

Wisconsin Part C

Table B – Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 7</b>                      OSEP’s July 29, 2004 letter found that data submitted in the State’s FFY 2002 APR indicated noncompliance, not previously identified by OSEP. The data indicated that three of the State’s counties were not meeting the 45-day timeline for completing an evaluation, assessment, and initial IFSP meeting as required by 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). OSEP’s letter accepted the State’s plan for ensuring correction of the noncompliance, and required the State to provide a final Progress Report demonstrating full compliance in these counties by August 28, 2005.</p> <p>In its October 25, 2005 letter responding to the State’s FFY 2003 APR and August 2005 final Progress Report, OSEP found that the State’s data demonstrated that in County B, 91% of the IFSPs were developed within 45 days of referral and that the remaining 9% had appropriate justifications for not meeting the timeline. The letter required the State to submit in its SPP: (1) data on the number of children in Counties A and C who: (a) were referred in 2005 for an evaluation and assessment; (b) of those children, the number who received evaluations and assessments and an initial IFSP meeting within 45 days of referral; and (c) if applicable, an analysis of the reasons the 45-day timeline was not met; and (2) updated information on the status of County C’s implementation of its plan of correction.</p>	<p>On page 29 of the SPP, the State reported that County A met the 45-day timeline for 8 of the 9 referrals received in 2005 and explained the documented circumstances including family reasons that caused the 10 day delay for the referral that did not meet the 45-day timeline. On page 30 of the SPP, the State reported that in County C in 2004, 64% of the referrals did not have the IFSP meeting within 45 days. For referrals through September 2005, the State submitted data indicating that 81% were completed within the 45-day timeline or delays in meeting the timeline were due to exceptional family circumstances documented in the child’s record.</p> <p>The State explained that a 37% increase in referrals in County C over the last three years plus staffing turnover circumstances have had a significant impact on the timeliness of IFSP development. The State indicated that its staff has met twice with the County and described the activities in place for ensuring County C’s full compliance with the 45-day timeline.</p> <p>In the SPP, the State reported a 74.4% Statewide level of compliance for 2004 and a 77.8% Statewide level of compliance for the time period January 1, 2005 through September 30, 2005 for Indicator 7.</p>	<p>Since OSEP’s July 29, 2004 letter identifying the noncompliance, the three counties have demonstrated progress toward meeting the 45-day timeline requirements of 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). In its October 25, 2005 letter, OSEP indicated that based on the data submitted for County B, it no longer had concerns with respect to County B’s compliance with the 45-day timeline. Similarly, OSEP no longer has concerns with County A’s compliance with the timeline in that data submitted in the SPP indicated that 8 of the 9 referrals received in 2005 met the timeline and that the one that exceeded the timeline included appropriate justifications.</p> <p>The State submitted data showing an 81% level of compliance for County C based on 2005 data. This is a significant improvement from the 36% level of compliance in 2004. The State has developed and implemented activities in County C’s corrective action plan that are targeted to ensuring the County’s full compliance with the 45-day timeline requirements.</p> <p>The State reported a 77.8% statewide level of compliance with the 45-day timeline requirements, specifically the requirements at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p>	<p>The State must include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. These data must include both the Statewide data required for Indicator 7, and specific data for County C. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 9B</b></p> <p>OSEP's October 25, 2005 FFY 2003 APR letter required the State to confirm, in its SPP, implementation of all the strategies the State had identified in its September 2004 Progress Report to correct findings of noncompliance related to the requirement that IFSPs include: 1) procedures for measuring progress and evaluating whether services and outcomes required modifications, as required by 34 CFR §303.344(c); and 2) needed health and medical services and the steps to secure those services, as required by 34 CFR §303.344(e). OSEP's October 2005 letter also required the State: 3) to delete a projected child find goal that referenced a racial or ethnic subgroup.</p>	<p>1. In the November 30, 2005 cover letter to its SPP, the State provided documentation that it had implemented the strategies identified in its September 2004 Progress Report to ensure that IFSPs include procedures for measuring progress and evaluating whether services and outcomes required modifications. The State indicated that: (1) it continues to monitor this area during program reviews; (2) from September 2004 through October 2005, only one county which was reviewed in October 2004, was required to implement a corrective action plan; and (3) this county met all of the corrective action requirements and verification was completed in March 2005.</p> <p>2. In the cover letter to the SPP, the State provided documentation that all proposed activities identified in its September 2004 Progress Report to ensure compliance with the requirement that IFSPs include needed health and medical services and the steps to secure those services had been completed, and that it expected the sample IFSP format and guidelines to be completed in January 2006. The State indicated that in 2005 as of the date of the SPP, two counties had been cited for noncompliance, and that one county had developed a corrective action plan and rectified the concern immediately. The State indicated that the county continues to discuss the requirement at every IFSP meeting and include the requirement in every IFSP. The State indicated that the second county was in the process of completing its activities for implementing this requirement and that the State expected to verify the county's correction of its noncompliance by reviewing a random selection of files in February 2006.</p> <p>3. In the cover letter to the SPP, the State indicated that it would not use a projected target based on a racial or ethnic subgroup. The State indicated that it would pursue the 2005 recommendation of the Wisconsin Interagency Coordinating Council to "study the apparent disproportionality (over and under enrollment) on a county and Statewide basis, and consider such factors as limited English proficiency, poverty, race and ethnicity."</p>	<p>1, 2 and 3. The State has provided the required documentation, and OSEP appreciates the State's efforts to ensure correction of the noncompliance.</p>	<p>1, 2 and 3. No further action required.</p>