



**Continuous Improvement
Focused Monitoring Report
for**

GOSHEN COUNTY SCHOOL DISTRICT #1

November 17 – 21, 2008

**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

Goshen County School District #1
School Year: 2008 – 2009
Date of On-Site Review: November 17 – 21, 2008

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 Focused Monitoring Stakeholder Group¹ worked with the WDE Special Programs Unit to set the priority indicators and weighted 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 two key indicators of student performance from the State's Performance Plan as priorities for the focused monitoring process. The ultimate goal of focused monitoring 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 weighted formula applied to all 48 districts using two variables. These variables are taken from Indicator 3C of the State Performance Plan (SPP), which can be viewed in its entirety at www.k12.wy.us. With Stakeholder Group input, the focused indicator for the 2008 – 2009 school year was narrowed to include PAWS proficiency rates for secondary school students only in both mathematics and reading.

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

B. Individual District Selection

Districts are 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

Goshen County School District #1 (GCSD #1) is considered a medium school district and reported a special education population of 311 students on its WDE-425 report. Thus, the district's 2007 – 2008 data was ranked against data from all other medium 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 2007 – 2008 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	GCSD #1 Rate	Overall State Rate excluding GCSD #1
#3C Secondary Reading Proficiency	26.51%	28.14%
#3C Secondary Math Proficiency	25.30%	34.29%

In terms of the variables that are included in the weighted formula, GCSD #1 scored below the state rate on both. In addition, when compared to other medium districts, the district's mathematics proficiency rate for secondary students was the third lowest among districts in that population group. In the area of reading, however, the district's reading proficiency rate for secondary students with disabilities was actually higher than six other districts in the medium population group. In the end, when these proficiency rates were combined and compared to other medium districts, GCSD #1's score was one of the two lowest of eligible districts, and the district was selected for an on-site monitoring visit.

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 performance in math and low rates of regular class placement, the question of whether children had access to the general curriculum might be reviewed.

Focused Monitoring Conditions for Goshen County School District #1

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 (November 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 four areas: 1) FAPE – Educational Benefit; 2) FAPE – Related Services; 3) FAPE – Assistive Technology; and 4) Child Find – Overidentification of ED.

1. **FAPE – Educational Benefit** This hypothesis was based on the district's relatively low PAWS proficiency rates for students with disabilities.
2. **FAPE – Related Services (Behavior)** This hypothesis was formulated due to the notable number of students with an Emotional Disability who according to district data were not receiving related services typically associated with programs for these students.
3. **FAPE – Assistive Technology** This hypothesis was formulated due to district data reporting only one student receiving Assistive Technology.
4. **Child Find – Overidentification of ED** This hypothesis was based on the district's comparatively high identification rate of students with an Emotional Disability.

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 four 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 Goshen #1

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 – 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 mentioned above in the introduction of this report, the WDE noted that 2008 PAWS proficiency rates among students with disabilities in Goshen #1 were below the overall state targets for both language arts and mathematics at the elementary, middle, and high school levels. Probing deeper into the data, the WDE discovered that 41 of the district's students with disabilities scored 'Below Basic' on two or three PAWS subtests (Reading, Writing and Math). As a result, the WDE hypothesized that some of these students might have IEPs that are not reasonably calculated to result in educational benefit.

2. File Review

Using these 41 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, 13 students were removed from the sample for the following reasons:

- Nine students' IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Three students recently moved or transferred out of district.
- One student's file was inadvertently not reviewed.

This reduction left 28 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 students' situations:

- 14 of the 28 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.
- 10 out of 28 files listed needs in the IEP which were not addressed by goals.
- 10 of the 28 files contained one or more goals that were not measurable.
- 7 of the 28 files indicated a lack of adequate or expected progress toward at least one of the student's IEP goals. Of these 7 files, none contained evidence that the IEP team reconvened to address the student's lack of progress.
- In 5 of the 28 files, the student's level of progress was unclear due to inconsistent or non-existent progress reporting.
- 5 out of 28 files contained a program of special education and related services that did not appear to adequately address the student's needs and goals. In 1

additional file, the provision of related services was documented, but the type of service was not specified.

- 4 out of 28 files indicated that accommodations were to be provided on an “as needed” basis; 5 files stated that these supports were to be provided “when appropriate,” and 5 other files indicated that accommodations would be provided “per teacher/student request.”

