

May 24, 2011

Maya Cole, President
Board of Education
Madison Metropolitan School District
545 West Dayton Street
Madison, WI 53703-1967

Dear Ms. Cole:

On March 25, 2011, the Department of Public Instruction (DPI) provided the Madison Metropolitan School District (MMSD) with the Gifted and Talented Audit Report which indicated preliminary findings of non-compliance with Wis. Stat. secs. 121.02(1)(t) and 118.35, and Wis. Admin. Code sec. PI 8.01(2)(t)2. No public hearing was requested. Therefore, a final audit report has now been issued and is included with this letter.

Wis. Stat. sec. 121.02(3) and Wis. Admin. Code sec. PI 8.03(6) require MMSD to develop a plan for compliance with Wis. Stat. secs. 121.02(1)(t) and 118.35, and Wis. Admin. Code sec. PI 8.01(2)(t)2. This compliance plan must be received at DPI no later than June 30, 2011. The plan must address each finding of noncompliance and explain how the district will achieve compliance with the gifted and talented education standard. The plan shall also specify the time within which compliance shall be achieved. PI 8.03(6) requires the district to be in full compliance with the requirements of the standard within 90 days of the finding of noncompliance, August 22, 2011. If a compliance plan is not received by the due date, or if it is unacceptable, DPI will develop or revise the compliance plan.

DPI will monitor the district's progress toward compliance. Upon request of the district, DPI will provide consultation and technical assistance to aid MMSD in achieving compliance. In the event that MMSD is unable to achieve full compliance within 90 days, the board may request an extension of up to one year. The state superintendent shall withhold up to 25% of state aid from any school district which fails to achieve compliance within the specified period, as required under Wis. Stat. sec. 121.02(3).

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Please submit the compliance plan, no later than June 30, 2011, to Sheila J. Briggs, Assistant State Superintendent, Division for Academic Excellence. If you have any questions or request assistance, contact Ms. Briggs at 608-266-3361 or sheila.briggs@dpi.wi.gov.

Thank you in advance for your timely action to meet this requirement.

Sincerely,

A handwritten signature in cursive script, reading "Sheila J. Briggs". The signature is written in dark ink and is positioned above the printed name and title.

Sheila J. Briggs
Assistant State Superintendent
Division for Academic Excellence

SJB:cm

MMSD FINAL AUDIT REPORT
Gifted and Talented Standard
May 24, 2011

BACKGROUND

On September 20, 2010, eight residents of the Madison Metropolitan School District (MMSD) filed a complaint (numerous others were listed as supporting the complaint) alleging the school district was not in compliance with the Gifted and Talented (G/T) standard, Wis. Stat. sec. 121.02(1)(t), that requires that each school board shall “provide access to an appropriate program for pupils identified as gifted and talented.” Based upon this complaint, the Wisconsin Department of Public Instruction (department) initiated an audit pursuant to Wis. Admin Code sec. PI 8.02. The purpose of the audit was to determine whether the school district is in compliance with Wis. Stat. secs. 121.02(1)(t) and 118.35, and Wis. Admin. Code sec. PI 8.01(2)(t)2. The investigation focused on three core content areas: English/language arts; science; and social studies; in particular at the 9th and 10th grade levels, per the letter of complaint.

The department informed the school district of the audit on October 13, 2010, and requested information and documentation for key components of the G/T plan. The school district provided a written response and materials on November 29, 2010 and supplemental materials on December 21, 2010.

On January 25 and 26, 2011, a team of four department representatives conducted an on-site audit which began with a meeting that included the school board president, the district administrator, the deputy superintendent, the secondary assistant superintendent, the executive director of curriculum and assessment, the interim Talented and Gifted (TAG) administrator, an elementary TAG resource teacher, a secondary TAG resource teacher, and legal counsel. After this meeting, the team visited East, West, LaFollette, and Memorial High Schools. At each of these sites, the team conducted interviews with the building principal, school counselors, teachers, and students. At the end of each of the two days the department team met with parents.

GIFTED AND TALENTED STANDARD

Section 121.02 (1) (t), Wis. Stats., requires districts to provide access to an appropriate program for pupils identified as gifted or talented.

Section PI 8.01 (2) (t) 1, Wis. Admin. Code, describes an appropriate program as a systematic and continuous set of instructional activities or learning experiences which expand the development of the pupils identified as gifted or talented.

Section PI 8.001 (1), Wis. Admin. Code, defines access as an opportunity to study through school district course offerings, independent study, cooperative educational service agencies, or cooperative arrangements between school district boards under s. 66.0301, Wis. Stats., and postsecondary education institutions.

