

OSEP Verification Report Summary

The State has procedures and practices that are reasonably designed to:

- Identify noncompliance in a timely manner.
- Improve educational results and functional outcomes for all children with disabilities.
- Implement grant assurances related to public reporting, private schools, significant disproportionality, NIMAS and assessment.
- Collect, verify and report valid and reliable data to OSEP and the public in a timely manner.
- Compile and integrate data across systems and use the data to inform and focus its improvement activities.
- Ensure the timely obligation and liquidation of IDEA funds.
- Ensure appropriate use of IDEA funds at the State level.

Findings and Corrective Actions:

DPI verification of correction of LEA noncompliance identified through the Procedural Compliance Self-Assessment process is not sufficiently rigorous.

Corrective Action:

By May 9, 2010, revise policies and procedures to include verification of correction of each individual case of noncompliance, a review of additional IEP records to verify current compliance, and DPI selection of records to be verified.

DPI does not consistently collect data on whether an LEA convenes a meeting to discuss the complaint and attempt to resolve a dispute within 15 calendar days of receiving notice of a parent's due process complaint.

Corrective Action:

By May 9, 2010, revise procedures to include tracking of the 15-day resolution session requirement. Upon receipt of a due process hearing request, DPI will send notification to the LEA director of special education that includes a copy of the due process complaint, a reminder of the 15 day requirement for convening a resolution session, and the form for collecting information about the resolution session (e.g., the date it was held).

Advise all hearing officers, LEAs, parent advocacy groups and other interested parties of the resolution session requirements.

Although DPI directed LEAs that develop and maintain coordinated, early intervening services (CEIS) to keep data on the number of children served with CEIS funds during the 2007-08 school year and subsequently received special education and related services during the preceding two-year period, DPI did not verify that LEAs collected this data. DPI began collecting this data through ISES in 2008-09.

Corrective Action:

With our FFY 2009 APR, due February 1, 2011, provide documentation that LEAs have complied with the CEIS data reporting provisions by reporting the number of children served with CEIS funds and the number of children who subsequently received special education and related services during the preceding two-year period (2007-08 and 2008-09).

DPI did not include funds other state agencies provide for special education and related services when calculating State maintenance of effort (MOE).

Corrective Action:

With the State's Part B FFY 2010 Application, provide a written assurance the State has met MOE requirements and included in its calculation funds other agencies provide to DPI 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 IEP.

Inform the State audit office of the need to review calculation under the State's Single Audit.

Misunderstandings in OSEP Verification Report

WDPI verifies student-level correction even when it is aware that one out of two of the files that it initially selected contain 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.

Clarification of misunderstanding:

DPI only verifies student-level correction when all files reviewed are corrected. DPI never overlooks a file in which the department has identified noncompliance, but requires the LEA to correct the noncompliance immediately.

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.

Clarification of misunderstanding:

DPI required districts to collect data locally in 2006-07 and 2007-08. Beginning with the 2008-09 data collection, districts reported through ISES the number of students who receive services with CEIS funds. Using ISES, DPI is able to track those students who received services with CEIS funds in 2008-09 or 2009-10 and subsequently receive special education and related services.