

# Standards and Directions for Assessing Compliance

Revised July 28, 2011

## Evaluation Sample

| Item   | Compliance Statement   | Standards and Directions   | Correction   |
|--------|--|--|--|
| EVAL-1 | <p>The student's parents were contacted and afforded an opportunity to participate in the review of existing evaluation data.</p> <p>34 CFR §300.305(a), 300.321(a)(1)<br/>Wis. Stats., §115.782(2)(b)1</p> <p>Indicator 8</p> | <p>Locate the <i>Worksheet for Consideration of Existing Data</i> (EW-1). Documentation of the parent's participation in the review may also be found on forms IE-2, IE-3, RE-4, or RE-5. Look for both the method and the date the parent's input was obtained. The date of the parent's input must be 1) after the <i>Notice of Receipt of Referral</i> (IE-1) or after <i>Notice of Reevaluation</i> (RE-1) was sent and 2) on or before the date on the form requesting parental consent. (IE-2, IE-3, RE-4, or RE-5).</p> <p>If a meeting was held to review existing evaluation data, look for an <i>Evaluation Report and IEP Cover Sheet</i> (I-3) and determine whether the parent attended the meeting to review existing evaluation data. A meeting to review existing data may be held on the same day the parent receives the <i>Notice of Receipt of Referral</i> (IE-1) or <i>Notice of Reevaluation</i> (RE-1), as long as the notice is provided before existing data is reviewed and before consent for additional testing is obtained.</p> <p>The review may be conducted without a parent's participation if the local educational agency (LEA) is unable to convince the parent to participate. If the parent did not participate, the LEA must document at least three reasonable attempts to convince the parent to participate.</p> <p>The record of attempts to involve parents in the review can be found on the LEA's notices, forms IE-2, IE-3, RE-4, or RE-5. In some cases, the record of attempts to involve the parents in the review will be found in section III of form EW-1. Examples of documentation include:</p> <ul style="list-style-type: none"> <li>• detailed records of telephone calls and the results of those calls;</li> <li>• copies of correspondence sent to parent and any response received; and</li> <li>• detailed records of visits made to the parent's home or place of employment and results of the visits.</li> </ul> <p>If the parent did not participate, but you find records of at least three reasonable attempts to convince the parent to participate, the requirement is met. Often school personnel will attempt to contact parents by telephone. You should not count a telephone call where there is no answer as an attempt. A telephone call where the phone is answered and a message is</p> | <p><i>Student Level Noncompliance:</i><br/>Review evaluation data with parent and determine whether additional evaluation data is needed. If additional data is needed, conduct an evaluation.</p> <p><i>Current Compliance:</i><br/>The local educational agency (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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| EVAL 1<br>Contd. |  | left may be counted. You may count a delivered e-mail message as an attempt.  |  |
| EVAL-2           | A review of existing evaluation data on the student to identify what additional data, if any, were needed to complete the evaluation or reevaluation included: | Look at the <i>Worksheet for Consideration of Existing Data</i> (EW-1). Determine whether each of the required staff participated. The documentation on form EW-1 must include the name of each individual, a description of the input, and the date the input was given. The date of the required individual's input must be after the <i>Notice of Receipt of Referral</i> (IE-1) or <i>Notice of Reevaluation</i> (RE-1) was sent and before consent for additional testing is obtained (IE-2, IE-3, RE-4, or RE-5). If you do not know the title or position of a person listed on form EW-1, you may find it on form IE-1, <i>Notice of Receipt of Referral and Start of Initial Evaluation</i> or on form RE-1, <i>Notice of Reevaluation</i> . | <i>Student Level Noncompliance:</i><br>Review evaluation data with required IEP team member and determine whether additional evaluation data is needed. If additional data is needed, conduct a reevaluation.      |
| EVAL-3           | a. not less than 1 regular education teacher of such student (if the student is, or may be, participating in the regular education environment); and           | If the student is not in the regular education environment and is not anticipated to be in the regular education environment, enter "NA" for item EVAL-2.   | <i>Current Compliance:</i><br>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. |
| EVAL-4           | b. not less than 1 special education teacher of the student, or where appropriate, not less than 1 special education provider of such student; and             | A common error is failing to obtain the input of the LEA representative. Another common error occurs when the individualized education program (IEP) team participant who fills out the <i>Worksheet for Consideration of Existing Data</i> fails to include his or her own input.  |  |
| EVAL-4           | c. a local educational agency representative.<br><br>34 CFR § 300.305(a),<br>300.321(a)(2-4)<br>Wis. Stats, § 115.782(2)(b)1<br><br>Indicator 3                | Also an error occurs when a case review by a problem-solving team (teacher assistance teams, building consultation teams) prior to referral for special education is documented, instead of the IEP team's review to decide whether additional evaluation data is needed to complete an IEP team evaluation.  |  |
| EVAL-5           | The student's parent attended the meeting to determine whether the student is or continues to be a child with a disability or participated by other means.     | The school must take steps to ensure that one or both of the parents of the student are present at the IEP meeting or are afforded the opportunity to participate, including 1) notifying parents of the meeting early enough to ensure that they have an opportunity to attend; and 2) scheduling the meeting at a mutually agreed on time and place.  | <i>Student Level Noncompliance:</i><br>Offer parents the opportunity to conduct a new IEP team meeting to determine whether the student is or continues to be a child with a disability.                           |

