



**Individuals with Disabilities Education Act
Results Driven Accountability
Monitoring Report
for
Laramie County School District #1**

Monitoring Dates: January 20 - March 25, 2022

Report Date: May 4, 2022

**Report Created by: Wyoming Department of Education,
Special Education Programs Division**

Introduction

The Individuals with Disabilities Act (IDEA) Part B Regulations include the following provision:
CFR § 300.600 State monitoring and enforcement.

a. The State must-

- 1. Monitor the implementation of this part;*
- 2. Make determinations annually about the performance of each LEA using the categories in § 300.603(b)(1);*
- 3. Enforce this part, consistent with §300.604, using appropriate enforcement mechanisms, which must include, if applicable, the enforcement mechanisms identified in § 300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of an LEA), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by the SEA), and (c)(2) (withholding funds, in whole or in part, by the SEA); and*
- 4. Report annually on the performance of the State and of each LEA under this part, as provided in §300.602(b)(1)(i)(A) and (b)(2).*

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

District Selection

During the 2020-21 school year, Laramie 1 was selected for Results Driven Accountability (RDA) Monitoring, using the seven-criterion selection formula based on 2019-20 data.

(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.

The district was found to fall into the Needs Assistance determination level for the 2020-21 year. The Data-Drill Down completed on September 30, 2021 as part of the RDA monitoring process was used to determine the monitoring hypotheses and a sample for review.

Through a data review with Laramie 1, the WDE elected to monitor a sample of students receiving special education services for compliance with Part B regulations governing the following areas:

1. Speech Language (SL) Eligibility - Two groups of student: a) all students with SL eligibility in a SC (self-contained) or SS (separate school) setting = 9
b) all students with SL with two or more related services = 34
2. Free Appropriate Public Education (FAPE) Extended School Year (ESY) - students with cognitive delay (CD), autism (AT), emotional disability (ED), visual impairment (VI) in grades 9-12 without ESY = 76
3. FAPE Educational Benefit - Random sampling of four groups of students a) students grades 3-6 not proficient in math b) students grades 9-12 not proficient in math c) students with SL in the resource room (RR) who are not proficient in either math or English language arts d) Student who are ED or other health impaired (HL) who are not receiving social work, counseling or psychology services = 158

The original monitoring sample consisted of 277 student files. The following files were removed from the sample: eight transferred out, one due to graduation, one had been expelled without returning, eleven did not enroll, and five students dropped out. A total of 251 files were reviewed.

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

Findings of Noncompliance

Systemic Noncompliance

Area 1: Not Addressing all identified needs

§ 300.324 Development, review, and revision of IEP.

(a) Development of IEP -

- (1) General. In developing each child's IEP, the IEP Team must consider -
 - (i) The strengths of the child;
 - (ii) The concerns of the parents for enhancing the education of their child;
 - (iii) The results of the initial or most recent evaluation of the child; and
 - (iv) The academic, developmental, and functional needs of the child.

One hundred and one students were found to have IEPs that did not address all identified student needs. During interviews with staff members when asked about social-emotional needs for students, many expressed their view that those needs were being met outside of the student's IEP. Files contained evidence of social emotional needs being addressed by social workers as a supplementary aid and service in a check in/check out without actual goals or documentation of service times. During interviews staff expressed concerns about the lack of a clear process in some buildings regarding who was responsible for behaviors, and how others outside of the special education process were providing information back to the special education team about those

behaviors. The district should develop a policy for assuring that all special education teams are notified of behaviors to ensure they are able to address those behaviors within IEP teams as possible IEP needs.

Twenty-nine student files had evidence of executive functioning needs that were not addressed. Resource staff identified some activities that they might provide for a student if they had concerns, but it was not in a formal way that would assure documentation of progress and ongoing instruction in that area if a student needed it. Secondary special education teachers stated during interviews that the study skills classes were used to address some of the social-emotional and executive functioning needs of students; however, the students' IEPs did not contain goals to indicate the student was receiving specially designed instruction addressing those needs. Since these needs are not being specifically addressed through goals, it is difficult to determine if a student is indeed getting consistent instruction and making adequate progress.

Fifty-two students had social-emotional needs that were not addressed in the IEP. Twenty-nine students had social-emotional and behavioral needs that were identified as part of the evaluation process that were not being addressed through the IEP process. The other twenty-one students showed indicators of possible social-emotional needs. These students had issues with lack of progress, failing classes, behavior referrals, chronic attendance issues, and suspensions. Failure to assure these students' needs are being addressed could lead to a substantive denial of FAPE.