3. Interviews

Following the file review, special education staff, general education teachers and related service providers were interviewed regarding these 28 specific students. Through the interview process, fifteen additional students were removed from the sample for the following reasons:

- Regarding seven students, district personnel were able to provide details demonstrating that each of the students were now making progress and receiving educational benefit.
- For seven other students, those interviewed were able to provide compelling evidence that these students’ needs were in fact being adequately addressed through special education and related services. In most of these cases, the students’ needs had changed since the most recent triennial evaluation.
- For one student whose progress was unclear, the WDE learned that the student’s IEP team has scheduled a meeting to reconvene and address the inconsistent progress.

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

- A teacher indicated that a student who “struggles with communication skills would benefit from more (speech therapy). It’s not enough.”
- When asked about whether or not a student would benefit from a BIP, the teacher stated, “Probably, if someone would show me how to do it.”
- When asked about a behavior/social goal not being in the student’s file, the teacher said the reason was “because there’s no pinpointed diagnosis.”
- Regarding one student’s need for transportation service, a staff member reported, “There is no busing for (secondary) students unless it is on the IEP. So if the evaluation recommended it, I don’t know why it isn’t on the IEP.”
- When asked about a student benefitting from a behavior/social goal, the teacher said the student “is up for a re-eval next year, so I will have enough data to bring it up.” However, the student in question would benefit from the services at the present time as well.
- When asked about reconvening the IEP team to address a student’s lack of progress, a teacher replied, “I have staffings” but not IEP team meetings.
- When asked about the adequacy of one student’s individual goals, a teacher replied, “(Secondary school) is hard. It takes nine weeks to get a handle on them.”
- When asked about a child’s needs, a special educator commented, “We have come to the conclusion that this [student] will be a non-reader.” (Recently, the IEP team determined that there was no need to re-evaluate the student, who is LD in reading, mathematics, and written expression. The last comprehensive evaluation was in 2001.)

- When asked if a student's unmet social and behavioral needs could be addressed by social work services, the teacher stated, "That's a good idea! She would benefit."
- One staff member reported that "Learning Lab is a glorified study hall." Another staff member stated, "Learning Lab time is needed for student support (homework). With few exceptions, the only time to offer one-on-one services in reading and math is through coursework."
- When asked to clarify one student's progress, a staff member stated, "It is difficult to see if [student name] made any progress because of the lack of data collection."
- One service provider lamented, "It makes it difficult to talk to parents and say that their child really didn't master the goals last year. It was poor documentation without any instruction."
- When asked about a student's poor progress, the special education teacher stated, "[student name] misses a lot, so it is up and down. It's hard to measure when they're gone so much." When asked about a BIP for attendance, the teacher indicated the student "wasn't interested in (tangibles), so I don't know what to do with them."
- When a special education teacher was asked about a student's Adaptive Physical Education (APE) services (the service was listed, but there was no goal in the IEP), they replied, "He is not diagnosed for APE. He should be in regular PE. All my kids are in APE together, so I can have a planning period. It's a scheduling issue."

C. Finding

The WDE finds that special education services in GCSD #1 are not always provided in accordance with the F APE 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).

D. Recommendation

Although the WDE monitoring team was not able to fully explore the issue while in Goshen #1, a comment from one staff member regarding Extended School Year (ESY) services caused some concern. When asked about ESY, a special educator stated, "Last year it was a half day from June 6th to the last week in July." When asked whether a student might require ESY in August, the teacher said, "We don't do August." The district is advised to revisit §300.106 and ensure staff understand that unilateral limits on type, amount, and/or duration of ESY services are not allowed by federal and state regulations.

Area 2: FAPE – Related Services (Behavior)

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,*

- (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 special education data from Goshen #1 (WDE-425 and WDE-427), the WDE ascertained that 42 students with disabilities were reported as having a primary disability of Emotional Disability (ED) during the 2007 – 2008 school year. Drilling down into the data, the WDE learned that 25 of these 42 students were not receiving Counseling (CS), Psychological Services (PS), and/or Social Work (SW) as related services. The WDE hypothesized that some of these 25 students might be in need of CS, PS, and/or SW related services in order to receive FAPE.

2. File Review

The 25 students mentioned above constituted the WDE's purposeful sample for this hypothesis. Once on-site in Torrington, 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 related services in order to receive FAPE.

