



**Continuous Improvement
Focused Monitoring Report
for**

Big Horn County School District #2

May 3-7, 2010

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

Big Horn County School District #2
School Year: 2009 – 2010
Date of On-Site Review: May 3 - 6, 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 34 C.F.R. §§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); reverse scored (percentage of non-dropouts is included in the formula)
- 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

Big Horn County School District #2 (BHCS D #2) is considered a small school district and reported a special education population of 115 students on its 2008 WDE-425 report. Thus, the district's 2008 – 2009 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. Additionally, one district is chosen at random each year, Big Horn #2 was that district for the 2009 – 2010 school year. 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. Additionally, one district is chosen at random each year, and Big Horn #2 was the randomly selected district for 2009 – 2010.

SPP Indicators	BHCS D #2 Rate	Overall State Rate excluding BHCS D #2
Ind. 2: Combined Dropout Rate	7.86%	9.23%
Ind. 3C: 3 rd Gr. Reading Proficiency	5.56%	29.64%
Ind. 3C: 8 th Gr. Math Proficiency	57.14%	26.06%
Ind. 5: Combined SC and SF rates	4.35%	10.66%

In terms of the variables that are included in the weighted formula, BHCS D #2's data compared quite favorably to other small districts and to the state on the Indicator 2 and Indicator 5 variables. In fact, Big Horn #2 boasted the fourth lowest percentage of students in Separate Classroom and Separate Facility placements of all similar-sized districts. The district's combined dropout rate was also lower than four other districts in this cohort, and it was almost 1.5% better than the comparable overall state rate. However, the Indicator 3C variable for PAWS proficiency rate in 3rd grade reading negatively affected the district's total score. Of the thirteen districts in its cohort, Big Horn #2 had the fourth lowest proficiency rates in this area, although its proficiency rate

for 8th grade mathematics exceeded comparable rates from all but two similar-sized districts.

Despite these data, the district was selected at random from the pool of districts eligible for a Continuous Improvement Focused Monitoring visit. Although the formula results did not trigger the WDE's selection of Big Horn #2 as a focused district, the WDE reviewed the formula results after the district's random selection. 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 Big Horn County School District #2

In preparation for the on-site monitoring visit, WDE reviewed the district's most recent 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 four areas: 1) IEP Implementation – Speech Services and Language Services; 2) FAPE – Educational Benefit; 3) Least Restrictive Environment; and 4) FAPE – Assistive Technology.

1. **FAPE – Educational Benefit** This hypothesis was formulated due to the district's comparatively low PAWS proficiency rates for students with disabilities.
2. **FAPE – IEP Implementation (Speech and Language Services)** This hypothesis was based on the number of students receiving speech or language services and the number of SLP staff members claimed on the district's 2009 WDE-401.
3. **Least Restrictive Environment** The WDE created this hypothesis based on the percentage of students with disabilities in 'Resource Room' placements.
4. **FAPE – Assistive Technology** This hypothesis was based on district-reported data showing a comparatively low number of students receiving Assistive Technology services in Big Horn #2.

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 Big Horn #2

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: 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 examining 2009 PAWS data, the WDE discovered that students with disabilities in Big Horn #2 did not meet Wyoming's proficiency targets for reading at any level (elementary, middle, or high school). In addition, the district did not meet the State's proficiency target for high school mathematics. Digging deeper into the data, the WDE discovered that 29 of the district's students with disabilities scored below 'Proficient' on all three subtests (reading, mathematics, and writing) during the 2009 PAWS administration. The WDE hypothesized that some of these students may have IEPs that are not reasonably calculated to result in educational benefit.

2. File Review

Using the 29 students mentioned above as its purposeful sample, the WDE began its exploration of this hypothesis by reviewing these students' special education files. Through the file review process, fourteen students were removed from the sample for the following reasons:

- Seven students' IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Six students moved or transferred out of the district.
- One student had exited special education after being found no longer eligible for services.

This reduction left fifteen students 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:

- 8 out of 15 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.
- 6 of the 15 files listed needs in the IEP which were not addressed by goals.
- 12 of 15 files contained one or more annual goal which was not measurable.
- 6 out of 15 IEPs contained current annual goals that had not changed significantly from the prior IEP.
- 2 of the 15 files contained a program of special education and related services that did not appear to address the student's needs and goals adequately.
- 2 of the 15 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 4 of the 15 files, the students demonstrated a lack of progress in one or more goal areas; none of those four files contained evidence that the IEP teams had reconvened or amended the students' programs to address the lack of progress.
- In 6 of the 15 files, the students' levels of progress in one or more goal areas were unclear due to inconsistent or non-existent progress reporting.
- 4 out of 15 files contained IEP notes or minutes that reflected at least one team member's concerns that do not appear to be addressed in the IEP.
- 4 of 15 student records indicated the students had a 'D' or an 'F' in one or more core academic classes (mathematics, language arts, science, or social studies).

