



**Continuous Improvement
Focused Monitoring Report
for**

Fremont County School District #38

April 13-16, 2010

**Special Programs Unit
320 West Main Street
Riverton, WY 82501
www.k12.wy.us**

**Wyoming Department of Education
Dr. Jim McBride, Superintendent of Public Instruction**

Wyoming Department of Education Continuous Improvement – Focused Monitoring Report

Fremont County School District #38
School Year: 2009 – 2010
Date of On-Site Review: April 13 – 16, 2010

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 #38 (FCSD #38) is considered an extra-small small school district and reported a special education population of 70 students on its 2009 WDE-427 report. Thus, the district's 2008 – 2009 data was ranked against data from all other extra-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 #38 Rate	Overall State Rate excluding FCSD #38
Ind. 2: Combined Dropout Rate	36.45%	9.23%
Ind. 3C: 3 rd Gr. Reading Proficiency	0%	29.35%
Ind. 3C: 8 th Gr. Math Proficiency	0%	26.48%
Ind. 5: Combined SC and SF rates	1.72%	10.65%

In terms of the variables that are included in the weighted formula, FCSD #38's data compared quite favorably to other districts and to the state overall on the Indicator 5 variable. In fact, Fremont #38 boasted the fifth lowest percentage of students in Separate Classroom and Separate Facility placements of all Wyoming school districts.

However, the other three variables negatively affected the district's total score. Fremont #38's 3-year combined dropout rate for students with disabilities was the highest of all districts in the state, and it was one of a few similar-sized districts to report 2009 PAWS proficiency rates of 0% on both 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 #38'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 #38

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 a single area: FAPE – Educational Benefit. The WDE formulated this hypothesis due to the district's comparatively poor PAWS proficiency rates for students with disabilities. Details regarding the development of this hypothesis and information on how the WDE determined its sample for the on-site review are found below in the introduction to the finding area.

In addition to the one hypothesis 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 hypothesis. 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 #38

These areas were monitored on-site through a focused file review, and staff interviews, 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 – 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

In reviewing Fremont #38 PAWS proficiency data from the past few years, the WDE made several observations about the performance of the district's students with disabilities. First, the WDE noted that the district's proficiency rates for students with disabilities stood at 0%—at all grade levels and in both mathematics and reading. Comparing these results to those of the 2008 PAWS administration, the WDE noted a slight decline in proficiency rates at the elementary math level, which was at 8.7% proficient in 2008.

In addition to these PAWS data, the WDE noted Fremont #38's comparatively low graduation rates over the past two years of available data (0% in 2007 – 2008; 50% in 2006 – 2007) and its significant dropout rate (just over 30% for the two most recent years of available data). After reviewing these data, the WDE hypothesized that some of the district's students with disabilities might have IEPs that are not reasonably calculated to result in educational benefit.

2. File Review

Using 69 students 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, 49 students were removed from the sample for the following reasons:

- Thirty-four students recently moved or transferred out of district.
- Twelve students' IEPs appeared to be reasonably calculated to result in educational benefit, and each file documented their adequate/expected progress in light of their individual needs and goals.
- Three students had IEP's that were too new or recent to determine progress.

This reduction left twenty 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:

- 9 of the 20 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.

- 8 of 20 student files do not contain an annual goal for each area of need.
- 6 of 20 files contained one or more goals that were not measurable.
- 8 of 20 files contained a program of special education and related services that did not appear to address the student's needs and goals adequately.
- 13 of 20 student files contained accommodations that 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.
- 16 of 20 students demonstrated a lack of progress in one or more goal areas; in 14 of those 16 files there was a failure to reconvene the IEP team or amend the program to address the lack of progress.
- In 10 of the 20 files, the students' levels of progress were unclear due to inconsistent or non-existent progress reporting.
- 3 of the 20 files were too new or recent to determine progress.
- In 7 of 20 student files, one or more the students' current IEP goals had not changed meaningfully from those listed in their prior IEPs.
- 7 of 20 files contained IEP notes or minutes that reflected at least one team member's concerns and that do not appear to be addressed in the IEP.
- 11 of these 20 students' records indicated that the students had a 'D' or an 'F' in one or more core academic classes (mathematics, language arts, science, or social studies).
- 13 of 20 students' records contained documentation of attendance issues involving frequent or long absences.
- 10 of 20 student files contained documentation of multiple disciplinary incidents and/or behavioral difficulties.

3. Interviews

Following the file review, special education staff, general education teachers and related service providers were interviewed regarding these twenty specific students. Through the interview process, seven additional students were removed from the sample when those interviewed were able to provide compelling evidence that these students' needs were in fact being adequately addressed through special education and related services. Each of the seven were also determined to be receiving educational benefit.

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

- When asked about the apparent lack of a reading goal when the file included documentation of the student's need in this area, a district staff member stated, "Adding goals for reading...I thought was discussed at the IEP meeting. [Student name] needs it to be successful. [He/She] should have the services and the goals."
- In response to a question about the IEP team's response to a student's lack of progress on particular IEP goals, a staff member stated that some service providers had met to discuss the student "informally," but the team had not reconvened or amended the student's program in any way.
- During a discussion of a student's behavior concerns, a service provider stated that the student "cannot control [himself/herself]." The service provider went on

to add that the student “needs assistance 100% of the time” to regulate behavior, yet the student’s IEP did not address behavior nor was a Behavior Intervention Plan (BIP) in place.

