



**Continuous Improvement  
Focused Monitoring Report  
for**

**Natrona County School District #1**

**April 26-30, 2010**

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

# Wyoming Department of Education Continuous Improvement – Focused Monitoring Report

**Natrona County School District #1**  
**School Year: 2009 – 2010**  
**Date of On-Site Review: April 26 – 30, 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 ultimate goal of the Continuous Improvement Focused Monitoring (CIFM) process is to promote systems change which will positively influence educational results and functional outcomes for students with disabilities.

The General Supervision Stakeholder Group<sup>1</sup> 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.

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](http://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:

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<sup>1</sup> 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 (2005 - 2006, 2006 - 2007, and 2007 - 2008)
- Indicator 3C: 2009 PAWS proficiency rates for students with disabilities in 3<sup>rd</sup> grade reading and 8<sup>th</sup> 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

Natrona County School District #1 (NCSD #1) is considered a large school district and reported a special education population of 1,876 students on its 2009 WDE-427 report. Thus, the district's 2008 – 2009 special education data were ranked against data from all other large 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	NCSD #1 Rate	Overall State Rate excluding NCSD #1
Ind. 2: Combined Dropout Rate	16.11%	9.23%
Ind. 3C: 3 <sup>rd</sup> Gr. Reading Proficiency	30.97%	29.04%
Ind. 3C: 8 <sup>th</sup> Gr. Math Proficiency	18.35%	26.48%
Ind. 5: Combined SC and SF rates	17.49%	10.19%

In terms of the variables that are included in the weighted formula, Natrona #1's data compared favorably to other large districts and to the state on its PAWS proficiency rate for 3<sup>rd</sup> grade reading. On this measurement, the district outperformed the state as a whole by almost two percentage points. In addition, although the district's PAWS proficiency rate for 8<sup>th</sup> grade mathematics was below the overall state rate, NCSD #1's rate exceeded the comparable rates of three other large districts.

The district's total score was negatively affected by the Indicator 2 and Indicator 5 variables, however. Natrona #1's combined dropout rate was the highest among all of Wyoming's large school districts, and its rate of self-contained and separate facility placements was the second-highest in the large district cohort. In the end, when all variables were combined and compared to other districts in the same population group,

NCSD #1's score was one of the two lowest of eligible districts. Thus 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 fully analyzes district data to determine potential areas of noncompliance that may account for the district's performance. For example, if a district 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 Natrona County School District #1**

Conditions for the WDE's Continuous Improvement Focused Monitoring visit in Natrona #1 were somewhat unique. Due to uncorrected findings of noncompliance in the areas of Least Restrictive Environment and FAPE – Educational Benefit from the WDE's previous monitoring visit in 2007, the district and State entered into a compliance agreement in 2008. Multiple parties have been and are currently involved in this process, including the district Superintendent, School Board Chairperson, and the State Director of Special Education.

During the 2009 – 2010 school year, the district intensified its efforts to fully correct these two findings of noncompliance. The WDE assisted the district in identifying specific schools whose special education data appeared particularly problematic, and Natrona #1 Special Services staff members began targeting principals and staff in these schools with intensive technical assistance. Due to the depth and complexity of the district's noncompliance in these two areas, bringing about timely correction has been especially challenging.

In preparation for the 2010 on-site visit, WDE reviewed the Natrona #1's most recent and trend data from a variety of sources including the WDE-425 and WDE-427 data collections, assessment data (PAWS and PAWS-ALT), stable and risk-based self-assessment data, and discipline data from the WDE-636. The data supported the WDE's decision to focus solely on the aforementioned areas: Least Restrictive Environment and FAPE – Educational Benefit.

1. **Least Restrictive Environment** This was an area of focus due to the district's comparatively high percentage of students with disabilities placed in Self-Contained settings.
2. **FAPE – Educational Benefit** The district's comparatively low PAWS proficiency rates for students with disabilities again provoked FAPE concerns.