3. Interviews

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

- For two of the students, district personnel were able to provide details demonstrating that both of the students were now making adequate progress and receiving educational benefit.

- For one student who appeared to be lacking services in one area of need, district staff members were able to show how the student's services were in fact addressing his/her needs adequately.
- In one student's case, those interviewed were able to provide compelling evidence that these students' needs were in fact being adequately addressed through special education and related services. The student's behavior had improved dramatically, no longer necessitating specialized instruction or supports.

These reductions left eleven students remaining in the subsample. The WDE went on to interview district special education teachers, related service providers, and general education staff in order to find out more about these students' needs, goals, services, and levels of progress. The following interview comments made by district staff lend further support for a finding. In addition, these comments include several made regarding three students who were added to the FAPE – Educational Benefit sample from the FAPE – IEP Implementation sample (see Area 2 below). For each of the fourteen students, interviews with Big Horn #2 staff validated WDE concerns from the file review, further supporting the WDE's hypothesis in this area:

- When discussing a student's challenges related to writing, a staff member noted, "[He/She] would probably benefit from writing instruction."
- Regarding a student who had language needs documented in their evaluation, a staff member confirmed there was a need in this area, although there were no language services being provided.
- In discussing a particular student's potential needs in areas unaddressed by his/her current IEP, a service provider stated, "We need a new evaluation on [student name]. The information we have isn't giving us a clear picture."
- When asking about a student's progress in reading a staff member said, "Reading is tough for [student name]; we have not seen much growth." However, the IEP had not been reconvened to address this lack of progress.
- When asked for an explanation of a goal that did not appear to specifically address a student's area of need, the staff member explained that it is written broadly to allow for changes throughout the year and decrease the need for excessive time spent measuring a variety of individualized goals. The same goal appeared on multiple IEPs.
- When asked about the recommendation in the file to conduct an additional assessment, a district staff member reported: "We didn't follow up on those recommendations, and we need to."
- When asked what might help a student make better progress in the area of speech-language, a staff member replied, "[Student name] definitely needs more time in speech."
- A staff member has recommended an assessment in a specific area for a particular student, and it is noted as an area of need in the IEP. When asked why it has not been completed, staff explained that the family had not followed through on getting the evaluation.
- A district staff member noted that a particular child needed life skills instruction, but stated that there is not a program for that in the district.
- When asked about progress on a goal, a district staff member replied that the goal is "hard to measure," which led to subjective progress reporting.

C. Finding

The WDE finds that special education services in BHCS #2 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).

Area 2: FAPE – IEP Implementation (Speech and Language Services)

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).

(b) FAPE for children beginning at age 3.

(1) Each State must ensure that—

(i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child's third birthday; and

(ii) An IEP or an IFSP is in effect for the child by that date, in accordance with §300.323(b).

(2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

(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 within the child's LEA for making eligibility determinations.

§300.156 Personnel qualifications.

(a) General. The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

(b) Related services personnel and paraprofessionals. The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that—

(1) Are consistent with any State- approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and

(2) Ensure that related services personnel who deliver services in their discipline or profession—

(i) Meet the requirements of paragraph (b)(1) of this section; and

(ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the

provision of special education and related services under this part of children with disabilities.

§300.320 Definition of Individualized Education Programs

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include—

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—

- (i) To advance appropriately toward attaining the annual goals;*
- (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and*
- (iii) To be educated and participate with other children with disabilities in the activities described in this section;*

B. Evidence

1. Data

According to the July 2009 WDE-427 report submitted by the district, 73 students with disabilities received speech-language as a special education service, and 74 students received speech/language as a related service during the 2008 – 2009 school year. Upon further examination, it was determined that many students' services were reported in both categories, and the total number of unique students receiving either service was 78. As mentioned in this report's introduction, the district claimed only one Speech Language Pathologist (SLP) on its most recent WDE-401 report. The WDE hypothesized that with such a high number of students receiving speech-language services, some of these students might not be receiving an adequate amount of services or may not be receiving those services from a highly qualified professional.