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| EVAL-5<br>contd | 34 CFR § 300.306,<br>300.501(b)<br>Wis. Stats §115.78(2)(a)<br><br>Indicator 8 | <p>If neither parent can attend, the school must use other methods to ensure parent participation, including individual or conference telephone calls.</p> <p>Look at the <i>Evaluation Report and IEP Cover Sheet (I-3)</i> for the name of the parent listed as a participant. Also look on the I-3 to see that “evaluation including determination of eligibility” is indicated as a purpose of the meeting. Consider the LEA’s practices for documenting meeting attendance. If the LEA’s practice is to list the participants on I-3 based on their actual attendance, consider the requirements met if the parent is listed as a meeting participant and one purpose of the meeting is IEP review or development. Some LEAs enter the names of IEP team participants before the meeting is conducted. They use check marks or participants’ initials to indicate attendance at the meeting. For such LEAs, consider the requirement met if there is a check mark or initials indicating the parent attended and one purpose of the meeting was evaluation.</p> <p>If determining eligibility is not indicated on the <i>Evaluation Report and IEP Cover Sheet (I-3)</i> as one purpose of the meeting, you may still be able to establish the purpose of the meeting. Look for other evidence of the purpose of the meeting. Look at the <i>Invitation to a Meeting of the IEP Team (I-1)</i> sent to the parent. Note whether the invitation to the meeting indicates “determining initial or continuing eligibility” as one purpose of the meeting. Also look at the <i>Evaluation Report: including Determination of Eligibility and Need for Special Education (ER-1)</i> and note whether the date of the eligibility determination is the same as the date of the IEP meeting on the <i>Evaluation Report and IEP Cover Sheet (I-3)</i>. The purpose of the meeting is established if the invitation to the meeting (I-1) indicates evaluation as a purpose, and the date of the eligibility determination (ER-1) is the same as the date of the meeting (I-3).</p> <p>If no parent attended the meeting or participated by other means, the parent participation requirement may still be met. If there is documentation the parents have agreed to participate in the IEP team meeting and the parents fail to arrive for the scheduled meeting, the meeting may proceed without the parents in attendance. Look for documentation that the parent agreed to the time and place of the meeting.</p> | <p><i>Current Compliance:</i><br/>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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| EVAL 5<br>contd |  | <p>The requirement may still be met even if the parent did not agree to participate in the meeting. Look at the bottom of the <i>Evaluation Report and IEP Cover Sheet</i> (I-3) for documentation of at least three reasonable attempts to obtain the parent's participation. Examples include:</p> <ul style="list-style-type: none"> <li>• records of telephone calls and the results of those calls;</li> <li>• correspondence sent to parents, including e-mail, and any response received; and</li> <li>• records of visits to the parent's home or place of employment and the results of the visits.</li> </ul> <p>Often school personnel will attempt to contact parents by telephone. You should not count a telephone call where there is no answer as an attempt. A telephone call where the phone is answered and a message is left may be counted. You may count a delivered e-mail message as an attempt.</p> |  |
| EVAL-6          | <p>At the IEP team meeting to determine whether the student is a child with a disability, the IEP team reviewed evaluations and information provided by the student's parents.</p> <p>34 CFR§300.305(a)(1)<br/>Wis. Stats.§115.782(2)(b)1</p> <p>Indicator 8</p> | <p>At the IEP team meeting to determine eligibility, the IEP team must review evaluations and information provided by the student's parents. The relevant information is summarized in <i>Evaluation Report: including Determination of Eligibility and Need for Special Education</i> (form ER-1). Look under "Information from Review of Existing Data and "Information provided by parents" for information supplied by the parents. Also look under "Summary of previous evaluations" for results of evaluations provided by parents, if any.</p>  | <p><i>Student Level Noncompliance:</i><br/>Offer to parents to conduct a new IEP team meeting to determine whether the student is or continues to be a student with a disability.</p> <p><i>Current Compliance:</i><br/>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> |
| EVAL-7          | <p>At the IEP team meeting to determine whether the student is a child with a disability, the IEP team reviewed previous interventions and the effects of those interventions.**</p>   | <p>At the IEP team meeting to determine eligibility, the IEP team must review previous interventions for the student and the effects of those interventions. The relevant information is summarized in the <i>Evaluation Report: including Determination of Eligibility and Need for Special Education</i>(ER-1). Look under "Information from Review of Existing Data" and "Previous interventions and the effects of those interventions" for a description of <u>both</u> the interventions for the student <u>and</u> the effect of those interventions. Ensure not only the interventions, but <u>also</u> their effects are documented.</p>  | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to determine if omitted information affects the eligibility determination. If yes, then reconsider eligibility.</p> <p><i>Current Compliance:</i></p>  |

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|      | Wis. Stats. §115.782(2)(b)1<br><br>Indicator 10 | For example “Student participated in Title I Reading, but has made little progress” or “Moved the student to front of room, which increased his time on task.” In some cases, there may have been no previous interventions. In such cases, except for initial SLD evaluations, the requirement is met if the IEP team documented there were no previous interventions. For initial SLD evaluations, documentation of an intensive intervention is required. | 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. |

### IEP Sample

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|-------|---|---|---|
| IEP-1 | The student’s parent attended the meeting(s) to develop or review the student’s IEP or participated by other means.<br><br>34 CFR §300.322,<br>Wis. Stats. §115.78(2)(b)<br><br>Indicator 8 | <p>The school must take steps to ensure that one or both of the parents of the student are present at the IEP meeting or are afforded the opportunity to participate, including 1) notifying parents of the meeting early enough to ensure that they have an opportunity to attend; and 2) scheduling the meeting at a mutually agreed on time and place.</p> <p>If neither parent can attend, the school must use other methods to ensure parent participation, including individual or conference telephone calls.</p> <p>Look at the <i>Evaluation Report and IEP Cover Sheet (I-3)</i> for the name of the parent listed as a participant. Also look on the I-3 to see that developing or revising the IEP is indicated as a purpose of the meeting. Consider the LEA’s practices for documenting meeting attendance. If the LEA’s practice is to list the participants on I-3 based on their actual attendance, consider the requirements met if the parent is listed as a meeting participant and one purpose of the meeting is IEP review or development. Some agencies enter the names of IEP team participants before the meeting is conducted. They use check marks or participants’ initials to indicate attendance at the meeting. For such agencies, consider the requirement met if there is a check mark or initials indicating the parent attended and one purpose of the meeting is IEP review or development.</p> <p>If IEP review or development is not indicated on the <i>Evaluation Report and IEP Cover Sheet (I-3)</i> as one purpose of the meeting,</p> | <p><i>Student Level Noncompliance:</i><br/>Offer parents the opportunity to conduct a new IEP team meeting to develop or review the student’s IEP.</p> <p><i>Current Compliance:</i><br/>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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| IEP-1<br>contd |  | <p>you may still be able to establish the purpose of the meeting. Look at the <i>Invitation to a Meeting of the IEP Team</i> (I-1) to see if IEP review or development is one purpose of the meeting. Then look at the meeting dates on the <i>Determination and Notice of Placement</i> (P-1 or P-2), the <i>Evaluation Report and IEP Cover Sheet</i> (I-3), and the Invitation to the meeting (1-1). The purpose of the meeting is established if:</p> <ul style="list-style-type: none"> <li>• the invitation to the meeting (I-1) indicates IEP review or development as a purpose of the meeting; and</li> <li>• the meeting dates on the <i>Determination and Notice of Placement</i>, the invitation to the meeting, and the <i>Evaluation Report and IEP Cover Sheet</i> all match.</li> </ul> <p>If no parent attended the meeting or participated by other means, the parent participation requirement may still be met. If there is documentation the parents have agreed to participate in the IEP team meeting and the parents fail to arrive for the scheduled meeting, the meeting may proceed without the parents in attendance. Look for documentation that the parent agreed to the time and place of the meeting.</p> <p>The requirement may still be met even if the parent did not agree to participate in the meeting. Look at the bottom of the <i>Evaluation Report and IEP Cover Sheet</i> (I-3) for documentation of at least three reasonable attempts to obtain the parent's participation. Examples include:</p> <ul style="list-style-type: none"> <li>• records of telephone calls and the results of those calls;</li> <li>• correspondence sent to parents, including e-mail, and any response received; and</li> <li>• records of visits to the parent's home or place of employment and the results of the visits.</li> </ul> |  |
| IEP-2          | The student's parent attended the meeting to determine the student's placement or participated by other means. | The school must take steps to ensure that one or both of the parents of the student are present at the IEP meeting or are afforded the opportunity to participate, including 1) notifying parents of the meeting early enough to ensure that they have an opportunity to attend; and 2) scheduling the meeting at a mutually agreed on time and place.  | <i>Student Level Noncompliance:</i><br>Offer parents the opportunity to conduct a new IEP team meeting to determine the student's placement. |

