX B – COMPLIANCE REQUIREMENTS, STANDARDS AND  
DIRECTIONS, REQUIRED CORRECTIONS, AND ELECTIVE  
CORRECTIVE ACTIONS**

## Procedural Compliance Self-Assessment – Disproportionality Standards and Directions for Assessing Compliance

New October 10, 2014

### Discipline (Indicator 4B and Significant Disproportionality)

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

| Item              | Compliance Statement   | Standards and Directions   | Correction  | Citation                     |
|-------------------|--|--|---|------------------------------|
| Dispro-<br>DISC-1 | The IEP team must, in the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior. | <p>Locate Individualized Education Program: Present Level of Academic Achievement and Functional Performance (form I-4). Look under “Special Factors.” If “no” is checked, enter “Not Applicable”. If “yes” is checked or neither box is checked on I-4 under “Special Factors,” locate Individualized Education Program: Special Factors (form I-5). If neither box is checked on form I-4, and there is no form I-5, the IEP does not meet the standard and the requirement is not met. If there is a form I-5, look at section A. If “no” is checked in section A, enter “Not Applicable”. If “yes” is checked in section A, determine whether the IEP includes positive behavioral interventions, strategies, and supports to address the behavior impeding learning.</p> <p>An IEP that includes only negative measures, such as seclusion or restraint, suspension, or detention does not meet the standard.</p> | <p><i>Student-level Noncompliance</i><br/>Conduct a new IEP team meeting to consider the use of positive behavioral interventions, supports and other strategies to address behavior, and revise the IEP accordingly.* In determining what positive supports, interventions, and supports are needed, a functional behavioral assessment may be required. If a subsequent IEP team meeting was conducted, then first review the IEP in effect to determine whether the team considered the use of positive behavioral interventions, supports and other strategies to address behavior.</p> <p><i>Current Compliance:</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> | 34 CFR §<br>300.324(a)(2)(i) |

\* In making changes to a student’s IEP after the annual IEP team meeting for a school year, the parent of a student with a disability and the local educational agency may agree not to convene an IEP team meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the student’s current IEP. 34 CFR §300.324(a)(4). Changes to a student’s placement must be made through an IEP team meeting.

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                        | Compliance Statement   | Standards and Directions   | Correction   | Citation               |
|-----------------------------|--|--|--|------------------------|
| Dispro-<br>DISC-1<br>contd. |  |  | The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.   |                        |
| Dispro-<br>DISC-2           | Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or if the conduct in question was the direct result of the LEA’s failure to implement the IEP. | <p>Within 10 school days of any <b>decision</b> to change the placement of a student with a disability because of a violation of school code, the LEA, the parent, and relevant members of the student’s IEP team must conduct a manifestation determination.</p> <p>Determine whether a manifestation determination was completed within ten school days of the date of the decision to change the student’s placement. Note the ten school days is counted from the date the school district decides to move forward with a disciplinary change of placement, and not from the date the placement is changed.</p> <p>The date of the decision would be, for example,</p> <ul style="list-style-type: none"> <li>• The date the LEA decides to proceed with expulsion,</li> <li>• The date the LEA decides to change the student’s placement because of a violation of school code, or</li> <li>• The date the LEA determines the pattern of removals constitute a change in placement.</li> </ul> <p>Mark “Not Applicable” for this item if a disciplinary change in placement did not occur. A disciplinary change of placement occurs when the student is removed from the current placement for more than ten consecutive school days because of a violation of a code of student</p> | <p><i>Student-level Noncompliance</i><br/>The LEA must conduct a manifestation determination if one has not been conducted.</p> <p>If the behavior is a manifestation of the student’s disability, the student must be returned to placement from which the student was removed, unless the parent and the LEA agree to a change of placement, or except in situations involving weapons, drugs, or serious bodily injury. See <a href="http://sped.dpi.wi.gov/sped_bul06-02#q17">http://sped.dpi.wi.gov/sped_bul06-02#q17</a> to determine if this situation applies.</p> <p>If the behavior is a manifestation of the student’s disability, the LEA must also conduct a functional behavioral assessment (FBA), unless one was previously conducted, and implement a behavioral intervention plan (BIP).</p> <p>If a BIP has already been developed, the IEP team must review the BIP, and modify it, as necessary, to address the behavior.</p> | 34 CFR § 300.530(e)(1) |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                        | Compliance Statement  | Standards and Directions   | Correction  | Citation               |
|-----------------------------|---|--|---|------------------------|
| Dispro-<br>DISC-2<br>contd. |   | <p>conduct.</p> <p>A disciplinary change of placement also occurs if the student has been subjected to a series of removals that constitute a pattern because:</p> <ul style="list-style-type: none"> <li>• The series of removals total more than ten school days in a school year;</li> <li>• The student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in a series of removals; and</li> <li>• Of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.</li> </ul> <p>Whether the series of removals constitutes a pattern is decided by the school district on a case-by-case basis and the decision should include consideration of any relevant information regarding the student’s behaviors, including, where appropriate, any information in the student’s IEP.</p> | <p>The IEP team must also consider whether compensatory services are required.</p> <p>If a manifestation determination was conducted, but it was not conducted within 10 school days, no student-level correction is required, but the LEA must take corrective action steps to ensure future compliance.</p> <p><i>Current Compliance:</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |                        |
| Dispro-<br>DISC-3           | If the LEA, the parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the child’s | Examine the student’s <i>Manifestation Determination Review</i> (Form I-12) If the LEA determined the conduct was a manifestation of the student’s disability, look for evidence that the LEA conducted a functional behavioral assessment (FBA) and developed and implemented a behavioral intervention plan (BIP). If there is an existing   | <i>Student-level Noncompliance</i><br>If the student does not have a behavioral intervention plan (BIP), the IEP team must conduct a functional behavioral assessment and develop and implement a BIP for the student. If the   | 34 CFR § 300.530(f)(1) |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                 | Compliance Statement  | Standards and Directions  | Correction   | Citation |
|----------------------|---|---|--|----------|
| Dispro-DISC-3 contd. | disability, the IEP team must conduct a functional behavioral assessment, unless one has previously been conducted, and implement a behavioral intervention plan for the child; or if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior. | <p>BIP, look for evidence that the IEP team reviewed and modified the plan, as necessary, to address the student's behavior.</p> <p>Mark “Not Applicable” for this item if the removals did not result in a disciplinary change in placement as defined in item Dispro-DISC- 2.</p> <p>Mark “Not Applicable” for this item if it was determined the conduct was not a manifestation of the student’s disability</p> | <p>student already has a BIP, the IEP team must meet to review the plan, and revise as necessary to address the student’s behavior. The IEP team must also consider whether compensatory services are required.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |          |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

**Indicator 9/Significant Disproportionality in Identification**

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

| Item          | Compliance Statement   | Standards and Directions  | Correction   | Citation               |
|---------------|--|---|--|------------------------|
|               | A reevaluation must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.                       | <p>NO SAMPLE DATA COLLECTION</p> <p>Report the total number of three-year reevaluations that were due and the total number of three-year reevaluations that were waived pursuant to an agreement between the LEA and the parent.</p>  |  | 34 CFR § 300.303(b)(2) |
| Dispro-SPED-1 | A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading. | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find</p> | <p><i>Student-level Noncompliance</i></p> <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> <p><i>Current Compliance</i></p> <p>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> | 34 CFR § 300.306(b)(1) |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                        | Compliance Statement   | Standards and Directions  | Correction  | Citation                      |
|-----------------------------|--|---|---|-------------------------------|
| Dispro-<br>SPED-1<br>contd. |  | <p>documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if the there is evidence that the IEP team determined that the student lacked appropriate reading instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p>   |                               |
| Dispro-<br>SPED-2           | <p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math.</p> | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p> <p>The lack of appropriate math instruction may be due to</p>  | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must determine the student is not eligible for</p> | <p>34 CFR § 300.306(b)(2)</p> |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                 | Compliance Statement | Standards and Directions  | Correction   | Citation |
|----------------------|----------------------|---|--|----------|
| Dispro-SPED-2 contd. |                      | <p>many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if the there is evidence that the IEP team determined that the student lacked appropriate math instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |          |

**Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014**

| <b>Item</b>       | <b>Compliance Statement</b>   | <b>Standards and Directions</b>  | <b>Correction</b>  | <b>Citation</b>                     |
|-------------------|---|--|--|-------------------------------------|
| Dispro-<br>SPED-3 | In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child’s social or cultural background. | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark “Yes” if the ER-1, Evaluation Report, contains documentation of the IEP team’s consideration of the child’s social or cultural background during the IEP team meeting to determine eligibility.</p> <p>Even if you do not find evidence on the ER-1, you may mark “Yes” if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark “No” if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child’s social or cultural background.</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child’s social or cultural background in determining whether the child is eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | 34 CFR<br>300.306(c)(i)<br>and (ii) |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