Area 2: IEP Development - Present Levels of Functional and Academic Performance (PLAAFP)

§ 300.324 Development, review, and revision of IEP.

a. Development of IEP -

- (1) *General.* In developing each child's IEP, the IEP Team must consider -
 - (i) The strengths of the child;
 - (ii) The concerns of the parents for enhancing the education of their child;
 - (iii) The results of the initial or most recent evaluation of the child; and
 - (iv) The academic, developmental, and functional needs of the child.

§ 300.320 Definition of individualized education program.

(a) *General.* As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include -

- (1) A statement of the child's present levels of academic achievement and functional performance, including -
 - (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
 - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

In twenty-eight IEPs, the functional performance of the student was not addressed in the PLAAFP. This was evident in the PLAAFP where the student's program was based primarily on those

functional needs; such as students in the LIFE or CLAS program. For example, a student has a PLAAFP that goes over their household management goal, their personal management goal, their job readiness goal, and finally some transition information. It does not provide the parent, team, or student with information about the functional skill deficits, only the student's current goal progress. It is difficult to determine if needs are being addressed as the student's present levels are not indicated. Another student who is in the LIFE program has a PLAAFP that includes speech and language needs, physical access to the educational environment, academics, and behavior information but functional performance is not addressed.

Fifty-two IEPs did not contain a full description of how the student's disability affects the student's involvement and progress in the general curriculum. For example, "[student] does not have a weakness in math. He finishes his assignments quickly and when he has supervision he can complete things accurately." However, this student is in an accommodated math class. In some cases, the only description given in the PLAAFP was the most recent WY-TOPP testing and the student's grades in the current classes.

The PLAAFP should contain information as to the student present levels of functional and academic performance and clearly describe how the student's disability affects their involvement and ability to progress in the general education curriculum. This information is essential to development of the other parts of the IEP.

Area 3: Goal Development

§ 300.320(a)(2)

(i) A statement of measurable annual goals, including academic and functional goals designed to -

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability;

(ii) For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives;

169 files were found to demonstrate noncompliance in the area of goal development. There were multiple areas found. These areas include 1) goals not specific to the student's skill deficit, 2) multiple targets or unrelated targets, 3) unrelated data or no baseline, 4) objective timeframes 5) goals that are not individualized to the student.

Seventy-one of these files contained goals that did not identify specific skill deficits. Programmatic scores or levels, grade-level growth, broad areas of content, and grade-level standards are indicated in the baseline and the target without specific skill. For example, "By April 2022, [student] will demonstrate understanding of mathematical concepts by improving his GVC average score from his current of 50% to 60% or higher." The goal does not indicate what specific skills are being addressed. Other goals were based upon completion such as "By February 2023, [student] will utilize self-regulation skills in order to improve his on task behaviors and task initiation to improve his overall grade from an 'F' to a 'C' or higher as measured by Infinite Campus Grades and teacher observations," or "By November 2022, when given an assigned task, [student]

will independently complete an assignment and ask for assistance, if needed with an 80% accuracy 8 out of ten trials, as measured by teacher.” Neither of these goals address the specific skills that will be taught through specially designed instruction to address the student’s need to close the achievement gap.

Seventy-three files contained goals that had multiple or unrelated targets. For example, “By April 2022, [student] will read one and two step word problems, develop and solve an equation involving addition, subtraction, multiplication, division, fractions and decimals with 80% accuracy as measured by student work product, classroom assessments, progress monitoring tool and teacher evaluation.” This goal is a grade level standard that does not reference the specific skill deficit that requires specially designed instruction for this student.

Fifty-seven files did not contain baselines or had unrelated baselines. Baseline data is essential in the development of goals. Without this information it is difficult for the team to specify a clear, measurable level of attainment and makes subsequent progress monitoring difficult or impossible. For example a baseline indicated “[student] is solving equations with cueing and prompting.” Cueing and prompting are subjective terms and would not allow for an accurate starting point for determining progress.

Thirty-four files had goals that contained objectives/benchmarks that did not indicate a clear timeframe or were not measurable. In some cases, the benchmarks were listed with no time frame indicated. In other cases, the time frames were listed as “one year,” “end date of the IEP,” “duration of the IEP.” Some of the files contained one, two or three benchmarks even though the district has a four mark reporting period, making it unclear what the student would be working on in the fourth quarter of the IEP. Further, the objectives were not measurable and in some cases did not align with the annual goal.

Twelve IEPs had goals that were not individualized to the student’s needs and appeared to be more specific to the program the student was attending than to student need. For example, all student files reviewed in the CLAS program have the same three goals for the current class year.