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

- Nine student files contained evidence of the provision of behavioral supports and/or services, though not reported on the WDE-425 and WDE-427 reports.

- One student ran away before he could be placed in a court ordered residential setting.
- One student recently transferred out of the district.
- One student was incarcerated.

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

- All 13 students' evaluation records identified specific emotional or behavior needs. Only two of these 13 files included this need in the "Needs" section of the IEP (i.e., Present Levels of Academic and Functional Performance).
- 4 out of 13 files did not contain evidence that a Functional Behavior Assessment (FBA) had been completed.
- 11 of 13 files did not contain evidence of an individualized Behavior Intervention Plan (BIP).
- 7 of the 13 files did not include any specific behavior goals in the IEP.
- 3 of the 13 student files indicated a lack of progress toward one or more IEP goals. Of these 3 files, none contained evidence that the IEP teams reconvened to address the student's lack of progress.
- For 2 of the 13 files, the WDE could not determine the students' levels of progress due to inconsistent or non-existent progress reporting.
- 4 of the 13 files contained an IEP that was too new (developed too recently) for progress to be reported; however, the WDE continued to explore the levels of progress in order to determine whether or not some sort of behavioral support or service might be needed.

3. Interviews

After the file reviews were completed, resource room teachers, support staff, and related service providers were interviewed by WDE team members regarding these thirteen students' potential need for behavior supports and/or services. Through the interview process, all thirteen students were removed from the sample when WDE staff learned that each of the students was receiving behavioral supports and/or services, despite the fact that the services were not listed as related services in their most recent IEPs.

C. Finding

The WDE does not find GCSD #1 noncompliant in this area. The State's non-compliance hypothesis related to FAPE – Related Services (Behavior) was not substantiated through on-site file reviews and interviews with district staff. The district is not required to address this area in its Corrective Action Plan (CAP).

D. Recommendation

The WDE recommends that GCSD #1 ensure that the provision of Counseling, Psychological Services and/or Social Work for any student who may need these services in order to receive FAPE. The WDE also recommends that all services necessary for a student to receive FAPE are documented in the student's IEP and reported accurately to the WDE on the 425 and 427 data reports.

Area 3: 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 combined December 2007 and June 2008 SEEDS collections, only one of the 311 students with disabilities in GCSD #1 received Assistive Technology (AT) as a related service. This number is notable when compared to the overall percentage of students receiving AT in the state's 47 other districts, which stood at roughly 3% 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 17 students who 1) were not receiving Assistive Technology according to WDE-425 and WDE-427 data; and 2) had an Autism (AT), Traumatic Brain Injury (BI), Cognitive Disability (CD), Hearing Impaired (HI), Other Health Impaired (HL), Multiple Disabilities (MU), or Visually Impaired (VI) disability label; and 3) scored below proficient ('Basic' or 'Below Basic') on all three PAWS or PAWS-ALTS subtests. The WDE hypothesized that some of these students might need Assistive Technology devices or services in order to receive FAPE.

Once on-site in Torrington, the WDE reviewed these 17 students' special education files. Through the file review process, 13 files were removed from the sample for the following reasons:

- 6 students were receiving an appropriate amount and/or type of AT services.
- 6 files did not contain evidence of a student's need for AT.
- 1 student recently transferred out of the district.

For the 4 remaining students, the following characteristics kept them in the sample for further exploration:

- 4 of 4 files contained evaluation comments indicating that the students might benefit from Assistive Technology.
- 4 out of 4 student files contained information indicating that the student might need Assistive Technology in the 'Summary of Evaluation' or 'Present Levels of Performance' sections of the IEP.
- 2 of the 4 students were failing to make adequate/expected progress in one or more areas of need that might be addressed through the provision of AT devices or services. Of these 2 files, neither contained evidence that the IEP team reconvened to address the student's lack of progress.
- In 1 of the 4 files, the WDE could not determine the student's levels of progress due to inconsistent or non-existent progress reporting.

3. Interviews

At the conclusion of the file review, WDE staff interviewed Goshen #1 special education staff and related service providers regarding these four students' educational needs and their use of Assistive Technology. As a result of the interviews, two of the four students were removed from the subsample for the following reasons:

- One student was in fact receiving AT services.
- For one student, staff gave compelling reasons as to why he/she did not need AT services or devices.

