



**Continuous Improvement
Focused Monitoring Report
for**

FREMONT COUNTY SCHOOL DISTRICT #14

October 26 – 29, 2009

**Special Programs Unit
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**Wyoming Department of Education
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Wyoming Department of Education Continuous Improvement – Focused Monitoring Report

Fremont County School District #14
School Year: 2009 – 2010
Date of On-Site Review: October 26 – 29, 2009

Introduction

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), Part B, Section 300.600(a) of the Federal Regulations states: *The state must monitor the implementation of this part, enforce this part in accordance with §300.604 (a)(1) and (a)(3), (b)(2)(i) and (b)(2)(v), and (c)(2), and annually report on performance under this part. (b) 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.*

Process

A. Performance Indicator Selection

Consistent with the requirements established in Federal Regulations §§300.600 through 300.604, the Wyoming Department of Education (WDE) focuses on those elements of information and data that most directly relate to or influence student performance, educational results and functional outcomes for children with disabilities.

The General Supervision Stakeholder Group¹ worked with the WDE Special Programs Unit in the fall of 2009 to set the priority indicators and scoring system to be used in determining which districts would be selected for on-site monitoring. IDEA 2004 places a strong emphasis on positive educational results and functional outcomes for students with disabilities ages three through 21. This factor greatly influenced the selection of three key indicators of student performance from the State’s Performance Plan as priorities for the Continuous Improvement – Focused Monitoring (CIFM) process. The ultimate goal of the CIFM process is to promote systems change which will positively influence educational results and functional outcomes for students with disabilities.

Districts were selected for on-site monitoring through the application of a formula applied to all 48 districts’ data using four variables. These variables are taken directly from Indicators 2, 3C, and 5 of the State Performance Plan (SPP), which can be viewed in its entirety at www.k12.wy.us. With Stakeholder Group input, the WDE slightly narrowed its focus in each of the indicator areas to include the following pieces of data in its selection formula:

¹ The Focused Monitoring Stakeholder Group is comprised of principals, special education directors, teachers, parents, advocates and superintendents from across the state.

- Indicator 2: combined dropout rate for students with disabilities over the past three years of available data (05-06, 06-07, and 07-08)
- Indicator 3C: 2009 PAWS proficiency rates for students with disabilities in 3rd grade reading and 8th grade mathematics
- Indicator 5: 2008 – 2009 combined rate of separate classroom (SC) and separate facility (SF) placements

For each district, the WDE Special Programs Unit calculated a total score using this formula. The Department then selected districts for on-site CIFM visits using the process described below in subsection B.

B. Individual District Selection

Districts were divided into four population groups based on overall enrollment numbers:

- Large Districts – more than 1,950 students
- Medium Districts – 860 to 1,949 students
- Small Districts – 500 to 859 students
- Extra Small Districts – 499 or fewer students

Fremont County School District #14 (FCSD #14) is considered a small school district and reported a special education population of 126 students on its 2009 WDE-427 report. Thus, the district's 2008 – 2009 data was ranked against data from all other small districts for the same time period. The two lowest performers in each population group were selected for an on-site monitoring visit using the comparison to state rates found below. Districts who received on-site monitoring visits during the 2008 – 2009 school year were excluded from consideration for monitoring this year in order to give them adequate time to implement their Corrective Action Plans:

SPP Indicators	FCSD #14 Rate	Overall State Rate excluding FCSD #14
Ind. 2: Combined Dropout Rate	23.02%	9.23%
Ind. 3C: 3 rd Gr. Reading Proficiency	0.00%	29.43%
Ind. 3C: 8 th Gr. Math Proficiency	0.00%	26.67%
Ind. 5: Combined SC and SF rates	2.91%	10.66%

In terms of the variables that are included in the weighted formula, FCSD #14's data compared quite favorably to other small districts and to the state on the Indicator 5 variable. In fact, Fremont #14 boasted the lowest percentage of students in Separate Classroom and Separate Facility placements of all similar-sized districts. However, the other three variables adversely affected the district's total score. Fremont #14's 3-year combined dropout rate for students with disabilities was the highest of all small districts, and the district was the only small district with 0% of its students with disabilities achieving proficiency on the 3rd grade PAWS reading test and the 8th grade PAWS math test. In the end, when these proficiency rates were combined with the 3-year dropout rate and the placement data and compared to other districts in the same population group, FCSD #14's score was one of the two lowest of eligible districts, and it was selected for an on-site monitoring visit.

It should be noted that the district's performance on these key indicators is not direct evidence of noncompliance. After a district has been selected for on-site monitoring, the WDE then analyzes district data to determine potential areas of noncompliance that may account for the district's performance. For example, if a school had low PAWS proficiency rates in mathematics and low rates of regular class placement, the question of whether or not children had access to the general curriculum might be reviewed. A finding of noncompliance can only be made through the WDE's CIFM system if multiple pieces of objective information point to the same conclusion.