In order to gain more insight into the speech-language services delivered to these students, the WDE requested more specific information about frequency and amount of these services. In examining additional data submitted by Big Horn #2, the WDE learned that 29 of the 78 students mentioned above had exited special education since the time of the 2009 WDE-427 report. Of the remaining 49 students, the WDE found that all but three of these students reportedly receive speech-language services two times per week for thirty minutes per session. The spreadsheet showed that two individuals are providing speech and language services in the district; one provides 540 minutes of services to nine students, while the second provides 2,130 minutes of services to 37 students. This information did not provide clarification about how services could be provided adequately with current staffing.

2. File Review

The WDE used the aforementioned 49 students receiving speech-language services as either a special education or related service as its purposeful sample for this hypothesis. Once on site in Lovell, the WDE monitoring team reviewed these students' special education files. 25 files were removed from the sample for the following reasons:

- 22 student s' type, frequency, and duration of speech-language services appeared to be adequate (given their individual needs and goals), and each student was making adequate progress in these areas.
- One student on the list was parentally placed in a private setting.
- One student's IEP was too new to appropriately determine the adequacy of his/her speech-language services.
- One IEP had recently been amended to increase the student's total speech-language service amount.

The remaining 24 files stayed in the sample for at least one of the following reasons:

- In 13 of the 24 IEPs, speech-language needs were not completely described in the present levels.
- All of the 24 students had only a single speech goal, regardless of their varied needs.
- 20 of 24 files contained a speech-language goal that was not measurable.
- 17 of 24 students had the same broad goal, despite having different disabilities, needs, and ages.
- 9 of the 24 IEPs did not include a goal that adequately addressed all of the students' individualized speech-language needs, despite information about these needs in the Present Levels of Academic and Functional Performance.
- 9 of 24 students' IEPs had speech-language goals which had not changed substantively over time (from prior IEPs to the current IEPs).
- 5 out of 24 IEPs contained speech-language services that appeared inadequate (given the students' needs and goals).
- 1 student was not making progress on his/her speech-language goal, and there was no evidence that the IEP was reconvened to address the issues.
- In 11 files, progress reporting was unclear.
- All of the students were receiving the same frequency and duration of services (2 sessions per week; 30 minutes per session), regardless of their disability, age or assessed needs.

3. Interviews

Following the file review, the WDE monitoring team interviewed district special education staff, general education teachers, and related service providers regarding these 24 specific students. Through the interview process, the WDE removed 17 files from the sample as outlined below:

- For eleven students whose files contained unclear progress reporting, staff provided clear information on student progress.
- Five students' goals were clarified, and district staff members were able to explain how services being delivered adequately addressed the students' individual needs. Each of the five was also making adequate progress toward his/her goals.
- One of the students recently had additional service minutes added to his/her program. The WDE determined that the student's revised program was adequate, given his/her individual needs and goals.

The seven remaining files were determined to be receiving the amount of services stipulated in the IEP from a highly qualified professional. However after both the file review and interview portion of the monitoring visit, these seven students were not found to be receiving FAPE when the WDE received confirmation that the students' goals and/or services were not meeting their needs. Four of these seven files were also included in the WDE's FAPE – Educational Benefit sample, and the three others were added to that sample (as reflected in Area 1 above), rather than making a separate finding in the area of FAPE – IEP Implementation.

C. Finding

The State's compliance hypothesis related to FAPE – IEP Implementation (Speech and Language Services) was substantiated as a systemic area of concern through on-site file reviews and interviews with district staff. However, the WDE opted to combine this finding with its FAPE – Educational Benefit finding rather than having two separate findings. The district is not required to address this finding separately, but the development and implementation of the district's Corrective Action Plan (CAP) must also include steps and activities related to ensuring the adequacy of each student's speech-language services.

D. Recommendations

Students can receive speech-language services as special education (when the student is eligible under a Speech or Language Impairment) or as a related service (when the student is not eligible for special education under Wyoming's Speech-Language criteria). In reviewing the data submitted by the district, all students receiving either type of service were reported as receiving speech-language as both a related service and special education. The WDE recommends that Big Horn County School District #2 accurately report speech language service data on its WDE-425 and WDE-427 reports.

The WDE also recommends that individual students' goals, service type, frequency and duration all reflect the assessed needs of the child. Goals must be specific and targeted to address the unique needs of each child.