However, for the two remaining students, the following interview details support the State's hypothesis that some GCSD #1 students who are not receiving AT may actually need these devices and/or services in order to receive FAPE:

Student One

- When asked if a student would benefit from AT, a teacher stated, “Yes. We had a training on it, and [student name] would benefit. If you do n’t work with [student name], you can’t understand him. His worst deficit is communication.”

Student Two

- When asked if a student would benefit from AT, a teacher indicated, “[Student name] would benefit from AT services, and this will be pursued when we do her re-evaluation.” However, the teacher agreed that the student would also benefit from AT services at the present time.

C. Finding

The WDE does not find GCSD #1 noncompliant in this area. The State’s non-compliance hypothesis related to FAPE – Assistive Technology was not substantiated through on-site file reviews and interviews with district staff. The district is not required to address this area in its Corrective Action Plan (CAP).

However, for the two students discussed under Section 3 above, the district must reconvene these students’ IEP teams within 45 business days of the date of this report and reconsider their potential need for Assistive Technology devices and/or services. The students’ WISER ID numbers can be found in the report’s cover letter. If the IEP teams are unsure about determining each student’s AT needs, the teams should conduct AT evaluations to aid in the selection of certain devices or services. The WDE must be notified in writing regarding these IEP meetings and any resulting changes made to the students’ IEPs.

D. Recommendation

The WDE recommends that GCSD #1 ensures the provision of Assistive Technology devices and/or services for any student who may need them in order to receive FAPE. The WDE also recommends that all services necessary for a student to receive FAPE are documented in the student’s IEP and reported accurately to the WDE on the 425 and 427 data reports.

Area 4: Child Find – Overidentification of Emotional Disability

A. Citation

§ 300.111 Child find.

(a) General. (1) *The State must have in effect policies and procedures to ensure that—*

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of the disability, and who are in need of special education and related services, are identified, located, and evaluated; and

(ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

(c) Other Children in Child Find. *Child find also must include (1) Child who are suspected of being a child with a disability under §300.8 and in need of special education, even*

though they are advancing from grade to grade; and (2) Highly mobile children, including migrant children.

(d) Construction. *Nothing in the Act requires that children be classified by their disability so long as each child who has a disability that is listed in § 300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.*

§300.8 Child with a disability.

(4)(i) Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(C) Inappropriate types of behavior or feelings under normal circumstances.

(D) A general pervasive mood of unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c) (4) (i) of this section.

§ 300.304 Evaluation procedures.

(a) Notice. *The public agency must provide notice to the parents of a child with a disability, in accordance with § 300.503, that describes any evaluation procedures the agency proposes to conduct.*

(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.

B. Evidence

1. Data

According to the combined December 2007 and July 2008 (WDE-425 and WDE-427) data collections, Goshen #1's identification rate of students with an Emotional Disability (ED) was approximately 14%. This was notably higher than the comparable state rate of about 8%. As previously noted under Area 2 above, 25 of these students with an Emotional Disability were not receiving Counseling (CS), Psychological Services (PS), and/or Social Work (SW) as related services. The WDE hypothesized that some of the district's students who were recently identified as having an Emotional Disability might meet the state's eligibility criteria in another disability category or that some of these students might not truly meet the ED eligibility criteria.

2. File Review

In probing this hypothesis, the WDE created a purposeful sample of 15 students who 1) were identified as having an Emotional Disability, 2) were not receiving related services in the areas of Counseling (CS), Psychological Services (PS), and/or Social Work (SW) and 3) had an initial evaluation resulting in ED eligibility sometime after the 2004 – 2005 school year. Once on-site, an additional file from Hypothesis 2 was added to the Hypothesis 4 sample when the team developed identification concerns about this student.

Once on-site in GCSD #1, the WDE reviewed these sixteen students' special education files to determine whether or not each student had been accurately identified as having an Emotional Disability. Through the file review process, ten students were removed from the sample: nine of these students were removed when there was no evidence found in their files to suggest an identification issue, and one additional student who ran away prior to transferring to his court ordered placement was also removed.

