Introduction

The Individuals with Disabilities Education Act (IDEA) Part B Regulations include the following provision: 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 [34 C.F.R. §300.600].

Process

A. Performance Indicator Selection

Consistent with the requirements established in 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. To assist the WDE in its fulfillment of these requirements, the Department solicited input from its General Supervision Stakeholder Group during the fall of 2010. The Stakeholder Group assisted in setting the priority indicators and scoring system to be used in determining which districts would be selected for on-site monitoring.

As stated previously, IDEA places a strong emphasis on positive educational results and functional outcomes for students with disabilities ages three through 21. This emphasis greatly influenced the selection of three key indicators of student performance from the State 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.

With input from the stakeholder group, the WDE created a two-part district selection formula using districts’ results for State Performance Plan Indicators 3C (statewide assessment proficiency rates) and 5B (placement of students in Self-Contained or Separate Classroom settings). Specifically, the Department calculated the change in PAWS proficiency rates for grades 3-6 in reading from 2007 to 2009 for special

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1 The Focused Monitoring Stakeholder Group is comprised of principals, special education directors, teachers, parents, advocates and superintendents from across the state.
education students versus the same change for general education students. This provided the WDE with a measure of districts’ success in closing the achievement gap between students with IEPs and their nondisabled peers. The WDE did the same for grades 7-8, and then took the mean of the gap score for grades 3-6 and the gap score for grades 7-8. This score (the Mean Gap Score) is the first component of the 2010 – 2011 CIFM district selection formula.

For Indicator 5B, the Department included each district’s Self-Contained placement rate for students identified as having a primary disability category of Cognitive Disability, Emotional Disability and Multiple Disabilities. The WDE took the Mean Gap Score for Indicator 3C plus the Indicator 5B rate to yield a total score for each of the state’s 48 school districts. Districts with the lowest scores in each population group—plus one randomly-selected district—were been selected for on-site monitoring visits.

B. Individual District Selection

To improve its district selection process, the WDE has divided the state’s 48 school districts into four population groups based on overall enrollment numbers:

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

Fremont County School District #6 (FCSD #6) is considered an extra small school district and reported a special education population of 95 students on its 2010 WDE-427 report. Thus, the district’s 2009 – 2010 special education data were ranked against data from all other extra small districts for the same time period. Districts with the lowest scores 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 2009 – 2010 school year were excluded from consideration for monitoring this year in order to give them adequate time to implement their Corrective Action Plans:

<table>
<thead>
<tr>
<th>Measurement</th>
<th>Fremont #6</th>
<th>State (excluding Fremont #6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number students on July 2010 427 File</td>
<td>95</td>
<td>15,231</td>
</tr>
<tr>
<td>A. Difference in IEP students' reading proficiency rates, grade 3-6, Proficiency 2009 minus Proficiency 2007</td>
<td>-11.59</td>
<td>-10.58</td>
</tr>
<tr>
<td>B. Difference in all students' reading proficiency rates, grade 3-6, Proficiency 2009 minus Proficiency 2007</td>
<td>-2.36</td>
<td>-10.59</td>
</tr>
<tr>
<td>C. Difference: A - B</td>
<td>-9.23</td>
<td>0.0100</td>
</tr>
<tr>
<td>D. Difference in IEP students' reading proficiency rates, grade 7-8, Proficiency 2009 minus Proficiency 2007</td>
<td>5.70</td>
<td>-6.08</td>
</tr>
</tbody>
</table>
### E. Difference in all students’ reading proficiency rates, grade 7-8, Proficiency 2009 minus Proficiency 2007

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>-1.40</td>
<td>-10.58</td>
<td></td>
</tr>
</tbody>
</table>

### F. Difference: D - E

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.10</td>
<td>4.51</td>
<td></td>
</tr>
</tbody>
</table>

### G. Average of C. and F.

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>-1.07</td>
<td>2.26</td>
<td></td>
</tr>
</tbody>
</table>

### H. % of MU, CD, ED students in SC environment*

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>78.57</td>
<td>68.34</td>
<td></td>
</tr>
</tbody>
</table>

