

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- 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> 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> 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 § 300.324(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.

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Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro- DISC-1 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- 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 decision 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"> • The date the LEA decides to proceed with expulsion, • The date the LEA decides to change the student's placement because of a violation of school code, or • The date the LEA determines the pattern of removals constitute a change in placement. <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> 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 http://sped.dpi.wi.gov/sped_bul06-02#q17 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)

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Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro- DISC-2 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"> • The series of removals total more than ten school days in a school year; • The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in a series of removals; and • 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. <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> 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- 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	<p><i>Student-level Noncompliance</i> 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</p>	34 CFR § 300.530(f)(1)

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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> 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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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.	NO SAMPLE DATA COLLECTION 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-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"> (a) Phonemic awareness; (b) Phonics; (c) Vocabulary development; (d) Reading fluency, including oral reading skills; and (e) Reading comprehension strategies. <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> 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> 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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Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro- SPED-1 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 and this was the determinant factor for the determination of a disability.</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.	
Dispro- SPED-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>The lack of appropriate math instruction may be due to</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 determine the student is not eligible for</p>	34 CFR § 300.306(b)(2)

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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 and this was the determinant factor for the determination of a disability.</p>	<p>special education.</p> <p><i>Current Compliance</i> 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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Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro-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> 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> 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)

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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 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"> (a) Phonemic awareness; (b) Phonics; (c) Vocabulary development; (d) Reading fluency, including oral reading skills; and (e) Reading comprehension strategies. <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> 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> 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- AUT-1 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 and 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 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 and 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> 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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Item	Compliance Statement	Standards and Directions	Correction	Citation
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> 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> 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)

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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.

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	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 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"> (a) Phonemic awareness; (b) Phonics; (c) Vocabulary development; (d) Reading fluency, including oral reading skills; and (e) Reading comprehension strategies. <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> 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> 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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Dispro- CD-1 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 and 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- 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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Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro- CD-2 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 and 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> 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- 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> 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> 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

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 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"> (a) Phonemic awareness; (b) Phonics; (c) Vocabulary development; (d) Reading fluency, including oral reading skills; and (e) Reading comprehension strategies. <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> 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> 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- EBD-1 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 and this was the determinant factor for the determination of a disability.</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.	
Dispro- EBD-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>The lack of appropriate math instruction may be due to</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 determine the student is not eligible for</p>	34 CFR § 300.306(b)(2)

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

Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro- EBD-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 and this was the determinant factor for the determination of a disability.</p>	<p>special education.</p> <p><i>Current Compliance</i> 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- 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> 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> 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

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 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"> (a) Phonemic awareness; (b) Phonics; (c) Vocabulary development; (d) Reading fluency, including oral reading skills; and (e) Reading comprehension strategies. <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> 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> 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
Standards and Directions for Assessing Compliance
New October 10, 2014**

Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro-OHI-1 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 and 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)

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

Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro- OHI-2 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 and 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> 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-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> 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> 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 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. For all other students, review the student’s evaluation file and/or interview persons involved in the evaluation. 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. Mark “No” if the evidence indicates the student only demonstrated speech and language problems in English.	<i>Student-level Noncompliance</i> 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. <i>Current Compliance</i> The district must review its policies, practices, and procedures to ensure compliance with Part B of IDEA. If the district identifies race-based patterns of noncompliance, then the district must conduct a program review to address the disproportionality. 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, http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf</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, http://sped.dpi.wi.gov/files/sped/pdf/sl-lcd-spanish-speaking.pdf.</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> 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> 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
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New October 10, 2014**

Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro- SL-2 contd.		used. 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.”		
Dispro - SL-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> 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> 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

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 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)
	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 11.36(6)(c)(2)(a)

**Procedural Compliance Self-Assessment – Disproportionality
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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- 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"> • Scientific research-based or evidence-based (substantial documented scientific evidence of effectiveness) • Use with individual or small groups • Focus on single or small number of discrete skills closely aligned to individual learning needs (aligned with area of SLD concern) • Culturally responsive • Provide a substantial number of instructional minutes beyond what is provided to all students • Implemented with adequate fidelity <ul style="list-style-type: none"> ○ Applied in a manner highly consistent with its design ○ At least 80% of the recommended number of weeks, sessions, minutes <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> 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> 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 11.36(6)(c)(2)(a)

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Item	Compliance Statement	Standards and Directions	Correction	Citation
Dispro- 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> 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> 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 11.36(6)(c)(2)(a)
Dispro - 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	<p><i>Student-level Noncompliance</i> 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>	34 CFR 300.306(c)(i) and (ii)

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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> 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> 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>	. 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.

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Dispro- SLD-4 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> 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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Dispro- SLD-4 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 and this was the determinant factor for the determination of a disability.</p>		

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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.