**Autism – Indicator 10 and Significant Disproportionality**

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

| Item         | Compliance Statement   | Standards and Directions  | Correction  | Citation               |
|--------------|--|---|---|------------------------|
|              | A reevaluation must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.                       | NO SAMPLE DATA COLLECTION<br>Report the total number of three-year reevaluations that were due and the total number of three-year reevaluations that were waived pursuant to an agreement between the LEA and the parent.   |   | 34 CFR § 300.303(b)(2) |
| Dispro-AUT-1 | A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading. | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills;</li> </ul> <p style="text-align: center;">and</p> <ul style="list-style-type: none"> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review</p> | 34 CFR § 300.306(b)(1) |

Procedural Compliance Self-Assessment – Disproportionality  
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New October 10, 2014

| Item                   | Compliance Statement  | Standards and Directions  | Correction   | Citation               |
|------------------------|---|---|--|------------------------|
| Dispro-AUT-1<br>contd. |   | <p>compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if the there is evidence that the IEP team determined that the student lacked appropriate reading instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p>                              |                        |
| Dispro-AUT-2           | A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math. | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p>  | <p><i>Student-level Noncompliance</i></p> <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must</p> | 34 CFR § 300.306(b)(2) |

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| Item                   | Compliance Statement | Standards and Directions   | Correction   | Citation |
|------------------------|----------------------|--|--|----------|
| Dispro-AUT-2<br>contd. |                      | <p>The lack of appropriate math instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if there is evidence that the IEP team determined that the student lacked appropriate math instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>determine the student is not eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |          |

**Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014**

| <b>Item</b>  | <b>Compliance Statement</b>   | <b>Standards and Directions</b>  | <b>Correction</b>  | <b>Citation</b>               |
|--------------|---|--|--|-------------------------------|
| Dispro-AUT-3 | In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child’s social or cultural background. | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark “Yes” if the ER-1, Evaluation Report, contains documentation of the IEP team’s consideration of the child’s social or cultural background during the IEP team meeting to determine eligibility.</p> <p>Even if you do not find evidence on the ER-1, you may mark “Yes” if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark “No” if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child’s social or cultural background.</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child’s social or cultural background in determining whether the child is eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | 34 CFR 300.306(c)(i) and (ii) |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

**Cognitive Disability – Indicator 10 and Significant Disproportionality**

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

| Item        | Compliance Statement   | Standards and Directions  | Correction  | Citation               |
|-------------|--|---|---|------------------------|
|             | A reevaluation must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.                       | NO SAMPLE DATA COLLECTION<br>Report the total number of three-year reevaluations that were due and the total number of three-year reevaluations that were waived pursuant to an agreement between the LEA and the parent.   |   | 34 CFR § 300.303(b)(2) |
| Dispro-CD-1 | A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading. | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review</p> | 34 CFR § 300.306(b)(1) |

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New October 10, 2014

| Item                      | Compliance Statement  | Standards and Directions  | Correction   | Citation               |
|---------------------------|---|---|--|------------------------|
| Dispro-<br>CD-1<br>contd. |   | <p>compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if the there is evidence that the IEP team determined that the student lacked appropriate reading instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p>                              |                        |
| Dispro-<br>CD-2           | A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math. | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p>  | <p><i>Student-level Noncompliance</i></p> <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must</p> | 34 CFR § 300.306(b)(2) |

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Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                      | Compliance Statement | Standards and Directions   | Correction   | Citation |
|---------------------------|----------------------|--|--|----------|
| Dispro-<br>CD-2<br>contd. |                      | <p>The lack of appropriate math instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if there is evidence that the IEP team determined that the student lacked appropriate math instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>determine the student is not eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |          |

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Standards and Directions for Assessing Compliance  
New October 10, 2014**

| <b>Item</b>     | <b>Compliance Statement</b>   | <b>Standards and Directions</b>  | <b>Correction</b>  | <b>Citation</b>                     |
|-----------------|---|--|--|-------------------------------------|
| Dispro-<br>CD-3 | In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child’s social or cultural background. | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark “Yes” if the ER-1, Evaluation Report, contains documentation of the IEP team’s consideration of the child’s social or cultural background during the IEP team meeting to determine eligibility.</p> <p>Even if you do not find evidence on the ER-1, you may mark “Yes” if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark “No” if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child’s social or cultural background.</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child’s social or cultural background in determining whether the child is eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | 34 CFR<br>300.306(c)(i)<br>and (ii) |

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## Emotional Behavioral Disability– Indicator 10 and Significant Disproportionality

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

| Item         | Compliance Statement   | Standards and Directions  | Correction   | Citation               |
|--------------|--|---|--|------------------------|
|              | A reevaluation must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.                       | NO SAMPLE DATA COLLECTION<br>Report the total number of three-year reevaluations that were due and the total number of three-year reevaluations that were waived pursuant to an agreement between the LEA and the parent.   |  | 34 CFR § 300.303(b)(2) |
| Dispro-EBD-1 | A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading. | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> | 34 CFR § 300.306(b)(1) |

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Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                       | Compliance Statement   | Standards and Directions  | Correction  | Citation                      |
|----------------------------|--|---|---|-------------------------------|
| Dispro-<br>EBD-1<br>contd. |  | <p>documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if the there is evidence that the IEP team determined that the student lacked appropriate reading instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p>   |                               |
| Dispro-<br>EBD-2           | <p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math.</p> | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p> <p>The lack of appropriate math instruction may be due to</p>  | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must determine the student is not eligible for</p> | <p>34 CFR § 300.306(b)(2)</p> |

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New October 10, 2014

| Item                       | Compliance Statement | Standards and Directions  | Correction   | Citation |
|----------------------------|----------------------|---|--|----------|
| Dispro-<br>EBD-2<br>contd. |                      | <p>many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if the there is evidence that the IEP team determined that the student lacked appropriate math instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |          |

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| <b>Item</b>      | <b>Compliance Statement</b>   | <b>Standards and Directions</b>  | <b>Correction</b>  | <b>Citation</b>                     |
|------------------|---|--|--|-------------------------------------|
| Dispro-<br>EBD-3 | In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child’s social or cultural background. | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark “Yes” if the ER-1, Evaluation Report, contains documentation of the IEP team’s consideration of the child’s social or cultural background during the IEP team meeting to determine eligibility.</p> <p>Even if you do not find evidence on the ER-1, you may mark “Yes” if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark “No” if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child’s social or cultural background.</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child’s social or cultural background in determining whether the child is eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | 34 CFR<br>300.306(c)(i)<br>and (ii) |

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## Other Health Impairment– Indicator 10 and Significant Disproportionality

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

| Item         | Compliance Statement   | Standards and Directions  | Correction  | Citation               |
|--------------|--|---|---|------------------------|
|              | A reevaluation must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.                       | NO SAMPLE DATA COLLECTION<br>Report the total number of three-year reevaluations that were due and the total number of three-year reevaluations that were waived pursuant to an agreement between the LEA and the parent.   |   | 34 CFR § 300.303(b)(2) |
| Dispro-OHI-1 | A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading. | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review</p> | 34 CFR § 300.306(b)(1) |

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| Item                   | Compliance Statement  | Standards and Directions  | Correction  | Citation               |
|------------------------|---|---|---|------------------------|
| Dispro-OHI-1<br>contd. |   | <p>compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if there is evidence that the IEP team determined that the student lacked appropriate reading instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |                        |
| Dispro-OHI-2           | A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p>  | <p><i>Student-level Noncompliance</i></p> <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the</p>          | 34 CFR § 300.306(b)(2) |

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| Item                   | Compliance Statement | Standards and Directions   | Correction   | Citation |
|------------------------|----------------------|--|--|----------|
| Dispro-OHI-2<br>contd. | math.                | <p>The lack of appropriate math instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if there is evidence that the IEP team determined that the student lacked appropriate math instruction <b>and</b> this was the determinant factor for the determination of a disability.</p> | <p>determining factor, the IEP team must determine the student is not eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |          |

