

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

**Disproportionality**

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

**Guide**

**For 2018-19 Submissions: Disproportionality Procedural Compliance  
Self-Assessment**

**August 2018**



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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 identification, discipline, 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 uses 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.
  - If an identified public agency participates in the Procedural Compliance Self-Assessment and reports non-compliance, then WDPI staff review to determine whether non-compliance is related to racial disproportionality in special education identification, discipline, and/or placement.
  - 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. For public agencies that submit an approved alternative to the needs assessment, WDPI staff review submissions for compliance with Part B of IDEA.

- 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 annually summarizes 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:

[Reserved]

#### **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. The Disproportionality PCSA web application automatically generates the samples related to special education identification and placement. For discipline, the district must upload discipline data in order for the sample to be generated.

### **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 total includes all students with disabilities, ages 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 3-21, as well as those who have graduated or moved. Parentally placed private school students are excluded.

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, 6-21, with initial evaluations and found eligible between July 1 of the previous year and June 30 of the current year. 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, 6-21, 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 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.

### **5.5. PLACEMENT [RESERVED]**

## **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.

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 ON 3-YEAR REEVALUATION DATA**

A reevaluation must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary. The LEA must report on the total number of reevaluations and reevaluations waived per agreement for the previous school year (July 1 of the previous year to June 30 of the current year). The report

includes students, ages 3-21, who were reevaluated and found eligible and excludes parentally placed private school students. The LEA disaggregates all reevaluation data by race/ethnicity of the students. See Appendix E.

Using the reported data, the web application will generate the race-based percentages of total reevaluations and reevaluations waived by the district and parent. The LEA uses this data to ensure racial proportionality in the use of agreements in lieu of reevaluation.

## **8. 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.

## **9. 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.

## **10. 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.

#### **11. 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.

## **12. 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) or results in inappropriate identification (Indicators 9 and 10).

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.

### **13. 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.

### **14. 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**

## **APPENDIX C – SAMPLING**

# Disproportionality PCSA Creating a Sample

Instructions  
(10/04/16)

1. Go to [dpi.wi.gov/sped/educators/webportal](http://dpi.wi.gov/sped/educators/webportal) and click on “Special Education Web Portal”:



2. Log in.
3. From the main menu, click on “Enter Data” for the Disproportionality: Procedural Compliance Self-Assessment:

**Special Education Web Portal - Main Menu**  
6678-Wisconsin Dells School District

Help	LEA Data (Click on link below to see data in district profile.)	Required Action	Required Action Due Date
?	<a href="#">Indicator 7 - Child Outcomes</a>	<a href="#">Enter Data</a>	09/01/2017
?	<a href="#">Parentally Placed Private School Student Data Collection</a>	None	N/A
?	<a href="#">(PILOT) RDA: Procedural Compliance Self-Assessment</a>	None	N/A
?	<a href="#">Procedural Compliance Self-Assessment Report</a>	None	N/A
?	<a href="#">Indicator 11: Timely Initial Evaluations</a>	None	N/A
?	<a href="#">Disproportionality: Procedural Compliance Self-Assessment</a>	Enter Data	09/01/2017
?	<a href="#">Indicator 8: Parent Survey Manager</a>	None	N/A
<b>Help Application</b>			
?	<a href="#">IDEA Flow-through and Preschool Entitlement Budgets &amp; Claims (2015-16 and earlier)</a>		
	<a href="#">WISEgrants (2015-17 and later)</a>		
	<a href="#">High Cost Special Education Aid Claims</a>		
	<a href="#">IDEA Maintenance of Effort</a>		
	Form: <a href="#">Reporting confirmed fraud to DPI as required by the State Single Audit Guidelines</a>		
<b>Help Report</b>			
?	<a href="#">Indicator 12 - District Wide Results by Student</a>		
?	<a href="#">Indicator 12 - View List of Incomplete Referrals</a>		
?	<a href="#">Indicator 8 - District Results</a>		
?	<a href="#">Disproportionality Data Profile</a>		

**Information on Data Collection**  
Sources of Data  
[2011-12 to 2015-16 Cycle for Indicators 8, 11, 14 and the Procedural Compliance Self-Assessment](#)  
[2016-17 to 2020-21 Cycle for Indicators 8, 11, and 14](#)  
[2017-18 to 2021-22 Cycle for RDA: Procedural Compliance Self-Assessment](#)

4. Under “Manage Sample” column, click on “Pool” for each identified area(s):

**WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION**

Disproportionality: Procedural Compliance Self-Assessment

Admins - Samples - Reevaluations - Corrective Action Plan - Submit Report - Downloads - Exit to Portal

School Year: 2016-2017 | Appleton Area School District - 0147 | fullerr

+ Please add the compliance contact.