### Total Points (H. + G.)

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>77.50</td>
<td>70.60</td>
<td></td>
</tr>
</tbody>
</table>

*reversed scored; lower scores are desirable on this measure*

In terms of the statewide proficiency rate variables that are included in the weighted formula, Fremont #6’s data compare quite favorably to the state in terms of growth in reading proficiency rates among middle school students with disabilities. When comparing the improvement in reading proficiency rates for these students to those of the general (non-IEP) population, the district’s growth for students with disabilities outpaced that of the district’s general population by approximately seven points. In addition, the district’s improvement in reading proficiency rates for middle school students with IEPs bested Wyoming’s comparable statewide rate by over eleven points. On the other hand, the district’s growth in reading proficiency rates was negative at the elementary grades (for students with and without disabilities).

In terms of the Least Restrictive Environment variable, Fremont #6’s data also compare favorably to the state overall. According to the district’s 2010 WDE-427 report, Fremont #6 has 21.43% of its students with Cognitive Disabilities (CD), Emotional Disabilities (ED), or Multiple Disabilities (MU) placed in Self-Contained or Separate Classroom (SC) environments. In contrast, the state’s overall rate on the same measure stood at 31.66% during the same time period. When the WDE combined the district’s statewide assessment improvement data with this LRE data, Fremont #6’s total score was the lowest of eligible districts in the large population group. As such, the district was selected for an onsite visit from the Continuous Improvement Focused Monitoring team.

It should be noted that the district’s performance on these measures is not conclusive evidence of special education noncompliance. The WDE is careful to avoid making any conclusions based on these data, especially for districts with smaller enrollments. 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 school had low PAWS proficiency rates in mathematics and low rates of regular class placement, the question of whether or not children had access to the general curriculum might be reviewed. A finding of noncompliance can only be made through the WDE’s CIFM system if multiple pieces of objective information point to the same conclusion.

**Focused Monitoring Conditions for Fremont County School District #6**

In preparation for the on-site monitoring visit, WDE reviewed Fremont #6 data from a variety of sources including the WDE-425 and WDE-427 data collections, assessment data (PAWS and PAWS-ALT) from 2006 through 2009, stable and risk-based self-assessment data, and discipline data from the WDE-636. In its review of data, the WDE
focused on those pieces of information that are most closely related to improving outcomes for students with disabilities. This led the WDE to create four hypotheses related to the district’s provision of a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment:

1. **FAPE – Extended School Year** This hypothesis was formulated in response to district data showing a comparatively low rate of students receiving Extended School Year services.

2. **FAPE – Assistive Technology** This hypothesis was developed due to the district’s low rate of students receiving Assistive Technology devices and/or services when compared to the state rate.

3. **FAPE – Educational Benefit** This hypothesis was developed due to the district’s comparatively low PAWS proficiency rates for students with disabilities placed in Resource Room or Separate Classroom settings.

4. **Evaluation Procedures and Eligibility Determinations** This hypothesis was formulated due to the district’s comparatively high percentage of students eligible for special education under the Developmental Delay criteria.

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

During the 2010 – 2011 school year, the WDE has also chosen to conduct a focused review of each district’s provision of FAPE to students in certain “low incidence” disability categories. However, because Fremont #6 did not report any students eligible under the Traumatic Brain Injury (BI), Hearing Impairment (HI), Multiple Disabilities (MU), or Visual Impairment (VI) criteria, the WDE did not investigate this area during the on-site visit.

In addition to the hypotheses chosen for on-site focused monitoring, the WDE also conducted a parent survey in the district during a four-week window that included the dates of the on-site monitoring visit. Results of the parent survey are included with this report as Appendix A.

**Results of On-Site Monitoring for Fremont #6**

The WDE monitored these areas on-site through a focused file review and staff interviews. Each area begins with a description of the data that underpinned the hypothesis, a summary of evidence gathered in the district, and the WDE’s compliance determination with findings of noncompliance if applicable.