Section 118.35 (1), Wis. Stats., defines gifted and talented pupils as pupils enrolled in public schools who give evidence of high performance capability in intellectual, creative, artistic, leadership, or specific academic areas and who need services or activities not ordinarily provided in a regular school program in order to fully develop such capabilities.

Section PI 8.01 (2) (t) 2, Wis. Admin. Code, requires the district to:

1. Establish a plan and designate a person to coordinate the gifted and talented program.
2. Identify gifted and talented pupils as defined in sec. 118.35 (1), Wis. Stats.
 - This identification shall occur in kindergarten through grade 12 in general intellectual, specific academic, leadership, creativity, and visual and performing arts.
 - A pupil may be identified as gifted or talented in one or more of the categories under sec. 118.35 (1), Wis. Stats.
 - The identification process shall result in a pupil profile based on multiple measures, including but not limited to standardized test data, nominations, rating scales or inventories, products, portfolios, and demonstrated performance.
 - Identification tools shall be appropriate for the specific purpose for which they are being employed.
 - The identification process and tools shall be responsive to factors such as, but not limited to, pupils' economic conditions, race, gender, culture, native language, developmental differences, and identified disabilities as described under subch. V of ch. 115, Wis. Stats.
3. The school district board shall provide access, without charge for tuition, to appropriate programming for pupils identified as gifted or talented as required under secs. 118.35 (3) and 121.02 (1) (t), Wis. Stats.
4. The school district board shall provide an opportunity for parental participation in the identification and resultant programming.

RESULTS AND FINDINGS

Section PI 8.01 (2) (t) 2, Wis. Admin. Code, requires the school district to:

1. *Establish a plan and designate a person to coordinate the gifted and talented program.*

Findings – MMSD is not in compliance.

Madison Metropolitan School District submitted a document titled *Talented and Gifted (TAG) Education Plan: September 1, 2009 – June 30, 2012* that was reported to be revised and approved by the School Board on December 13, 2010. This document includes:

1) a brief overview of the TAG program in which areas in need of improvement are identified; 2) a mission statement; 3) goals, and; 4) action steps. There is no comprehensive discussion of the school district's identification process or programming options.

Additionally, documentation provided and interviews with administrators, teachers, school counselors, students, and parents cast doubt on whether or not the plan is actually being implemented as written.

The TAG coordinator position is full-time and is held on an interim basis by Paul Bishop. Building-level coordination responsibilities are led by TAG resource teachers, with a total of 7.5 FTE for these positions. At the elementary level there are 4.5 FTE and 3.0 FTE at the secondary level. There is also 0.5 FTE to coordinate on-line courses through WCATY. Beginning January 2011, 2.2 FTE were allocated at the middle schools (0.2 at each of the 11 middle schools) to develop and support participation in WCATY on-line courses and other activities and clubs.

2. *Identify gifted and talented pupils.*

Findings – MMSD is not in compliance.

There is no comprehensive discussion of the school district's identification process in the TAG Education Plan. The plan itself indicates that a comprehensive identification process is an area that needs improvement (page 4). A number of documents provided separately from the plan indicate there has been work done to create an identification process that uses a Response to Intervention (RtI) approach. These documents are:

- Referral Process for Talented and Gifted Interventions K-12. The TAG Education Action Plan indicates in Goal 1, action step 2 (page 11 of the TAG Education Plan), that a referral process flowchart was created. This document was provided upon request and is not part of the TAG Education Plan. Students can be referred for TAG interventions in one of three ways: 1) assessment scores obtained through district screening; 2) educator referral; and 3) parent/guardian/student referral.
- TAG Assessment Guideline Matrix. On page 10 of the TAG Education Plan, Goal 1, action step 1 states that identification tools and criteria are found in Appendix A. This appendix actually provides the state statutes and administrative rule that guide

gifted education. The TAG Assessment Guideline Matrix, which is the document referenced in the TAG Education Plan, was provided upon request. It identifies grade levels where data from universal standardized assessments are available. It also includes identification criteria for these assessments, as well as for report card grades and the teacher checklist. The matrix is incomplete. No criteria are listed for Family Inventory, Math Assessment, EXPLORE, ACT, or SAT.

- Educator Referral Form. Using this form, staff provide information on a student including report card grades; portfolio, products, or demonstrated performance; classroom assessments; learner characteristics checklist; classroom profile, and the types of classroom differentiation offered. The form seems to be oriented towards academic abilities. There is little reference to creativity and no reference to leadership and the visual and performing arts.
- Student Profile & Programming/Intervention Form K-12. This form includes a blank TAG Assessment Guideline Matrix, blank HOPE teacher rating scale, a checklist for TAG programming/interventions provided, and a place to list other individual services.