- When discussing the particular accommodations listed in a student’s IEP, a district staff member placed responsibility for the ensuring delivery of the accommodations onto the student, saying, “If [he/she] needs help, [he/she] will ask.”
- In discussing a particular student’s poor progress, a district staff member stated: “Progress is lost due to attendance.” However, attendance was not being addressed in the IEP or through any type of behavior plan.
- When asked about the possibility of counseling services for a student who is experiencing some social and emotional difficulties, a district staff member reported that counseling is “not diagnosed here, but teachers need the diagnoses so they know what to do.”
- After confirming a certain student’s lack of progress, a district staff member stated that the IEP team had not yet reconvened and admitted, “We need to meet more often than when IEP is due.”
- After discussing possible factors contributing to a particular student’s lack of progress, a service provider mentioned the student’s dismal attendance record but added, “(There is) nothing we can do about it.” Attendance is not mentioned in any part of the student’s IEP.
- In talking about a particular student’s academic performance and his/her lack of progress in some core subjects, a district staff member stated that the student “lacks basic skills. That is why [he/she] is not successful.” However, the IEP team had not reconvened to discuss the student’s difficulties in these areas of the curriculum, nor had the IEP been amended in any way.

C. Finding

The WDE finds that special education services in FCSD #38 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 using a sample of the files reviewed during the on-site visit. In all, 36 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 #38. 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 54 surveys, and two parents returned completed surveys to the WDE (3.7%). In Appendix B of this report, the complete survey results are included for the district's review.

File Review 0738000	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))	36	91.67%
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))	36	86.11%
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))	36	97.22%
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))	36	97.22%
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.	36	91.67%
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))	36	97.22%
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))	36	88.89%
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))	36	88.89%
E30. The IEP includes documentation when periodic reports regarding progress toward meeting annual goals will be provided. (300.320(a)(3)(ii))	36	91.67%
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))	36	77.78%
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))	36	97.22%

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))	36	94.44%
E47. The file contains prior written notice regarding the implementation of the current IEP. (§300.503)	36	83.33%
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))	36	97.22%
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))	36	97.22%
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))	36	97.22%

Focused Monitoring: Parent Survey Results
Fremont County School District #38
Total Respondents: 2
Total parents who were mailed a survey: 54
Returned due to invalid address: 0
Response Rate: 3.7%

	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%	0%	0%	100%
2. My child is included in the general education classroom as much as is appropriate for his/her needs.	0%	0%	0%	0%	0%	100%
3. My child's educational needs are being adequately addressed by the school.	0%	0%	0%	0%	0%	100%
4. My child has made adequate progress over the course of the past year.	0%	0%	0%	0%	0%	100%
5. My child's special education program is preparing him/her for life after school.	0%	0%	0%	0%	0%	100%
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. 6a. If no, do you think he/she would make more progress if he/she used these devices at school? 6b. If yes, are the amount/type of assistive technology devices available at school adequate for your child?				Yes 0%	No 0%	Don't Know 100%
7. Does your child receive Extended School Year (ESY) services? 7a. If yes, what could the school be doing? 7b. If yes, do you think the amount/type of these services is appropriate for your child?				Yes 0%	No 0%	Don't Know 100%
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, what areas were not included in the testing?				Yes 100%	No 0%	Don't Know 0%
9. Does your child receive any social, emotional, or behavioral services at school? 9a. If no, do you think your child would make more progress if he/she received these services? 9b. If yes, do you think the amount/type of these services is appropriate for your child?				Yes 100%	No 0%	Don't Know 0%
10. Could your child's school be doing more to address his/her academic needs and improve your child's progress in school? 10a. If yes, what could the school be doing?				Yes 0%	No 0%	Don't Know 100%

	Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree
11. My child's school provides me with information about organizations that offer support for parents of students with disabilities.	0%	0%	0%	0%	0%	100%
12. Teachers at my child's school are available to speak with me.	0%	0%	0%	0%	0%	100%
13. Teachers and administrators encourage me to participate in the decision-making process.	0%	0%	0%	0%	0%	100%
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%	0%	0%	100%
15. My child's school explains what options parents have if they disagree with a decision of the school.	0%	0%	0%	0%	0%	100%
16. Any other comments that you would like to share?						

Answer the following two questions **only** if you want your name entered into the drawing for the cash prize. **Your responses will remain confidential.**

15. My name (please print): _____ 16. My phone number: _____

Focused Monitoring
Parent Survey Results
Demographics Fremont #38

Percent of parent respondents who said their child is:

Ethnicity	N	%
American Indian/Alaskan Native	2	100%

Primary Disability Code	N	%
Cognitive Disability	2	100%

Grade Distribution	N	%
Kindergarten	1	50%
Grades 1-6	1	50%

Environment Code	N	%
Regular Environment	1	50%
Resource Room	1	50%