Area 3: Least Restrictive Environment

A. Citation

§300.114 Least Restrictive Environment (LRE)

(a) *General.*

(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 disabilities 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 §300.38 (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) 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 its examination of the district's placement data, the WDE discovered that Big Horn #2 has a rate of 'Resource Room' placements that exceeds the comparable state rate by slightly less than 12% (40.4% vs. 28.5%). In looking closer at the students placed in these settings, the WDE determined that 37% of the district's students with a primary disability label of Hearing Impairment (HI), Other Health Impairment (HL), Learning Disability (LD), or Speech Language Impairment were reportedly placed in 'Resource Room' settings; the comparable state rate was just 28%. Of the 40 students comprising

this 37%, the WDE learned that seventeen of these students were enrolled in grades 3, 4, and 5. The WDE hypothesized that some of these students could be satisfactorily educated in less restrictive settings with the use of appropriate supports and services.

2. File Review

Using the aforementioned seventeen students as its purposeful sample, the WDE began its exploration of this hypothesis by reviewing each of the students' special education files. Through the file review process, eight files were removed from the sample, for the following reasons:

- Four of the students' IEPs contained an appropriate justification for their removal from general education settings.
- Two students had moved or transferred out of the district.
- Two students had recently been placed in a less restrictive setting and were now receiving more services in the general education environment.

Nine files remained in the sample following the file review. Through the review process for the other three hypotheses, one additional student was added to this sample for a total of ten students in the Least Restrictive Environment subsample. One or more of the following characteristics kept them in the subsample for further examination:

- 10 of the 10 files contained an inadequate or unclear rationale for the student's removal from the regular education environment.
- 8 of 10 files contained no evidence that the IEP teams had considered a less restrictive environment for the students in question.
- For 2 of the 10 students, challenging behavior appeared to have been a factor in the placement decision. Of these two student files, neither contained a Functional Behavior Assessment (FBA) or a Behavior Intervention Plan (BIP).
- 1 of the 10 files contained documentation of at least one IEP team member's concerns about the restrictiveness of the student's placement.

3. Interviews

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

- In the case of one particular student, staff provided compelling evidence to explain why these IEPs could not be implemented in a less restrictive environment even with the provision of supplementary aids and services.
- 2 students were receiving more specialized instruction in the regular classroom than was documented on the IEP.

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

- When asked about one student's potential for more time in the general environment, a district staff member said, "[Student name] is a good worker, will try hard, and probably can be successful in more classes soon, but (he/she) needs the emotional support of the resource room." However, emotional needs

were not mentioned in the student's placement justification or in any other part of the IEP.

- Staff reported that a student who was pulled for all core academics would likely do "fine" in general education classes after moving to the next school building. It was not clear why the student could not receive services in general education classes at his/her current school.
- When asked about the possibility of more general education class time for a particular student, a district staff member reported that the student was able to do grade level work and could understand the content. However, the student's need for para-educator support was viewed as a barrier to further inclusion in general education settings.
- When asked why a student who is reading less than one grade level behind his/her peers is not spending more time in the general education classroom, multiple district staff members could not articulate a reason for the student's removal.
- When asked if a certain student could succeed in the regular environment, a district staff member said the student could (with some modifications), but the student reportedly "felt more comfortable in the special education room."
- Regarding one student, the WDE learned the student is progressing adequately in the general education classroom. When asked why the student is pulled to the resource room if he/she is successful in class, the teacher said, "[Student name] prefers to go down there (resource room)."
- A district staff member reported that the student had been successful in general education reading activities and would likely not need special education next year. However, no effort was being made to move the student into a less restrictive setting until the next school year.

C. Finding

The WDE finds that special education services in BHCS #2 are not always provided in accordance with the LRE requirements established in 34 CFR §§300.114 - 300.117. The district will be required to address this finding and correct the noncompliance through the development and implementation of a Corrective Action Plan (CAP).

Area 4: 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, at those terms are defined in §§300.5 and 300.6 respectively, are made available to a child with a disability if required as a part of the child's—
 - (1) Special education under §300.36
 - (2) Related services under §300.34; or
 - (3) Supplementary aids and services under §§300.38 and 300.114(a)(2)(ii)
- (b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those services in order to receive FAPE.

B. Evidence

1. Data

According to the July 2009 WDE-427 report submitted by the district, only one student with a disability in Big Horn #2 was receiving Assistive Technology (AT). This is significant, when compared to the state rate of 4.5%. The WDE hypothesized that there may be additional BHCS #2 students in need of Assistive Technology devices and/or services in order to receive a free and appropriate public education.