Focused Monitoring Conditions for Fremont County School District #14

In preparation for the on-site monitoring visit, WDE reviewed the district's most recent and trend data from a variety of sources including the WDE-425 (December 1) and WDE-427 (July 1) data collections, assessment data (PAWS and PAWS-ALT), stable and risk-based self-assessment data, and discipline data from the WDE-636. The data led the WDE to create hypotheses in five areas: 1) FAPE – Assistive Technology; 2) FAPE – Extended School Year; 3) Evaluation Procedures; 4) FAPE – Social, Emotional and Behavioral Supports and Services; and 5) FAPE – Educational Benefit.

1. **FAPE – Assistive Technology** This hypothesis was based on district-reported data showing zero students receiving Assistive Technology services in Fremont #14
2. **FAPE – Extended School Year** This hypothesis was based on the district's relatively low percentage of students receiving Extended School Year services.
3. **Evaluation Procedures** This hypothesis was crafted due to the district's comparatively high identification rate for students with Learning Disabilities.
4. **FAPE – Social, Emotional and Behavioral Supports and Services** This hypothesis was generated due to the district's comparatively low percentages of students receiving Counseling, Psychological Services, and Social Work services as related services.
5. **FAPE – Educational Benefit** This hypothesis was formulated due to the district's PAWS proficiency rates for students with disabilities.

Details regarding the development of each hypothesis and information on how the WDE determined its samples for each are found below in the introduction to each finding area.

In addition to the five hypotheses chosen for on-site focused monitoring, the WDE also monitored other areas for IDEA compliance through a procedural compliance review of each file reviewed during testing of the aforementioned hypotheses. Results of the review are included with this report in Appendix A. Appendix B contains the results of a parent survey that was conducted in the district during a four-week window that included the dates of the on-site monitoring visit.

Results of On-Site Monitoring for Fremont #14

These areas were monitored on-site through a focused file review, staff interviews, and classroom observations, as deemed necessary. Each area is defined by statute, summarized by evidence gathered on-site, and a finding of noncompliance listed as applicable.

Area 1: FAPE – Assistive Technology

A. Citation

§300.5 Assistive technology device

Assistive Technology Device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such a device.

§300.6 Assistive Technology Service

Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with a disability or, if appropriate, that child's family ; and
- (f) Training or technical assistance for professionals (including individuals providing education or rehabilitative services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

§300.105 Assistive technology

(a) Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5 and 300.6 respectively, are made available to a child with a disability if required as a part of the child's—

- (1) Special education under §300.36
- (2) Related services under §300.34; or
- (3) Supplementary aids and services under §§300.38 and 300.114(a)(2)(ii)

(b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those services in order to receive FAPE.

B. Evidence

1. Data

According to the July 2009 WDE-427 report, none of the 126 students with disabilities in FCSD #14 received Assistive Technology (AT) as a related service over the course of the 2008 – 2009 school year. This number is notable when compared to the overall percentage of students receiving AT in the state's 47 other districts, which stood at approximately 5% during the same period.

2. File Review

WDE staff created a purposeful sample of students more likely than others to need AT in order to receive FAPE. This sample was composed of 18 students who were not receiving Assistive Technology according to the most recent WDE-425 and WDE-427 data. Six of these students were reportedly eligible for special education under the Autism (AT), Cognitive Disability (CD), Hearing Impairment (HI), or Orthopedic Impairment (OI) categories. The remaining twelve students were eligible under the Learning Disability (LD) criteria, and each of them was reportedly receiving Occupational Therapy (OT) as a related service. The WDE hypothesized that some of these students might need Assistive Technology devices or services in order to receive FAPE.

Once on-site in Ethete, the WDE reviewed these 18 students' special education files. Through the file review process, eleven files were removed from the sample for the following reasons:

- Six students were receiving an appropriate amount and/or type of AT services.
- Three students' files did not indicate any need for Assistive Technology devices or services.
- One student recently moved or transferred out of the district.
- One student left the district after turning 21 years old during the 2008 – 2009 school year.

For the seven remaining students, however, the following characteristics kept them in the sample for further exploration:

- 7 of 7 files contained evaluation comments indicating that the students might benefit from Assistive Technology.
- 5 of the 7 files did not contain any evidence of any AT assessment or device trials during the evaluation process.
- 6 out of 7 student files contained information indicating that the student might need Assistive Technology in the IEP "Summary of Evaluation" or "Present Levels of Academic and Functional Performance" sections.
- 4 of the 7 files indicated that supplementary aids and services were to be provided on an "as needed," "when needed," "at student's request," or other similar basis, indicating an unclear commitment to the delivery of these supports and services.
- 3 of the 7 students' levels of progress were unclear due to inconsistent or non-existent progress reporting (two additional IEPs were implemented recently and had not yet reached a progress reporting period at the time of the WDE's visit).

3. Interviews

At the conclusion of the file review, WDE staff interviewed Fremont #14 special education staff and related service providers regarding these seven students' educational needs and their use of Assistive Technology. The interview process provides the WDE with an opportunity to gather clarification or additional information about specific issues of concern noted in students' files. District staff members are selected for interviews based on IEP participant lists and/or the students' current class schedules.