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| IEP-2<br>contd | 34 CFR § 300.327,<br>300.501(c)<br>Wis. Stats. §115.78(2)(c)<br><br>Indicator 8 | <p>If neither parent can attend, the school must use other methods to ensure parent participation, including individual or conference telephone calls.</p> <p>Look at the <i>Evaluation Report and IEP Cover Sheet (I-3)</i> for the name of the parent listed as a participant. Also look on the I-3 to see that determination of placement is indicated as a purpose of the meeting. Consider the LEA's practices for documenting meeting attendance. If the LEA's practice is to list the participants on I-3 based on their actual attendance, consider the requirements met if the parent is listed as a meeting participant and one purpose of the meeting is determining placement. Some agencies enter the names of IEP team participants before the meeting is conducted. They use check marks or participants' initials to indicate attendance at the meeting. For such agencies consider the requirement met if there is a check mark or initials indicating the parent attended and one purpose of the meeting is determining placement.</p> <p>If determination of placement is not indicated on the <i>Evaluation Report and IEP Cover Sheet (I-3)</i> as one purpose of the meeting, you may still be able to establish the purpose of the meeting. Look at the <i>Invitation to a Meeting of the IEP Team (I-1)</i> to see if determination of placement is one purpose of the meeting. Then look at the meeting dates on the <i>Determination and Notice of Placement (P-1 or P-2)</i>, the <i>Evaluation Report and IEP Cover Sheet (I-3)</i>, and the <i>Invitation to the meeting (I-1)</i>. The purpose of the meeting is established if:</p> <ul style="list-style-type: none"> <li>• the invitation to the meeting (I-1) indicates determination of placement as a purpose of the meeting; , and</li> <li>• the meeting dates on the <i>Determination and Notice of Placement</i>, the invitation to the meeting, and the <i>Evaluation Report and IEP Cover Sheet</i> all match.</li> </ul> <p>If no parent attended the meeting or participated by other means, the parent participation requirement may still be met. If there is documentation the parents have agreed to participate in the IEP team meeting and the parents fail to arrive for the scheduled</p> | <p><i>Current Compliance:</i><br/>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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| IEP 2<br>contd |   | <p>meeting, the meeting may proceed without the parents in attendance. Look for documentation that the parent agreed to the time and place of the meeting.</p> <p>The requirement may still be met even if the parent did not agree to participate in the meeting. Look at the bottom of the <i>Evaluation Report and IEP Cover Sheet</i> (I-3) for documentation of at least three reasonable attempts to obtain the parent's participation. Examples include:</p> <ul style="list-style-type: none"> <li>• records of telephone calls and the results of those calls;</li> <li>• correspondence sent to parents, including e-mail, and any response received;</li> <li>• and records of visits to the parent's home or place of employment and the results of the visits.</li> </ul>   |  |
| IEP-3          | <p>The LEA conducted an IEP team meeting to develop or review and revise the IEP that included a LEA representative.</p> <p>34 CFR §300.321(a)(4)<br/>Wis. Stats. §115.78(1m)(d)</p> <p>Indicator 1</p> | <p>Locate the <i>Evaluation Report and IEP Cover Sheet</i> (I-3). The requirements are met if a LEA representative attended the meeting. Some agencies enter the names of IEP team participants before the meeting is conducted. They use check marks or participants' initials to indicate attendance at the meeting. For such agencies consider the requirement met if there is a check mark or initials indicating the LEA representative attended and one purpose of the meeting is develop or review or revise the IEP.</p> <p>If the LEA representative did not attend, the requirement may still be met. In two circumstances, IDEA 2004 permits required IEP team participants not to attend IEP meetings, in part or in whole. First, a participant is not required to attend an IEP meeting, in whole or in part, if the parent and the LEA agree in writing the attendance of the required participant is not necessary because the participant's area of the curriculum or related services is not being modified or discussed in the meeting.</p> <p>Second, a required participant may be excused from attending an IEP meeting even if the meeting involves a modification to, or discussion of, the participant's area of the curriculum or related services. The required participant may be excused if, on or prior to the meeting date, the parent gives written consent and prior to the</p> | <p><i>Student Level Noncompliance:</i><br/>Offer to parent to conduct a new IEP team meeting with the LEA representative present.</p> <p><i>Current Compliance:</i><br/>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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| IEP-3<br>Cont'd. |  | <p>meeting, the excused participant submits to the parent and the IEP team written input into the development of the IEP.</p> <p>The LEA cannot consent to the excusal of the LEA representative from an IEP team meeting if the individual is needed to ensure that decisions can be made at the meeting about commitment of LEA resources that are necessary to implement the IEP being developed, reviewed, or revised.</p> <p><i>See Question C-1, Questions and Answers on Individualized Education Programs, Evaluations, and Reevaluations, Revised June 2010, OSEP, at <a href="http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C3%2C">http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C3%2C</a></i></p> <p>If the LEA representative did not attend, locate form I-2, Agreement On IEP Team Participant Attendance at IEP Meeting. If the parent signed form I-2 on or prior to the meeting date, the requirement is met.</p>  |  |
| IEP-4            | <p>The IEP contains a statement of the student's present levels of academic achievement and functional performance.</p> <p>34 CFR §300.320(a)(1)<br/>Wis. Stats. §115.787(2)(a)</p> <p>Indicator 3</p> | <p>Review the <i>Individualized Education Program: Present Level of Academic Achievement and Functional Performance</i> (I-4). There must be a statement identifying the student's present levels of academic achievement <b>and</b> functional performance related to his or her educational needs.</p> <p>The statement should be written in language understandable to all, including the parent. The statement must address both academic achievement and functional performance.</p> <p><u>Academic achievement</u> generally refers to a student's performance in academic content areas (e.g., reading, math, science, history).<br/><u>Functional Performance</u> includes:</p> <ul style="list-style-type: none"> <li>• Activities and skills not considered academic or directly related to a student's academic achievement.</li> <li>• Routine activities of daily living.</li> <li>• Skills needed for independence and performance at school, in the home, in the community, for leisure time, and for</li> </ul> | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to revise the IEP to include a statement of the student's present levels of academic achievement and functional performance.*</p> <p><i>Current Compliance:</i><br/>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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|----------------|--|--|---|
| IEP-4<br>Contd |  | <p>post-secondary and life-long learning.</p> <ul style="list-style-type: none"> <li>• Motor skills, personal care, time and money, school/work habits, home/community orientation.</li> <li>• Behavior and interpersonal relationships.</li> </ul> <p>If, after conducting a review, the IEP team determines the student does not have deficits in functional performance, it is sufficient to document this in the student's IEP.</p>  |   |
| IEP-5          | <p>The IEP includes how the student's disability affects his or her involvement and progress in the general curriculum or for a preschool student in age-appropriate activities.</p> <p>34 CFR §300.320(a)(1)(i)<br/>Wis. Stats. §115.787(2)(a)</p> <p>Indicator 3</p> | <p>Review the <i>Individualized Education Program: Present Level of Academic Achievement and Functional Performance</i> (I-4) to see whether it includes a description of the impact of the student's disability on his or her progress and involvement in the general curriculum.</p> <p>The present level of educational performance must include <u>how</u> the student's disability affects his or her involvement and progress in the general curriculum. The term "general curriculum," refers to the same curriculum as for nondisabled students. It is the common core of subjects and curriculum areas adopted by each LEA, or schools within the LEA, that applies to all students within each general age grouping from preschool through secondary school.</p> <p>For a preschool student, the present level must address <u>how</u> the student's disability affects his or her participation in age-appropriate activities. "Appropriate activities" means activities that students of that chronological age typically engage in as part of a formal preschool program or in informal activities, for example coloring, pre-reading activities, play time, sharing time, listening to stories read by teachers or parents.</p> <p>A statement that just acknowledges that a student's disability impacts his/her performance is <u>not</u> sufficient. Look for statements that tell <u>how</u> the student's progress is impacted by the disability.</p> | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to revise the IEP to include how the student's disability affects the student's involvement and progress in the general curriculum.*</p> <p><i>Current Compliance:</i><br/>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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\*\*Not required for independent 2r charter schools authorized under Wis. Stats., §118.40.

