



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

**Monitoring Dates: October 18-November 16, 2021**

**Report Date: January 24, 2022**

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



Wyoming Department of Education  
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January 24, 2022

██████████  
Interim Director of Special Services  
Natrona County School District #1  
970 N Glenn Rd  
Casper, WY 82601

Dear Mr. Ernst,

The Wyoming Department of Education (WDE) Special Education Programs team would like to thank you for your assistance during your recent Results Driven Accountability (RDA) monitoring.

With respect to the monitoring process, the state's federal requirements are to focus upon and address the areas of compliance within IDEA 2004 [34 C.F.R. §300.600] that most directly affect educational results and functional outcomes for children with disabilities. That focus is consistent with the mission of Natrona County School District #1 in empowering every learner to grow, excel and be successful contributors to the local/global community.

It is the WDE's goal that this report and the implementation of the ensuing **Compliance Agreement** will guide the district as it seeks to improve its own system-wide delivery of special education services. The findings of noncompliance detailed in the report are not likely to be corrected through any quick fix, and you may notice that systemic findings are not tied directly to individual students, teachers, or groups of students. Correction of these deeper issues will require a more global approach and requires the cooperation of, not only special education staff, but general education staff, building leadership, and district administration as well.

To that end, the WDE would like to offer technical assistance to Natrona County School District #1 in understanding the report and developing the required Compliance Agreement to move the district forward.

Again, thank you for your collaboration with the monitoring team and for your continued commitment to children with disabilities. We look forward to working with you and your team over the next twelve months as this Compliance Agreement is put into effect.

Sincerely,

Sheila Thomalla  
Monitoring Team Supervisor  
Division of Special Education Programs  
Wyoming Department of Education

cc: Michael Jennings, Superintendent, Natrona County School District #1  
Margee Robertson, Director of Special Education, WDE  
Susan Shipley, Special Education Systems Administrator, WDE

Enclosures: Verification Monitoring Report, Compliance Agreement



Opportunity Through Education

Jillian Balow – *Superintendent of Public Instruction*

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The Wyoming Department of Education, Special Education Programs (WDE) is the state educational agency responsible for special education compliance as granted by Part B of the Individuals with Disabilities Education Act (IDEA) [34 C.F.R. §300.149]. In order to address the IDEA general supervision requirements [34 C.F.R. §300.600], which effect educational results and functional outcomes for children with disabilities, the WDE completed a program review of Natrona County School District #1 (Natrona 1) Special Education services upon being selected for Results Driven Accountability (RDA) monitoring.

During the initial review, WDE and the Natrona 1 team elected to monitor a sample of special education records in the areas of Free and Appropriate Public Education (FAPE), Extended School Year Services (ESY), and Least Restrictive Environment (LRE) to determine potential noncompliance with IDEA, federal regulation, and Wyoming Special Education Rules (Chapter 7), [34 C.F.R §300.17].

### **Summary of Program Review**

Selection for RDA monitoring occurred during school year 2017-18 as the district was found to fall into the Needs Assistance determination level using the seven-criterion selection formula. A data drill down was completed on March 18, 2019 to determine monitoring hypotheses and sample for review. A total of 78 files were reviewed by WDE in September and October 2020 with the district being notified of the results November 18, 2020. At that time, Natrona 1 was found to be noncompliant in 3 areas:

1. Comprehensive Evaluation/Eligibility: Special education evaluations at Natrona County School District #1 are not always comprehensive.
2. IEP Goals: Individual Education Program (IEP) goals at Natrona County School District #1 are not always individualized or measurable.
3. Least Restrictive Environment (LRE): LRE determinations at Natrona County School District #1 are not always compliant in justification or adequate in consideration of the full continuum of placements.

A Corrective Action Plan (CAP) went into effect February 11, 2021. The school district had one year to complete the agreed upon action steps to remediate noncompliance, ensure changed practices to maintain IDEA compliance in the future, and improve outcomes for students with disabilities.

### **Verification of Correction of Noncompliance**

The purpose of the current verification process is to determine whether the areas of noncompliance identified through the RDA monitoring have been fully corrected during CAP activities. The process does not duplicate the findings of noncompliance prior to the 2020 review and focuses on correction subsequent to that review. A verification of Natrona 1 was completed beginning October 18, 2021. During this process, WDE reviewed 31 total student files

for FAPE with seven files being removed if no new IEP or evaluation had been done since initial monitoring. 20 files were reviewed for LRE across all grade bands.