Further information regarding how the WDE determined its samples for each are found below in the introduction to each finding area.

## Results of On-Site Monitoring for Natrona County School District #1

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

### Area 1: Least Restrictive Environment

#### A. Citation

§ 300.114 LRE requirements.

(a) (2) Each public agency must ensure that-

- (i) *To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and*
- (ii) *Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.*

§ 300.115 Continuum of alternative placements.

(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

- 1) *Include the alternative placements listed in the definition of special education under §300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and*
- 2) *Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.*

§300.116 Placements.

*In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that –*

(a) *The placement decision-*

- (1) *Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and*
- (2) *Is made in conformity with the LRE provision of this subpart, including §§300.114 through 300.118;*

(b) *The child's placement –*

- (1) *Is determined at least annually;*
- (2) *Is based on the child's IEP; and*
- (3) *Is as close as possible to the child's home;*

(c) *Unless the IEP of a child with a disability requires some other arrangement; the child is educated in the school that he or she would attend if nondisabled;*

(d) *In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and*

(e) *A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.*

§300.117 Nonacademic settings.

*In providing or arranging for the provision of nonacademic and extracurricular services*

*and activities, including meals, recess periods, and the services and activities set forth in §300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.*

## **B. Evidence**

### **1. Data**

In reviewing the district's most recent WDE-427 data, the Department noted that Natrona #1 appears to have a comparatively high percentage of students placed in separate classrooms (15.01% compared to the state rate of 8.38%). In addition, the WDE noted that the district's rate actually increased by approximately 1.5% from the prior year. The WDE hypothesized that some Natrona #1 students in separate classroom placements could be successfully educated in less restrictive environments with the use of supplementary aids and services.

### **2. File Review**

In preparation for the visit, the WDE created a purposeful sample of 47 students, all of whom were reportedly placed in separate classroom settings. In its creation of this sample, the WDE selected three distinct groups:

- Students placed in Behavior and Social Skills (BASS) classrooms for the last three consecutive years of available data
- Students placed in BASS classrooms who were not listed as having any suspensions (in-school or out-of-school) over the past two years
- Students not in a BASS classroom (but placed in another type of separate classroom) who scored 'Proficient' or 'Advanced' on one or more 2009 PAWS subtests.

Once on-site in Casper, the WDE reviewed these 47 students' special education files in order to find out more about the IEP teams' rationale for each student's removal from the general education environment. Through the file review process, 23 students were removed from the sample for the following reasons:

- Nine of the students had recently been placed in a less restrictive setting.
- Nine of the students' IEPs contained an appropriate justification for their removal from general education settings.
- Two students moved or transferred out of the district prior to the WDE visit.
- Two students returned to a general education program after being found no longer eligible for special education.

24 files remained in the sample following the file review, and one or more of the following characteristics kept them in the subsample for further examination:

- 12 of the 24 files contained no evidence that the IEP teams had considered a less restrictive environment for the students in question.

- For 21 of the 24 students, challenging behavior appeared to have been a factor in the placement decision. Of these 21 student files, 11 did not contain a functional behavior assessment (FBA), and 4 of the 21 made no mention of a Behavior Intervention Plan (BIP).
- 8 of the 24 student files described a lack of progress on one or more of the students' IEP goals.
- 2 of 24 files contained comments from one or more staff expressing concerns about the students' placement being potentially too restrictive.
- 1 of the 24 files indicated that the students' communication difficulties were a factor in the placement decision. It was unclear from the file if/how the IEP team had attempted the use of supplementary aids and services in less restrictive settings prior to placing the student in a separate classroom.

### **3. Interviews**

After the file reviews were completed, WDE team members interviewed special education teachers, support staff, and related service providers regarding the learning environments for these 24 students. Through the interview process, thirteen additional files were removed from the sample for the following reasons:

- For nine students, Natrona #1 staff provided compelling evidence to explain why these IEPs could not be implemented satisfactorily in less restrictive environments even with the provision of supplementary aids and services.
- Two students were in the process of transitioning into a less restrictive environment at the time of the WDE's visit.
- Interviews were not conducted regarding two students due to WDE error.