## Standards and Directions for Assessing Compliance

Revised July 28, 2011

| Item  | Compliance Statement  | Standards and Directions   | Correction   |
|-------|---|--|--|
| IEP-6 | <p>The IEP teams must, in the case of a student whose behavior impedes his or her learning, or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior.</p> <p>34 CFR §300.324(a)(2)(i)<br/>Wis. Stats. §115.787(3)(b)1</p> <p>Indicator 4</p> | <p>Locate <i>Individualized Education Program: Present Level of Academic Achievement and Functional Performance</i> (form I-4). Look under "Special Factors." If "no" is checked, enter "NA" (not applicable). If "yes" is checked or neither box is checked on I-4 under "Special Factors" locate <i>Individualized Education Program: Special Factors</i> (form I-5). If neither box is checked on I-4, and there is no form I-5, the IEP does <u>not</u> meet the standard and the requirement is <u>not</u> met. If there is an I-5, look at section A. If "no" is checked in section A, enter "NA" (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. An IEP that includes only negative measures, such as seclusion or restraint, suspension, or detention does <u>not</u> meet the standard.</p> <p>For more information see the department's bulletin on <i>Addressing the Behavioral Needs of Students with Disabilities</i> at <a href="http://dpi.wi.gov/sped/bulindex.html">http://dpi.wi.gov/sped/bulindex.html</a>.</p> | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to consider the use of positive behavioral interventions and supports and other strategies to address behavior.*</p> <p><i>Current Compliance:</i><br/>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>            |
| IEP-7 | <p>The student's IEP includes a statement of measurable annual goals for the student.</p> <p>34 CFR §300.320(a)(2)<br/>Wis. Stats. §115.787(2)(b)</p> <p>Indicator 3</p>  | <p>Review the <i>Individualized Education Program: Annual Goal</i> pages (Form I-6). All of the IEP annual goals must be measurable and include a level of attainment. The annual goal must address disability-related needs of the student. Goals such as "pass all classes" or "take classes to meet graduation requirements" apply to all students. They do not meet the standard, because they do not address a student's specific disability-related needs.</p> <p>If a student is taking alternate assessments aligned to alternate achievement standards during the year the IEP is in effect, the IEP must include benchmarks or short-term objectives for all IEP annual goals. Benchmarks describe the amount of progress the student is expected to make within specific segments of the year. Short-term objectives break the skills described in the annual goal into discrete measurable intermediate steps. There is no requirement to develop a goal for each alternate achievement standard.</p> <p>Review the <i>Individualized Education Program: Annual Goal</i> pages (form I-6). Look at form I-7, <i>Individualized Education Program:</i></p>            | <p><i>Student Level Noncompliance:</i><br/>Conduct an IEP team meeting to revise the IEP to include a statement of measurable annual goals for the student, including academic and functional goals.*</p> <p><i>Current Compliance:</i><br/>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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## Standards and Directions for Assessing Compliance

Revised July 28, 2011

| Item           | Compliance Statement   | Standards and Directions   | Correction   |
|----------------|--|--|--|
| IEP-7<br>contd |  | <p><i>Participation in Statewide Assessments</i>, to determine whether the student takes an alternate assessment aligned to alternate achievement standards. If a student is taking an alternate assessment, the requirement is met if there are benchmarks or short-term objectives for all annual goals.</p> <p>Sometimes the IEP team will develop benchmarks or short-term objectives even though the student will not participate in an alternate assessment. If there are benchmarks or short-term objectives associated with an annual goal, consider the annual goal to be measurable if a majority of the benchmarks or short-term objectives are measurable and include a level of attainment.</p> |  |
| IEP-8          | <p>The IEP includes a statement of how the student's progress toward achieving the annual goals will be measured.</p> <p>34 CFR §300.320(a)(3)(i)<br/>Wis. Stats. §115.787(2)(h)</p> <p>Indicator 3</p>                                | <p>Review the <i>Individualized Education Program: Annual Goal</i> pages (form I-6). For each of the annual goals, the IEP must identify how the student's progress is to be measured. Such methods may include keeping a log, work samples, classroom exams, attendance records, or point sheets.</p>   | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to revise the IEP to include a statement of how the student's progress toward achieving the annual goals will be measured.*</p> <p><i>Current Compliance:</i><br/>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> |
| IEP-9          | <p>The IEP describes the extent, if any, to which the student will not participate with non-disabled students in the regular education environment.</p> <p>34 CFR §300.320(a)(5)<br/>Wis. Stats. §115.787(2)(d)</p> <p>Indicator 5</p> | <p>Each student must be educated to the maximum extent appropriate with non-disabled peers in regular education (or for preschoolers, in age-appropriate settings). This requirement addresses <u>where</u> the student will be taught, <u>not what</u> he will be taught. Removal from the regular education environment must only occur when the student cannot be satisfactorily educated in that environment with the use of supplementary aids and services. The IEP team must decide whether the student will be full-time in the regular education environment. If not, the team must determine the extent of the removal and document it in the IEP.</p>   | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to revise the IEP to describe the extent, if any, to which the student will not participate with non-disabled students in the regular education environment.*</p> <p><i>Current Compliance:</i><br/>LEA must take action to ensure future compliance including implementing a system</p>   |