Through conversations with district service providers and staff, four of the seven students were removed from the subsample for the following reasons:

- 3 of the 7 were removed from the subsample when the WDE learned that these students were in fact receiving some type of AT services.
- 1 of the 7 students was removed from the subsample during the interview process when district staff provided compelling reasons why these particular students were not in need of AT devices or services.

However, for the three remaining students, the following interview details support the State's hypothesis that some FCSD #14 students who are not receiving AT may actually need these devices and/or services in order to receive FAPE:

- When asked if a particular student could benefit from any other communication supports/services, a district staff member stated, "Transferring to paper is very difficult (for the student). A computer program or something would help."
- In discussing another student's potential need for Assistive Technology, a teacher mentioned, "We don't have any technology for [student] right now" and added, "I think that's something that should be included in the IEP."
- When discussing a student's potential need for AT, a staff member stated, "If something is available that would target [student name], let's do it."
- A service provider commented that AT devices would "definitely" help the student make better progress and stated that he/she would suggest adding AT during the student's next IEP meeting.
- One staff member stated that a certain student could benefit from a text-to-speech device, adding that the device was available for the student's use, but "we just haven't set it up yet."

C. Finding

The WDE finds that special education services in FCSD #14 are not always provided in accordance with the FAPE requirements established in §300.105. The district will be required to address this finding and correct the noncompliance through the development and implementation of a Corrective Action Plan (CAP).

Area 2: FAPE – Extended School Year

A. Citation

§300.106(a) 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;

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

(2) Meet the standards of the SEA.

B. Evidence

1. Data

According to the July 2009 WDE-427 data collection, only one student in FCSD #14 received Extended School Year (ESY) services during the 2008 – 2009 school year—and this student was reportedly placed outside of the district. This single student represented less than 1% of the district's students with disabilities. The WDE found this data noteworthy, especially that percentage to the overall rate of students with disabilities receiving ESY in Wyoming, which stood at approximately 9% during the same period.

2. File Review

The WDE created a purposeful sample of 25 students in Fremont #14 who did not receive ESY during the 2008 – 2009 school year. The sample was composed of two distinct student groups: 1) students eligible for special education under one of the following disability categories: Autism (AT), Cognitive Disability (CD), Emotional Disability (ED), Hearing Impairment (HI), or Orthopedic Impairment (OI); and 2) students who scored 'Below Basic' on all three of the 2009 PAWS subtests (reading, writing, mathematics).

Once on-site in Ethete, the WDE reviewed these 25 students' special education files. At the conclusion of the WDE's file review, thirteen files were removed from the sample for the following reasons:

- Five students were in fact receiving Extended School Year services as a component of their current program.
- Two student files contained IEPs that appeared reasonably calculated to result in educational benefit without the provision of ESY services.
- Two students had moved or transferred out of the district.
- Two students had dropped out of school.
- Two students had recently exited special education after being found no longer eligible for services.

For the remaining twelve students, however, one or more of the following characteristics kept them in the sample:

- 12 of 12 files described student needs that could potentially be addressed through the provision of Extended School Year
- 5 of 12 files documented the students' lack of progress in one or more annual goal areas; none of the five students' files contained evidence that their respective IEP teams had reconvened or amended these programs in order to address the lack of progress.
- In 7 of the 12 files, the students' levels of progress were unclear due to inconsistent or non-existent progress reporting. One additional student's IEP was implemented in the weeks immediately preceding the WDE's visit and had not yet reached a progress reporting period.
- 3 of the 12 files contained current IEPs in which one or more of the annual goals were not meaningfully different from the corresponding goal(s) in the students' IEPs from the prior year.

3. Interviews

After the file reviews were completed, the CIFM team interviewed resource room teachers, support staff, and related service providers regarding these twelve students' potential need for ESY. The interview process provides the WDE with an opportunity to gather clarification or additional information about specific issues of concern noted in students' files. District staff members are selected for interviews based on IEP participant lists and/or the students' current class schedules.

Through the interview process, nine additional students were removed from the sample when district staff presented compelling evidence that the students were making adequate progress and were not in need of ESY in order to receive FAPE. However, while discussing three particular students, district staff shared a number of concerns about these students' possible need for ESY. District staff comments included the following:

- When asked whether or not ESY might be necessary for one student, a service provider stated, "I would recommend ESY in my area."
- In discussing the possibility of having a certain student receive ESY, a district staff member agreed that ESY would be beneficial, adding, "[Student name] needs all the help he can get."
- One staff member, in discussing a particular student's situation, commented that ESY would be beneficial to the student. However, the staff member went on to explain that the team did not add ESY to the IEP because "attendance is a barrier" to the student's participation.
- Regarding ESY for another student, a service provider stated that he/she would recommend that academic services and certain related services be provided to the student over the summer "because of regression."
- In light of one student's inadequate progress, a staff member mentioned that the team considered adding ESY, but did not include it in the IEP because of the student's poor attendance during the regular school year.