**Commendations**

The WDE recognizes the unforeseen challenges put in front of staff and administrators in Natrona County School District #1 over the past 2 years. With that, it remains apparent that special educators at all levels are dedicated to the best success of each individual student. Teachers are committed to doing what is best for students while also navigating changes in policy, administration, staff, and general expectations demanded of the field. We recognize the willingness of teachers to meet with WDE staff to express needs as well as share their commitment to students with disabilities. WDE also acknowledges the work Natrona 1 has done to move closer to compliance with IDEA in LRE, evaluations, and the navigating of the complexities of standards-based IEPs. Systemic changes take time and consistency; the WDE thanks Natrona 1 for their continued dedication to the process of change.

**Findings**

<p><b>Original finding</b>  <b>Area 1:</b>  <b>Evaluations/Eligibility</b>          Citation: §300.304          Evaluation procedures</p>	<p>Finding area 1 focused on Evaluation/Eligibility in the initial monitoring. <b>Two of the three initial concerns of noncompliance have been corrected. A concern exists in the area of Identifying and Addressing specific needs</b> that arise from the evaluation process or over the course of serving a child in special education as described in the next section.</p> <p>IDEA §300.304(b)(ii) states that when conducting an evaluation, tools and strategies must be used to assist in determining the content of the child’s IEP as well as to determine if the child has a disability. §300.304(c)(4) and (6) inforces that the child is assessed in all areas related to the suspected disability and the evaluation “is sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been identified.”</p> <p>Initial findings indicated that comprehensive evaluations were not conducted in all cases. Evaluations were found in some cases to not address all areas of suspected concern, while in other cases the concern uncovered during the evaluation process was not addressed as a means for gathering data to support instructional planning or eligibility determination. In instances when the team had evidence of concerns around attendance and social/emotional development, no further assessments were used to ensure underlying needs had been identified, causing concerns regarding whether IEPs had been reasonably calculated to meet all areas of need.</p>
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	<ul style="list-style-type: none"> <li>• Verification monitoring indicates <b>improvement</b> in this area of comprehensive evaluations. 10 of the 11 newly performed evaluations demonstrated evidence of assessments regarding social emotional development including in cases of a suspected specific learning disability. While these evaluations could benefit from the use of more parent friendly language and analysis or explanation of scores, assessments were being conducted in areas of concern.</li> </ul> <p>Initial findings also indicated students were receiving specially designed instruction without data to support the need and prior to Tier 3 interventions being tried in general education.</p> <ul style="list-style-type: none"> <li>• Verification monitoring <b>does not find this to be a concern</b> regarding evaluations at this point. Concerns do exist in the individualization of goals and supplementary aids and services supporting students in the general education curriculum. However, WDE does not feel that Natrona 1 is providing specially designed instruction without data in the files currently reviewed.</li> </ul> <p>Finally, files reviewed initially indicated a lack of high quality observations being used as a component of comprehensive evaluations. Observations are required to be completed in the child’s learning environment as per §300.310. Appropriate observations are a necessary part of a comprehensive evaluation and necessary for a reasonable calculation and determination of FAPE.</p> <ul style="list-style-type: none"> <li>• <b>Observations continue to be an area of concern</b> as 11 of the 12 new evaluations reviewed did not contain observations in the educational learning environment. Teacher report and observation during testing does not constitute an appropriate observation as defined by IDEA.</li> </ul>
<p><b>Area 1 (revised): Identification and Addressing of Individual Needs.</b> Citation §300.320 Definition of Individualized Education Program</p>	<p>According to 34 C.F.R. §300.320, a child’s IEP must include a statement of Present Levels of Academic Achievement and Functional Performance (PLAAFP) which identifies how the child’s disability affects the child’s involvement in and progress in the general education curriculum. A well defined and compliant PLAAFP statement makes clear the student’s specific needs gleaned from an evaluation process, annual IEP review, progress monitoring, and team input. Identifying how a student’s disability impacts their education involves pinpointing of individual needs and is foundational to providing FAPE. This then leads to development of</p>

goals that meet the child's need for specially designed instruction and identification of supplementary aids and services that can increase involvement in the general education curriculum.

As stated above, initial monitoring found that concerns uncovered during the evaluation process were not being addressed as a means for gathering data to support instructional planning or eligibility determination.