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Revised July 28, 2011

| Item           | Compliance Statement   | Standards and Directions  | Correction  |
|----------------|--|---|---|
| IEP-9<br>contd |  | <p>Look at the <i>Individualized Education Program: Program Summary</i>, form I-9, section V, "Participation in Regular Education Classes". If the IEP indicates the student will participate full-time with non-disabled students in regular education environments (or for preschoolers, in age-appropriate settings), no further explanation is required. If the IEP indicates the student will <u>not</u> participate full-time in the regular education environment, there must be an explanation of the extent the student will not participate. If you can determine the amount of removal from the explanation, the requirement is met.</p> <p>If there is no explanation on form I-9, section V, look at sections I and II, (special education and related services), to see whether you can determine the extent of removal from the regular education environment. If the amount of removal can be determined, the requirement is met. However, sometimes the extent of removal is unclear because one or more services are provided in more than one location, e.g., "speech therapy 90 minutes per week in the regular classroom <u>and</u> the resource room." If the extent of removal is unclear, the requirement is not met.</p> | of internal controls. The department will verify current compliance on a new student record sample.   |
| IEP-10         | <p>The statement of special education in the IEP includes anticipated frequency including the amount.</p> <p>34 CFR §300.320(a)(4)&amp;(7)<br/>Wis. Stats. §115.787(2)(c)&amp;(f)</p> <p>Indicator 3</p> | <p>Look for documentation on the <i>Individualized Education Program: Program Summary</i>, (form I-9), section I. The services must be stated in the IEP so the level of the LEA's commitment of resources is clear to the parents and other IEP team members. The amount of time to be committed to each of the various services must be appropriate to the specific service and stated in a manner that can be understood by all involved in developing and implementing the IEP. The special education is generally stated with an amount of time and a frequency. "20 minutes three times per week", "40 minutes per week" or "1 hour daily" are acceptable statements.</p> <p>The amount of time may be stated as a narrow range, but only if the student's IEP team determines stating the amount of services as a narrow range is necessary to meet the unique needs of the student. A narrow range may not be used for administrative convenience, such as personnel shortages or uncertainty regarding the availability of staff. The range also cannot be unreasonably</p>  | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to revise the IEP to include anticipated frequency, including the amount, of special education.*</p> <p><i>Current Compliance:</i><br/>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   |
|-----------------|---|---|--|
| IEP-10<br>contd |   | <p>wide (generally not more than 15 minutes), because this does not provide a clear commitment of resources. For example, an acceptable description might be “three times per week for 30-45 minutes per session, depending on the student’s ability to attend to the instruction.”</p> <p>Stating the amount of service as a minimum is not acceptable because it is not a clear commitment of resources, e.g., “a minimum of 15 minutes three times per week.”</p> <p>If it is not appropriate to state the amount of a service in hours or minutes, then the IEP may describe the circumstances under which the service is needed. Statements such as “as needed,” “as deemed necessary,” “when appropriate,” or “available daily” do not make clear the LEA’s level of commitment of resources. Specific objective criteria should be used to describe when a particular service will be provided. This makes it clear when the service must be provided.</p> <p>For more information and examples, see <i>DPI Information Update Bulletin, No. 10.07</i> at <a href="http://dpi.wi.gov/sped/bul10-07.html">http://dpi.wi.gov/sped/bul10-07.html</a>.</p> |  |
| IEP-11          | <p>The statement of related services, if any, includes anticipated frequency including the amount.</p> <p>34 CFR §300.320(a)(4)&amp;(7)<br/>Wis. Stats. §115.787(2)(c)&amp;(f)</p> <p>Indicator 3</p> | <p>The team should identify the related services needed to carry out the IEP on the <i>Individualized Education Program: Program Summary</i>, (form I-9), section II.</p> <p>If the “no” box is checked, skip this item and enter “NA” (not applicable).</p> <p>If the “yes” box is checked, the related services should be listed along with a statement of their amount and frequency. The services must be stated in the IEP so the level of the LEA’s commitment of resources is clear to the parents, other IEP team members, and staff who implement the IEP. The statement must be appropriate to the specific service and stated in a manner that can be understood by all involved in developing and implementing the IEP. Acceptable statements of amount and frequency could include “Physical Therapy, 25 minutes, 2 times per week. Stating the amount of service as a minimum is not a clear commitment of resources, e.g.,</p>   | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to revise the IEP to include anticipated frequency, including the amount, of related services.*</p> <p><i>Current Compliance:</i><br/>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  |
|-----------------|--|--|---|
| IEP 11<br>Contd |  | <p>“a minimum of 20 minutes per week,” because this does not provide a clear commitment of resources.</p> <p>If the related services are to be provided under certain circumstances, the IEP needs to clearly specify the circumstances. Statements such as, “as needed”, or “upon request” do not make clear the LEA’s level of commitment of resources.</p> <p>The amount of time may be stated as a narrow range, but only if the student’s IEP team determines stating the amount as a narrow range is necessary to meet the unique needs of the student. A narrow range may not be used for administrative convenience, such as personnel shortages or uncertainty regarding the availability of staff. The range also cannot be unreasonably wide (generally not more than 15 minutes), because this does not provide a clear commitment of resources.</p> <p>For more information and examples, see <i>DPI Information Update Bulletin, No. 10.07</i> at <a href="http://dpi.wi.gov/sped/bul10-07.html">http://dpi.wi.gov/sped/bul10-07.html</a>.</p> |   |
| IEP-12          | <p>The statement of supplementary aids and services, if any, includes anticipated frequency including the amount.</p> <p>34 CFR §300.320(a)(4)&amp;(7)<br/>Wis. Stats. §115.787(2)(c)&amp;(f)</p> <p>Indicator 3</p> | <p>The IEP team must address whether a student needs supplementary aids and services or supports provided in regular education classes or other settings to enable the student to be educated with non-disabled students to the maximum extent appropriate.</p> <p>Look to see if any supplementary aids and services are identified on the <i>Individualized Education Program: Program Summary</i>, (form I-9), section III., or if “no” is marked. If the “no” box is checked, skip this item and enter “NA” (not applicable).</p> <p>As with special education services, the description of the supplementary aids and services must include the frequency and amount. The services must be stated in the IEP so the level of the LEA’s commitment of resources is clear to the parents and other IEP team members. The statement must be appropriate to the specific service and stated in a manner that can be understood by all involved in developing and implementing the IEP.</p>  | <p><i>Student Level Noncompliance:</i><br/>Conduct a new IEP team meeting to revise the IEP to include anticipated frequency, including the amount, of supplementary aids and services.*</p> <p><i>Current Compliance:</i><br/>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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## Standards and Directions for Assessing Compliance