C. Finding

The WDE finds that special education services in FCSD #14 are not always provided in accordance with the FAPE requirements established in §300.106. The district will be required to address this finding and correct the noncompliance through the development and implementation of a Corrective Action Plan (CAP).

Area 3: Evaluation Procedures

A. Citation

§ 300.304 Evaluation procedures.

(b) Conduct of evaluation. *In conducting the evaluation, the public agency must—*

(1) *Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining—*

(i) Whether the child is a child with a disability under § 300.8; and

(ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);

(2) *Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and*

(3) *Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.*

(c) Other evaluation procedures. *Each public agency must ensure that—*

(1) *Assessments and other evaluation materials used to assess a child under this part—*

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

(ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

(iii) Are used for the purposes for which the assessments or measures are valid and reliable;

(iv) Are administered by trained and knowledgeable personnel; and

(v) Are administered in accordance with any instructions provided by the producer of the assessments.

(2) *Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.*

(3) *Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).*

(4) *The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;*

(5) *Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's*

prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.

§ 300.306 Determination of Eligibility

(b) Special rule for eligibility determination. *A child must not be determined to be a child with a disability under this part—*

1) *If the determinant factor for that determination is—*

(i) *Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);*

(ii) *Lack of appropriate instruction in math; or*

(iii) *Limited English proficiency; and*

2) *If the child does not otherwise meet the eligibility criteria under §300.8(a).*

B. Evidence

1. Data

In reviewing the district's most recent WDE-427 data, the Department noted that Fremont #14 appeared to have a comparatively high percentage of students identified in the category of Learning Disability (LD). The district's percentage of students with LD was reportedly 68.3%, while the comparable state rate was 37%. Conversely, the district's percentages of students in the Emotional Disability (ED) and Speech Language (SL) disability categories were well below comparable state rates: 2.4% of Fremont #14's students with disabilities were reported under the ED category (8% statewide), and 14.3% of the district's students with IEPs were reported under the SL category (29% statewide). The WDE hypothesized that some Fremont #14 students identified as having Learning Disabilities might actually meet the state's eligibility criteria in other disability categories or might not have been evaluated according to the procedures described under §300.304.

2. File Review

In preparation for the visit, the WDE created a purposeful sample of 33 students, all of whom were reportedly identified in the LD category. Six of these 33 students were receiving Counseling, Psychological Services, and/or Social Work services. Thirteen of the 33 students were suspended for five or more days during the 2007 – 2008 school year², and fourteen of the students were receiving Language Services (LS) as a related service.

Once on-site in Ethete, the WDE reviewed these 33 students' special education files in order to find out more about the evaluation procedures followed in each student's case. Through the file review process, thirty of these students were removed from the sample for the following reasons:

- Fourteen of the students had a secondary disability label of Speech Language; the district opted to report LD as the students' primary disability on the WDE-427.
- Six of the students moved or transferred out of the district.
- Four of the students received comprehensive evaluations and were legitimately identified under the Learning Disability criteria. In these students' cases, evaluation teams had no reason to suspect other areas of potential eligibility.

² The WDE used the most recent available data from the WDE-636 report for the suspension information; 2008 – 2009 data were unavailable at the time of the data review.

- Four of the students dropped out of school.
- Two of the students were found to have primary disability labels other than LD (one HL and one SL).

For the three remaining students, however, the following pieces of information kept them in the sample for further exploration:

- 3 of 3 files contained comments in MDE reports indicating evaluation team members' concerns about other areas not formally addressed in the evaluation process.
- 1 of 3 files contained an evaluation that did not address one BIT team member's primary areas of concern about the student.
- 1 of the 3 files did not include any evidence of interventions attempted prior to referral for special education eligibility.
- 1 of 3 files contained an evaluation that lacked one or more required components for an LD eligibility determination.
- 1 of the 3 files contained inadequate documentation that one or more of the exclusionary factors described under §300.306(b) had been ruled out in determining the student's eligibility for special education.

3. Interviews

Following the file review, the WDE monitoring team conducted a series of interviews with Fremont #14 staff in order to find out more about the evaluation procedures followed for these three students. The interview process provides the WDE with an opportunity to gather clarification or additional information about specific issues of concern noted in students' files. District staff members are selected for interviews based on IEP participant lists and/or the students' current class schedules.

Through the interview process, one of the students was removed from the sample for the following reasons:

- For one student, multiple district staff members gave the WDE team compelling reasons as to why these students were not likely to meet the ED eligibility criteria, despite the students' behavioral & social needs.

However, regarding the two remaining students, district staff shared a number of concerns about these students' possible eligibility in categories other than LD. District staff comments included the following:

Student One

- This student is receiving services outside of Fremont #14 due to challenging behaviors (according to district staff).
- According to staff at the service facility where the IEP is being implemented, behavior difficulties remain the student's "biggest issue."
- When asked if the student might qualify in any other eligibility category, a service provider mentioned Emotional Disability (ED) as a distinct possibility, adding that he/she would recommend behavioral and social/emotional assessment during the student's next reevaluation.