Area 4: Special Education and Related Services Delivery

34 CFR 300.320(a)(4)

A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child -

- (i) To advance appropriately toward attaining the annual goals;
- (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
- (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

119 files do not specify the location of services. The service line indicates services will be delivered in the general/special education setting. “All school environments” and “schoolwide” are other nondescript locations of services that were found. An IEP must clearly define where services are provided to ensure the student is being provided access to his/her LRE to the greatest extent appropriate. It is unclear through the review of these files how much of the time the student is receiving services in the general education classroom or in other types of more restrictive settings.

Additionally, there were nine IEPs that were not amended to reflect a change in placement due to a disciplinary removal. A Disciplinary Removal Service Plan is used to describe the services the student will receive in the alternate placement. The Disciplinary Removal Service Plan as a district form that cannot take the place of the IEP.

Area 5: Supplementary aids and services

- 34 CFR 300.320(a)(4)** A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child -
- (i) To advance appropriately toward attaining the annual goals;
 - (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
 - (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

165 IEPs were found to not indicate how supplementary aids and services are provided. IEPs should designate the frequency, duration, and location of each supplementary aid and service provided. Individualization should occur for each accommodation including how often the accommodation is needed (frequency), how long the accommodation needs to be in place in relation to the frequency (duration), and the specific location or locations in which the student will use the aid/service. The use of vague statements does not ensure the student is receiving the accommodations in the manner that the IEP team intended, nor are they individualized to meet the specific needs of the individual student.

Area 6: Progress Monitoring

§ 300.324(b) Review and revision of IEPs -

- (1) General. Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team -
 - (i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
 - (ii) Revises the IEP, as appropriate, to address -
 - (A) Any lack of expected progress toward the annual goals described in §300.320(a)(2), and in the general education curriculum, if appropriate;
 - (B) The results of any reevaluation conducted under § 300.303;

- (C) Information about the child provided to, or by, the parents, as described under §300.305(a)(2);
- (D) The child's anticipated needs; or
- (E) Other matters.

Periodic review of progress is required. The IEP should be revised as appropriate to address any lack of progress. Twenty-eight IEPs reviewed indicated evidence of the student not making adequate progress on current goals without evidence of the team addressing that lack of progress. Failure of a team to address a lack of progress can lead to a FAPE denial for a student.

In other IEPs the progress monitoring made it difficult to determine what progress, if any, a student was making. Thirty-six students had data reported in the progress monitoring that did not relate to the target of the goal. An additional thirteen IEPs were found to have conflicting narratives in the progress monitoring information. The data provided indicated the student was not making adequate progress; however, the narrative indicated that it was expected the student would meet the goal. Ten students had narrative that stated there was no data due to attendance concerns for the student, but there was no indication within the file and verified through interview that the team was not reconvened to address the attendance concerns.

Area 7: Least Restrictive Environment (LRE)

§ 300.114 LRE requirements.

(a) General.

- (1) Except as provided in § 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120.
- (2) Each public agency must ensure that -
 - (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
 - (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The LIFE programs are highly restrictive in that they do not provide the students with access to nondisabled same-aged peers. WDE found that for some of the students reviewed there was not adequate data or justification for keeping these students from all interactions with their nondisabled peers. For example, during file review, interviews and observation it was found that students enrolled in the LIFE programs were not able to eat lunch or be with peers during specials, but there was no data to support that this lack of access was justified. It was also observed that not all students within the program had IEP goals that were tied to the Wyoming state standards or the extended standards. A district should ensure that the instruction is tied to state standards or extended standards to ensure rigorous instruction for these students.

In addition there were forty-four students who were in accommodated or practical classes. The structure of these courses does not ensure that these students were with nondisabled peers to the maximum extent appropriate as these classes exclude them from this opportunity. WDE is requiring the district to review the continuum of placements to ensure there are options for students to receive accommodations and modifications with the general education classroom to the maximum extent appropriate.

The district has a practice of removing students from general education to receive special education services but does not clearly indicate why removal is necessary and what learning will be addressed during that removal. Forty-two files had a service line of study skills without an indication of what specially designed instruction is being provided as there are no goals indicated for this service. Forty-four files indicate that the student is receiving services in an accommodated or practical classroom for social studies and science classes without indicating needs that are being addressed through specially designed instruction in these classes, or discussions of the use of supplementary aids and services that were attempted to allow the student to remain in the general curriculum prior to this removal. During interviews, staff indicated study skills time was used for a variety of activities including remediation, social skills training and executive functioning skills training. For the social studies and science classes staff explained that students were identified for the accommodated classrooms due to the need for smaller class sizes, slower pacing of the instruction and differentiated materials. Teams should be considering the appropriateness of providing these accommodations to the student while in the general education classroom through a multi-tiered system of support and/or IEP accommodations prior to removal from the general education classroom.

