



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN - 8 2010

Honorable Tony Evers, Ph.D.
State Superintendent of Public Instruction
Wisconsin Department of Public Instruction
P.O. Box 7841
Madison, Wisconsin 53707-7841

Dear Dr. Evers:

Thank you for the timely submission of Wisconsin's Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d)(2)(A)(i), Wisconsin meets the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2008 APR and revised SPP, other State-reported data, information obtained through verification visits, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2010: Part B" for further details.

Specific factors affecting the determination made by the Office of Special Education Programs (OSEP) that Wisconsin meets requirements under IDEA section 616(d) include: (1) Wisconsin provided valid and reliable FFY 2008 data reflecting the measurement for each indicator; and (2) Wisconsin reported high levels of compliance or correction for Indicators 9, 10, 11, 12, 15, 16, 17, and 20. We commend Wisconsin for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions the State made to its targets, improvement activities (timelines and resources), and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; and (3) whether the State corrected findings of noncompliance.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(l) and 34 CFR §300.602(b)(1)(i)(A), your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than June 1, 2010. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see the SPP/APR Calendar at: <http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656>. Finally, if your State included revisions to baseline, targets or improvement activities in its APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly

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and that the updated SPP is posted on the State's website and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

In its March 10, 2010 verification visit letter, OSEP found that the State did not, prior to the 2009-2010 school year, have in place procedures to ensure that local educational agencies (LEAs) complied with the data reporting provisions in 34 CFR §300.226(d), which require, in part, that LEAs report the number of students who received services with coordinated early intervening services (CEIS) funds and subsequently receive special education and related services. OSEP's letter required the State to provide, with its FFY 2009 APR, due February 1, 2011, documentation that LEAs have complied with the data reporting provisions in 34 CFR §300.226(d) by reporting to WDPI on the number of children served with CEIS funds who received early intervening services and the number of children served with CEIS funds who received early intervening services and subsequently received special education and related services during the preceding two-year period. As part of its April 15, 2010 response to the verification visit letter, the State provided updated information on its progress in meeting these requirements. OSEP looks forward to receiving documentation from the State with its FFY 2009 APR demonstrating correction of the noncompliance.

In the verification visit letter, OSEP also found that the State's practice of calculating State-level maintenance of effort (MOE) based solely upon State educational agency (SEA) expenditures was inconsistent with the requirements in 34 CFR §300.163(a). OSEP's letter required the State to provide, with the State's Part B FFY 2010 Application: (1) a separate written assurance that the State has met the IDEA MOE requirements in IDEA section 612(a)(18) and 34 CFR §300.163 and has included in its calculations funds other agencies provide to the SEA for special education and related services, funds other agencies provide directly to LEAs for special education and related services, and funds other agencies directly pay to staff or contractors for the delivery of special education and related services pursuant to an IEP; and (2) a copy of the correspondence in which WDPI has informed its State audit office of the need to review under the State's Single Audit, conducted under the Single Audit Act, the State's procedures to comply with the tracking of the amount of State financial support provided (made available) to meet the IDEA MOE requirements in section 612(a)(18) and 34 CFR §300.163. The State provided the required assurance and a copy of the correspondence to the State audit office with its FFY 2010 application.

Also in the verification visit letter, OSEP found that the State was not monitoring LEAs' compliance with Part B's resolution meeting requirements, and required the State to provide: (1) documentation demonstrating that it monitors LEAs' compliance with resolution meeting requirements at 34 CFR §300.510; and (2) a copy of a memorandum to all hearing officers, LEAs, parent advocacy groups and other interested parties advising them of the requirements in 34 CFR §300.510. The State responded to this request on April 15, 2010. OSEP will respond, under separate cover, to the documentation that the State provided.

OSEP is committed to supporting Wisconsin's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If

you have any questions, would like to discuss this further, or want to request technical assistance, please contact Lynne Fairfax, your OSEP State Contact, at 202-245-7337.

Sincerely,

A handwritten signature in black ink that reads "Alexa Posny". The signature is written in a cursive style with a large, looping initial "A".

Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education