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New October 10, 2014**

| <b>Item</b>  | <b>Compliance Statement</b>   | <b>Standards and Directions</b>  | <b>Correction</b>  | <b>Citation</b>               |
|--------------|---|--|--|-------------------------------|
| Dispro-OHI-3 | In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child’s social or cultural background. | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark “Yes” if the ER-1, Evaluation Report, contains documentation of the IEP team’s consideration of the child’s social or cultural background during the IEP team meeting to determine eligibility.</p> <p>Even if you do not find evidence on the ER-1, you may mark “Yes” if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark “No” if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child’s social or cultural background.</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child’s social or cultural background in determining whether the child is eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | 34 CFR 300.306(c)(i) and (ii) |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

## Speech and Language – Indicator 10 and Significant Disproportionality

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

| Item        | Compliance Statement   | Standards and Directions  | Correction   | Citation               |
|-------------|--|---|--|------------------------|
|             | A reevaluation must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.   | NO SAMPLE DATA COLLECTION<br>Report the total number of three-year reevaluations that were due and the total number of three-year reevaluations that were waived pursuant to an agreement between the LEA and the parent.   |  | 34 CFR § 300.303(b)(2) |
| Dispro-SL-1 | The IEP team may not identify a child whose speech or language difficulties result from dialectical differences or from learning English as a second language, unless the child has a language impairment in his or her native language. | Mark “Not Applicable” if the student’s native language is English.<br><br>For all other students, review the student’s evaluation file and/or interview persons involved in the evaluation.<br><br>Mark “Yes” if the evidence indicates the student demonstrated speech and language problems in both English and the native language, and language loss in the native language is not a causal factor.<br><br>Mark “No” if the evidence indicates the student only demonstrated speech and language problems in English. | <i>Student-level Noncompliance</i><br>The IEP team must complete the initial special education evaluation. The IEP team must consider whether the child’s language difficulties are a result of dialectical differences or from learning English as a second language. If so, the IEP team must determine the student is not eligible for special education.<br><br><i>Current Compliance</i><br>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.<br><br>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.<br><br>The LEA must take action to ensure future compliance including | PI 36.6(5)(c)(3)       |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item               | Compliance Statement  | Standards and Directions  | Correction  | Citation                   |
|--------------------|---|---|---|----------------------------|
| Dispro-SL-1 contd. |   |   | implementing a system of internal controls. The department will verify current compliance on a new student record sample.   |                            |
| Dispro-SL-2        | Each public agency must ensure that assessments and other evaluation materials used to assess a child are provided and administered in the child’s native communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally. | <p>Mark “Not Applicable” if the student has been determined to be fully English proficient pursuant to PI 13.08(6). See Appendix A of Speech and Language Assessment of Linguistically Culturally Diverse: Spanish Speaking, <a href="http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf">http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf</a></p> <p>Mark “Yes” if assessments and other evaluation materials used to assess a child are provided and administered in the native language. Evidence may be found by reviewing the student’s evaluation file and/or conducting interviews of staff completing the evaluation. Assessments and evaluation materials may consist of informal measures (including descriptive or dynamic approaches), and formal measures (including appropriately standardized tests). For examples and additional technical assistance, see Speech and Language Assessment of Linguistically Culturally Diverse: Spanish Speaking, <a href="http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf">http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf</a>.</p> <p>The use of assessments and evaluation materials in English is permissible as long as assessments and evaluations materials in Spanish were also used.</p> <p>Mark “No” if the student’s native language is Spanish and Spanish language assessments or materials were not</p> | <p><i>Student-level noncompliance</i><br/>The IEP team must complete the initial special education evaluation using assessments and other evaluation materials provided and administered in the child’s native or other mode of communication and in the form most likely to yield accurate information.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | 34 CFR § 300.304(c)(1)(ii) |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                      | Compliance Statement   | Standards and Directions   | Correction   | Citation                             |
|---------------------------|--|--|--|--------------------------------------|
| Dispro-<br>SL-2<br>contd. |  | <p>used.</p> <p>If the student’s native language is not English or Spanish, then mark “No” if native language assessments or materials were not used and it was clearly feasible to do so. Otherwise, mark “Yes.”</p>  |  |                                      |
| Dispro -<br>SL-3          | <p>In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child’s social or cultural background.</p> | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark “Yes” if the ER-1, Evaluation Report, contains documentation of the IEP team’s consideration of the child’s social or cultural background during the IEP team meeting to determine eligibility.</p> <p>Even if you do not find evidence on the ER-1, you may mark “Yes” if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark “No” if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child’s social or cultural background.</p> | <p><i>Student-level Noncompliance</i><br/>The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child’s social or cultural background in determining whether the child is eligible for special education.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | <p>34 CFR 300.306(c)(i) and (ii)</p> |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

**Specific Learning Disability – Indicator 10 and Significant Disproportionality**

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

| Item | Compliance Statement  | Standards and Directions  | Correction | Citation                  |
|------|---|---|------------|---------------------------|
|      | A reevaluation must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.  | NO SAMPLE DATA COLLECTION<br>Report the total number of three-year reevaluations that were due and the total number of three-year reevaluations that were waived pursuant to an agreement between the LEA and the parent. |            | 34 CFR §<br>300.303(b)(2) |
|      | Rate of progress during intensive intervention is insufficient when any of the following are true: the rate of progress of the referred child is the same or less than that of his or her same-age peers; the referred child’s rate of progress is greater than that of his or her same-age peers; the referred child’s rate of progress is greater than that of his or her same-age peers but will not result in the referred child reaching the average range of his or her same-age peer’s achievement for that area of potential disability in a reasonable period of time; or the referred child’s rate of progress is greater than that of his or her | SAMPLE DATA COLLECTION  |            | PI<br>11.36(6)(c)(2)(a)   |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item             | Compliance Statement   | Standards and Directions  | Correction   | Citation                |
|------------------|--|---|--|-------------------------|
|                  | same-age peers, but the intensity of the resources necessary to obtain this rate of progress cannot be maintained in general education.  |   |  |                         |
| Dispro-<br>SLD-1 | At least two intensive, scientific, research-based or evidence-based interventions (SRBIs) were implemented with adequate fidelity and closely aligned to individual student learning needs. | <p>Two SRBIs must be implemented in each area of SLD concern under consideration. SRBIs may be completed before or after referral. The standards for SRBIs include:</p> <ul style="list-style-type: none"> <li>• Scientific research-based or evidence-based (substantial documented scientific evidence of effectiveness)</li> <li>• Use with individual or small groups</li> <li>• Focus on single or small number of discrete skills closely aligned to individual learning needs (aligned with area of SLD concern)</li> <li>• Culturally responsive</li> <li>• Provide a substantial number of instructional minutes beyond what is provided to all students</li> <li>• Implemented with adequate fidelity               <ul style="list-style-type: none"> <li>○ Applied in a manner highly consistent with its design</li> <li>○ At least 80% of the recommended number of weeks, sessions, minutes</li> </ul> </li> </ul> <p>Locate the IEP team Evaluation Report and Required Documentation for SLD- Initial Evaluation (ER-1 and ER-2A). If the evidence provided in the evaluation report records is not sufficient to determine if two SRBIs were implemented in each area of concern, then the district may use other available data (such as information from a school’s MLSS/RtI system, student attendance records, and teacher maintained intervention notes). Anecdotal information is not sufficient.</p> | <p><i>Student-level noncompliance</i><br/>The IEP team must complete the initial special education evaluation following at least two, intensive, scientific, research-based or evidence-based interventions (SRBIs) implemented with adequate fidelity and closely aligned to individual student learning needs.</p> <p><i>Current Compliance:</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | PI<br>11.36(6)(c)(2)(a) |

**Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014**

| <b>Item</b>       | <b>Compliance Statement</b>  | <b>Standards and Directions</b>   | <b>Correction</b>  | <b>Citation</b>                     |
|-------------------|--|---|--|-------------------------------------|
| Dispro-<br>SLD-2  | When determining whether students have demonstrated insufficient progress, IEP teams shall use data from weekly or more frequent progress monitoring to evaluate the student's rate of progress during SRBIs . | <p>For the purpose of making initial SLD eligibility decisions, progress monitoring data must be collected at least weekly during two SRBIs. Progress monitoring data must be collected using probes that provide valid and reliable information that can be used by the IEP team to compare the student's progress with that of same age/grade peers using least squares regression analysis. Progress monitoring data must be collected for each area of concern under consideration.</p> <p>Locate the IEP team Evaluation Report and Required Documentation for SLD- Initial Evaluation (ER-1 and ER-2A). If the evidence provided in the evaluation report records is not sufficient to determine if the IEP team considered progress monitoring probe data at the student's age/grade level collected at least weekly during SRBIs, then the district may use other available documentation (such as data from a school's MLSS/RtI system and teacher /interventionist maintained intervention records). Anecdotal information is not sufficient.</p> | <p><i>Student-level noncompliance</i><br/>The IEP team must complete the initial special education evaluation that includes the consideration of progress monitoring probe data at the student's grade level, collected at least weekly during at least two, intensive, scientific, research-based or evidence-based interventions in each area of concern under consideration .</p> <p><i>Current Compliance:</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> | PI<br>11.36(6)(c)(2)(a)             |
| Dispro -<br>SLD-3 | In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about                               | Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the   | <i>Student-level Noncompliance</i><br>The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child's social or cultural background in determining whether the child is eligible for special education.  | 34 CFR<br>300.306(c)(i) and<br>(ii) |

**Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014**

| Item                  | Compliance Statement   | Standards and Directions   | Correction  | Citation  |
|-----------------------|--|--|---|---|
| Dispro - SLD-3 contd. | the child’s social or cultural background.   | <p>Disproportionality Technical Assistance Center, 2013).</p> <p>Mark “Yes” if the ER-1, Evaluation Report, contains documentation of the IEP team’s consideration of the child’s social or cultural background during the IEP team meeting to determine eligibility.</p> <p>Even if you do not find evidence on the ER-1, you may mark “Yes” if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark “No” if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child’s social or cultural background.</p> | <p><i>Current Compliance</i></p> <p>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |   |
| Dispro- SLD-4         | The IEP team determines its findings regarding insufficient progress and inadequate achievement are not primarily the result of lack of appropriate instruction in the identified area(s) of concern: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, | <p>The IEP team may not determine a student to be a student with a specific learning disability (SLD) if the determinant factor is a lack of appropriate instruction in one or more of the eight areas of SLD concern.</p> <p>Appropriate instruction includes access to State content standards for the area(s) of concern.</p> <p>Appropriate instruction in reading includes the essential components of reading instruction, which means explicit and systematic instruction in:</p> <p>(a) Phonemic awareness;</p>  | <p><i>Student-level noncompliance</i></p> <p>The IEP team must complete the initial special education evaluation to determine whether the student’s insufficient progress and inadequate classroom achievement are not primarily the result of lack of appropriate instruction in the identified area(s) of concern. If a lack of appropriate instruction is the primary reason for the insufficient progress and inadequate achievement, the student</p>   | <p>. 34 CFR § 300.309(a)(3)(iv), (v) and (vi) and 34 CFR § 300.311(a)(6) and PI 11.36(6)(d)1.b.</p> |

**Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014**

| <b>Item</b>                | <b>Compliance Statement</b>  | <b>Standards and Directions</b>   | <b>Correction</b>   | <b>Citation</b> |
|----------------------------|--|---|---|-----------------|
| Dispro-<br>SLD-4<br>contd. | reading comprehension, mathematics calculation, or mathematics problem solving or limited English proficiency. | <p>(b) Phonics;</p> <p>(c) Vocabulary development;</p> <p>(d) Reading fluency, including oral reading skills; and</p> <p>(e) Reading comprehension strategies.</p> <p>The lack of appropriate instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team’s determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark “Yes” if there is evidence that the IEP team determined that the student did not lack in appropriate instruction in the area(s) of concern.</p> <p>Even if you find evidence that the IEP team determined the student lacked in appropriate instruction in the area(s) of concern, you may still be able to mark “Yes” if there also is evidence that the IEP team decided that the</p> | <p>cannot be determined eligible as having a specific learning disability.</p> <p><i>Current Compliance</i><br/>The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA.</p> <p>If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality.</p> <p>The LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance on a new student record sample.</p> |                 |

Procedural Compliance Self-Assessment – Disproportionality  
Standards and Directions for Assessing Compliance  
New October 10, 2014

| Item                       | Compliance Statement | Standards and Directions  | Correction | Citation |
|----------------------------|----------------------|---|------------|----------|
| Dispro-<br>SLD-4<br>contd. |                      | <p>lack was not the determinant factor for the determination of a disability.</p> <p>Mark “No” if the there is evidence that the IEP team determined that the student lacked in appropriate instruction in the area(s) of concern <b>and</b> this was the determinant factor for the determination of a disability.</p> |            |          |

Procedural Compliance Self-Assessment – Disproportionality  
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**Significant Disproportionality – Placement**

**Note: When reviewing a record of a student who is an adult without an appointed guardian, substitute “adult student” for “parent” in all items.**

No LEAs have been identified with Significant Disproportionality in Placement. Reserved as a placeholder.

## **APPENDIX C –SAMPLING**

The Sampling Calculate is now built into the  
Disproportionality: Procedural Compliance Self-Assessment  
application found in the [Special Education Web Portal](#)

## **APPENDIX D – STUDENT RECORD REVIEW CHECKLISTS**



Wisconsin Department of Public Instruction  
**PROCEDURAL COMPLIANCE SELF-ASSESSMENT**  
**DISPROPORTIONALITY-DISCIPLINE RECORD REVIEW CHECKLIST**  
 PI-SA-RRR-DISPRO-DISC-001 (Rev. 10-14)

**INSTRUCTIONS:** Complete one copy for each student record selected for the sample. Retain at the district level. *For Local Use Only. Provided for documentation purposes. Use by the LEA is optional. \*Examples for Evidence of Student-Level Corrective Action (last column), include called parent on [date], no new IEP team meeting, etc.*

| GENERAL INFORMATION                      |   |   |
|--|---|---|
| Student Name <i>First and last</i>       | School Level <i>Check one</i><br><br><input type="checkbox"/> Elementary <input type="checkbox"/> Middle <input type="checkbox"/> High School |   |
| Student Date of Birth <i>Mo./Day/Yr.</i> | Reviewer's Name <i>First and Last</i>   | NOTE: When reviewing a record of a student who is an adult, substitute "adult student" for "parent" in all checklist items. |

| RECORD REVIEW CHECKLIST   |  |  |  |  |
|---|--|--|--|--|
| Item No.  | Item Description   | Standards & Directions   | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-DISC-1</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> N/A | <p>The IEP team must, in the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.</p> <p>Comment:</p>  | <p>Locate Individualized Education Program: Present Level of Academic Achievement and Functional Performance (form I-4). Look under "Special Factors." If "no" is checked, enter "Not Applicable". If "yes" is checked or neither box is checked on I-4 under "Special Factors," locate Individualized Education Program: Special Factors (form I-5). If neither box is checked on form I-4, and there is no form I-5, the IEP does not meet the standard and the requirement is not met. If there is a form I-5, look at section A. If "no" is checked in section A, enter "Not Applicable". If "yes" is checked in section A, determine whether the IEP includes positive behavioral interventions, strategies, and supports to address the behavior impeding learning.</p> <p>An IEP that includes only negative measures, such as seclusion or restraint, suspension, or detention does not meet the standard.</p> | <p>Conduct a new IEP team meeting to consider the use of positive behavioral interventions, supports and other strategies to address behavior, and revise the IEP accordingly.* In determining what positive supports, interventions, and supports are needed, a functional behavioral assessment may be required. If a subsequent IEP team meeting was conducted, then first review the IEP in effect to determine whether the team considered the use of positive behavioral interventions, supports and other strategies to address behavior.</p> |  |
| <b>Dispro-DISC-2</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> N/A | <p>Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including</p> | <p>Within 10 school days of any <b>decision</b> to change the placement of a student with a disability because of a violation of school code, the LEA, the parent, and relevant members of the student's IEP team must conduct a manifestation determination.</p> <p>Determine whether a manifestation determination was completed within ten school days of the date of the decision to change the student's placement. Note the ten school days is counted from the date the school district decides to move forward with a disciplinary change of placement, and not from the date the placement is changed.</p> <p>The date of the decision would be, for example,</p> <ul style="list-style-type: none"> <li>The date the LEA decides to proceed with expulsion,</li> </ul>   | <p>The LEA must conduct a manifestation determination if one has not been conducted.</p> <p>If the behavior is a manifestation of the student's disability, the student must be returned to placement from which the student was removed, unless the parent and the LEA agree to a change of</p>   |  |