Student Two

- The student's file did not contain complete evaluation data (evaluation was conducted in another Wyoming district), which may have lead to some of the confusion among district staff regarding the student's eligibility.
- When informed that the student's primary disability was reported to be LD, a staff member responded, "Behavior is [student's] major issue. Isn't [student name] ADHD?"
- When asked which disability category best described the student's learning challenges, a district service provider responded, "ADHD is the main concern; OHI would be secondary."

C. Finding

The WDE does not find FCSD #14 systemically noncompliant in this area. The State's compliance hypothesis related to Evaluation Procedures was not substantiated through on-site file reviews and interviews with district staff. The district is not required to address this area in a Corrective Action Plan (CAP).

However, for the two students discussed under section B above, the district must reconvene their respective IEP teams within 45 business days of the date of this report. The students' WISER ID numbers can be found in the report's cover letter. The IEP teams must: 1) reconsider existing data relating to the student's social, emotional and/or behavioral performance; 2) determine whether or not there is reason to probe eligibility in another suspected area of disability (in particular, Other Health Impaired and/or ED); 3) consider the need for additional assessment—and conduct these assessments if necessary; and 4) once the full range of data are available, the teams must determine whether or not the student meets the eligibility criteria in the category/categories of suspected disability. The WDE must be informed in writing of any resulting changes made to these IEPs as a result of the teams' latest eligibility discussions.

Area 4: FAPE – Social, Emotional and Behavioral Supports and Services

A. Citation

§300.34 Related services.

- (a) *General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.*
- (2) *Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.*
- (10) *Psychological services includes –*
 - (i) *Administering psychological and educational tests, and other assessment procedures;*
 - (ii) *Interpreting assessment results;*

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special education needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;

(v) Planning and managing a program of psychological counseling for children and parents; and

(vi) Assisting in developing positive behavioral intervention strategies.

(14) Social work services in schools includes –

(i) Preparing a social or developmental history on a child with a disability;

(ii) Group and individual counseling with the child and family;

(iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

(iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

(v) Assisting in developing positive behavioral intervention strategies.

B. Evidence

1. Data

In reviewing discipline data from Fremont #14 (WDE-636), the WDE determined that 24 individual students with disabilities were listed as having at least one discipline incident during the 2008 – 2009 school year. Of these 24 students, 13 had a discipline incident (or incidents) that resulted in five or more days of suspension, a number representing just over 10% of the district's total population of students with disabilities.

Additionally, the WDE noted that the district reported a far lower percentage of students as having received Counseling (CS), Psychological Services (PS), and/or Social Work (SW) as related services during the same school year when compared to other Wyoming school districts. In the state's 47 other districts, 21% of all students with disabilities receive one or more of these related services. Comparatively, only 7.1% of students with disabilities were reportedly receiving similar services. The WDE hypothesized that some additional Fremont #14 students might be in need of CS, PS, and/or SW related services in order to receive FAPE.

2. File Review

The WDE established a purposeful sample of 14 students in order to probe this hypothesis. The thirteen students with five or more days of suspension (mentioned above) were included in the sample, plus one additional student identified under the Emotional Disability (ED) criteria who was reportedly not receiving CS, PS, or SW related services. Once on-site in Ethete, the monitoring team reviewed these students' special education files in order to determine whether or not these students might need one or more of these social, emotional or behavioral services.

Through the file review process, eleven students were removed from the sample for the following reasons:

- Four students dropped out of school.

- Three student files contained no evidence of social, emotional, and/or behavioral needs that could be addressed through the provision special education or related services.
- Two students' files indicated that they were in fact receiving social, emotional, and/or behavioral services. In both cases, the type and amount of services appeared to be adequate.
- Two students recently moved or transferred out of the district.

For the three remaining student files, however, the following characteristics kept them in the sample for further examination:

- 2 of 3 students' evaluation records identified specific emotional or behavior needs. Of these two files, only one included any mention of these needs in the IEP (i.e., in the Present Levels of Academic and Functional Performance).
- 2 out of 3 files did not contain a Functional Behavior Assessment (FBA).
- 1 of 3 files contained no mention of a Behavior Intervention Plan (BIP)—even though the student in question reportedly exhibited frequent challenging behaviors.
- 2 of the 3 files did not contain any specific behavior goals in the IEP.
- In 3 of the 3 files, the WDE could not determine the students' levels of progress due to inconsistent or non-existent progress reporting in one or more goal areas.

3. Interviews

After the file reviews were completed, WDE team members interviewed district special education teachers, general education staff, and related service providers regarding these three students' potential need for behavior supports and/or services. The interview process provides the WDE with an opportunity to gather clarification or additional information about specific issues of concern noted in students' files. District staff members are selected for interviews based on IEP participant lists and/or the students' current class schedules.