For the remaining six files, however, each file contained information indicating that these students might not truly meet IDEA's ED eligibility criteria as described in the citation

above. One or more of the following characteristics applied to the student files in this subsample:

- 3 out of 6 student Building Intervention Team (BIT) files contained limited information on the students' emotional or behavioral concerns existing "over a long period of time" and/or "to a marked degree."
- For 5 of 6 files, the assessment team did not adequately explain each student's "inability to learn" apart from intellectual, sensory, or health factors.
- 1 of the 6 files lacked one or more required components of the ED evaluation (i.e., review of academic & pre-academic history, parent input, teacher input, social/emotional testing, functional behavior testing, classroom-based assessments, and/or qualitative data from observations).

3. Interviews

Following the file review, WDE staff interviewed special education staff, general education teachers, and related service providers regarding identification and eligibility questions for these six students. When the interviews were complete, all six students were removed from the sample when district staff members provided compelling evidence indicating these students had in fact been evaluated in adherence with Wyoming Chapter 7 Rules and IDE A regulations. Furthermore, one student was in the process of being reevaluated and the team was evaluating in all areas of suspected disability.

C. Finding

The WDE does not find the district out of compliance in this area. The State's hypothesis related to Child Find – Overidentification of ED was not substantiated through the on-site review of these files and interviews with district staff. The district is not required to address this area in its Corrective Action Plan (CAP).

D. Recommendation

The WDE team recommends that the district review Child Find requirements and evaluation procedures with all GCSD #1 special education staff in order to ensure future compliance with these requirements. For any child identified as a child with a disability, district teams must adequately document whether or not the child meets the eligibility criteria in any area of suspected disability.

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, 60 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 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 Goshen #1. 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. A total of 245 surveys were mailed, and 45 parents returned completed surveys to the WDE (17.7%). In Appendix B of this report, the complete survey results are included for the district's review.

File Review 0801000	Number of files reviewed	Percent of files compliant
B. Most Recent Evaluation / Reevaluation		
B1. The file contains a current evaluation	60	96.67 %
B2. The file contains documentation that a reevaluation was conducted by the public agency at least once in the past three years .(300.303(b)(2))	60	96.67 %
B5. Prior written notice includes a description of the action the public agency is proposing or refusing. (300.503(b)(1))	60	83.33 %
B17. The initial evaluation/reevaluation includes a variety of assessment tools and strategies that provide relevant information that directly assist persons in determining the educational needs of the child and is administered by qualified evaluators. (300.304(b)(1)), (300.304(b)(2), (300.204(c)(7))	60	88.33 %
B19. As part of the initial evaluation/reevaluation, the IEP team reviewed current classroom based, local or state assessments. (300.305(a)(1)(ii))	60	* 91.67 %
B22. The file contains documentation that, as part of the initial evaluation/reevaluation, 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. (300.304)(c)(4))	60	83.33 %
C. Eligibility Determination		
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))	60	80.00 %
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))	60	80.00 %
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))	60	73.33 %
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))	60	98.33 %
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.	60	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))	60	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))	60	98.33 %

File Review --- Trained reviewers' assesment of files Percent of "Yes" responses on each item	Number of files with a yes/no response	Percent of Yes responses
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))	60	60.00 %
E30. The IEP includes documentation when periodic reports regarding progress toward meeting annual goals will be provided. (300.320(a)(3)(ii))	60	98.33 %
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))	60	70.00 %
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))	60	91.67 %
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))	60	95.00 %
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))	60	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))	60	100.00 %
G. ESY		
G1. The file contains a parent notice that ESY services will be considered	60	1.67 %

**Continuous Improvement Focused Monitoring
Parent Survey Results
Goshen County School District #1**

Total Number of Parents who were Mailed a Survey: 254

Total Respondents: 45

Response Rate: 17.7%

	Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree	Agree, Strongly Agree, Very Strongly Agree
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.	4%	4%	4%	37%	26%	24%	87%
My child is included in the general education classroom as much as is appropriate for his/her needs.	2%	2%	2%	33%	28%	33%	94%
My child has educational needs that have not been addressed by the school.	18%	16%	39%	16%	7%	5%	28%
My child has made adequate progress over the course of the past year.	4%	4%	9%	42%	22%	18%	82%
My child's special education program is preparing him/her for life after high school.	7%	5%	16%	39%	23%	11%	73%