District TAG staff indicated that identification begins in elementary school with 85% of students identified by 8th grade. At the 9-12 level, it is self-identification, i.e. students ask for more challenging coursework and/or register for advanced courses. Staff acknowledged that the focus of identification is in the academic areas rather than in creativity, leadership, and the visual and performing arts.

The school district was unable to provide the number of identified students in each of the five areas for each grade at the 9-12 level for the past 3 years. MMSD submitted Exhibits D(1), D(2), and D(3), however none provided the information requested.

- Exhibit D(1) provides the number of students participating in activities/clubs that are categorized into creativity and leadership. Participation in activities/clubs does not meet the criteria in the administrative rule for a gifted identification system. In addition, the information submitted is incomplete, as follows:
 - The number of participating students at East High School is provided for 2010-11. There are no numbers for the previous two school years, 2009-10 and 2008-09.
 - The number of participating students at LaFollete High School for creativity-related clubs is provided for 2010-11, but not for the previous two years.
 - The number of participating students at West High School for creativity and leadership-related clubs is provided for 2010-11 and 2009-10. No data are provided for 2008-09.
- Exhibit D(2) claims to provide the number of students identified as gifted in the specific academic area. It is simply a table of the number of students enrolled in all courses offered at East, LaFollette, Memorial, and West High Schools. This information does not serve as evidence for the number of students identified in specific academic areas.
- Exhibit D(3) claims to list the number of students identified as gifted in the general intellectual area. The data provided are highly unusual, so do not serve as evidence that MMSD has a systematic identification system that meets administrative rule. For

example, the chart for Fiscal Year 2009 represents that 1505 - 9th graders for the school district population graduating in 2014 are identified as gifted intellectually. Using WINSS data, it can be determined that there were a total of 1,859 - 9th graders at MMSD in the 2008-09 school year. This means that the school district identified 81% of those students as gifted in the general intellectual area. Statistically, this is not common.

- There were no data submitted for the number of students identified in the visual/performing arts area, the 5th area defined in the administrative rule.

During on-site interviews, principals, teachers, and school counselors were asked about the identification process. All who were interviewed were unaware of which students in their classes were previously identified and did not know how they could obtain this information.

When asked how their students were identified, 4 parents indicated that the school district initiated the process and 2 parents indicated that they initiated the process.

Students who were interviewed were generally aware that they were considered gifted and talented, although most were not sure when this occurred, in what area they were identified, or if they have ever receiving any programming.

3. The school district board shall provide access, without charge for tuition, to appropriate programming for pupils identified as gifted or talented as required under secs. 118.35 (3) and 121.02 (1) (t), Wis. Stats.

Findings – MMSD is not in compliance

There is no evidence of a policy statement that ensures that access to appropriate programming is without charge for tuition.

There is no discussion of programming in the TAG Education Plan. The plan itself indicates that programming options and individualized student planning and monitoring are areas that need improvement (page 5). The referral process flowchart, however, lists Tier 1, Tier 2, and Tier 3 programming/interventions. The Student Profile & Programming/Intervention Form K-12 provides a place for documenting programming/interventions, as well as other individualized services.

Interviews with TAG staff indicate that MMSD is working on using SIMS to document interventions/services for students with gifts and talents. Staff note, however, that this computerized application is challenging to use.

The needs of high school students with academic gifts and talents are primarily met through course selection. Interviews with district and building administrators, teachers, school counselors, students, and parents confirm this. Also frequently cited are co-curricular opportunities such as Science Olympiad, Rocket Club, and the SMART team.

Course offerings are not uniform across the four high schools, although school district administration indicates that there will be more similarities beginning with the 2011-12 school year. Presently, LaFollette, Memorial, and East offer a variety of courses for freshmen and sophomores that include honors and regular sections of English 9 and 10, biology, and U.S. history and world history. West is the only high school that does not offer honors sections, but instead offers an embedded honors option in the regular sections of 10th grade English and 10th grade Western Civilization and also offers Accelerated Biology at the 9th grade level. District and building administrators indicate that these options at West will change for the 2011-12 school year.

The effectiveness of embedded honors is very teacher-dependent, as reported by teachers, school counselors, parents, and students. TAG staff report that it is challenging to provide support in developing and delivering embedded honors courses.

There are no systematic programming opportunities identified for creativity, leadership, or the visual and performing arts in the MMSD Talented and Gifted Education plan.

4. The school district board shall provide an opportunity for parental participation in the identification and resultant programming.

Findings – MMSD is not in compliance.

In the referral process flowchart, it is indicated that there is an opportunity for parents/guardians to initiate a referral. It's unclear that parents are afforded an opportunity to participate in programming decisions.

Summary

Based on the findings as articulated herein, MMSD is not in compliance with Wis. Stat. 121.02(1)(t) and Wis. Admin. Code sec. PI 8.01(2)(t).