Through the interview process, two students were removed from the sample when district staff provided evidence that one student's behavior had vastly improved from the previous school year, and the other was receiving new behavior programming that appeared to be effective. However, while discussing the third student, district staff shared a number of concerns about this student's possible need for social, emotional, and/or behavioral supports and services. District staff comments included the following:

- The student's file showed no evidence of social, emotional and/or behavioral goals or services, even though multiple district staff reported during interviews that negative behavior is the biggest educational barrier facing the student.
- Service providers in the district were unaware of any individualized behavior goals or plans being provided to the student. One staff member mentioned, "I would assume [student name] has a behavior plan, but I haven't seen one." Another staff member stated, "There is no behavior plan that I know of."
- A district staff member mentioned that a "behavior plan, if followed, would work," while another service provider stated, "I would like to see [student name] in the BIP class less."

C. Finding

The WDE does not find FCSD #14 systemically noncompliant in this area. The State's compliance hypothesis related to the FAPE requirements established in §§300.101 and 300.324, [especially in terms of providing those related services described in §§300.34(a)(2), 300.34(a)(10), and 300.34(a)(14)] was not substantiated through on-site file reviews and interviews with district staff. The district is not required to address this area in a Corrective Action Plan (CAP).

However, for the single student discussed above, the district must reconvene his/her IEP team within 45 business days of the date of this report. The student's WISER ID number can be found in the report's cover letter. The IEP team must 1) reconsider the student's need for social, emotional, and/or behavioral goals and services, and 2) if necessary, modify the IEP to include appropriate goals and services in accordance with the aforementioned federal regulations. The WDE must be informed in writing of any resulting changes made to the IEP.

Area 5: FAPE – Educational Benefit

A. Citation

§300.101 Free appropriate public education (FAPE).

(a) General. A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in §300.530(d).

(c) Children advancing from grade to grade.

(1) Each State must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

(2) The determination that a child described in paragraph (a) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.

§300.324 Development, review, and revision of IEP.

(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.

B. Evidence

1. Data

As noted above in the introduction of this report, the WDE noted that 2009 PAWS proficiency rates among students with disabilities in Fremont #14 were below the overall state targets for both language arts and mathematics at the middle and high school levels. Probing deeper into the data, the WDE discovered that 44 of the district's students with disabilities at any grade level scored below 'Proficient' on all three PAWS subtests (reading, writing, and math). Of these 44 students, 32 were also designated as English Language Learners (ELL) by the district (73%).

Because ELL students appeared to be disproportionately represented among those students not achieving proficiency on the statewide assessment, the WDE was also interested in exploring cases of ELL students who did not take the PAWS in 2009. The WDE hypothesized that some of these students—regardless of whether or not they participated in the 2009 PAWS administration—might have IEPs that are not reasonably calculated to result in educational benefit.

2. File Review

In creating its purposeful sample for this hypothesis, the WDE randomly selected half of the 44 students described under the first paragraph of section B1 above. To those 22 students, the WDE added 27 ELL students with a primary disability reported as Learning Disability (LD) or Speech Language (SL). None of these 27 students took the PAWS in 2009.

Using these 49 students described above as its purposeful sample, the WDE reviewed students' special education files as the first step in its exploration of this hypothesis. Through the file review process, thirty students were removed from the sample for the following reasons:

- Eleven students' IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Eleven students recently moved or transferred out of district.
- Six students had dropped out of school.
- Two students graduated in the spring of 2009.

This reduction left nineteen students remaining in the sample. Each of the remaining files exhibited one or more of the following characteristics, prompting the WDE to further examine these student situations:

- 3 of the 19 files exhibited a "disconnect" between needs identified in assessment reports and the needs listed in the IEP. In other words, not all of the student needs identified through the evaluation process were included in these students' IEPs.
- 7 out of 19 files listed needs in the IEP which were not addressed by goals.
- 11 of the 19 files contained one or more goals that were not measurable.
- In 8 of the 19 files, the students' levels of progress were unclear due to inconsistent or non-existent progress reporting.
- 4 of the 19 files indicated a clear lack of progress; for two of those files, there was no evidence that the IEP team reconvened to address the lack of progress.
- 3 of the students' current IEPs had goals which had not changed meaningfully from the previous IEP.

- 8 out of 19 files contained a program of special education and related services that did not appear to address the student's needs and goals adequately.
- 4 out of 19 files indicated that accommodations were to be provided on an "as needed," "as appropriate," "at student's request," or other similar basis, indicating an unclear commitment to the delivery of these supports and services.
- 8 of the 19 files indicated that the students were receiving a 'D' or an 'F' in at least one core academic class (mathematics, language arts, science, or social studies).
- 2 of the 19 IEPs had notes that reflected a concern which did not appear to be addressed in the IEP.
- 5 students' cumulative files contained records showing students to have experienced frequent or long absences from school.
- 5 students' cumulative records included documentation of discipline and/or behavior issues that appeared to be unaddressed in the corresponding special education files.

3. Interviews

Following the file review, the WDE monitoring team interviewed special education staff, general education teachers and related service providers regarding these nineteen specific students. The interview process provides the WDE with an opportunity to gather clarification or additional information about specific issues of concern noted in students' files. District staff members are selected for interviews based on IEP participant lists and/or the students' current class schedules.