**Area 1: FAPE – Extended School Year**

A. **Data**

During the data review meeting for Fremont #6, WDE monitoring team members noted that the district’s percentage of students receiving Extended School Year (ESY) services was below that of the state as a whole. Specifically, the district was providing ESY to approximately 7% of its students with disabilities; the comparable state rate was 12.3%.
In addition, the WDE noted that 25 students with disabilities in Fremont #6 scored ‘Basic’ or ‘Below Basic’ on all three PAWS subtests (reading, writing, and mathematics) during the most recent year in which these students participated in the assessment. According to the 2010 WDE-427 report, twenty of these 25 students were still enrolled and were not receiving Extended School Year services. The WDE hypothesized that some of these 20 students may be in need of ESY services in order to receive FAPE.

B. Methodology

1. File Review

The WDE monitoring team selected the twenty students mentioned above as its purposeful sample for Area 1. The WDE’s first step in exploring this hypothesis was a focused review of these students’ special education files. Through the file review process, thirteen students were removed from the sample for the following reasons:

- Five of the students moved or transferred out of the district.
- Four students returned to the regular education program after being found ineligible for special education services.
- Three students’ IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress without the provision of Extended School Year services.
- One student graduated in the spring of 2010.

This reduction left seven students remaining in the sample. Each of the files in this subsample exhibited one or more of the following violations of federal special education regulations, prompting the WDE to further examine these student situations:

- All 7 files included evaluation reports describing student needs that could be potentially addressed through the provision of Extended School Year [34 C.F.R. §§300.301(c)(2)(ii), 300.304(b)(1)(ii), 300.304(c)(6), 300.305(a – d)].
- 7 of 7 files contained a current IEP describing needs that could be addressed through the provision of ESY, yet no ESY services were designated in the students’ programs [34 C.F.R. §§300.324(a)(iv)].
- 5 of the 7 files contained a current IEP that did not contain annual goals addressing an area of need described in the Present Levels of Academic and Functional Performance section of the program [34 C.F.R. §300.320(a)(2)(i)].
- 3 of the 7 files contained a current IEP that included one or more annual goals that were not measurable [34 C.F.R. §300.320(a)(3)(i)].
- 5 of the 7 students’ current IEP included a package of services that did not appear to enable the student to advance appropriately toward meeting his/her annual goals [34 C.F.R. §300.320(a)(4)].
- 2 of the 7 files contained a current IEP that was nonspecific in its designation of supplementary aids and services to be provided to the student [34 C.F.R. §§300.320(a)(4 & 6), 300.324(a)(2)].

2 The WDE did not use 2010 PAWS proficiency results in its review of district data due to noted validity concerns during that year’s administration. 2009 and 2008 assessment results were the most recent considered in preparing for this monitoring visit.
• 3 of the 7 students' progress reporting information for each goal was not clearly documented in the IEP [34 C.F.R. §300.320(a)(3)].
• According to progress reporting information in the files, 4 of the 7 students were not making adequate or expected progress in one or more goal areas. None of these four students' IEP teams had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
• 1 of the 7 students had one or more IEP goals that had not changed meaningfully from the previous IEP to the current IEP [34 C.F.R. §300.320(b)(1)].

2. Interviews
Following the file review, WDE monitoring team members interviewed special education staff, general education teachers and related service providers regarding these seven specific students and their potential need for Extended School Year services. Through the interview process, three additional students were removed from the sample when district staff members were able to provide compelling evidence to demonstrate that these students were receiving FAPE and making adequate progress without the provision of ESY services.

This reduction left four students remaining in the subsample. The following comments are among those made by district staff, which lend further support for a finding in this area:

• A district staff member reported that one student would benefit from additional services outside of regular instructional hours but stated, “There is just not time for everything.”
• While a staff member expressed his/her belief that a particular student would benefit from ESY, the staff member explained that it had not been offered because “[student] won’t come.”
• Another staff member, when asked about a certain student’s potential need for ESY services, stated that the student would benefit from additional services after regular school hours.
• When asked what kinds of approaches might help a particular student begin to achieve adequately, a service provider said, “[He/She] could do better if [he/she] were here every Friday; [he/she] needs lots of assistance.”
• In discussing another student’s situation, a district staff member indicated that the student “learns but very slowly with lots of repetition.” When asked if ESY might be necessary, the staff member stated that it would be beneficial to the student.
• Despite a particular student’s poor progress, a district service provider stated that the student did not need ESY since he/she attends Lights On Fridays.