Further, the district has a policy that allows a parent to provide a doctor's note to allow a student to be provided homebound services. In interviews with staff there was concern as these doctor's notes were being used to override IEP team decisions allowing for homebound services for students who could not receive a FAPE offering through homebound. Through the monitoring, the WDE identified a student who had been receiving three hours per week of homebound services for 3 years based upon a doctor's note.

Area 8: Post-Secondary Transition Planning

§ 300.320 Definition of individualized education program

(b) *Transition services*. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include -

(1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(2) The transition services (including courses of study) needed to assist the child in reaching those goals.

§ 300.321 IEP Team

(b) *Transition services participants*.

(1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under § 300.320(b).

(2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.

(3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

§ 300.322 Parent Participation

(b) Information provided to parents.

(2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must -

(i) Indicate -

(A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with § 300.320(b); and

(B) That the agency will invite the student; and

(ii) Identify any other agency that will be invited to send a representative.

Twenty transition-age student IEPs were reviewed, and nineteen were found to be non-compliant in regards to transition service planning. There were four areas of concern indicated.

Thirteen of the twenty files were found to have education/training and career/employment goals that were not specific to a field of study or career area, indicating lack of individualization within the transition planning process.

Six of the twenty files were found to have transition activities that were not specific to transition, the student's postsecondary goals, or were the same/similar to other similar-aged students, again indicating lack of individualization within the transition planning process.

Of the twenty files reviewed, eighteen had a course of study that did not contain specific courses relevant to the student's transition goal. Each of these files referred to an attached form for the course of study which was a credit summary sheet. Courses of study should not only reflect core classes the student will take, but also electives that would support the student in meeting their transition goals. These should be reflected within the IEP so that all team members are aware of the plan for courses to be taken.

Ten files reviewed did not contain evidence that an outside agency (DVR, Recruiter, etc.) was invited to the student's transition planning meeting despite indication in the IEP that those agencies would be involved in the student's post-secondary training.

Area 9: Extended School Year

§ 300.106 Extended school year services.

(a) General.

(1) Each public agency must ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.

(2) Extended school year services must be provided only if a child's IEP Team determines, on an individual basis, in accordance with §§ 300.320 through 300.324, that the services are necessary for the provision of FAPE to the child.

(3) In implementing the requirements of this section, a public agency may not -

(i) Limit extended school year services to particular categories of disability; or

(ii) Unilaterally limit the type, amount, or duration of those services.

(b) Definition. As used in this section, the term extended school year services means special education and related services that -

(1) Are provided to a child with a disability -

(i) Beyond the normal school year of the public agency;

(ii) In accordance with the child's IEP; and

(iii) At no cost to the parents of the child; and

(2) Meet the standards of the SEA.

Forty-eight files were found to have ESY statements that did not provide enough information to determine if the student required ESY services or the student would benefit from ESY services. Students were not making progress, but the reason for not including ESY was not clearly outlined in the IEP. For example, a student was not making progress on an English language goal due to “is not currently enrolled in ELA class” but is not receiving ESY to make up for the time that has been lost for the direct instruction for that goal. In another student’s IEP there was no evidence of an ESY statement. ESY should be a team consideration for all students, and the IEP should contain clear documentation of what decision was made and why.

Area 10: Behavior

§ 300.530 Authority of school personnel.

(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

(b) General.

(1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300.536).

(2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.

* * * * *

(d) *Services.*

(1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must -

- (i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- (ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under § 300.536, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

(e) *Manifestation determination.*

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine -

- (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

(f) *Determination that behavior was a manifestation.* If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must -

(1) Either -

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

Eighteen files were found to lack a functional behavioral assessment (FBA) or behavior intervention plan (BIP) when significant behavior was present and noted as a concern by the IEP team or was evident through behavior referrals. In one case reviewed it was noted that the team considered conducting an FBA to determine if the student's behavior was impeding his learning, but instead opted to try additional behavior support. Twelve days later the student had a manifestation meeting and was placed on a long-term suspension. Another student had fifteen behavior events by the time of his first manifestation in early December. The determination during the initial manifestation meeting was that the behaviors were the result of his disability and an escort was provided during passing periods. Within two weeks the student incurred an additional 10 behavior referrals and was manifested a second time with a determination of a long term suspension. The student did not have a FBA or BIP or any specially designed instruction to address these behavior concerns until after his long-term suspension.