6. Does your child receive counseling, social work, or psychological services at school? 6a. If no, do you think your child would make more progress if he/she received these services? See additional pages for responses. 6b. If yes, do you think the amount/type of these services is appropriate for your child? See additional pages for responses.	Yes 18%	No 71%	Don't Know 11%
7. 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. 7a. If no, do you think he/she would make more progress if he/she used these devices at school? See additional pages for responses. 7b. If yes, are the amount/type of assistive technology devices available at school adequate for your child? See additional pages for responses.	Yes 36%	No 52%	Don't Know 11%
8. Could your child's school be doing more to address his/her educational needs and improve your child's progress in school? 8a. If yes, what could the school be doing? See additional pages for responses.	Yes 23%	No 57%	Don't Know 20%

School's Effort to Partner with Parents	Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree	Agree, Strongly Agree, Very Strongly Agree	State results (% who agreed)
9. I am considered an equal partner with teachers and other professionals in planning my child's program.	0%	2%	2%	51%	22%	22%	95%	90%
10. I was offered special assistance (such as child care) so that I could participate in the individualized Education Program (IEP).	10%	13%	23%	31%	13%	10%	54%	50%

11. At the IEP meeting, we discussed how my child would participate in statewide assessments.	7%	5%	9%	50%	16%	14%	80%	77%
12. At the IEP meeting, we discussed accommodations and modifications that my child would need.	2%	0%	2%	50%	34%	11%	95%	94%
13. All of my concerns and recommendations were documented on the IEP.	2%	2%	5%	40%	21%	29%	90%	90%
14. Written justification was given for the extent that my child would not receive services in the regular classroom.	5%	0%	23%	46%	10%	15%	71%	81%
15. My child's school provides me with information about organizations that offer support for parents of students with disabilities.	7%	7%	25%	36%	11%	14%	61%	50%
16. I have been asked for my opinion about how well special education services are meeting my child's needs.	7%	5%	11%	45%	14%	18%	77%	73%
17. My child's evaluation report is written in terms I understand.	2%	0%	9%	50%	11%	27%	88%	90%
18. Written information I receive is written in an understandable way.	2%	0%	2%	52%	16%	27%	95%	91%
19. Teachers at my child's school are available to speak with me.	2%	2%	2%	39%	20%	34%	93%	90%
20. Teachers treat me as a team member.	7%	0%	5%	41%	25%	23%	89%	85%
Teachers and Administrators:								
21. Seek out parent input.	5%	2%	9%	37%	26%	21%	84%	79%
22. Show sensitivity to the needs of students with disabilities and their families.	2%	9%	7%	36%	25%	20%	81%	80%
23. Teachers and administrators encourage me to participate in the decision-making process.	2%	2%	7%	43%	18%	27%	88%	84%
24. Respect my cultural heritage.	2%	0%	2%	53%	19%	23%	95%	92%
25. Ensure that I have fully understood the Procedural Safeguards (the rules in federal law that protect the rights of parents).	2%	2%	5%	41%	27%	23%	91%	89%
My Child's School:								
26. Has a person on staff who is available to answer parents' questions.	7%	2%	2%	48%	17%	24%	89%	89%
27. Communicates regularly with me regarding my child's progress on IEP goals.	5%	0%	18%	39%	14%	25%	78%	78%
28. Gives me choices with regard to services that address my child's needs.	5%	2%	7%	43%	23%	20%	86%	77%
29. Offers parents training about special education issues.	7%	2%	28%	40%	9%	14%	63%	57%
30. Offers parents a variety of ways to communicate with teachers.	2%	2%	9%	44%	26%	16%	86%	76%
31. My child's school gives parents the help they may need to play an active role in their child's education.	5%	5%	14%	32%	27%	18%	77%	76%

32. Provides information on agencies that can assist my child in the transition from school.	5%	5%	21%	43%	10%	17%	70%	67%
33. My child's school explains what options parents have if they disagree with a decision of the school.	7%	2%	25%	32%	16%	18%	66%	68%

**Open-Ended Comments
Goshen County School District #1**

6. Does your child receive counseling, social work, or psychological services at school?

6a. If no, do you think your child would make more progress if he/she received these services?

- He has a therapist at New Hope.
- He would be able to talk to someone he trust and find out why he gets so mad.
- I do not feel my child would progress with these services at this time.
- I student does not receive counseling on a daily basis, but the counseling is available for her to talk to when she needs to.
- I went outside educational services to get him counseling to help with his depression. They couldn't read his emotions.
- Maybe
- Might help
- My child is progressing very nicely and is not in need of these services. I do not believe that these services would show more progress.
- No
- No
- No
- Not at his age
- Out of school.
- Yes
- Yes, he possible could make more progress with some help in social skills and attitude towards his work. I believe the attitude comes from frustration.
- my child receives services through another agency
- no
- not with her disability
- yes

6b. If yes, do you think the amount/type of these services is appropriate for your child?