C. Finding
The WDE finds that special education services in FCSD #6 are not always provided in accordance with the FAPE requirements established in 34 C.F.R. §§300.101, 300.320, and 300.324. The district will be required to address this substantive finding and violations of the related requirements listed under section B1 above. Correction requires the development and implementation of a Corrective Action Plan (CAP).
Area 2: FAPE – Assistive Technology

A. Data
According to the 2010 WDE-427 report submitted by the district, none of the students with disabilities in Fremont #6 received Assistive Technology (AT) over the course of the 2009 – 2010 school year. This number is notable when compared to the overall percentage of students receiving AT in the state’s 47 other districts, which stood at approximately 11.3% during the same period.

WDE staff created a purposeful sample of students more likely than others to need Assistive Technology in order to receive FAPE. This sample was composed of 23 students who reportedly received Occupational Therapy services during the 2009 – 2010 school year. Statewide, students who receive OT services are more likely to receive Assistive Technology as well. The WDE hypothesized that some of these students who are currently receiving OT might also be in need of Assistive Technology devices or services in order to receive FAPE.

B. Methodology

1. File Review
Once on-site in Pavillion, the WDE reviewed these 23 students’ special education files. Through the file review process, 21 files were removed from the sample for the following reasons:

- Nine students recently moved or transferred out of the district.
- Four students appeared to be receiving appropriate amounts and/or types of Assistive Technology services.
- Four students returned to the regular education program after being found ineligible for special education services.
- Three student files did not demonstrate any clear need for Assistive Technology devices or services.
- One student’s parent revoked consent for the provision of special education services.

This reduction left two students remaining in the sample. Both of the files in this subsample exhibited one or more of the following violations of federal special education regulations, prompting the WDE to further examine these student situations:

- Both files included evaluation reports describing student needs that could be potentially addressed through the provision of Assistive Technology devices and/or services [34 C.F.R. §§300.301(c)(2)(ii), 300.304(b)(1)(ii), 300.304(c)(6), 300.305(a – d)].
- 1 of the 2 files contained a current IEP that did not incorporate all of the student needs identified through the teams’ evaluation reports [34 C.F.R. §§300.320(a)(1), 300.324(a)(1 – 2)].

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3 The percentage of students receiving Assistive Technology among students who receive OT stood at 21.51%—nearly double the rate of AT service provision for Wyoming’s overall population of students with disabilities.
• Neither file contained evidence of Assistive Technology consideration at these students’ IEP meetings [34 C.F.R. §300.105].
• 1 of the 2 files contained a current IEP describing needs that could be addressed through the provision of AT, yet no AT services or devices were designated in the students’ programs [34 C.F.R. §§300.324(a)(iv)].
• Both files contained a current IEP that included one or more annual goals that were not measurable [34 C.F.R. §300.320(a)(3)(ii)].

2. Interviews
At the conclusion of the file review, WDE monitoring team members interviewed Fremont #6 special education staff, general education staff, and related service providers regarding these two students’ educational needs and their use of Assistive Technology. Through the interview process, both students were removed from the subsample when the WDE learned that both students were in fact receiving Assistive Technology services and/or using AT devices. In both cases, district staff demonstrated that the type and amount of AT being delivered was appropriate given the students’ needs.

C. Finding
The WDE does not find FCSD #6 noncompliant in this area. The WDE’s compliance hypothesis related to FAPE – Assistive Technology was not substantiated through on-site file reviews and interviews with district staff. The district must correct violations of the related requirements discussed under section B1 above, but Fremont #6 is not required to address Area 2 specifically on its Corrective Action Plan (CAP).

D. Recommendation
The WDE recommends that Fremont #6 provide comprehensive Assistive Technology assessments for students who may need AT. Evaluation reports should be placed in student files, and AT data must be reported accurately to the WDE through the WDE-425 and WDE-427 submissions.

