

April 15, 2010

Alexa Posny, Ph.D., Acting Director
Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue, SW
Potomac Center Plaza, Room 5126
Washington, DC 20202-2641

Dear Dr. Posny:

On March 16, 2010, Superintendent Evers received a letter from you regarding the Office of Special Education Programs (OSEP) verification visit to Wisconsin during the week of November 30, 2009. OSEP found noncompliance and has required corrective action in the following areas: (1) verification of correction of noncompliance; (2) monitoring local educational agencies' compliance with Part B's resolution meeting requirements; (3) ensuring LEAs complied with Part B's data reporting requirements related to the provision of coordinated, early intervening services; and (4) properly calculating State-level MOE.

RE: Finding 1

In the verification letter, OSEP stated, "WDPI verifies student-level correction even when it is aware that one out of two of the files that it initially selected contains information demonstrating that the noncompliance has not been corrected. Rather than concluding that the LEA has not corrected student-level noncompliance, WDPI overlooks the one file that has not been corrected and selects a third file."

The Wisconsin Department of Public Instruction (WDPI) would like to respectfully clarify that WDPI only verifies student-level correction when all files reviewed are corrected. At the time of the verification visit, it was the department's practice to select two files from each sample. If one file demonstrated noncompliance, the LEA was directed to correct the file within 20 days. An additional file was reviewed. Student-level compliance was demonstrated when the files reviewed from each sample were found error-free. WDPI does not overlook a file in which the department has identified noncompliance, but requires the LEA to correct all noncompliance immediately.

OSEP staff also was concerned about the WDPI's verification of correction of noncompliance with regard to the specific regulatory requirements. Since the OSEP verification visit, WDPI has revised its procedures for determining timely correction of noncompliance so that WDPI determines a finding of noncompliance has been corrected only if the LEA has corrected each individual case of student-specific noncompliance and is currently in compliance with regard to the specific regulatory requirement(s). WDPI will select the files for review. A copy of the revised verification procedures is enclosed.

RE: Finding 2

WDPI will assume direct responsibility for tracking resolution session timeline data to ensure compliance with the 15-day timeline. Enclosed is a copy of the memorandum issued to all hearing officers, LEAs, parent advocacy groups and other interested parties advising them of the regulations relative to resolution sessions, as well as the timeline tracking procedures.

RE: Finding 3

In the verification letter, OSEP stated, "WDPI reported that, until the 2009-2010 school year, it did not have a mechanism in place to track the number of students who receive services with CEIS funds and subsequently receive special education and related services. WDPI indicated, however, that it enhanced its Individual Student Enrollment System (ISES) in order to collect data from LEAs with significant disproportionality and those voluntarily using CEIS funds."

WDPI would like to respectfully clarify that the department required districts to collect data and maintain local documentation in 2007-08. Beginning with the 2008-09 data collection, districts reported to WDPI through the Individual Student Enrollment System (ISES) the number of students who receive services with CEIS funds. Beginning in 2008-09, WDPI is able to use ISES to track those students who received services with CEIS funds and subsequently receive special education and related services.

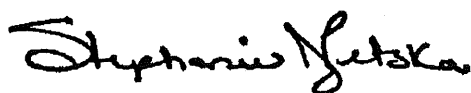
With Wisconsin's FFY 2009 APR, due February 1, 2011, WDPI will provide documentation LEAs have complied with the data reporting provisions in 34 CFR §300.226(d) by reporting to WDPI on the number of children served with CEIS funds who received early intervening services in 2007-08 and subsequently received special education and related services.

RE: Finding 4

With Wisconsin's Part B FFY 2010 Application, WDPI will provide a separate written assurance that the State has met the IDEA MOE requirements in IDEA section 612(a)(18) and 34 CFR §300.163 and has included in its calculations funds other agencies provide to WDPI for special education and related services, funds other agencies provide directly to LEAs for special education and related services, and funds other agencies directly pay to staff or contractors for the delivery of special education and related services pursuant to an Individual Education Plan (IEP). WDPI will also provide a copy of the correspondence in which the department informed the State audit office of the need to review under the State's Single Audit the State's procedures to comply with the tracking of the amount of State financial support provided to meet the IDEA State-level MOE requirements.

I trust this plan for correction ensures you we have addressed the identified noncompliance. Thank you for the opportunity to work with you and our stakeholders to address these findings and improve results for all children and youth with disabilities and their families.

Sincerely,



Stephanie J. Petska, Ph.D., Director
Special Education

Enclosures (2)
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