| RECORD REVIEW CHECKLIST     |   |  |   |  |
|-----------------------------|---|--|---|--|
| Item No.                    | Item Description  | Standards & Directions   | Required Student-Level Corrective Action  | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-DISC-2 contd.</b> | <p>the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP.</p> <p>Comment:</p> | <ul style="list-style-type: none"> <li>The date the LEA decides to change the student's placement because of a violation of school code, or</li> <li>The date the LEA determines the pattern of removals constitute a change in placement.</li> </ul> <p>Mark "Not Applicable" for this item if a disciplinary change in placement did not occur. A disciplinary change of placement occurs when the student is removed from the current placement for more than ten consecutive school days because of a violation of a code of student conduct.</p> <p>A disciplinary change of placement also occurs if the student has been subjected to a series of removals that constitute a pattern because:</p> <ul style="list-style-type: none"> <li>The series of removals total more than ten school days in a school year;</li> <li>The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in a series of removals; and</li> <li>Of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.</li> </ul> <p>Whether the series of removals constitutes a pattern is decided by the school district on a case-by-case basis and the decision should include consideration of any relevant information regarding the student's behaviors, including, where appropriate, any information in the student's IEP.</p> | <p>placement, or except in situations involving weapons, drugs, or serious bodily injury. See <a href="http://sped.dpi.wi.gov/sped_bu106-02#q17">http://sped.dpi.wi.gov/sped_bu106-02#q17</a> to determine if this situation applies.</p> <p>If the behavior is a manifestation of the student's disability, the LEA must also conduct a functional behavioral assessment (FBA), unless one was previously conducted, and implement a behavioral intervention plan (BIP).</p> <p>If a BIP has already been developed, the IEP team must review the BIP, and modify it, as necessary, to address the behavior.</p> <p>The IEP team must also consider whether compensatory services are required.</p> <p>If a manifestation determination was conducted, but it was not conducted within 10 school days, no student-level correction is required, but the LEA must take corrective action steps to ensure future compliance.</p> |  |
| <b>Dispro-DISC-3</b>        | <p><input type="checkbox"/> Yes<br/><input type="checkbox"/> No<br/><input type="checkbox"/> N/A</p> <p>The LEA conducted an IEP team meeting to develop or review and revise the IEP that included a local educational agency representative.</p> <p>Comment:</p>  | <p>Examine the student's <i>Manifestation Determination Review</i> (Form I-12) If the LEA determined the conduct was a manifestation of the student's disability, look for evidence that the LEA conducted a functional behavioral assessment (FBA) and developed and implemented a behavioral intervention plan (BIP). If there is an existing BIP, look for evidence that the IEP team reviewed and modified the plan, as necessary, to address the student's behavior.</p> <p>Mark "Not Applicable" for this item if the removals did not result in a disciplinary change in placement as defined in item Dispro-DISC- 2.</p>   | <p>If the student does not have a behavioral intervention plan (BIP), the IEP team must conduct a functional behavioral assessment and develop and implement a BIP for the student. If the student already has a BIP, the IEP team must meet to review the plan, and revise as necessary to address</p>   |  |

**RECORD REVIEW CHECKLIST**

| Item No.                    | Item Description | Standards & Directions   | Required Student-Level Corrective Action  | Evidence Of Student-Level Corrective Action* |
|-----------------------------|------------------|--|---|--|
| <b>Dispro-DISC-3 contd.</b> |                  | Mark "Not Applicable" for this item if it was determined the conduct was not a manifestation of the student's disability | the student's behavior. The IEP team must also consider whether compensatory services are required. |  |



Wisconsin Department of Public Instruction  
**PROCEDURAL COMPLIANCE SELF-ASSESSMENT**  
**DISPROPORTIONALITY-SPECIAL EDUCATION**  
**RECORD REVIEW CHECKLIST**  
 PI-SA-RRR-DISPRO-SPED-001 (Rev. 10-14)

**INSTRUCTIONS:** Complete one copy for each student record selected for the sample. Retain at the district level. *For Local Use Only. Provided for documentation purposes. Use by the LEA is optional. \*Examples for Evidence of Student-Level Corrective Action (last column), include called parent on [date], no new IEP team meeting, etc.*

| GENERAL INFORMATION                      |   |   |
|--|---|---|
| Student Name <i>First and last</i>       | School Level <i>Check one</i><br><br><input type="checkbox"/> Elementary <input type="checkbox"/> Middle <input type="checkbox"/> High School |   |
| Student Date of Birth <i>Mo./Day/Yr.</i> | Reviewer's Name <i>First and Last</i>   | NOTE: When reviewing a record of a student who is an adult, substitute "adult student" for "parent" in all checklist items. |

| RECORD REVIEW CHECKLIST |   |   |  |  |
|-------------------------|---|---|--|--|
| Item No.                | Item Description  | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-SPED-1</b>    | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading.<br>Comment: | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant</p> | <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> |  |

| RECORD REVIEW CHECKLIST     |  |   |  |  |
|-----------------------------|--|---|--|--|
| Item No.                    | Item Description   | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-SPED-1 contd.</b> |  | <p>factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked appropriate reading instruction <u>and</u> this was the determinant factor for the determination of a disability.</p>   |  |  |
| <b>Dispro-SPED-2</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math.<br/>           Comment:</p>  | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p> <p>The lack of appropriate math instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked appropriate math instruction <u>and</u> this was the determinant factor for the determination of a disability.</p> | The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must determine the student is not eligible for special education. |  |
| <b>Dispro-SPED-3</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child's social or cultural background .<br/>           Comment:</p> | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark "Yes" if the ER-1, Evaluation Report, contains documentation of the IEP team's consideration of the child's social or cultural background during the IEP team meeting to determine eligibility.</p>   | The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child's social or cultural background in determining whether the child is eligible for special education.  |  |

**RECORD REVIEW CHECKLIST**

| Item No.                    | Item Description | Standards & Directions   | Required Student-Level Corrective Action | Evidence Of Student-Level Corrective Action* |
|-----------------------------|------------------|--|--|--|
| <b>Dispro-SPED-3 contd.</b> |                  | <p>Even if you do not find evidence on the ER-1, you may mark "Yes" if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark "No" if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child's social or cultural background.</p> |  |  |



Wisconsin Department of Public Instruction  
**PROCEDURAL COMPLIANCE SELF-ASSESSMENT**  
**DISPROPORTIONALITY-AUTISM RECORD REVIEW CHECKLIST**  
 WI-SA-RRR-DISPRO-AUT-001 (Rev. 10-14)

**INSTRUCTIONS:** Complete one copy for each student record selected for the sample. Retain at the district level. *For Local Use Only. Provided for documentation purposes. Use by the LEA is optional.*  
*\*Examples for Evidence of Student-Level Corrective Action (last column), include called parent on [date], no new IEP team meeting, etc.*

| GENERAL INFORMATION                      |   |   |
|--|---|---|
| Student Name <i>First and last</i>       | School Level <i>Check one</i><br><br><input type="checkbox"/> Elementary <input type="checkbox"/> Middle <input type="checkbox"/> High School |   |
| Student Date of Birth <i>Mo./Day/Yr.</i> | Reviewer's Name <i>First and Last</i>   | NOTE: When reviewing a record of a student who is an adult, substitute "adult student" for "parent" in all checklist items. |

| RECORD REVIEW CHECKLIST  |   |   |  |  |
|--|---|---|--|--|
| Item No.   | Item Description  | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-AUT-1</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading.</p> <p>Comment:</p> | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> | <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> |  |

| RECORD REVIEW CHECKLIST    |   |   |  |  |
|----------------------------|---|---|--|--|
| Item No.                   | Item Description  | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-AUT-1 contd.</b> |   | Mark "No" if there is evidence that the IEP team determined that the student lacked appropriate reading instruction <u>and</u> this was the determinant factor for the determination of a disability.   |  |  |
| <b>Dispro-AUT-2</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math.<br>Comment:  | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p> <p>The lack of appropriate math instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark "No" if there is evidence that the IEP team determined that the student lacked appropriate math instruction <u>and</u> this was the determinant factor for the determination of a disability.</p> | The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must determine the student is not eligible for special education. |  |
| <b>Dispro-AUT-3</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br>In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child's social or cultural background .<br>Comment: | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark "Yes" if the ER-1, Evaluation Report, contains documentation of the IEP team's consideration of the child's social or cultural background during the IEP team meeting to determine eligibility.</p>   | The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child's social or cultural background in determining whether the child is eligible for special education.  |  |

**RECORD REVIEW CHECKLIST**

| Item No.                   | Item Description | Standards & Directions   | Required Student-Level Corrective Action | Evidence Of Student-Level Corrective Action* |
|----------------------------|------------------|--|--|--|
| <b>Dispro-AUT-3 contd.</b> |                  | <p>Even if you do not find evidence on the ER-1, you may mark "Yes" if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark "No" if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child's social or cultural background.</p> |  |  |



Wisconsin Department of Public Instruction  
**PROCEDURAL COMPLIANCE SELF-ASSESSMENT**  
**DISPROPORTIONALITY-COGNITIVE DISABILITY**  
**RECORD REVIEW CHECKLIST**  
 PI-SA-RRR-DISPRO-CD-001 (Rev. 10-14)

