

TO: [REDACTED], Special Education Director
Fremont County School District #21

FROM: Margee Robertson, Director of Special Education Programs

SUBJECT: Special Education Results Driven Accountability Monitoring

REVIEW DATE: March 2 - 5, 2020

REPORT DATE: May 4, 2020

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)(JJ 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 2017-18 fiscal year, Fremont County School District #21 (FCSD #21) was allocated \$157,456.00 in 611 funds and returned \$132,703.00. In the 2016-17 school year they were allocated \$155,318.00 and returned \$120,868.63. Per C.F.R. §300.704(c)(1) for the WDE to reallocate 611 and 619 funds it must determine that the LEA is "adequately providing FAPE to all children with disabilities residing in the area."

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The WDE elected to conduct a monitoring of a sample of special education records in FCSD #21 in compliance with Part B regulations governing the following areas:

- a. Evaluation and eligibility procedures for students with disabilities
- b. Related services
- c. Individual Education Program (IEP) goals
- d. Least restrictive environment (LRE)

The original monitoring sample consisted of 30 students who 1) had a disability category of either a learning disability, speech-language, other health impaired, vision impaired, hearing impaired; or autism and 2) have previously taken the WY-TOPP or WY-ALT assessment and 3) were not proficient on the WY-TOPP or WY-ALT assessment. Five student files were removed from the sample because the students are no longer attending FCSD #21. The final sample of files that were reviewed were 25.

Listed 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 and professionalism of your staff during our time on site. The level of commitment to the students they serve was evident in our interactions. They knew their students well and several expressed the desire to learn through this process to improve practices for students. Through all interactions with your staff, they were complimentary of your work and look forward to having you as their superintendent.

Findings of Noncompliance

Individual Findings of Noncompliance	The WDE found one individual finding for student WISER ID [REDACTED]. The district will need to reconvene the IEP team, if necessary, to consider special education eligibility, and complete the Evaluation Report and Eligibility Determination form (WDE Model form E-3). Evidence that this form was completed and the eligibility determination for this student was conducted in accordance with Part B regulations and Wyoming Chapter 7 rules must be submitted to the WDE within 45 days of the date of this report. The district will not be required to address this area through the development and implementation of a Corrective Action Plan (CAP).
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Area 1: Evaluation/Eligibility

Citation: § 300.304 Evaluation procedures.

Findings: Nine student files had services that were not indicated by the comprehensive testing. For example, a student was identified through the evaluation with a Specific Learning Disability in the area of math calculation however was receiving services for only reading and writing. In some cases, students were being identified for specially designed instruction based upon the student's need for interventions. There appears to be confusion within the district regarding the difference between the delivery of interventions and special education and related services.

It was also noted that in several IEPs, the student's educational needs as identified in the Educational Concerns section of the IEP were not consistent with the student's needs identified in the Present Levels of Academic Achievement and Functional Performance (PLAAFP) nor were those concerns addressed in other areas of the IEP. Two files indicated students having behavioral needs that were not being addressed in the IEP, but during the interview process, it appears that the students are getting more informal types of accommodations. The same pattern was seen in the areas of Supplemental Aids and Services and assistive technology. FCSD #21 is reminded all areas of need should be identified in the PLAAFP and addressed within the IEP. The district also should be cautioned from offering accommodations to students that are not appropriate given the identified needs. Additionally, if a districtwide accommodation such as access to a specific assistive technology device is necessary for the student to receive educational benefit, the IEP should indicate that need.


<p>Area 2: Related Services Citation § 300.34</p>	<p>Related services per the federal regulations are provided to assure the student is able to benefit from special education. Several of the related services at FCSD #21 are being provided in isolation of the special education and general education needs of the student. The providers are addressing the concerns that are identified in the formal assessments for each of the related services, however, there is little collaboration to assure those skills are being generalized to the other education skills and settings. Because of this disconnect between the special education and related services, there is an overlapping of goals for some students. This lack of collaboration also means that nearly all related services are provided within a pull-out environment. For some students, these transitions to the more restrictive environment have caused behavioral concerns. As part of the CAP, FCSD #21 will need to assure IEP teams understand the obligations of supporting special education services and the requirement of providing services as appropriate in the LRE.</p>
<p>Area 3: IEP Goals Citation: §300.320</p>	<p>The file reviews indicated concerns with annual goals. In nearly all instances the baselines did not contain enough data to determine a trajectory for the goal or progress during the progress monitoring phase. All goals should contain baseline data that is measurable and specific to the target that is reflected in the PLAAFP. While in many cases the goal is based on a state standard, the baseline does not give enough information to understand what the student's current level of proficiency is to assure the student is making progress.</p> <p>Targets were not adequately defined or measurable. In instances of related services, frequently goals were described in terms of "moderate assistance" or "minimal assistance". While these terms may have accepted definitions in the medical profession, these definitions are not clearly defined and understood within the education.</p>

	<p>Due to unclear baselines and targets, it was uncertain if some students were making adequate progress. The district is reminded that progress monitoring is a checkpoint to assure the FAPE offering is adequate to enable the student to make progress appropriate in light of the child's circumstances. In five of the twenty-five files, the student's progress on one or more goals left the reviewer questioning progress. In instances where a student has not made adequate progress, the file did not show evidence of the IEP team reconvening to address the lack of progress.</p>
<p>Area 4: Least Restrictive Environment (LRE) Citation: §300.114</p>	<p>Through a review of files, many IEPs are written for four days of services per week even though FCSD #21 is in session five days per week. During the interview process, it was explained that this is due to the students having a shortened day on Wednesday. However, some staff stated that the IEP documents the minimum amount of time that they would offer. Some students receive more services than is detailed in the IEP. This practice causes concerns because it does not accurately reflect the learning environment where the student is receiving services. FCSD #21 is reminded that the IEP should accurately reflect the amount of services a student receives. A student receiving more service time can be a violation of student rights just as receiving less than what is indicated in the IEP.</p>

- **Recommendations** – The WDE believes that it would be beneficial for the replacement Special Education Director at FCSD #21 to be involved in any trainings offered over the next year such as the monthly Director's Academy to assist in her onboarding process.

If you have any questions concerning this report, please contact Sheila Thomalla at sheila.thomalla2@wyo.gov.

cc: [REDACTED], Superintendent, FCSD #21
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