

STATE OF WISCONSIN
BEFORE
THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Milwaukee Public School District's Identification as a District in Need of Improvement	NOTICE OF DECISION TO REDUCE ADMINISTRATIVE FUNDS AND DEFER PROGRAMMATIC FUNDS UNDER 20 U.S.C. § 6311 through 6339
	Case Number: 2010-ESEA -01

To: Mr. William Andrekopoulos
District Administrator
Milwaukee Public School District
5225 W. Vliet Street
Milwaukee, WI 53208-2181

Notice is hereby given that the Wisconsin State Superintendent of Public Instruction (state superintendent) will reduce to zero all administrative funds and defer all programmatic funds that the Milwaukee Public School District (the district) would otherwise receive under 20 U.S.C. § 6311 through 6339 (Title I) based upon the following:

FACTS

1. Pursuant to s. 115.28(9) Wis. Stats., the state superintendent acts as the agent for the receipt and disbursement of federal funds under Title I and directs the administration of those funds by the Wisconsin Department of Public Instruction (department).
2. Pursuant to s. 16.54(4) Wis. Stats., state agency administration of federal funds must comply with the requirements of federal law that are prescribed for making such funds available.

Milwaukee Public School District
Notice of Decision to Withhold Payments Under Title I of the ESEA

Page 2

3. The district receives federal funds disbursed by the state superintendent under Title I.
4. Pursuant to 20 U.S.C § 6316(c)(3), the state superintendent must identify for improvement any school district receiving Title I funds that for two consecutive years fails to make adequate yearly progress (AYP) as defined in the state's plan under 20 U.S.C. § 6311(b)(2).
5. Pursuant to 20 U.S.C. § 6316(c)(10)(B), the state superintendent must take corrective action with respect to any school district that fails to make AYP by the end of the second full school year after identification of the district as a district in need of improvement under 20 U.S.C. § 6316(c)(3).
6. Corrective action referenced in paragraph 5 above must include at least one action specified under 20 U.S.C. § 6316(c)(10)(C).
7. Deferring programmatic funds or reducing administrative funds to the district are among the corrective actions specified under 20 U.S.C. § 6316(c)(10)(C).
8. Pursuant to 20 U.S.C. § 6316(c)(10)(A), corrective action must be consistent with state law.
9. Pursuant to s. 115.28(9) Wis. Stats. and s. 16.54(4) Wis. Stats., the state superintendent may, consistent with state law, defer Title I programmatic funds and reduce Title I administrative funds to the school.
10. No other corrective action specified under 20 U.S.C. § 6316(c)(10)(C) is consistent with state law.
11. The district failed to make AYP in the 2004-2005 and 2005-2006 school years.

Milwaukee Public School District
Notice of Decision to Withhold Payments Under Title I of the ESEA

Page 3

12. The state superintendent identified the district at the end of the 2005-2006 school year as a district in need of improvement based upon the district's failure to make AYP for two consecutive years.
 13. The district also failed to make AYP in the 2006-2007, 2007-2008 and 2008-2009 school years.
 14. Pursuant to 20 U.S.C. § 6316(c)(10)(B) the state superintendent is required to take corrective action with respect to the district as a result of the district's failure to make AYP for what is now five consecutive school years.
 15. As corrective action for the district's failure to make AYP for what is now five consecutive school years, the state superintendent will reduce to zero all Title I administrative funds that the district would otherwise receive under 20 U.S.C. § 6311 through 6339 and will redirect those funds for Title I program use in the district.
 16. As further corrective action for the district's failure to make AYP for what is now five consecutive school years, the state superintendent will defer all Title I programmatic funds that the district would otherwise receive under 20 U.S.C. § 6311 through 6339.
 17. Pursuant to 20 U.S.C. § 6316(c)(11), if the district makes AYP for two consecutive school years, the state superintendent need no longer subject the district to corrective action for the succeeding school year.
 18. Pursuant to 20 U.S.C. § 6316(c)(10)(B), the department will continue to provide technical assistance to the district while instituting this corrective action.
-

Milwaukee Public School District
Notice of Decision to Withhold Payments Under Title I of the ESEA

Page 4

Pursuant to 20 U.S.C. § 6316(c)(10)(D), 20 U.S.C. § 1231 b-2, 34 C.F.R. 76.401 and 76.783, and s. 227.42 Wis. Stats., you may request a hearing on this action by submitting a written request to the Department of Public Instruction, Office of Legal Services, P.O. Box 7841, Madison, WI 53707. Your request must be received by the Office of Legal Services within 30 days from date of this notice. If you do not timely request a hearing, the state superintendent will enter a final decision to reduce Title I administrative funds and defer Title I programmatic funds based on the allegations above.

If you timely request a hearing, you must also file an answer that admits or denies each of the allegations in this notice. If you deny an allegation, you must state the basis for your denial and allege which state or federal rule, law, regulation, or guidance is violated by the state superintendent's decision to reduce Title I administrative funds and defer Title I programmatic funds. If you fail to deny any allegation in this notice in the manner described in the previous sentence, the allegation will be considered true.

Notice is further given that if you timely request a hearing and file an answer in the manner described above, the state superintendent will hold a public hearing not later than 30 days after receipt of your request and will issue a written ruling no later than 10 days after the hearing. If the state superintendent determines that his decision reduce administrative funds and to defer programmatic funds violates state or federal law, or the rules, regulations and guidelines governing the applicable program, he will rescind his decision.

Dated and mailed this 4th day of February, 2010



Tony Evers
State Superintendent