Through the interview process, thirteen additional students were removed from the sample for the following reasons:

- Regarding ten students, district personnel were able to provide details demonstrating that each of the students were now making progress and receiving educational benefit.
- For two of the students, those interviewed were able to provide compelling evidence that these students' needs would be adequately addressed through special education and related services to be added to the students' IEPs at a meetings scheduled for early November.
- For one of the students, those interviewed described an updated program currently being implemented at the student's out-of-district placement that appeared to be appropriate. The IEP had been revised, although it had only recently been put into effect.

These reductions left six students remaining in the subsample. The following comments made by district staff lend further support for a finding in this area:

- In light of a student's documented lack of progress since last school year, the WDE asked staff members whether or not the IEP team had reconvened. A service provider replied that the team had not. When asked to elaborate, the staff member stated, "I don't know. There's no process."
- When asked what services or supports might help a student improve his/her progress in the general grade-level curriculum, a district staff member responded, "[Student name] needs to be pulled out of regular classes into a major reading and writing program"

- In answering a general question about a particular student's achievement in school, a service provider stated, "[Student] has made little or no progress since I've known him." The IEP team had not reconvened to address the student's lack of progress at the time of the on-site visit.
- When asked to identify barriers to improving one student's progress, a staff member suggested that the student's inability to control his/her anger was the biggest obstacle. When the WDE asked how the IEP team was addressing the issue, the staff member responded, "There is no BIP at the present. Anger management should be considered."
- In his/her discussion of a particular student, a district staff member identified a student's poor attendance as the main impediment to better educational performance. When asked how the IEP team had addressed improving that aspect of the student's behavior, the service provider mentioned that "attendance will be a goal in the next IEP."
- Another staff member pointed to a student's poor attendance as the primary factor in the student's lack of progress. However, the staff member added, "The IEP team has not met to review progress" since the annual IEP meeting.
- Regarding one student whose current "Present Levels of Academic and Functional Performance" documented the IEP team's strong concerns about the student's writing skills, a service provider verified that the IEP team had mistakenly not added an annual goal in that area. The IEP has been in effect since the spring of 2009.

C. Finding

The WDE finds that special education services in FCSD #14 are not always provided in accordance with the FAPE requirements established in §§300.101 and 300.324. The district will be required to address this finding and correct the noncompliance through the development and implementation of a Corrective Action Plan (CAP).

OTHER AREAS OF POTENTIAL NONCOMPLIANCE

A. General File Review

Each member of the WDE monitoring team also had the responsibility of conducting a procedural compliance check in each file reviewed during the on-site visit. In all, 78 files were reviewed for this purpose. In Appendix A of this report, these file review results may be found. For any file review item in which the district's compliance is below 95%, the WDE requires that the district evidence correction of the noncompliance in a Corrective Action Plan (CAP) and conduct additional self assessment to assure full compliance in these areas. More detailed guidance is provided on the CAP form.

B. Parent Survey Results

As part of the monitoring process, the WDE developed a Parent Survey in order to provide all parents an opportunity to give input on their children's special education experiences in Fremont #14. The Department mailed a hard copy of the Parent Survey and a cover letter to each parent of a student currently receiving special education services in the district. Parents had the option of completing the survey on paper or completing it online. The WDE mailed a total of 100 surveys, and nine parents returned completed surveys to the WDE. In Appendix B of this report, the complete survey results are included for the district's review.

File Review 0714000	Number of files reviewed	Percent of files compliant
C6. In the evaluation/ reevaluation, the file documents whether the child has or continues to have a disability, the present level of academic achievement and related developmental needs of the child, whether the child continues to need special education and related services and whether additions or modifications to the special education and related services are needed. (300.305(a)(2))	53	94.34%
C9. There is documentation that the public agency provided a copy of the evaluation report and documentation of the eligibility determination to the parent. (300.306(a)(2))	53	86.79%
E. The IEP Process		
E2. The file contains a current written IEP that was completed prior to the ending date of the previous IEP.(300.323(a))	53	96.23%
E13. The IEP includes documentation if the student is being removed from general education for any part of the school day, such removal occurs only if the nature or severity of the disability is such that education in regular classes with the use of modifications, supplementary aids and services cannot be achieved satisfactorily. (300.114(a)(2)(ii))	53	75.47%
E20. The IEP includes a statement of special education and related services and any supplementary aids and services to enable the child to advance toward attaining the annual goals involved in and make progress in the general education curriculum and be educated and participate with other children with and without disabilities.	53	98.11%
E24. If the child participates in the alternate assessment the IEP contains a statement of why the child cannot participate in the regular assessment. (300.320(a)(6)(ii)(A))	53	100.00%
E26. The IEP includes the child's present levels of academic and functional performance including how the child's disability affects his/her progress in the general curriculum (or for preschool children, participation in appropriate activities). (300.320(a)(1)(i)), (300.320(a)(1)(ii))	53	84.91%
E27. The IEP includes measurable annual academic, developmental and functional goals designed to meet the needs of the child and enable the child to progress in the general curriculum. (300.320(a)(2)(i)(A)), (300.324(a)(iv))	53	41.51%
E30. The IEP includes documentation when periodic reports regarding progress toward meeting annual goals will be provided. (300.320(a)(3)(ii))	53	98.11%
E33. The IEP documents that the public agency has informed each regular education teacher, special education teacher, related service provider and other service provider who is responsible for its implementation of his or her specific responsibilities including accommodations, modifications and supports. (300.323(d)(2))	53	94.34%
E45. If the parent did not attend the IEP meeting there is documentation of more than one attempt to arrange a mutually agreed upon time, place and format. (300.322(c)), (300.322(d)), (300.328), (300.501(b))	53	100.00%