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| Item              | Compliance Statement  | Standards and Directions  | Correction  |
|-------------------|---|---|---|
| IEP 12<br>Cont'd. |   | <p>The amount of time may be stated as a narrow range, but only if the student's IEP team determines stating the amount as a narrow range is necessary to meet the unique needs of the student. A narrow range may not be used for administrative convenience, such as personnel shortages or uncertainty regarding the availability of staff. The range also cannot be unreasonably wide (generally not more than 15 minutes), because this does not provide a clear commitment of resources.</p> <p>Stating the amount of service as a minimum or maximum is not acceptable because it is also not a clear commitment of resources, e.g., "a minimum of 15 minutes three times per week" or "at least 30 minutes four times per week." Statements such as, "as needed", "upon teacher request", or "when appropriate" do not make clear the LEA's level of commitment of resources and should not be used. While "40 minutes/week" or "1 hour daily" are acceptable statements of amount and frequency, supplementary aids and services often need to be stated in terms of the circumstances under which they will be provided. For example-</p> <ul style="list-style-type: none"> <li>• "use a computer for writing assignments longer than one page"; or</li> <li>• "give multiple choice tests in place of fill-in-the-blank tests in biology."</li> </ul> <p>For more information and examples, see <i>DPI Information Update Bulletin, No. 10.07</i> at <a href="http://dpi.wi.gov/sped/bul10-07.html">http://dpi.wi.gov/sped/bul10-07.html</a>.</p> |   |
| IEP-13            | <p>The student's placement is determined at least annually.</p> <p>34 CFR §300.116(b)(1)<br/>Wis. Stats. §115.79(1)(b)</p> <p>Indicator 5</p> | <p>If the student's initial placement in special education was in the last 12 months, enter "NA" (not applicable) and go to the next item. If the initial placement in special education was more than 12 months ago, locate the date of the current placement determination on the <i>Determination and Notice of Placement (P-2)</i>. Next, locate the previous placement notice, P-1 or P-2. Compare the dates on the current notice and the previous notice to verify that no more than 12 months elapsed between the date the current placement was determined, i.e., the date of the IEP team meeting, and the previous date the student's placement was determined.</p>  | <p><i>Student Level Noncompliance:</i><br/>If the IEP team has not determined placement within the last twelve months, then the IEP team must meet to determine placement.</p> <p><i>Current Compliance:</i><br/>LEA must take action to ensure future compliance including implementing a system</p> |

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|--------|---|--|--|
|        |   | <p>In monitoring of public agencies, DPI found agencies sometimes made an error by arranging IEP team meeting dates based upon the dates of notices of placement, rather than the dates of the last IEP team meetings to determine placement.</p>  | <p>of internal controls. The department will verify current compliance on a new student record sample.</p>   |
| IEP-14 | <p>Following the development or revision of the individualized education program and prior to its implementation, the student's parent(s) were provided a notice.</p> <p>34 CFR §300.503(a)<br/>Wis. Stats. §115.792(1)(b)</p> <p>Indicator 8</p> | <p>Annually, an IEP team must meet to review the IEP. Parents must receive written notice, including a copy of their student's IEP, a reasonable time prior to its implementation.</p> <p>Locate the <i>Determination and Notice of Placement: Consent for Initial Placement</i> (form P-1) or the <i>Determination and Notice of Placement</i> (form P-2). Look for the date the parents were provided with the notice and whether a box indicating they were provided with a copy of the IEP is checked. To determine whether notice was provided timely, compare this date with the beginning date of IEP services at the top of the <i>Individualized Education Program: Program Summary</i>, (form I-9), and consider:</p> <ul style="list-style-type: none"> <li>• If the LEA mails notices and IEP to parents, consider the amount of time mail takes to go through the LEAs processing and mailing system.</li> <li>• If the LEA gives parents the placement notice and a copy of the IEP at the IEP meeting, check the <i>Evaluation Report and IEP Cover Sheet</i> (form I-3) to see if the parents attended the meeting where the student's placement was determined. Check the date of this IEP meeting. Compare the IEP meeting date with the date parents received the placement notice. If the parents attended the IEP meeting, and the date the parents received the placement notice and the date of the IEP meeting are the same, assume the parents were given the notice at the meeting. Check the beginning date of IEP services at the top of the <i>Individualized Education Program: Program Summary</i> (form I-9). If the beginning date of IEP services is on or after the date of the meeting where the parents received the placement notice, consider the requirement met.</li> </ul> <p>If the IEP was revised after, ensure that following its revision the parents were provided a notice. An IEP may be revised after the annual meeting. This may be done without conducting an IEP team</p> | <p><i>Student Level Noncompliance:</i><br/>If no notice was provided, then send a notice.</p> <p><i>Current Compliance:</i><br/>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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| IEP-14<br>Contd. |                      | meeting. If the IEP is revised without conducting a meeting, parents must be provided a notice and a copy of the revised IEP. Determine whether the IEP has been revised without a meeting. Look for form I-10-A, <i>Changes to IEP</i> or other evidence of an IEP revision. Then look for form I-10-B, <i>Notice of Changes To IEP Without an IEP Team Meeting</i> to determine whether a notice was provided to the parents with a copy of the revised IEP. For the requirement to be met, proper notice must be provided after the annual IEP review and, following any subsequent IEP revisions. |            |

### Discipline Sample

**Discipline requirements may apply to different instances of removal for the same student. For example a student may be suspended for two days, constituting the 11th and 12th cumulative days of removal, and suspended again for three days, constituting the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> cumulative days of removal. Apply the standards and directions to each instance of removal to determine whether each discipline requirement has been met. Multiple instances of noncompliance for a particular item for a particular student are recorded as one “N”. However each instance of noncompliance must be corrected according to the instructions.**

| Item   | Compliance Statement  | Standards and Directions  | Correction  |
|--------|---|---|---|
| DISC-1 | <p>After the tenth cumulative day of removal in the same school year, the student received educational services during subsequent periods of removal.</p> <p>34 CFR §300.530(d)(4)&amp;(5)</p> <p>Indicator 4</p> | <p>After a student has been removed for a violation of a code of student conduct for more than 10 cumulative school days in the same school year, during subsequent removals the LEA must provide the student educational services. Examine evidence, such as teacher notes, attendance logs, or teacher time records to determine whether the student was provided educational services during each removal beyond the tenth cumulative day of removal in the school year.</p> <p>Examples of removals include, but are not limited to, out-of-school suspensions, certain in-school suspensions, certain bus suspensions, expulsions, and removals to interim alternative educational settings for weapons or drug offences or for inflicting serious bodily harm, and <i>de facto</i> suspensions.</p> <ul style="list-style-type: none"> <li>• Include in-school suspensions if: (1) the student's IEP was not</li> </ul> | <p><i>Student Level Noncompliance:</i><br/>The LEA must consider compensatory services by holding an IEP team meeting or with the agreement of the student's parent either:</p> <ol style="list-style-type: none"> <li>(1) Develop a written document to amend or modify the student's current IEP to reflect the compensatory services (see Form I-10) or;</li> <li>(2) Discuss with the student's parent and document agreement that no compensatory services are necessary (see Sample Letter).</li> </ol> |

