



Indiana Department of Education

SUPPORTING STUDENT SUCCESS

TO: Dr. David Smith, Superintendent
(7995) Evansville-Vanderburgh School Corp
CC: Mary Schweizer, Special Education Director
FROM: Nicole Norvell, Director of Special Education
SUBJECT: Status of Uncorrected Noncompliance for Indicator 4B
DATE: November 7, 2012

This memorandum serves as formal written notification of your Local Education Agency's (LEA) status for correcting noncompliance with respect to the Office of Special Education Programs's (OSEP) Indicator 4B for FFY 2009 (SY 09-10). An LEA must correct findings of noncompliance as soon as possible but in no case later than one year from the date in which the LEA was notified of the finding(s). (20 USC § 1416 (a)(3)(B))

OSEP Memo 09-02 requires that the State Education Agency (SEA) must verify an LEA's correction of all child-specific noncompliance, as well as determine if each LEA with identified noncompliance is correctly implementing specific regulatory requirements. In order to fulfill this requirement the LEA's policies, procedures, practices and data were reviewed to ensure that regulatory requirements were being met. The SEA reviewed the data submitted on the DOE-ES (Expulsion/Suspension) report for the 2010-2011 school year as well as individual student files. Areas that were initially determined to be out of compliance for suspensions/expulsions of students with disabilities have been reviewed, and it has been determined that noncompliance still remains as timelines for evaluation were reported as having been outside the required timeframe. A finding for this indicator will continue into FFY 2011 (SY 11-12).

Due to the uncorrected noncompliance, additional sanctions will be imposed. Evansville-Vanderburgh School Corp is required to submit monthly data for Indicator 4B in an Excel spreadsheet. Monthly data submissions must be submitted by the 1st of each month beginning December 2012. Please note that the LEA only needs to report on the racial/ethnic group(s) identified as noncompliant.

The following data fields must be included for **Black/African American** students with disabilities:

- STN
- Number of total days of removal for the month
- Number of cumulative days of removal for the 2012-13 school year
- Reason code for removal (taken from the DOE-ES report)
- Was a Manifestation Determination completed, if required?
- If a Manifestation Determination was completed, was it done so within 10 days of the decision to make the removal?

Monthly submissions for Indicator 4B should be emailed to specialeducation@doe.in.gov.