2. File Review

WDE staff created a purposeful sample of students more likely than others to need AT in order to receive FAPE. These students were eligible for special education in one of the following disability categories: Autism (AT), Traumatic Brain Injury (BI), Cognitive Disability (CD), Hearing Impaired (HI), or Multiple Disabilities (MU). The sample totaled 25 unique students.

Once on-site in Lovell, the WDE reviewed these 25 students' special education files. Through the file review process, 21 files were removed from the sample for the following reasons:

- 8 students appeared to be receiving appropriate amounts and/or types of Assistive Technology services.
- 4 students had moved or transferred out of the district.
- 3 student files did not demonstrate any clear need for Assistive Technology devices or services.

- 2 students graduated in the spring of 2009.
- 2 students were parentally placed in private settings.
- 1 student dropped out of school.
- 1 student left the district after reaching his/her 21st birthday during the 2009 – 2010 school year.

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

- In 3 of 4 files, evaluation teams identified student needs that might be addressed through the use of assistive technology.
- 3 out of the 4 contained evidence of needs that may be addressed through AT, particularly with regard to physical access and/or communication needs.
- 1 of the 4 IEPs described a student need that did not have a corresponding goal.
- 3 of the 4 files had at least one goal that was not measurable.
- 1 out of 4 files listed the student's supplementary aides and services in an unclear manner, making it difficult for the WDE team to determine the frequency and duration of these services.
- 2 out of 4 students had a current IEP which documented a lack of progress in one or more goal areas.
- In 1 of the 4 files, the student's levels of progress were unclear.
- 1 out of 4 student file had IEP notes or minutes that reflected team member concerns about needs which could be addressed through AT.

3. Interviews

At the conclusion of the file review, WDE staff interviewed Big Horn #2 special education staff, general education staff, and related service providers regarding these four students' educational needs and their use of Assistive Technology. All four students were removed from the subsample for the following reasons:

- In three students' cases, district staff members provided information to clarify that assistive technology was not necessary for these students to receive FAPE.
- One student was in fact using Assistive Technology devices.

C. Finding

The WDE does not find BHCS #2 noncompliant in this area. The State's compliance hypothesis related to FAPE – Assistive Technology was not substantiated through on-site file reviews and interviews with district staff. The district will not be required to address this finding through the development and implementation of a Corrective Action Plan (CAP).

D. Recommendation

The WDE recommends that Big Horn #2 provide comprehensive Assistive Technology assessments for students who may need AT. Evaluation reports should be placed in student's files, and AT data must be reported accurately to the State through the WDE-425 and WDE-427 submissions.

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 a sample of the files reviewed during the on-site visit. In all, 37 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 an additional self assessment to ensure 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 Big Horn #2. 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 124 surveys, and 22 parents returned completed surveys to the WDE (17.74%). In Appendix B of this report, the complete survey results are included for the district's review.

File Review 0202000	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))	37	94.59%
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))	37	97.30%
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))	37	100.00%
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))	37	70.27%
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.	37	83.78%
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))	37	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))	37	78.38%
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))	37	45.95%
E30. The IEP includes documentation when periodic reports regarding progress toward meeting annual goals will be provided. (300.320(a)(3)(ii))	37	94.59%
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))	37	94.59%
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))	37	94.59%

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))	37	100.00%
E47. The file contains prior written notice regarding the implementation of the current IEP. (§300.503)	37	94.59%
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))	37	97.30%
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))	37	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))	37	100.00%

Focused Monitoring: Parent Survey
Big Horn County School District #2
Total Respondents: 22
Total parents who were mailed a survey: 124
Returned due to invalid address: 3
Response Rate: 17.74%

	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%	5%	10%	43%	14%	29%	
2. My child is included in the general education classroom as much as is appropriate for his/her needs.	0%	0%	0%	36%	23%	41%	
3. My child's educational needs are being adequately addressed by the school.	5%	0%	14%	45%	27%	9%	
4. My child has made adequate progress over the course of the past year.	0%	0%	9%	45%	36%	9%	
5. My child's special education program is preparing him/her for life after school.	5%	9%	9%	45%	27%	5%	
6. Could your child's school be doing more to address his/her academic needs and improve your child's progress in school? 6a. If yes, what could the school be doing?					Yes 48%	No 29%	Don't Know 24%
7. Does your child receive Speech-Language services? 7a. If yes, do you think the amount/type of these services is appropriate for your child?					Yes 36%	No 55%	Don't Know 9%
8. Are there any additional supports, services, or equipment that would enable your child to spend more time in the regular classroom ? 8a. If yes, please describe.					Yes 9%	No 77%	Don't Know 14%
9. 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. 9a. If no, do you think he/she would make more progress if he/she used these devices at school? 9b. If yes, are the amount/type of assistive technology devices available at school adequate for your child?					Yes 18%	No 54%	Don't Know 27%

	Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree
10. My child's school provides me with information about organizations that offer support for parents of students with disabilities.	0%	0%	32%	45%	5%	18%
11. Teachers at my child's school are available to speak with me.	0%	0%	9%	41%	18%	32%
12. Teachers and administrators encourage me to participate in the decision-making process.	0%	0%	9%	45%	9%	36%
13. My child's school gives parents the help they may need to play an active role in their child's education.	0%	9%	9%	36%	27%	18%
14. My child's school explains what options parents have if they disagree with a decision of the school.	0%	0%	23%	50%	9%	18%
15. 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.**

16. My name (please print): _____

16. My phone number: _____

Focused Monitoring
Parent Survey Results
Open-Ended Comments
Big Horn 2

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

6a. If yes, what could the school be doing?

- Academically, the school does ok
- Getting services again so she could be more successful
- Letting her take classes than required
- Make my child think for themselves and do all the work by themselves and encourage them to go beyond the box and push a little
- [REDACTED] is great and does a great job with my son
- Not make the standards so high that kids with learning disabilities have such a hard time being able to graduate with a diploma
- Regular classroom teacher could contact me more
- Teacher for the deaf, they do not make any attempt to find one
- This school has a very good special education program – they have done a great job and hope your keep it, it works
- When my child is taken out for one on one he needs help with specific things- Sometimes he just draws or reads alone- He could really use more interaction with para
- She needs college prep

7. Does your child receive Speech-Language services?

7a. If yes, do you think the amount/type of these services is appropriate for your child?

- I guess
- I think more would be better
- It is to work on her reading and spelling mostly
- The speech teach does a good job
- Yes
- Yes, very much so
- It is appropriate
- She was exited mid year
- Yes, everything is great

8. Are there any additional supports, services, or equipment that would enable your child to spend more time in the regular classroom ?

8a. If yes, please describe.

- It would be nice for her to have a spell checker and time to do her work
- She could use a new laptop as the one she was provided with is falling apart (keys missing)

9. 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.

9a. If no, do you think he/she would make more progress if he/she used these devices at school?

- He needs help gaining speed and accuracy while typing-holding a pencil is difficult and typing will help in college
- I don't know what they have- she needs reading and spelling help is all
- No (x2)
- Don't know

9b. If yes, are the amount/type of assistive technology devices available at school adequate for your child?

- All the time, all kinds
- My son has not shown much success with his spelling device. It has not been reliable
- Yes
- Yes, she uses dragon speaks at school but not at home because of the very old laptop

15. Any other comments that you would like to share?

- I am glad to say that my child will not be in the district anymore-, the school provides minimum requirements and doesn't go above to provide or try to provide additional assistance
- I know what my child needs-the school does not help me in this area but I know my rights and asset them- I wish for more help- but I am grateful that I know how to be an advocate for my son
- It seems that ever since the No Child Left Behind came into effect- kids with learning disabilities suffer the most when they should be the ones being helped
- When my child had swine flu I called to get her homework the administration told me it was up to her and I couldn't get her homework-when I went to school parents were allowed to do this and why not now
- My child was exited from services but continues to struggle and I feel she needs additional services but is unable to receive them
- None
- Our school is very helpful-they always keep me informed. I really appreciate it
- Work prevents me from being more involved

**Focused Monitoring
Parent Survey Results
Demographics
Big Horn 2**

Percent of parent respondents who said their child is :

Ethnicity	N	%
Hispanic	2	10%
White	19	90%

Primary Disability Code	N	%
Autism	2	10%
Cognitive Disability	2	10%
Emotional Disability	1	5%
Specific Learning Disability	7	33%
Speech/Language Impairment	5	24%
Other Health Impairment	2	10%
Hearing Impaired (including Deafness)	2	10%

Grade Distribution	N	%
Kindergarten	1	5%
Grades 1-6	8	38%
Grades 7-8	3	14%
Grades 9-12	9	43%

Environment Code	N	%
Regular Environment	13	62%
Resource Room	7	33%
Separate Classroom	1	5%