- I Don't know
- He is receiving a group session on Fridays. It boils down to he was being bullied on the playground along with several other students so they put them in counseling and left the bullies on the playground
- N/A
- No
- Yes
- had no services
- yes

7. 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.

7a. If no, do you think he/she would make more progress if he/she used these devices at school?

- I don't know the name of the device that helps teachers voice come across clearer, or a little louder perhaps, but I feel my child may benefit from that.
- I think he would
- I think with all the suggestions that we have made and all the times we have been told no something, anything would make a difference.
- Maybe some if I got it for him.
- No
- Not at this time.
- Not necessarily as he doesn't feel comfortable when being asked to keyboard.
- Talk type on a limited basis.
- No
- yes

8. Could your child's school be doing more to address his/her educational needs and improve your child's progress in school?

8a. If yes, what could the school be doing?

- Collaboration between resource, aide, and general ed. teacher needs to improve. They need time set aside in their schedules to do it.
- Getting the devices he needs per the IEP and making sure that all the teachers are aware of the IEP and working as a team to get the services that he needs.
- He has teachers that make his day very hard and he gets frustrated and they don't care what his disabilities are. I've ask for a different teacher with no luck. I been told he stupid and lazy by regular class teachers.
- Help him get up to grade level.
- Just on the regular life things.
- Teaching tec. to learning disabilities not to the general ed. Requirements and BOE's.
- They could offer tutoring, one on teaching, they could teach the student instead of leaving him to sit in the hallway or look at the cabela's catalog. He attended Sylvan this summer and made tremendous strides but is not allowed to during the school year because they don't think it does any good even though I am currently being told he is not progressing at a rate fast enough to meet his goals.
- This is a new school to us. It is now apparent from his past SPED help that more could have been done to help him make progress. I don't feel he has progressed as much as possible.
- spend more time with individuals with certain needs

40. Any other comments you would like to share?

- Since he received a one on one aide he done very well.
- The school system does everything it can to see that my child's needs are met..
- The speech teacher [REDACTED] does a wonderful job with my son. He has made so much progress in his speech.
- They have been very helpful

- They have worked well with my child to help him.
- Using the phrase "mental retardation" in question #35 is inappropriate. Language matters and "retardation" is too loaded; too often used as an insult. The PAWS Alt test was fairly useless to my daughter. She spent hours outside the general classroom while she took her test, and then more hours while the kids without IEP's took theirs. Apparently, the work submitted was "not scorable" or failed...which is surprising for many reasons that cannot be detailed here. None of the special ed. personnel in this district have stepped forward to tell us what happened. Were the wrong materials submitted? Was she prepared sufficiently? Did the resource teacher know anything about the PAWS alt. in order to sufficiently prepare her students for it? Her science grade was "zero". I have, in my possession, many of the science papers that she completed. Her 4th grade teacher was never asked to submit anything...so I have no idea where the score came from. We are not going to waste her
- We just changed special education teachers and things are really improving. The communication is much better and she is really trying hard to work with my child. This survey is mostly based on the previous Special Education Director and special education teacher. I have high hopes that things are changing.
- Would like to see my child have a bigger desk so that he would be more comfortable at his desk his knees hit the bottom of desk.
- My son was is early intervention for something other than his autism, he was only diagnosed with autism about 4 years ago, that is when we changed his IEP's from speech problems to autism so the coverage of help was bigger.

Parent Survey Demographics Goshen County School District #1

Percent of parent respondents who said their child is:

Ethnicity	N	%
White	38	97%
Native American	1	3%

Primary Disability Code	N	%
Autism	2	5%
Cognitive Disability	2	5%
Emotional Disability	7	18%
Hearing Impairment	1	3%
Other Health Impairment	4	10%
Specific Learning Disability	15	38%
Speech /Language Impairment	8	21%

Grade Distribution	N	%
Kindergarten	1	3%
Grades 1-6	21	54%
Grades 7-8	6	15%
Grades 9-11	11	28%

Environment Code	N	%
Regular Environment	21	54%
Resource Room	16	41%
Separate Classroom	2	5%