**INSTRUCTIONS:** Complete one copy for each student record selected for the sample. Retain at the district level. *For Local Use Only. Provided for documentation purposes. Use by the LEA is optional. \*Examples for Evidence of Student-Level Corrective Action (last column), include called parent on [date], no new IEP team meeting, etc.*

| GENERAL INFORMATION                      |   |   |
|--|---|---|
| Student Name <i>First and last</i>       | School Level <i>Check one</i><br><input type="checkbox"/> Elementary <input type="checkbox"/> Middle <input type="checkbox"/> High School |   |
| Student Date of Birth <i>Mo./Day/Yr.</i> | Reviewer's Name <i>First and Last</i>   | NOTE: When reviewing a record of a student who is an adult, substitute "adult student" for "parent" in all checklist items. |

| RECORD REVIEW CHECKLIST   |   |   |  |  |
|---|---|---|--|--|
| Item No.  | Item Description  | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-CD-1</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading.</p> <p>Comment:</p> | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant</p> | <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> |  |

| RECORD REVIEW CHECKLIST   |  |   |  |  |
|---------------------------|--|---|--|--|
| Item No.                  | Item Description   | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-CD-1 contd.</b> |  | <p>factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked appropriate reading instruction <u>and</u> this was the determinant factor for the determination of a disability.</p>   |  |  |
| <b>Dispro-CD-2</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math.<br/>           Comment:</p>  | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p> <p>The lack of appropriate math instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked appropriate math instruction <u>and</u> this was the determinant factor for the determination of a disability.</p> | The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must determine the student is not eligible for special education. |  |
| <b>Dispro-CD-3</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child's social or cultural background .<br/>           Comment:</p> | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark "Yes" if the ER-1, Evaluation Report, contains documentation of the IEP team's consideration of the child's social or cultural background during the IEP team meeting to determine eligibility.</p>   | The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child's social or cultural background in determining whether the child is eligible for special education.  |  |

**RECORD REVIEW CHECKLIST**

| Item No.                         | Item Description | Standards & Directions   | Required Student-Level Corrective Action | Evidence Of Student-Level Corrective Action* |
|----------------------------------|------------------|--|--|--|
| <p><b>Dispro-CD-3 contd.</b></p> |                  | <p>Even if you do not find evidence on the ER-1, you may mark “Yes” if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark “No” if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child’s social or cultural background.</p> |  |  |



Wisconsin Department of Public Instruction  
**PROCEDURAL COMPLIANCE SELF-ASSESSMENT**  
**DISPROPORTIONALITY-EMOTIONAL BEHAVIORAL DISABILITY**  
**RECORD REVIEW CHECKLIST**  
 PI-SA-RRR-DISPRO-EBD-001 (Rev. 10-14)

**INSTRUCTIONS:** Complete one copy for each student record selected for the sample. Retain at the district level. *For Local Use Only. Provided for documentation purposes. Use by the LEA is optional. \*Examples for Evidence of Student-Level Corrective Action (last column), include called parent on [date], no new IEP team meeting, etc.*

| GENERAL INFORMATION                      |   |   |
|--|---|---|
| Student Name <i>First and last</i>       | School Level <i>Check one</i><br><br><input type="checkbox"/> Elementary <input type="checkbox"/> Middle <input type="checkbox"/> High School |   |
| Student Date of Birth <i>Mo./Day/Yr.</i> | Reviewer's Name <i>First and Last</i>   | NOTE: When reviewing a record of a student who is an adult, substitute "adult student" for "parent" in all checklist items. |

| RECORD REVIEW CHECKLIST  |   |   |  |  |
|--|---|---|--|--|
| Item No.   | Item Description  | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-EBD-1</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading.</p> <p>Comment:</p> | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant</p> | <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> |  |

| RECORD REVIEW CHECKLIST    |  |   |  |  |
|----------------------------|--|---|--|--|
| Item No.                   | Item Description   | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-EBD-1 contd.</b> |  | <p>factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked appropriate reading instruction <u>and</u> this was the determinant factor for the determination of a disability.</p>   |  |  |
| <b>Dispro-EBD-2</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math.<br/>                     Comment:</p>  | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p> <p>The lack of appropriate math instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked appropriate math instruction <u>and</u> this was the determinant factor for the determination of a disability.</p> | The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must determine the student is not eligible for special education. |  |
| <b>Dispro-EBD-3</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child's social or cultural background .<br/>                     Comment:</p> | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin Rtl Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark "Yes" if the ER-1, Evaluation Report, contains documentation of the IEP team's consideration of the child's social or cultural background during the IEP team meeting to determine eligibility.</p>   | The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child's social or cultural background in determining whether the child is eligible for special education.  |  |

**RECORD REVIEW CHECKLIST**

| Item No.                   | Item Description | Standards & Directions   | Required Student-Level Corrective Action | Evidence Of Student-Level Corrective Action* |
|----------------------------|------------------|--|--|--|
| <b>Dispro-EBD-3 contd.</b> |                  | <p>Even if you do not find evidence on the ER-1, you may mark "Yes" if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark "No" if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child's social or cultural background.</p> |  |  |



Wisconsin Department of Public Instruction  
**PROCEDURAL COMPLIANCE SELF-ASSESSMENT**  
**DISPROPORTIONALITY-OTHER HEALTH IMPAIRMENT**  
**RECORD REVIEW CHECKLIST**  
 PI-SA-RRR-DISPRO-OHI-001 (Rev. 10-14)

**INSTRUCTIONS:** Complete one copy for each student record selected for the sample. Retain at the district level. *For Local Use Only. Provided for documentation purposes. Use by the LEA is optional. \*Examples for Evidence of Student-Level Corrective Action (last column), include called parent on [date], no new IEP team meeting, etc.*

| GENERAL INFORMATION                      |   |   |
|--|---|---|
| Student Name <i>First and last</i>       | School Level <i>Check one</i><br><input type="checkbox"/> Elementary <input type="checkbox"/> Middle <input type="checkbox"/> High School |   |
| Student Date of Birth <i>Mo./Day/Yr.</i> | Reviewer's Name <i>First and Last</i>   | NOTE: When reviewing a record of a student who is an adult, substitute "adult student" for "parent" in all checklist items. |

| RECORD REVIEW CHECKLIST  |   |   |  |  |
|--|---|---|--|--|
| Item No.   | Item Description  | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-OHI-1</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading.</p> <p>Comment:</p> | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading.</p> <p>Appropriate instruction includes access to State content standards and essential components of reading instruction, which means explicit and systematic instruction in:</p> <ul style="list-style-type: none"> <li>(a) Phonemic awareness;</li> <li>(b) Phonics;</li> <li>(c) Vocabulary development;</li> <li>(d) Reading fluency, including oral reading skills; and</li> <li>(e) Reading comprehension strategies.</li> </ul> <p>The lack of appropriate reading instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack in appropriate reading instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate reading instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant</p> | <p>The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in reading. If lack of appropriate instruction in reading is the determining factor, the IEP team must determine the student is not eligible for special education. The IEP team must document modifications that can be made in the regular education program to allow the student to meet the educational reading standards (Form ER-1, <i>Evaluation Report</i>).</p> |  |

| RECORD REVIEW CHECKLIST    |  |   |  |  |
|----------------------------|--|---|--|--|
| Item No.                   | Item Description   | Standards & Directions  | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-OHI-1 contd.</b> |  | <p>factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked appropriate reading instruction <u>and</u> this was the determinant factor for the determination of a disability.</p>   |  |  |
| <b>Dispro-OHI-2</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in math.<br/>           Comment:</p>  | <p>The IEP team may not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in math.</p> <p>Appropriate instruction includes access to State content standards.</p> <p>The lack of appropriate math instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards, etc.</p> <p>There are two sources of evidence to determine compliance with this requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack appropriate math instruction.</p> <p>Even if you find evidence that the IEP team determined the student lacked appropriate math instruction, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked appropriate math instruction <u>and</u> this was the determinant factor for the determination of a disability.</p> | The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must determine the student is not eligible for special education. |  |
| <b>Dispro-OHI-3</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child's social or cultural background .<br/>           Comment:</p> | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark "Yes" if the ER-1, Evaluation Report, contains documentation of the IEP team's consideration of the child's social or cultural background during the IEP team meeting to determine eligibility.</p>   | The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child's social or cultural background in determining whether the child is eligible for special education.  |  |

**RECORD REVIEW CHECKLIST**

| Item No.            | Item Description | Standards & Directions   | Required Student-Level Corrective Action | Evidence Of Student-Level Corrective Action* |
|---------------------|------------------|--|--|--|
| Dispro-OHI-3 contd. |                  | <p>Even if you do not find evidence on the ER-1, you may mark "Yes" if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark "No" if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child's social or cultural background.</p> |  |  |



