



Opportunity Through Education

Jillian Balow – Superintendent of Public Instruction

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TO: [REDACTED], Special Education Director
Fremont County School District #2

FROM: Sheila Thomalla, Monitoring Team Supervisor

SUBJECT: Special Education Results Driven Accountability Monitoring

REVIEW DATE: February 15, 2021 - February 26, 2021

REPORT DATE: April 5, 2021

Introduction

The Individuals with Disabilities Act (IDEA) Part B Regulations include the following provision:

The State must monitor the implementation of this part, enforce this part in accordance with §300.604(a) and (a)(3), (b)(2)(1) and (b)(2)(v), and (c)(2), and annually report on performance under this part. The primary focus of the State's monitoring activities must be on: (1) improving educational results and functional outcomes for all children with disabilities; and (2) ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities [C.F.R. §300.600].

In accordance with these regulations, the ultimate goal of the Wyoming Department of Education's (WDE) monitoring process is to promote systems change which will positively influence educational results and functional outcomes for students with disabilities.

District Selection

During the 2019-20 school year, Fremont County School District #2 (Fremont #2) was selected for Results Driven Accountability (RDA) Monitoring. The district was found to fall into the Needs Assistance determination level for the 2018-19 year. The Wyoming Department of Education uses the following seven criteria in the selection formula.

- (1) *Indicator 3C: WY-TOPP Reading proficiency rates for students with disabilities who took the regular assessment.*
- (2) *Indicator 3C: WY-TOPP Math proficiency rates for students with disabilities who took the regular assessment.*
- (3) *WY-TOPP Student Growth Percentiles (SGP): The average Reading SGP for students with disabilities who took the regular assessment.*

(4) *WY-TOPP Student Growth Percentiles (SGP): The average Math SGP for students with disabilities who took the regular assessment.*

(5) *Indicator 5: the percent of students in the regular environment at least 80 percent of the time.*

(6) *Reading Gap Analysis: The difference in WY-TOPP Reading proficiency rates between students with disabilities and students without disabilities*

(7) *Math Gap Analysis: The difference in WY-TOPP Math proficiency rates between students with disabilities and students without disabilities.*

As part of the RDA monitoring process, a Data-Drill down was completed on June 16, 2020 to assist in determining monitoring hypotheses. Due to the small number of students in the district, the WDE and the Fremont #2 team elected to monitor all current special education files. The original monitoring sample consisted of 24 students, of those students, WDE reviewed 14 active student files for the 2020-2021 school year.

Below are the results of the file reviews and staff interviews. They are provided in four categories: commendations, individual findings of noncompliance, systemic findings of noncompliance, and program recommendations. Individual and systemic findings of noncompliance will require some form of corrective action.

Commendations – The WDE would like to commend you on the level of preparedness, engagement, and participation of your staff during this process. The level of leadership and commitment to serve students was evident in our interactions. In addition, it was noted that teams are conducting thorough comprehensive evaluations including strong, detailed, psych reports containing relevant and useful recommendations for students. It is evident that Fremont #2's practices show that they are striving for students with disabilities to have their needs addressed, and be more inclusively served, within the general education environment.

Findings of Noncompliance

Individual Findings of Noncompliance	<ul style="list-style-type: none">• [REDACTED] Evidence from the file review indicated noncompliance due to counseling services listed as accommodations/supplementary aids and supports without direct service minutes or goals when the need for social/emotional services had been identified. The documentation reviewed during monitoring suggests that Fremont #2 may be failing to provide needed services, electing instead to offer unmonitored, at-will services provided through accommodations. The district is reminded of the responsibility to provide services including related services necessary for a student to make progress toward annual goals. The inability to provide those services within the school day does not remove the district's responsibility to pay for those services. In the instance that a student has health coverage, a school
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district cannot require parents to use those benefits to cover special education services or require parents to incur out of pocket expenses for special education services. §300.154(d)(2)(i)(ii). The special education team should reconvene to determine appropriate related services and/or goals tied to counseling.

- [REDACTED] Evidence from the file review indicates a program modification, “writing assignments will be modified as needed”. Program modifications should be reserved for students taking the WY-ALT assessment and/or on an alternate graduation track. Additionally, counseling services for regulating emotions are being provided but there are no IEP goals or targets addressing this service/need. The district is reminded of §§300.320, referencing program modifications, student access to the general education curriculum, and movement toward alternative programming. The special education team should reconvene to determine if a program modification is the appropriate route for this student and to determine how the team will assess adequate progress with the counseling service the student is receiving.

Teams have 30 days from the receipt of this report to correct or develop a plan to bring these findings into correction.

<p>Area 1: Prior Written Notice Citation: § 300.503 Prior notice by the public agency</p>	<p>Findings: Nine of the fourteen student files were reviewed and flagged for concerns regarding Prior Written Notice (PWN). Evidence suggests that a PWN was not being issued with enough advance notice to provide a reasonable amount of time for consideration of the proposed actions.</p> <p>According to § 300.503 LEA's are required to provide written notice to parents prior to proposing or refusing a change in placement, disability category, the provision of FAPE, or conducting evaluations for students. The files reviewed in Fremont #2 indicate that parents were not receiving notice of such proposals prior to those actions being implemented.</p> <p>Throughout the interview process, it was found that the district does not have a current policy regarding the number of days between issuance of the PWN and implementation of services.</p>
<p>Area 2: IEP Goals Citation: §300.320 Definition of Individualized Education Program</p>	<p>Findings: Ten of the files reviewed indicated a lack of data to determine a trajectory for the IEP goals or progress during the progress monitoring phase that was student-specific. All goals should contain baseline data that is measurable and specific to the target that is reflected in the PLAAFP. The goals reviewed did not give enough information to describe specific skills or the differentiated instruction that is occurring.</p> <p>Ten student files within the file review were noted to have similar goals, all using a percentile increase or similar on a computer-based assessment as the goal target. This indicates noncompliance due to the limited individualization noted between the files, suggesting predetermined goals rather than goals based on individual identified needs.</p> <p>According to §300.320 LEAs must write IEPs for each child with a disability that is developed, reviewed and revised in a meeting that must include a statement of measurable annual goals, including academic and functional goals. These goals are designed to meet the needs that result from the child's disability to enable the</p>

	child to be involved in and make progress in the general education curriculum; and to meet each of the child's other educational needs that result from the child's disability.
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Recommendations –

The WDE recommends that the district consider the development of a policy regarding issuance of Prior Written Notice. This policy should include: a timeline for when services should begin, a minimum standard for when a PWN must be issued, and expected components of the document.

The WDE recommends the district consider the development of an internal data review procedure to ensure services, eligibility determinations, dates, etc. are accurately and consistently represented throughout the IEP, paperwork, and annual reporting to the state. The WDE recommends the district support staff by providing continued training for individualization of IEPs especially around use of accommodations versus modifications.

If you have any questions concerning this report, please contact Bre Beitz at breanne.beitz@wyo.gov .

- cc: Margee Robertson, Special Education Director, WDE
- Susan Shipley, Special Education Systems Administrator, WDE