For the eleven remaining students, however, the following comments are among those shared by district staff members during interviews, which lend further support for a finding in this area:

- While discussing a particular student's opportunity to be included more often in general education environments, a staff member commented, "[He/She] would be able to handle GenEd more with the support of a para."
- Regarding a certain student, staff members described huge successes in managing the student's behavior, which had been the main reason for his/her placement in a separate classroom. However, none of the special education staff were able to explain why the student still requires a more restrictive setting in which to implement his/her IEP.
- A general education teacher described one student's growth and success in the teacher's class (which was a core academic class). The same staff member was not able to explain why the student has not had opportunities for inclusion in additional general education classes.
- In discussing a particular student's situation, a staff member stated that the student had been quite successful in math and reading, with no negative behaviors affecting his/her progress. The same staff member recalled that there has been no effort to move the student into a less restrictive placement, although the staff member added, "Most of the time, [he/she] is just fine."
- Staff members reported that one student's reading, writing, and verbal skills have all improved markedly since the beginning of the school year. The student does

not exhibit any significant behavior problems, but those interviewed could not describe any efforts or plans to move the student into a less restrictive setting.

- According to one staff member, a student's separate classroom placement was largely due to the fact that the student "gets on kids' nerves." The staff member expressed concerns about the student's placement, adding, "Getting him out (of the separate classroom) more would be better now than when he's older."
- Regarding one student, a special educator stated, "[He/She] could be in regular ed classes" and added that the student will be involved in more general education classes when he/she advances to the next school building. However, the teacher was not able to explain why a separate classroom was necessary to implement the student's current IEP.
- When discussing a certain student who has been placed in a separate classroom for many years, a staff member stated, "Over the past year or so, [he/she] is calm and can advocate for [himself/herself]."
- In discussing a particular student, a district staff member stated that the student needs "inclusion in all areas because [he/she] is so bright and capable. [He/She] needs to be engaged to keep him with us."

### **C. Finding**

The WDE finds that special education services in NCSD #1 are not always provided in accordance with the LRE requirements established in §§300.114 through 300.117. The district must to continue to address this finding through the Compliance Agreement process.

## **Area 2: 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 its review of Natrona #1's 2009 PAWS proficiency data, the WDE noted that the district's PAWS proficiency rates for both reading and mathematics were below the state's targets in each grade grouping (elementary, middle, and high school). Probing deeper into the data, the WDE discovered that 158 of the district's students with disabilities scored 'Below Proficient' on all three 2009 PAWS subtests (reading, writing, and math). The WDE hypothesized that some of these students may have IEPs that are not reasonably calculated to result in educational benefit.

### **2. File Review**

In selecting its sample for this hypothesis, the WDE narrowed its focus to 117 of the aforementioned 158 students. These students were reportedly attending nine specific schools in Natrona #1. Although not limited by disability category or environment, the sample included students from nine different disability categories and also included students served in a variety of placements, from the general education classroom to separate facilities.

Once on-site in Casper, the WDE reviewed these students' special education files as the first step in its exploration of this hypothesis. Through the file review process, seventy-one students were removed from the sample for the following reasons:

- Forty-four students' IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Seven students recently moved or transferred out of the district.
- Seven students returned to a general education program after being found no longer eligible for special education.
- Six files were not reviewed due to the WDE's time/resource constraints.
- Three students' parents had recently revoked their consent for special education services.
- Two IEPs were implemented within the two weeks prior to the WDE's visit. Both of these IEPs appeared to be reasonably calculated, yet the students' receipt of educational benefit under their recently-implemented programs could not be determined.
- Two students dropped out of school.

This reduction left 47 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:

- 18 of the 47 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.