**Verification monitoring finds continuing concerns in the area of addressing identified student needs.** 10 files were flagged with concerns for students' identified needs not being addressed in the IEP. Specific academic skill deficits are not reflected in PLAAFPs, goal planning, or accommodations. Teams strive to report norm-referenced data and to write grade-level goals, but do not always indicate the specific need area. This can lead to an inability to effectively progress monitor and therefore adapt to the child's specific needs. Additionally, evaluation tools provide valuable information regarding learning needs in the general education environment, yet supplementary aids and services are highly generalized and do not address these needs. Finally, evaluation summaries have improved to contain evaluation data addressing social and emotional needs. However, this data often does not carry through to the IEP in subsequent services for the student, or the services are insufficiently lacking in specially designed instruction. Teams are not using the evaluation and other information gathering processes to drive the content of the IEP as required §300.304 (b)(ii). This is evident in students continued lack of social/emotional and academic progress as well as ongoing attendance concerns.

Examples include:

- **WISER [REDACTED]**: BASC scores show clinically significant range of behaviors including social stress, depression, internalizing problems, self esteem, and interpersonal relationships. Reading fluency score of 75 and decoding of 72. Teachers report needs in the areas of attendance and tiredness as well. None of these concerns were addressed in student PLAAFP or IEP.
- **WISER [REDACTED]**: PLAAFP does not contain discussion of specific skill needs, only scores reported. Reading and math goals are at grade level and do not indicate specially

	<p>designed instruction targeting student skill deficit.</p> <ul style="list-style-type: none"> <li>● <b>WISER [REDACTED]</b>: Supplementary aids and services are minimal compared to his skill deficits. Goals do not address letter/word ID deficits.</li> <li>● <b>WISER [REDACTED]</b>: BASC scores significant for school staff. Anxiety and depression indicated on impact statement. She met her social work goal on previous IEP, current IEP does not address what is now being done to support social/emotional concerns.</li> <li>● <b>WISER [REDACTED]</b>: Letter/word identification and reading fluency very low, reading comprehension goal only (goal indicates his baseline to be higher than his goal). Failing four classes and attendance is an issue. Difficulty processing auditory information, yet accommodation to have questions read. Student file demonstrates more individualized supplementary aids and services, however, continues to show failing grades.</li> </ul> <p>An additional area of concern is that parental concerns are not clearly reflected in the IEP.</p>
<p><b>Area 2: IEP Goals</b> Citation: §300.320</p>	<p>According to IDEA §300.320(2), a student’s IEP must contain goals designed to meet the child’s needs that result from the disability in order to enable the child to be involved in and make progress in the general education curriculum and meet other educational needs that result. By definition, IEP goals are required to contain baseline data that is measurable and specific to a target reflective of individual student needs. IEP goals must specifically identify targeted behavior or skills to be measured. This should result in specially designed instruction that has been adapted in content, methodology, or delivery in order to address the unique needs of the child, as well as to ensure access to the general curriculum, so the child can meet the educational standards §300.39(b)(3). It is also required that progress toward goals be monitored in accordance with the baseline and target §300.320(a)(3). Additionally, §300.320(a)(4) of IDEA describes the requirement of an IEP to contain supplementary aids and services. Accommodations, as well as goals, are required to be individually designed to enable the child to “advance appropriately toward attaining the annual goals” and “to be involved in and make progress in the general education curriculum.”</p> <p>Initial monitoring indicated a lack of student specific data to</p>



determine a trajectory of the IEP goals and progress. Goals reviewed did not contain enough information to describe specific skills or the specially designed instruction that would be occurring for each student. Baselines were missing data and targets were frequently not adequately defined or measurable. Common achievement points, such as 80% accuracy, were often used.

While it is evident that Natrona 1 has diligently pursued IEP goals which are designed with educational standards in mind, 19 files were found in which **teams are not consistently considering the unique needs of the child in goal writing.** Goals should be written to address specific student skills needed to access and achieve general education curriculum, not the curriculum goals. Goals are found to be similar across students, especially at the high school level, and written to a general grade level standard or general skill. Specific student skill deficits have not been defined either in the baseline or in the target. Common achievement points continue to be used without regard for the students' baseline. Additionally, it is not evident that individualization is occurring in determining rate of progress, specificity, condition, or criterion. For example, WISER [REDACTED] contains a reading goal with a baseline at instructional level with 80% accuracy and a target of 85% accuracy.