E46. The file contains documentation that the public agency conducted a meeting to develop the initial IEP within 30 calendar days of a determination that a child with a disability was found eligible for special education and related services. (300.323(c)(1))	53	98.11%
E47. The file contains prior written notice regarding the implementation of the current IEP. (§300.503)	53	1.89%
E48. The IEP documents that all of the required participants attended the IEP meeting -- parent, special education teacher of the child, general education teacher of the child, representative of the public agency (§300.321(a))	53	1.89%
F. TRANSFERS		
F1. If a child with a disability transferred from a public agency within the same academic year, and had an IEP that was in effect in Wyoming, the file contains documentation that the public agency in consultation with the parents, provided FAPE to the child including services comparable to those described in the previously held IEP. (300.323(e)), (300.501(b))	53	100.00%
F2. If a child with a disability who transferred from a public agency within the same academic year, and had an IEP that was in effect in another State, the file contains documentation that the public agency in consultation with the parents, provided FAPE to the child including services comparable to those described in the previously held IEP; until such time as the public agency conducts and evaluation, if determined to be necessary and develops a new IEP if appropriate. (300.323(f)), (300.501(b))	53	100.00%

**Continuous Improvement Focused Monitoring
Parent Survey Results for
Fremont County School District #14**

Total Respondents: 9
Total Parents who were mailed a survey: 100
Response Rate: 9.0%

	Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree
1. At Individualized Education Program (IEP) meetings, we talk about whether my child needs special education services during the summer or other times when school is not in session.	0%	0%	0%	80%	20%	0%
2. My child is included in the general education classroom as much as is appropriate for his/her needs.	0%	0%	20%	60%	20%	0%
3. My child's educational needs are being adequately addressed by the school.	0%	0%	0%	60%	20%	20%
4. My child has made adequate progress over the course of the past year.	0%	0%	0%	60%	20%	20%
5. My child's special education program is preparing him/her for life after high school.	0%	0%	0%	60%	8%	40%

6. Does your child use assistive technology (AT) devices at school? Note: assistive technology devices are items/equipment used to increase, maintain, or improve the functional capabilities of a child with a disability. No additional comments provided	Yes 40%	No 20%	Don't Know 40%
7. Does your child receive Extended School Year (ESY) services? No additional comments provided	Yes 50%	No 17%	Don't Know 33%
8. Did your child's school conduct testing in every area in which he/she might have needs that could be addressed through Special Education services? 8a.If no, which areas were not included in the testing? No additional comments provided	Yes 67%	No 0%	Don't Know 33%
9. Does your child receive any social, emotional, or behavioral services at school? No additional comments provided	Yes 33%	No 33%	Don't Know 33%
10. Could your child's school be doing more to address his/her academic needs and improve your child's progress in school? • They already are helping him in these areas	Yes 50%	No 17%	Don't Know 33%

	Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree	State results (% who agreed)
11. My child's school provides me with information about organizations that offer support for parents of students with disabilities.	0%	0%	0%	83%	17%	0%	54%
12. Teachers at my child's school are available to speak with me.	0%	0%	0%	67%	17%	17%	93%
13. Teachers and administrators encourage me to participate in the decision-making process	0%	0%	0%	67%	17%	17%	90%
14. My child's school gives parents the help they may need to play an active role in their child's education.	0%	0%	0%	67%	17%	17%	81%
15. My child's school explains what options parents have if they disagree with a decision of the school.	0%	0%	0%	67%	17%	17%	76%

16. Any other comments that you would like to share? [No additional comments provided](#)

Fremont County School District #14
Respondent Demographics

Ethnicity	N	%
White	0	0%
Hispanic	0	0%
American Indian/Alaskan Native	7	100%

Primary Disability Code	N	%
Autism	1	14%
Cognitive Disability	0	0%
Traumatic Brain Injury	0	0%
Specific Learning Disability	3	43%
Speech/Language Impairment	1	14%
Other Health Impairment	2	29%

Grade Distribution	N	%
Kindergarten	0	0%
Grades 1-6	2	29%
Grades 7-8	2	29%
Grades 9-12	3	43%

Environment Code	N	%
Regular Environment	7	100%
Resource Room	0	0%
Separate Classroom	0	0%