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|------------------|---|--|---|
| DISC-1<br>contd. |   | <p>implemented; or (2) the student did not participate with nondisabled peers to the extent required by the IEP; or (3) the student did not have the opportunity to appropriately progress in the general curriculum.</p> <ul style="list-style-type: none"> <li>• Include a bus suspension if (1) the student was not provided transportation and (2) the student did not attend school.</li> <li>• Include a removal as a <i>de facto</i> suspension if the student is removed from school or class for not following rules without following the procedures related to suspension. LEAs should have procedures to accurately track and count <i>de facto</i> suspensions. A student is considered removed during periods when: (1) the student's IEP was not implemented; or (2) the student did not participate with nondisabled peers to the extent required by the IEP; or (3) the student did not have the opportunity to appropriately progress in the general curriculum. Partial day removals must be included when determining the number of days of removal for a student.</li> <li>• Partial day removals must be included when determining the number of days of removal for a student.</li> </ul> <p>See WDPI Information Update Bulletin 06.02 for additional information on discipline requirements at <a href="http://dpi.wi.gov/sped/bul06-02.html">http://dpi.wi.gov/sped/bul06-02.html</a>.</p> | <p><i>Current Compliance:</i><br/>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>  |
| DISC-2           | <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 must conduct a manifestation determination.</p> <p>34 CFR §300.530(e)</p> <p>Indicator No. 4</p> | <p>Mark "NA" for this item if a change in placement, as defined below, did not occur.</p> <p>A disciplinary change in educational placement for a student with a disability occurs when a student is removed from his or her current educational placement for more than ten consecutive school days because of a violation of school code. A 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"> <li>• the series of removals total more than ten school days in a school year;</li> <li>• the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of</li> </ul>  | <p><i>Student Level Noncompliance:</i><br/>The LEA must conduct a manifestation determination.</p> <p>Except where a student is disciplined for behavior involving weapons, drugs or serious bodily harm, if the behavior is determined to be a manifestation of the student's disability, the IEP team must return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral</p> |

\*In making changes to a student's IEP after the annual IEP 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)

\*\*Not required for independent 2r charter schools authorized under Wis. Stats., s118.40.

## Standards and Directions for Assessing Compliance

Revised July 28, 2011

| Item              | Compliance Statement                                  | Standards and Directions   | Correction  |
|-------------------|---|--|---|
| DISC-2<br>Cont'd. |   | <p>removals; and</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>Whether the behavior in the incidents that resulted in the series of removals is "substantially similar" should be decided on a case-by-case basis and include consideration of any relevant information regarding the student's behaviors, including, where appropriate, any information in the student's IEP.</p> <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>Examine the student's <i>Manifestation Determination Review</i> (Form 1-12). Determine whether the manifestation determination was completed within ten school days of the date of the decision to change the student's placement.</p> <p>The date of the decision would be, for example,</p> <ul style="list-style-type: none"> <li>• when the LEA decides to proceed with expulsion and sends the parents notice of that decision and a copy of the procedural safeguards notice,</li> <li>• when the LEA decides to change the student's placement because of a violation of school code, or</li> <li>• when the LEA determines the pattern of removals constitute a change in placement.</li> </ul> | <p>intervention plan.</p> <p>If the behavior is determined not to be a manifestation of the student's disability, the LEA may remove the student to the same extent it would remove a student who does not have a disability.</p> <p>If the behavior is a manifestation of the student's disability and the student already has a behavioral intervention plan, the IEP team must meet to review the plan and its implementation. The IEP team must modify the plan and its implementation, if necessary, to address the student's behavior. If the student does not have a behavior intervention plan, the IEP team must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student.</p> <p>If the behavior is not a manifestation of the student's disability the student must receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.</p> <p><i>Current Compliance:</i><br/>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> |
| DISC-3            | If the LEA determines the conduct was a manifestation | Mark "NA" for this item if a change in placement, as defined in item DISC- 2, did not occur.   | <i>Student Level Noncompliance:</i><br>If the student already has a behavioral  |

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| Item             | Compliance Statement  | Standards and Directions   | Correction  |
|------------------|---|--|---|
| DISC-3<br>contd. | <p>of the student's disability, the LEA conducted a functional behavioral assessment and implemented a behavioral intervention plan (BIP), or if a BIP had previously been developed, reviews and modifies the BIP as necessary.</p> <p>34 CFR §300.530(f)</p> <p>Indicator No. 4</p>   | <p>Examine the student's <i>Manifestation Determination Review</i> (Form 1-12). If the LEA determined the conduct was not a manifestation of the student's disability, mark NA. 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 BIP, the IEP team must review and modify the plan, if necessary, to address the student's behavior.</p> <p>For information on conducting FBAs and developing BIPs, see the department's bulletin 07.01 on "Addressing the Behavioral Needs of Students with Disabilities" at <a href="http://dpi.wi.gov/sped/bul07-01.html">http://dpi.wi.gov/sped/bul07-01.html</a>.</p>   | <p>intervention plan, the IEP team must meet to review the plan and its implementation. The IEP team must modify the plan and its implementation, if necessary, to address the student's behavior. If the student does not have a behavior intervention plan, the IEP team must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student.</p> <p><i>Current Compliance:</i><br/>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> |
| DISC-4           | <p>On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of school code, the LEA notified the parent and provided the parents a copy of the procedural safeguards notice.</p> <p>34 CFR §300.530(h)</p> <p>Indicator No. 4</p> | <p>Mark "NA" for this item if a change in placement, as defined in item DISC- 2, did not occur.</p> <p>Look for evidence the student's parents were notified and provided a copy of the procedural safeguards notice on the date the decision was made to change the student's placement for a violation of school code.</p> <p>The date of the decision would be, for example,</p> <ul style="list-style-type: none"> <li>• when the LEA decides to proceed with expulsion and sends the parents notice of that decision and a copy of the procedural safeguards notice,</li> <li>• when the LEA decides to change the student's placement because of a violation of school code, or</li> <li>• when the LEA determines the pattern of removals constitute a change in placement.</li> </ul> <p>A copy of the procedural safeguards notice must be given to parents only one time a school year, except that a copy must also be given to the parents upon initial referral or parent request for evaluation, upon receipt of the first state IDEA complaint, upon receipt of the first due process complaint, on the date on which the</p> | <p><i>Student Level Noncompliance:</i><br/>If not already provided, the LEA must notify the parents of the decision to make a removal that constitutes a disciplinary change of placement. If not already provided, the LEA must also provide the parents a copy of the procedural safeguards notice.</p> <p><i>Current Compliance:</i><br/>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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## Standards and Directions for Assessing Compliance