- 24 out of 47 files listed needs in the IEP which were not addressed by goals.
- 12 of the 47 files contained one or more goals that were not measurable.
- 14 out of 47 files contained a program of special education and related services that did not appear to address the student's needs and goals adequately.
- 1 of 47 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.
- In 24 of 47 files, the students' demonstrated a lack of progress in one or more goal areas; in 21 of those 24 files there was no evidence that the IEP teams had reconvened or amended the program to address the lack of progress.
- In 14 of the 47 files, the students' levels of progress in one or more goal areas were unclear due to inconsistent or non-existent progress reporting.
- For 11 of 47 files, one or more the students' current IEP goals had not changed meaningfully from those listed in their prior IEPs.
- 4 of 47 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.
- 22 of the 47 student's 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 47 students' records contained documentation of attendance issues involving frequent or long absences.
- 23 of 47 student files contained documentation of multiple disciplinary incidents and/or behavioral difficulties that did not appear to be adequately addressed by the students' IEP teams.

### 3. Interviews

Following the file review, WDE monitoring team members interviewed district special education staff, general education teachers and related service providers regarding these 47 specific students. Through the interview process, 25 additional students were removed from the sample for the following reasons:

- Regarding twenty 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 the student's needs were in fact being adequately addressed, either through special education and related services or through general education supports and services.
- In the cases of two students whose IEPs appeared to be lacking goals in an area of need, one student's missing goal was located by a district staff member during the interview process. For the other student, a staff member informed the interview team that the goal would be added during the student's IEP team meeting during the week of May 3<sup>rd</sup>.
- For one student whose file documented a lack of progress, district staff explained how multiple changes in placement (including short-term residential and court-ordered placements) had affected the student's progress. The WDE removed the student from the sample rather than relying on only the file review results.

These reductions left 21 students remaining in the subsample. The following comments made by district staff lend further support for a finding in this area:

- When discussing a struggling student's lack of academic goals (despite his/her receipt of academic special education services), a district staff member stated, "We will be adding academic goals on his next IEP." However, the student's annual IEP date was months away.
- A district educator explained that the team had not written academic goals for a particular student because, "If students are not two grades below, (we were) told not to do an academic goal. The focus is on behavior."
- Regarding one student, an educator stated that the student had made "no progress" but added, "We don't reconvene for that."
- When asked for his/her thoughts on why a certain student did not have an IEP goal in one area of identified need, a district staff member responded, "I'm not sure. I wrote one—I think—for the one coming up."
- A district educator stated that a particular student's poor attendance impedes his/her progress in school and that the student's "low functioning" is primarily due to missing so many classes. However, the IEP team has not addressed attendance within the IEP or through a Behavior Intervention Plan (BIP).
- For multiple students whose IEPs call for particular services to be delivered throughout the regular school year, district staff informed the interview teams that the services were not delivered during one semester or the other, depending on which classes the student was taking.
- In discussing another student's lack of goals in areas of special education service, a district staff member informed the interview team that the student "shouldn't have goals in academic areas because his skills are closer to be in general education." The student remained in pull-out special education classes for these services, however.
- A special educator explained that if a student is provided with the "regular curriculum" in a special education setting, IEP goals are not necessary for those services.
- When asked about a certain student's apparent lack of progress, a district staff member stated, "[He/She] has just flatlined this year." In addition, the student's IEP team had not reconvened nor had the program been amended in any way. "We just keep working," added the staff member.
- In discussing possible reasons for one student's lack of progress, a district educator noted that the student did not have a Behavior Intervention Plan (BIP), nor was behavior addressed adequately in the IEP (in the educator's view). The staff member added, "[Student's name] needs some type of plan."
- In the case of a student who had not progressed on his IEP goals for two quarters, the WDE asked if the IEP team had reconvened or amended the student's program. A district staff member replied, "No reconvene, but we discussed all the supports the student could use."

### **C. Finding**

The WDE finds that special education services in NCSD #1 are not always provided in accordance with the FAPE requirements established in §§300.101 and 300.324. The district must to continue to address this finding through the Compliance Agreement process.