Area Information			
Area	Description	Status	Manage Sample
Pool Group For Indicator 10			
Autism	Over identification in autism (Indicator 10)	Student Pool Empty	Pool <input type="button" value="Pool"/> <input type="button" value="Sample"/>
Speech/Language	Over identification in speech/language (Indicator 10)	Student Pool Empty	Pool <input type="button" value="Pool"/> <input type="button" value="Sample"/>
Pool Group For Indicator 4B			
Discipline	Racial discrepancy in discipline (Indicator 4b and significant disproportionality)	Student Pool Empty	Pool <input type="button" value="Pool"/> <input type="button" value="Sample"/>
Pool Group For Indicator 9			
Special Education	Over identification in special education (Indicator 9)	Student Pool Empty	Pool <input type="button" value="Pool"/> <input type="button" value="Sample"/>

5. Click on “Import Students”:

Return To District Home

INSTRUCTIONS:  
Please submit/upload WAMS identification numbers for students with disabilities (including ages 6-21 and excluding parentally placed private school students) with initial evaluations between July 1 of the previous year and June 30 of this year where the student was found eligible in the identified disability category(ies).

Autism Student Pool

Import Students + Add New Students

Student Name Add a list of new students Race Sampled?

0 15 Items per page No items to display

- Submit/upload WAMS identification numbers for all students as described in the instructions and click on “Import Students”:

Autism Student Pool

INSTRUCTIONS:  
Please submit/upload WAMS identification numbers for students with disabilities (including ages 6-21 and excluding parentally placed private school students) with initial evaluations between July 1 of the previous year and June 30 of this year where the student was found eligible in the identified disability category(ies).

Option 1. Upload a text file of WSNs (txt or csv). Each WSN should be on a new line of the file.

Select the file containing WSNs

Option 2. Enter each WSN on a new line in the text box below:

Enter WSNs here

Import Students

- After you’ve imported students for all identified area(s), click on “Generate Sample” for each identified area(s):

Disproportionality: Procedural Compliance Self-Assessment

Admins - Samples - Reevaluations - Corrective Action Plan - Submit Report - Downloads - Exit to Portal

School Year: 2016-2017 | Appleton Area School District - 0147 | fulerr

Please add the compliance contact.

Area	Description	Status	Manage Sample
Pool Group For Indicator 10			
Autism	Over identification in autism (Indicator 10)	Student Pool Filled	Pool Sample
Speech/Language	Over identification in speech/language (Indicator 10)	Student Pool Filled	Pool Sample
Pool Group For Indicator 4B			
Discipline	Racial discrepancy in discipline (Indicator 4b and significant disproportionality)	Student Pool Filled	Pool Sample
Pool Group For Indicator 9			
Special Education	Over identification in special education (Indicator 9)	Student Pool Filled	Pool Sample

8. After you've generated samples for each area(s) of identification, lock the samples:

Disproportionality: Procedural Compliance Self-Assessment

Admins - Samples - Reevaluations - Corrective Action Plan - Submit Report - Downloads - Exit to Portal

School Year: 2016-2017 | Appleton Area School District - 0147 | fulerr

Please add the compliance contact.

Area	Description	Status	Manage Sample
Pool Group For Indicator 10			
Autism	Over identification in autism (Indicator 10)	Sample Generated	Pool Sample
Speech/Language	Over identification in speech/language (Indicator 10)	Sample Generated	Pool Sample
Pool Group For Indicator 4B			
Discipline	Racial discrepancy in discipline (Indicator 4b and significant disproportionality)	Sample Generated	Pool Sample
Pool Group For Indicator 9			
Special Education	Over identification in special education (Indicator 9)	Sample Generated	Pool Sample

9. The status will change to "Sample Locked" after you have locked samples for each area(s) of identification



WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

Disproportionality, Procedural Compliance Self-Assessment

School Year: 2016-2017 | Appleton Area School District - 0147 | fullemr

+ Please add the compliance contact.

Area	Description	Status	Manage Sample
Pool Group For Indicator 10			
Autism	Over identification in autism (Indicator 10)	Sample Locked	Pool Sample
Speech/Language	Over identification in speech/language (Indicator 10)	Sample Locked	Pool Sample
Pool Group For Indicator 4B			
Discipline	Racial discrepancy in discipline (Indicator 4b and significant disproportionality)	Sample Locked	Pool Sample
Pool Group For Indicator 9			
Special Education	Over identification in special education (Indicator 9)	Sample Locked	Pool Sample

10. You are now ready to review student records for compliance. Under the Samples drop-down menu, click on each area(s) of identification to see student names:

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

Disproportionality, Procedural Compliance Self-Assessment

School Year: 2016-2017 | Appleton Area School District - 0147 | fullemr

+ Please add the compliance contact.

Autism  
Discipline  
Special Education  
Speech/Language

Area	Description	Status	Manage Sample
Pool Group For Indicator 10			
Autism	Over identification in autism (Indicator 10)	Sample Locked	Pool Sample
Speech/Language	Over identification in speech/language (Indicator 10)	Sample Locked	Pool Sample
Pool Group For Indicator 4B			
Discipline	Racial discrepancy in discipline (Indicator 4b and significant disproportionality)	Sample Locked	Pool Sample
Pool Group For Indicator 9			
Special Education	Over identification in special education (Indicator 9)	Sample Locked	Pool Sample

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

## **APPENDIX E – NO SAMPLE RECORDING FORM**



	<b>GENERAL INFORMATION</b>	
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LEA Name

	<b>CHECKLIST SUMMARY</b>	
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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 <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'					
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 <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				