Area 3: FAPE – Educational Benefit

A. Data
With the exception of middle school mathematics, the WDE noticed that Fremont #6 did not meet statewide assessment proficiency targets for students with disabilities on the 2009 PAWS administration. In disaggregating the district’s data, the WDE team noticed an area of specific concern: there were 41 students in Fremont #6 who scored ‘Basic’ or ‘Below Basic’ on two or more PAWS subtests (reading, writing, mathematics) during either the 2008 or 2009 assessment administration. The WDE hypothesized that some

<table>
<thead>
<tr>
<th>Content Area and Grade Level</th>
<th>State Proficiency Rate Targets</th>
<th>Fremont #6 2009 Proficiency Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading, Grades 3 – 6</td>
<td>53.60%</td>
<td>21.74%</td>
</tr>
<tr>
<td>Reading, Grades 7 – 8</td>
<td>56.33%</td>
<td>47.37%</td>
</tr>
<tr>
<td>Reading, Grade 11</td>
<td>65.60%</td>
<td>0%</td>
</tr>
<tr>
<td>Mathematics, Grades 3 – 6</td>
<td>49.20%</td>
<td>30.43%</td>
</tr>
<tr>
<td>Mathematics, Grades 7 – 8</td>
<td>50.20%</td>
<td>57.89%</td>
</tr>
<tr>
<td>Mathematics, Grade 11</td>
<td>57.20%</td>
<td>0%</td>
</tr>
</tbody>
</table>

NOT FOR PUBLIC REPORTING

Fremont #6 Continuous Improvement Focused Monitoring Report 8
of these students may have IEPs that are not reasonably calculated to result in educational benefit.

B. Methodology

1. File Review
Using a purposeful sample composed of the 41 students mentioned above, the WDE reviewed these students’ special education files and cumulative records as the first step in its exploration of this hypothesis. Through the file review process, 28 students were removed from the sample for the following reasons:

- Ten students returned to the regular education program after being found ineligible for special education services.
- Eight students moved or transferred out of the district.
- Seven students’ IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Three students graduated in the spring of 2010.

This reduction left thirteen students remaining in the sample. Each of these files exhibited one or more of the following violations of federal special education regulations, prompting the WDE to further examine these student situations:

- 7 of the 13 files contained a current IEP that did not incorporate all of the student needs identified through the teams’ evaluation reports [34 C.F.R. §§300.320(a)(1), 300.324(a)(1 – 2)].
- 9 of the 13 files contained a current IEP that did not contain annual goals addressing an area of need described in the Present Levels of Academic and Functional Performance section of the program [34 C.F.R. §300.320(a)(2)(i)].
- 7 of the 13 files contained a current IEP that included one or more annual goals that were not measurable [34 C.F.R. §300.320(a)(3)(i)].
- 10 of the 13 students’ current IEP included a package of services that did not appear to enable the student to advance appropriately toward meeting his/her annual goals [34 C.F.R. §300.320(a)(4)].
- 2 of the 13 files contained a current IEP that was nonspecific in its designation of supplementary aids and services to be provided to the student [34 C.F.R. §§300.320(a)(4 & 6), 300.324(a)(2)].
- 6 of the 13 students’ progress reporting information was not clearly documented in the IEP [34 C.F.R. §300.320(a)(3)].
- According to progress reporting information in the files, 6 of the 13 students were not making adequate or expected progress in one or more goal areas. Only one of these six students’ IEP teams had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
- 1 of the 13 students had one or more IEP goals that had not changed meaningfully from the previous IEP to the current IEP [34 C.F.R. §300.324(b)(1)].
- For 8 of the 13 students, there was evidence that some IEP team members’ concerns—including those of parents—had not been adequately addressed [34 C.F.R. §300.322(a)].
- 4 of these 13 students (all four of whom were enrolled in secondary grades) had grades of ‘D’ or ‘F’ in at least one core academic course; response from the IEP
team was unclear in each case [34 C.F.R. §§300.320(a)(1 – 2), 300.324(b)(1)(ii)(A)].