Wisconsin Department of Public Instruction  
**PROCEDURAL COMPLIANCE SELF-ASSESSMENT**  
**DISPROPORTIONALITY-SPEECH AND LANGUAGE**  
**RECORD REVIEW CHECKLIST**  
 PI-SA-RRR-DISPRO-SL-001 (Rev. 10-14)

**INSTRUCTIONS:** Complete one copy for each student record selected for the sample. Retain at the district level. *For Local Use Only. Provided for documentation purposes. Use by the LEA is optional.* \*Examples for Evidence of Student-Level Corrective Action (last column), include called parent on [date], no new IEP team meeting, etc.

| GENERAL INFORMATION                      |   |   |
|--|---|---|
| Student Name <i>First and last</i>       | School Level <i>Check one</i><br><input type="checkbox"/> Elementary <input type="checkbox"/> Middle <input type="checkbox"/> High School |   |
| Student Date of Birth <i>Mo./Day/Yr.</i> | Reviewer's Name <i>First and Last</i>   | NOTE: When reviewing a record of a student who is an adult, substitute "adult student" for "parent" in all checklist items. |

| RECORD REVIEW CHECKLIST   |  |   |   |  |
|---|--|---|---|--|
| Item No.  | Item Description   | Standards & Directions  | Required Student-Level Corrective Action  | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-SL-1</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> N/A | <p>The IEP team may not identify a child whose speech or language difficulties result from dialectical differences or from learning English as a second language, unless the child has a language impairment in his or her native language.</p> <p>Comment:</p>  | <p>Mark "Not Applicable" if the student's native language is English.</p> <p>For all other students, review the student's evaluation file and/or interview persons involved in the evaluation.</p> <p>Mark "Yes" if the evidence indicates the student demonstrated speech and language problems in both English and Spanish, and language loss in Spanish is not a causal factor.</p> <p>Mark "No" if the evidence indicates the student only demonstrated speech and language problems in English.</p>  | <p>The IEP team must complete the initial special education evaluation. The IEP team must consider whether the child's language difficulties are a result of dialectical differences or from learning English as a second language. If so, the IEP team must determine the student is not eligible for special education.</p> |  |
| <b>Dispro-SL-2</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> N/A | <p>Each public agency must ensure that assessments and other evaluation materials used to assess a child are provided and administered in the child's native communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally.</p> <p>Comment:</p> | <p>Mark "Not Applicable" if the student has been determined to be fully English proficient pursuant to PI 13.08(6). See Appendix A of Speech and Language Assessment of Linguistically Culturally Diverse: Spanish Speaking, <a href="http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf">http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf</a></p> <p>Mark "Yes" if assessments and other evaluation materials used to assess a child are provided and administered in Spanish. Evidence may be found by reviewing the student's evaluation file and/or conducting interviews of staff completing the evaluation. Assessments and evaluation materials may consist of informal measures (including descriptive or dynamic approaches), and formal measures (including appropriately standardized tests). See Speech and Language Assessment of Linguistically Culturally Diverse: Spanish Speaking, <a href="http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf">http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf</a>, for more information.</p> <p>*The use of assessments and evaluation materials in English is permissible as long as assessments and evaluations materials in Spanish were also used.</p> <p>Mark "No" if Spanish language assessments or materials were not used.</p> | <p>The IEP team must complete the initial special education evaluation using assessments and other evaluation materials provided and administered in the child's native or other mode of communication and in the form most likely to yield accurate information.</p>   |  |

**RECORD REVIEW CHECKLIST**

| Item No.  | Item Description   | Standards & Directions   | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
|---|--|--|--|--|
| <p><b>Dispro-SL-3</b></p> <p><input type="checkbox"/> Yes<br/><input type="checkbox"/> No</p> | <p>In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child's social or cultural background .<br/>Comment:</p> | <p>Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin RtI Center and the Disproportionality Technical Assistance Center, 2013).</p> <p>Mark "Yes" if the ER-1, Evaluation Report, contains documentation of the IEP team's consideration of the child's social or cultural background during the IEP team meeting to determine eligibility.</p> <p>Even if you do not find evidence on the ER-1, you may mark "Yes" if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i>, Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).</p> <p>Mark "No" if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child's social or cultural background.</p> | <p>The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child's social or cultural background in determining whether the child is eligible for special education.</p> |  |



Wisconsin Department of Public Instruction  
**PROCEDURAL COMPLIANCE SELF-ASSESSMENT**  
**DISPROPORTIONALITY-SPECIFIC LEARNING DISABILITY**  
**RECORD REVIEW CHECKLIST**  
 PI-SA-RR-CDISPRO-SLD-001 (Rev. 10-14)

**INSTRUCTIONS:** Complete one copy for each student record selected for the sample. Retain at the district level. *For Local Use Only. Provided for documentation purposes. Use by the LEA is optional.*  
*\*Examples for Evidence of Student-Level Corrective Action (last column), include called parent on [date], no new IEP team meeting, etc.*

| GENERAL INFORMATION                      |   |   |
|--|---|---|
| Student Name <i>First and last</i>       | School Level <i>Check one</i><br><input type="checkbox"/> Elementary <input type="checkbox"/> Middle <input type="checkbox"/> High School |   |
| Student Date of Birth <i>Mo./Day/Yr.</i> | Reviewer's Name <i>First and Last</i>   | NOTE: When reviewing a record of a student who is an adult, substitute "adult student" for "parent" in all checklist items. |

| RECORD REVIEW CHECKLIST  |   |  |  |  |
|--|---|--|--|--|
| Item No.   | Item Description  | Standards & Directions   | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-SLD-1</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | At least two intensive, scientific, research-based or evidence-based interventions (SRBIs) were implemented with adequate fidelity and closely aligned to individual student learning needs.<br>Comment:      | Two SRBIs must be implemented in each area of SLD concern under consideration. SRBIs may be completed before or after referral. The standards for SRBIs include: <ul style="list-style-type: none"> <li>• Scientific research-based or evidence-based (substantial documented scientific evidence of effectiveness)</li> <li>• Use with individual or small groups</li> <li>• Focus on single or small number of discrete skills closely aligned to individual learning needs (aligned with area of SLD concern)</li> <li>• Culturally responsive</li> <li>• Provide a substantial number of instructional minutes beyond what is provided to all students</li> <li>• Implemented with adequate fidelity               <ul style="list-style-type: none"> <li>○ Applied in a manner highly consistent with its design</li> <li>○ At least 80% of the recommended number of weeks, sessions, minutes</li> </ul> </li> </ul> Locate the IEP team Evaluation Report and Required Documentation for SLD-Initial Evaluation (ER-1 and ER-2A). If the evidence provided in the evaluation report records is not sufficient to determine if two SRBIs were implemented in each area of concern, then the district may use other available data (such as information from a school's MLSS/Rtl system, student attendance records, and teacher maintained intervention notes). Anecdotal information is not sufficient. | The IEP team must complete the initial special education evaluation following at least two, intensive, scientific, research-based or evidence-based interventions (SRBIs) implemented with adequate fidelity and closely aligned to individual student learning needs. |  |
| <b>Dispro-SLD-2</b><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | When determining whether students have demonstrated insufficient progress, IEP teams shall use data from weekly or more frequent progress monitoring to evaluate the student's rate of progress during SRBIs. | For the purpose of making initial SLD eligibility decisions, progress monitoring data must be collected at least weekly during two SRBIs. Progress monitoring data must be collected using probes that provide valid and reliable information that can be used by the IEP team to compare the student's progress with that of same age/grade peers using least squares regression analysis. Progress monitoring data must be collected for each area of concern under consideration.<br><br>Locate the IEP team Evaluation Report and Required Documentation for SLD-Initial Evaluation (ER-1 and ER-2A). If the evidence provided in the evaluation   | The IEP team must complete the initial special education evaluation and consider the lack of appropriate instruction in math. If lack of appropriate instruction in math is the determining factor, the IEP team must determine the student is not eligible for        |  |