WDE did identify, in some cases, objectives that were more skill specific. However, methods of measurement between baseline, target, and objectives were not consistent leading to a lack in clarity regarding the specially designed instruction and difficulty in progress monitoring. Timelines on objectives are being written for 36 weeks rather than discrete periods of time. Baselines often contain a great deal of extra information making them difficult to read and determine actual levels of performance. This information belongs in the PLAAFP statement. The use of "instructional level" is not defined for each student in 14 files.

**Progress monitoring continues to be a concern.** Through interviews, WDE learned that staff feel they are not allowed to repeat goals, which may have led to writing goals that are not reflective of the student's needs. There is also an expectation of norm-referenced data collection, which may be inhibiting teams and teachers from utilizing tools which could help them target skills. The concern regarding goals that were unchanged is no longer a concern. However, review indicates 14 files in which lack of

	<p>progress is not being addressed. In cases, it was found that students were not making progress on the grade-leveled standards-based goal indicating that the unique needs of the child have not been addressed and therefore inhibiting the provision of FAPE.</p>
<p><b>Area 3: Least Restrictive Environment (LRE)</b> Citation: §300.114</p>	<p>According to IDEA §300.114(a)(2), students “to the maximum extent appropriate are to be educated with children who are nondisabled” and denial of access to the regular education 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 provision of a continuum of alternative placements must be available to students as well as a “provision for supplementary services to be provided in conjunction with regular class placement” §300.115. The selection of LRE must consider the harmful effects on the child or on the quality of education they are given §300.116(d) as well as the provision that a child “may not be removed solely because of needed modification to the general education curriculum.” §300.116(e).</p> <p>During initial monitoring, WDE found many LRE justification statements indicating that eligibility determination drives placement determination. In addition, neither the less restrictive environment continuum nor the transition processes from determined placement into less restrictive environments were documented. The transition of students along the continuum should be adequately reflected within the IEP as well as evidence of discussion and decision for the specific need for a more restrictive LRE. Interviews did not match documented practice, especially in buildings housing more restrictive programs, with regards to teams considering LRE placement using formal and informal meetings allowing students to transition to less restrictive environments when they were ready. File review did not support these statements.</p> <p>Verification monitoring finds determination of Least Restrictive Environment <b>to remain an area of concern</b> in line with the findings initially reported. 20 files were reviewed for LRE with 15 found to show noncompliance for a number of reasons.</p> <p>Justification for removal from the general education environment:</p> <ul style="list-style-type: none"> <li>● File review, policy review, interview, and teacher meetings indicate an effort to correct noncompliant LRE justification</li> </ul>

statements. Although policies provide a template and examples, some files were found to have identical LRE statements, such as WISERS [REDACTED] and [REDACTED], or have similar phrasing even across grades indicating a lack of individualization.

- Interviews revealed justifications for student placement that in some cases were sound. These were not made part of the IEP or PWN such as WISER [REDACTED].
- In some cases, files demonstrated team reconsideration of student placement and adjustment of LRE, even if the justification statement was poor, such as WISER [REDACTED] and [REDACTED]
- While justification statements lack individualization and reference to specific skill deficits and learning needs of the student, some files contain impact statements that contain information relevant to the LRE choice by the team. As such, in these cases it was clear that the team considered potential impact, quality of service, and services in conjunction with general education services. WISERS [REDACTED] and [REDACTED] are examples.
- LRE statements found to be out of compliance do not address the use or attempted use of interventions, specially designed instruction, and/or accommodations within the general education environment and why they have been unsuccessful. Because LRE statements are general and similar in noncompliant cases, it is difficult to determine if teams have considered all of the required elements of IDEA §300.114-300.118 as well as the specific needs and skills of the child.

In accordance with IDEA, WDE reviewed files for evidence that a continuum of services is being considered with consistent and individualized provision of services. Students who are placed in a more restrictive environment should have a clearly defined, reviewed, and evaluated path to a less restrictive placement in line with their individual needs. Natrona 1 has several types of need-specific classrooms, including behavior (BASE) and functional life skills (FLS).

- Files reviewed for students with significant learning needs were found to be highly restrictive with seven files indicating less than 10% of total education time with general education peers and in general education classrooms (including one

student in residential school) and four additional files under 33% .

- Nine files reviewed were students eligible with an emotional disability, four of which are elementary students in a BASE program receiving 0% time with general education peers.

Interviews indicated that all students in these classes follow a prescribed leveling system, whether this system addresses the particular student needs or not. This system is not made clear in IEP documentation. It appears in some instances that students have been in self contained settings for a significant period of time.