Twenty-seven students had behavior as a concern that was not addressed in the IEP. In one student's evaluation it was noted that the student has severe anxiety. The student was observed to have difficulty with meltdowns, transitions, and changes in the schedule. These concerns were not addressed in the IEP. Failure to

Nine IEPs were found to have the student placed as a decision based on a district policy rather than an IEP team decision based on district policy. In a file reviewed by WDE it was found that a student was long term suspended based on the district disciplinary policy and not the IEP team decision or the student's disability. The student had no FBA, BIP, or behavior support prior to the long-term suspension.

Through file review and interview, WDE determined there is an overall lack of understanding of the requirements of the manifestation process. The WDE will require training for all special education staff and building level administrators in understanding the requirements and intent of conducting a manifestation determination meeting.

Area 11: Evaluations

§ 300.303 Reevaluations.

(a) **General.** A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311 -

- (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
 - (2) If the child's parent or teacher requests a reevaluation.
- (b) *Limitation.* A reevaluation conducted under paragraph (a) of this section -
- (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and
 - (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

Ten files were found to have expired reevaluations. There was paperwork explaining that a review of records would be completed but was never completed. A review of records is acceptable, but the team with the parent or student (of age of majority) must convene and conduct an eligibility determination meeting. The purpose of evaluation is to ensure ongoing eligibility and the identification of all student needs.

Area 12: Services

§ 300.320 Definition of individualized education program.

- (4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child -
 - (i) To advance appropriately toward attaining the annual goals;
 - (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
 - (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

44 files were found in which services are being provided in science and social studies, but lacked a goal clearly connected to the services. For example; there is a student who has 80 minutes 10 times a month in both science and social studies in an accommodated class but only has goals for reading, math, speech and language, and assistive technology. 42 files were found in which services are being provided in study skills, but lacked a goal clearly connected to the services. 63 IEPs indicated a postsecondary services line but lacked a goal clearly connected to the service. During interviews with staff, they indicated that while postsecondary services are written as services they are more specific to the transition activities section on the IEP rather than specific IEP goals. 13 files were found to have social work as an accommodation without a goal connected to that service.

An IEP needs to clearly outline what skills are being addressed through services provided with a link to how this impacts the student's access to the general education or functional needs as described in the PLAAFP.

<p>Individual Findings of Noncompliance</p>	<p>WISER ██████ - The file review indicates this student has never attended public school but has been on an IEP since kindergarten. This student will either need to have a full FAPE offering or moved to a Service Plan.</p> <p>WISER ██████ - The file review found multiple missing and incomplete parts of the IEP. There were multiple missing documents and the IEP was not accurate regarding the current services being provided. The paperwork was so incomplete that WDE was unable to determine if the student was receiving a full FAPE offering.</p> <p>WISER ██████ - This file was reviewed and found the student has been homebound since the student was in the 8th grade. The IEP and staff interview indicates the student is on homebound due to a doctor's note and not an IEP team decision.</p> <p>WISER ██████ - This file was reviewed and found that the student is being made to wear a safety harness while riding the bus. This is considered a restraint and should be addressed through a BIP. The safety vest is not an accommodation in the student's IEP and is only addressed through the student's transportation plan. The district will need to address a plan for assuring the transportation department understands the obligations and requirements of the provision of transportation as a related service on an IEP.</p>
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Recommendations –

- WDE recommends that the district build, revisit, or refine consistent practices across all buildings for building intervention teams. Having consistency across the district in its implementation and oversight of MTSS could support compliance with Child Find obligations under IDEA and would ensure children at risk are provided early intervention. An intentional BIT procedure could also produce necessary documentation should the district wish to use MTSS in the identification process for IDEA eligibility. The WDE would also note that under IDEA, voluntary CEIS set aside monies may be used for those students who are at risk of not reading at grade level and could cover intervention cost as set forth by the requirements for the set aside.
- WDE recommends the district develop a process for assuring parent input is clearly documented throughout the IEP process. Although parents were generally in attendance at meetings, it was difficult to determine what the parents' input was through review of the IEP or PWNs.
- WDE recommends the district develop a formal process for documenting the transition of students to and from programs within the district and the home school. IEP amendments and PWNs are not being completed when students are making these transitions. There

seems to be confusion regarding who is responsible for the IEP and any necessary changes during these transition periods.

- WDE recommends the district continue to develop clear practices and policies for the Cheyenne Virtual School. These policies should address how to ensure proper transitioning of students to and from the homeschool and how to ensure proper FAPE offerings.
- WDE recommends the district develop procedures and consistent professional development to assure consistency among evaluation, practice and provision of services for all students regardless of service location within the district. This professional development should include those staff who are in the charter school.

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

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