| RECORD REVIEW CHECKLIST    |   |  |  |  |
|----------------------------|---|--|--|--|
| Item No.                   | Item Description  | Standards & Directions   | Required Student-Level Corrective Action   | Evidence Of Student-Level Corrective Action* |
| <b>Dispro-SLD-2 contd.</b> | Comment:  | report records is not sufficient to determine if the IEP team considered progress monitoring probe data at the student's age/grade level collected at least weekly during SRBIs, then the district may use other available documentation (such as data from a school's MLSS/Rtl system and teacher /interventionist maintained intervention records). Anecdotal information is not sufficient.   | special education.   |  |
| <b>Dispro-SLD-3</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br>In interpreting evaluation data for the purpose of determining if a child is a child with a disability each public agency must document and carefully consider information about the child's social or cultural background .<br>Comment:   | Culture describes how people live on a daily basis in terms of language, ancestry, religion, food, dress, musical tastes, traditions, values, political and social affiliations, recreation, and so on. (Singleton, 2006; adopted by the Wisconsin Rtl Center and the Disproportionality Technical Assistance Center, 2013).<br><br>Mark "Yes" if the ER-1, Evaluation Report, contains documentation of the IEP team's consideration of the child's social or cultural background during the IEP team meeting to determine eligibility.<br><br>Even if you do not find evidence on the ER-1, you may mark "Yes" if the IEP team used <i>Culturally Responsive Practices in Schools: The Checklist to Address Disproportionality</i> , Section III (Madison Metropolitan School District, University of Wisconsin-Oshkosh, and the Wisconsin Department of Public Instruction, 2007).<br><br>Mark "No" if you do not find evidence on the ER-1, Evaluation Report, or other evaluation documents that interpret the evaluation data for purposes of eligibility determination, that the IEP team considered the child's social or cultural background. | The IEP team must complete the initial special education evaluation. The IEP team must consider information about the child's social or cultural background in determining whether the child is eligible for special education.  |  |
| <b>Dispro-SLD-4</b>        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br>The IEP team determines its findings regarding insufficient progress and inadequate achievement are not primarily the result of lack of appropriate instruction in the identified area(s) of concern: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving or limited English proficiency<br>Comment: | The IEP team may not determine a student to be a student with a specific learning disability (SLD) if the determinant factor is a lack of appropriate instruction in one or more of the eight areas of SLD concern.<br><br>Appropriate instruction includes access to State content standards for the area(s) of concern.<br><br>Appropriate instruction in reading includes the essential components of reading instruction, which means explicit and systematic instruction in:<br>(a) Phonemic awareness;<br>(b) Phonics;<br>(c) Vocabulary development;<br>(d) Reading fluency, including oral reading skills; and<br>(e) Reading comprehension strategies.<br><br>The lack of appropriate instruction may be due to many factors, including but not limited to: student absences, student mobility, private school (including home-based) placement with no access to State content standards and essential components of reading instruction, etc.<br><br>There are two sources of evidence to determine compliance with this  | The IEP team must complete the initial special education evaluation to determine whether the student's insufficient progress and inadequate classroom achievement are not primarily the result of lack of appropriate instruction in the identified area(s) of concern. If a lack of appropriate instruction is the primary reason for the insufficient progress and inadequate achievement, the student cannot be determined eligible as having a specific learning disability. |  |

**RECORD REVIEW CHECKLIST**

| Item No.                          | Item Description | Standards & Directions   | Required Student-Level Corrective Action | Evidence Of Student-Level Corrective Action* |
|-----------------------------------|------------------|--|--|--|
| <p><b>Dispro-SLD-4 contd.</b></p> |                  | <p>requirement. First, you may find documentation of the IEP team's determination in several places throughout the evaluation process: Referral Form (R-1), Notice that No Additional Assessments Needed (IE-2), Notice and Consent regarding Need to Conduct Additional Assessments (IE-3), Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed (EW-1), Evaluation Report (ER-1), Required Documentation for Specific Learning Disability (ER-2A), and/or Eligibility Checklists. Second, you may need to interview IEP team members.</p> <p>Mark "Yes" if there is evidence that the IEP team determined that the student did not lack in appropriate instruction in the area(s) of concern.</p> <p>Even if you find evidence that the IEP team determined the student lacked in appropriate instruction in the area(s) of concern, you may still be able to mark "Yes" if there also is evidence that the IEP team decided that the lack was not the determinant factor for the determination of a disability.</p> <p>Mark "No" if the there is evidence that the IEP team determined that the student lacked in appropriate instruction in the area(s) of concern <b>and</b> this was the determinant factor for the determination of a disability.</p> |  |  |

## **APPENDIX E – RECORDING FORMS**



|                            |
|----------------------------|
| <b>GENERAL INFORMATION</b> |
|----------------------------|

LEA Name

|                          |
|--------------------------|
| <b>CHECKLIST SUMMARY</b> |
|--------------------------|

| Primary Disability Category | Federal Reporting Requirements for Race/Ethnicity | For each Category Below, Indicate Total Number and Percentage of Students |   |  |   |
|-----------------------------|---|---|---|--|---|
|                             |   | All Reevaluation  |   | 3-year Reevaluation not Necessary<br><i>LEA and Parents Agreed</i> |   |
|                             |   | No. of Students   | % | No. of Students  | % |
| <b>Indicator 9</b>          |   |   |   |  |   |
| All special education       | American Indian or Alaska Native                  |   |   |  |   |
|                             | Asian   |   |   |  |   |
|                             | Black or African American                         |   |   |  |   |
|                             | Hispanic or Latino                                |   |   |  |   |
|                             | Native Hawaiian or Other Pacific Islander         |   |   |  |   |
|                             | White   |   |   |  |   |
|                             | Two or more                                       |   |   |  |   |
|                             | Total   |   |   |  |   |
| <b>Indicator 10</b>         |   |   |   |  |   |
| Autism                      | American Indian or Alaska Native                  |   |   |  |   |
|                             | Asian   |   |   |  |   |
|                             | Black or African American                         |   |   |  |   |
|                             | Hispanic or Latino                                |   |   |  |   |
|                             | Native Hawaiian or Other Pacific Islander         |   |   |  |   |
|                             | White   |   |   |  |   |
|                             | Two or more                                       |   |   |  |   |
|                             | Total   |   |   |  |   |
| Cognitive Disability        | American Indian or Alaska Native                  |   |   |  |   |
|                             | Asian   |   |   |  |   |
|                             | Black or African American                         |   |   |  |   |
|                             | Hispanic or Latino                                |   |   |  |   |
|                             | Native Hawaiian or Other Pacific Islander         |   |   |  |   |
|                             | White   |   |   |  |   |
|                             | Two or more                                       |   |   |  |   |
|                             | Total   |   |   |  |   |

**CHECKLIST SUMMARY (cont'd)**

| Primary Disability Category     | Federal Reporting Requirements for Race/Ethnicity | For each Category Below, Indicate Total Number and Percentage of Students |   |  |   |
|---------------------------------|---|---|---|--|---|
|                                 |   | All Reevaluation  |   | 3-year Reevaluation not Necessary<br><i>LEA and Parents Agreed</i> |   |
|                                 |   | No. of Students   | % | No. of Students  | % |
| Emotional Behavioral Disability | American Indian or Alaska Native                  |   |   |  |   |
|                                 | Asian   |   |   |  |   |
|                                 | Black or African American                         |   |   |  |   |
|                                 | Hispanic or Latino                                |   |   |  |   |
|                                 | Native Hawaiian or Other Pacific Islander         |   |   |  |   |
|                                 | White   |   |   |  |   |
|                                 | Two or more                                       |   |   |  |   |
|                                 | Total   |   |   |  |   |
| Other Health Impairment         | American Indian or Alaska Native                  |   |   |  |   |
|                                 | Asian   |   |   |  |   |
|                                 | Black or African American                         |   |   |  |   |
|                                 | Hispanic or Latino                                |   |   |  |   |
|                                 | Native Hawaiian or Other Pacific Islander         |   |   |  |   |
|                                 | White   |   |   |  |   |
|                                 | Two or more                                       |   |   |  |   |
|                                 | Total   |   |   |  |   |
| Speech and Language             | American Indian or Alaska Native                  |   |   |  |   |
|                                 | Asian   |   |   |  |   |
|                                 | Black or African American                         |   |   |  |   |
|                                 | Hispanic or Latino                                |   |   |  |   |
|                                 | Native Hawaiian or Other Pacific Islander         |   |   |  |   |
|                                 | White   |   |   |  |   |
|                                 | Two or more                                       |   |   |  |   |
|                                 | Total   |   |   |  |   |
| Specific Learning Disability    | American Indian or Alaska Native                  |   |   |  |   |
|                                 | Asian   |   |   |  |   |
|                                 | Black or African American                         |   |   |  |   |
|                                 | Hispanic or Latino                                |   |   |  |   |
|                                 | Native Hawaiian or Other Pacific Islander         |   |   |  |   |
|                                 | White   |   |   |  |   |
|                                 | Two or more races                                 |   |   |  |   |
|                                 | Total   |   |   |  |   |