U.S. Department of Education Announces Voluntary Resolution of Sun Prairie Area School District Compliance Review

NOVEMBER 8, 2013

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The U.S. Department of Education’s Office for Civil Rights (OCR) announced today the successful resolution of a compliance review of the Sun Prairie Area School District in Sun Prairie, Wis. The review examined whether the school district discrimines against black students on the bases of race or disability in the referral, evaluation and placement of these students in special education.

The resolution agreement requires the district to develop a universal screening process for use in all schools to identify, early and annually, students in need of extra assistance with a goal to avoid inappropriate referrals for special education evaluation. The agreement also requires the district to ensure that students of all races are treated equitably in the special education evaluation and placement processes.

The district worked cooperatively with OCR from the start of the review and voluntarily entered into a resolution agreement prior to the office making any compliance determinations.

"Students of all races are entitled to equitable opportunities to learn across their school district," said Catherine E. Lhamon, assistant secretary for the office for civil rights. "With this agreement, the district has taken an important step in working to ensure that unlawful discrimination or racial bias does not result in overrepresentation of black students in special education. We look forward to continuing to work with the district."

The investigation revealed that black students continue to be enrolled in special education in the district at a rate that is disproportionate to their enrollment. In particular, in the 2012-2013 school year, black students made up only 10 percent of the district’s student enrollment (738 of 7,372 students enrolled in the district), but 24.2 percent of the students in special education (141 of 583 students). Black students were disproportionately represented in specific special education categories, including the categories of students having a Cognitive Disability, Emotional Behavioral Disability, Learning Disability and Other Health Impairment.

OCR's investigation found that district personnel conduct a screening of all students at the beginning of the school year to identify students who are struggling, but the process is not standard across the district. The office’s review of records revealed students who were referred to building support teams but did not receive any regular education interventions and students whose documentation did not show any follow-up to determine whether interventions that were provided were effective.

OCR's review of special education files also revealed documentation that did not support the eligibility determinations for students, including white students determined not eligible for special education, black students found eligible for special education, and students found eligible in particular disability categories when the documentation supported eligibility in a different disability category.

Under the comprehensive agreement, the district will:

- Hire an expert with expertise in addressing the overrepresentation of students of color in special education to review the district's procedures and make recommendations as to what measures the district should take to ensure that it is making appropriate determinations and address the root causes of the overrepresentation of students of color in special education.
- Develop and implement a plan for a universal screening process to identify students in need of extra assistance as early as possible.
- Ensure that every school in the district has implemented a systematic, team-based means of providing intervention strategies in the classroom for students experiencing academic or behavior difficulties.
- Provide professional development to all teaching staff designed to increase awareness of the overrepresentation of black students in special education and emphasize the purpose and significance of placement in special education.
- Provide professional development to teachers and staff at each school on the intervention process and on intervention strategies for students.
• Review specific special education records for all current students to assess whether eligibility decisions were appropriate, and take appropriate action in response.
• Maintain data and use the data and other information gathered during the implementation of the agreement to annually evaluate the effectiveness of its screening, intervention, evaluation, and placement processes and analyze data related to teacher referral and the provision of team-prescribed interventions, to determine whether students of all races and national origins were treated equitably.

OCR will closely monitor the school's implementation of the agreement.