A tour of classrooms and discussion with administration confirmed that students do move in and out of these programs, but often it is to an individual placement within a resource room or other similarly restrictive environment.

- Interviews indicate that it may be a lack of understanding of how to provide the support needed to integrate students with difficult behaviors into general education settings that may be over stimulating and triggering of behaviors as it was reported that environments are chosen to reduce these situations.
- Supplementary aids and services do not reveal the structured support needed and IEP review does not indicate how supports are in place along the continuum of services.
- Goals to support areas of need lack individualization of instruction required to help students achieve success in the general education environment.

As indicated in Finding Area 1, a pinpointing of student needs and subsequent carry over could provide teams with valuable information to better provide a less restrictive environment to some students and therefore better ensuring FAPE. The restrictiveness and seclusion of the BASE programs along with the lack of individualization in supporting students in general education is of significant concern. Students are not provided opportunities to learn and apply skills in general environments and observe and interact with peer models and other adults causing a possible harmful effect to the student.

Four of the five compliant files were students identified with autism across grade bands. In general, LRE and programming for students with functional life skills needs are more compliant and reflective of identification of individual skill deficits, however LRE statements

	<p>are not always individualized.</p> <p>Concerns arise, also, regarding the quality of the access to the general education curriculum provided to those students in BASE programs and FLS programs. BASE students may not have access to the general education curriculum as IEP services do not indicate academics. 1 FLS student is receiving a diploma even though the IEP and interview indicates a modified grading scale being accepted as passing (2 rather than 3) (WISER ██████████).</p> <p>In summary, concerns remain that Natrona 1 continues to make educational environment decisions based on eligibility category, especially in the case of students with significant behavior challenges; a continuum of services is not consistently provided nor is a transition to and from a more restrictive environment; supplementary aids and services are not identified and utilized to support students to the maximum extent possible; and harmful effects of placements are not being considered. These are significant violations of the LRE requirements of the IDEA.</p>
<p><b>Individual Findings</b></p>	<p><b>WISER ██████████</b>: Student has chronic difficulties with attendance and has begun refusing to work. He is not making progress on his goals, current or previously. As of IEP and MDE dated 10/19/21, he had 3 F's and 2 D's. Evaluation does not address possible causes of this such as executive functioning and/or social/emotional needs. IEP does not contain SDI to assist student with possible root causes. A comprehensive evaluation needs to be conducted on this student.</p> <p><b>WISER ██████████</b>: Student has significant absences and not enough credits to graduate at scheduled time. Staff reported during interview that they would be discussing a move to Roosevelt High School. Follow up planning needs to be done to address absences and credits.</p>

## Recommendations

- Natrona County School District #1 Special Education Procedural Document requires a Functional Behavior Analysis to be done whenever a behavior concern is noted. This may be creating an undue burden on teams as there are a number of valid methods to document student behavior function and need.
- High school teachers often are required to case manage students whom they do not serve. This may be creating a feeling of disconnect regarding progress monitoring and an additional burden.
- Use of “typical peer” statements are not a necessary part of a goal statement. WDE was not able to determine through file review or interview how teams determined these statements. IEPs are required in the PLAAFP to state the student’s progress toward the general education curriculum and therefore referencing skills needed is appropriate.
- Upon review, multiple interviews, and teacher meetings, WDE has concerns regarding classes labeled resource or co-taught and the adequacy of access these students have to not only the general education curriculum, but to their general education peers.
- Policy review indicates a number of directives that may be causing confusion, insecurity, and limiting IEP teams in FAPE decisions. Examples include a PLAAFP template, impact statement examples, requiring of a formal FBA for any student in which “behavior” box is checked, and requirement of standardized scores for data points. WDE recommends Natrona County School District #1 review and rewrite the Special Education Procedural Documents.

Although further correction is necessary, the WDE recognizes the efforts of the district to work toward correction of noncompliance over the past year. There have been many unique challenges facing all districts in the recent past; WDE acknowledges that correcting systemic findings of any nature is challenging in and of itself and especially so when compounded by unusual circumstances. The WDE is here to assist Natrona #1 as it continues to work on further improvements and ensure positive outcomes for students with disabilities. WDE will be in touch regarding the development of a Compliance Agreement and other next steps. As always, please feel free to contact WDE at any time.

Sincerely,



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CC: [REDACTED], Superintendent, Natrona County School District #1  
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