Revised July 28, 2011

| Item            | Compliance Statement | Standards and Directions  | Correction |
|-----------------|----------------------|---|------------|
| DISC-4<br>contd |                      | <p>LEA is made to make a disciplinary removal that constitute a change of placement.</p> <p>The procedural safeguards notice must include a full explanation of all of the available procedural safeguards available under IDEA and U.S. Department of Education regulations, written in language understandable to the general public, and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.</p> <p>A copy of the department's model procedural safeguard notice may be found at <a href="http://dpi.wi.gov/sped/pcrights.html">http://dpi.wi.gov/sped/pcrights.html</a>.</p> |            |

### No Sample Items

| Item               | Compliance Statement   | Standards and Directions   | Correction  |
|--------------------|--|--|---|
| NO<br>SAMPLE<br>-1 | <p>After consulting with representatives of private schools, the LEA obtained a written affirmation signed by private school representatives.**</p> <p>34 CFR §300.135</p> <p>Indicator: Other</p> | <p>During the design and development of special education and related services for parentally placed private school students with disabilities, an LEA must engage in timely and meaningful consultation with representatives of private schools located in the LEA and the parents of such students. After consulting, the LEA must obtain written affirmations signed by private school representatives who were consulted. The DPI has developed an affirmation form for LEA use. It may be accessed at <a href="http://dpi.wi.gov/sped/doc/prischaff.doc">http://dpi.wi.gov/sped/doc/prischaff.doc</a>.</p> <p>A private school is an institution with a private educational program that meets all of the criteria under Wis. Stats. s. 118.165(1), or is determined to be a private school by the state superintendent under s. 118.167. A home-based private educational program is not a private school.</p> <p>If representatives of private elementary and secondary schools located in the LEA were consulted, and there is a signed affirmation from each private school representative who was consulted, the requirement is met. If a representative did not provide a signed affirmation within a reasonable amount of time but the LEA forwarded documentation of the consultation process to the DPI,</p> | <p>The LEA must consult with representatives of private schools and obtain a written affirmation signed by private school representatives. The department will verify current compliance with this requirement.</p> |

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|                              |   | <p>the requirement is met. If there are no private schools within the boundaries of the LEA, mark "NA."</p>  |  |
| <p>NO<br/>SAMPLE<br/>-2</p>  | <p>Each parentally placed private school student with a disability who has been designated by the LEA to receive services has a current services plan that describes the special education and related services the LEA will provide for the student.**</p> <p>34 CFR §300.138(b)</p> <p>Indicator: Other</p> | <p>A parentally placed private school student with a disability is a student with a disability enrolled by his or her parent in a private, including religious, schools.</p> <p>A private school is an institution with a private educational program that meets all of the criteria under Wis. Stats. s. 118.165(1) or is determined to be a private school by the state superintendent under s. 118.167. A home-based private educational program is not a private school.</p> <p>A services plan for a parentally placed private school student must, to the extent appropriate, be developed, reviewed, and revised consistent with 34 CFR §§ 300.321 through 300.324.</p> <p>Create a list of all parentally placed private school students with disabilities who have currently been designated by the LEA to receive services. Exclude students found eligible for a service plan after a district has already met the equitable services requirement.</p> <p>The requirement is met if all students on the list have a services plan revised within the last 12 months. The requirement is not met if one or more students on the list have a services plan not revised within the last 12 months.</p> | <p><i>Student Level Noncompliance:</i><br/>The agency must conduct a meeting to develop a current services plan consistent with 34 CFR 300.138(b).</p> <p><i>Current Compliance:</i><br/>LEA must take action to ensure future compliance including implementing a system of internal controls. The department will verify current compliance with this requirement.</p>   |
| <p>NO<br/>SAMPLE<br/>- 3</p> | <p>The LEA conducted an initial evaluation within 60 days of receiving parental consent for the evaluation.</p> <p>34 CFR §300.301(c)(1)(i)<br/>Wis. Stats. §115.78(3)</p> <p>Indicator 11</p>  | <p>An LEA must determine if a student is a child with a disability within 60 days after the LEA receives parental consent for administering tests or other evaluation materials as part of an IEP team evaluation. There are three exceptions to the 60-day timeline. The first involves a student who transfers from one LEA to another after the 60-day timeline has begun and prior to a determination of eligibility by the previous LEA. For the exception to apply, the LEA must have completed the evaluation within a specific time agreed to by the parent and LEA.</p> <p>The second exception is if the parent repeatedly fails or refuses to make the student available for the evaluation. This is determined on a case-by-case basis, and what constitutes "repeatedly failed" or</p>  | <p><i>Student Level Noncompliance:</i><br/>The LEA must complete the evaluation if it has not been finished. The LEA must also consider compensatory services because of the delay in the evaluation by holding an IEP teaming or with the agreement of the student's parent either:</p> <ol style="list-style-type: none"> <li>1) Develop a written document to amend or modify the student's current IEP to reflect the compensatory services (see Form I-10) or;</li> <li>2) Discuss with the student's parent and document agreement that no compensatory services are necessary (see Sample Letter).</li> </ol> |

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## Standards and Directions for Assessing Compliance

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|                                   |   |  |
|-----------------------------------|---|--|
| <p>NO<br/>SAMPLE<br/>-3 contd</p> | <p>"refuses to make the student available" will vary depending on the specific circumstances in each case.</p> <p>The third exception is if the student is being evaluated for a specific learning disability and the timeline is extended by mutual written agreement with the parent.</p> <p>Report data only for <u>initial</u> evaluations. Only include students for whom consent was received from July 1, 2010, through June 30, 2011. Report-</p> <ul style="list-style-type: none"> <li>A. The number of students for whom parental consent to evaluate was received.</li> <li>B. The number of students in A. determined <u>not eligible</u> whose evaluations and eligibility determinations were <u>completed within 60 days</u>. Include students for whom one of the exceptions to the 60-day timeline applies.</li> <li>C. The number of students in A. determined <u>eligible</u> whose evaluations and eligibility determinations were <u>completed within 60 days</u>. Include students for whom one of the exceptions to the 60-day timeline applies.</li> <li>D. For students whose evaluations were completed beyond the 60-day timeline, and one of the exceptions did not apply, the range of days (minimum/maximum) from consent to determination of eligibility. Report the actual days. Do not subtract the 60-day timeline.</li> <li>E. The reasons eligibility determinations were not completed within 60 days. It is not necessary to report each case and a reason. List the reasons delays occurred.</li> </ul> | <p><i>Current Compliance:</i><br/>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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