- 1 of the 13 students’ records reflected a poor attendance history; response from the IEP team was unclear [34 C.F.R. §§300.320(a)].
- 2 of the 13 students’ records documented the occurrence of three or more behavior incidents during the 2010 – 2011 school year; response from the IEP team was unclear in each case [34 C.F.R. §§300.320(a)].

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

- Regarding five students, district personnel were able to provide details demonstrating that each of the students were now making progress and receiving educational benefit.
- For two of the students, those interviewed were able to provide compelling evidence that these students’ needs were in fact being adequately addressed through special education and related services.

This reduction left six students remaining in the subsample. The following comments are among those made by district staff, which lend further support for a finding in this area:

- When asked about additional supports to help a particular student achieve adequately in a general education class, a teacher stated that the student sometimes comes in for help but could benefit from specialized instruction in this content area (in addition to the co-teaching instruction).
- For a student with ongoing behavior difficulties, multiple district staff members reported that services and/or supports were necessary to address the student’s needs in this area. However, the student had no Behavior Intervention Plan (BIP) or IEP services designed to meet these needs.
- When asked how the IEP team is addressing a particular student’s failing grades in a class directly related to his/her disability, a district staff member stated, “We brainstorm and try things.” However, the IEP team had not reconvened nor had an amendment been made to the student’s program.
- For one student whose IEP designated that instruction in a particular area be delivered through a co-teaching arrangement, WDE staff learned that the student does not receive special education services or support in this general education class.
- In discussing a certain student, a district staff member stated that the student needed additional service time and possibly services after school hours. However, the staff member added that the additional services had not been added to the IEP because “[Student] is busy.”
- Counseling was identified by district staff members as a possible means of addressing two students’ unmet social, emotional, and/or behavioral needs.
- When asked to describe the methods by which staff track progress on a certain annual goal (which did not appear to be measurable and was shared by at least two students), a service provider reported that he/she did not think accurate tracking was possible.
C. Finding
The WDE finds that special education services in FCSD #6 are not always provided in accordance with the FAPE requirements established in 34 C.F.R. §§300.101, 300.320, and 300.324. The district will be required to address this substantive finding and violations of the related requirements listed under section B1 above. Correction requires the development and implementation of a Corrective Action Plan (CAP).

Area 4: Evaluation Procedures and Eligibility Determinations

A. Data
In reviewing the district’s most recent WDE-427 data, the Department noted that Fremont #6 appeared to have a comparatively high percentage of students identified under the Developmental Delay (DD) eligibility criteria (9.5% compared to the state rate of 2%). In addition, the WDE noted that the district’s percentages of students with Learning Disabilities (LD) or Speech Language Impairments (SL) were below the state’s comparable percentages. The WDE hypothesized that some Fremont #6 students who are eligible under the DD criteria might have been identified inappropriately or be eligible for special education under other criteria.

B. Methodology
In preparation for the visit, the WDE created a purposeful sample of nine students, all of whom were reportedly eligible under the Developmental Delay criteria. Once on-site in Pavillion, the WDE reviewed these students’ special education files in order to find out more about the evaluation procedures followed and eligibility determinations made in each case. Through the file review process, all nine students were removed from the sample for the following reasons:

- Five students had moved or transferred out of the district.
- Three of the students’ special education files revealed that they were also eligible under Wyoming’s Speech Language Impairment (SL) criteria.
- One student’s file contained an evaluation that appeared comprehensive, and the student clearly met the Developmental Delay eligibility criteria.

C. Finding
The WDE does not find FCSD #6 noncompliant in this area. The WDE’s compliance hypothesis related to Evaluation Procedures and Eligibility Determinations for students with Developmental Delays was not substantiated through on-site file reviews and interviews with district staff. Fremont #6 is not required to address Area 4 specifically on its Corrective Action Plan (CAP).

D. Recommendation
Under Wyoming’s Chapter 7 Rules, a student can only be found eligible under the Developmental Delay criteria when he/she does not qualify in other categories but meets the DD criteria [see Chapter 7 Rules, Section 4(d)(iv)]. Fremont #6 is reminded that

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5 During the 2009 – 2010 school year, 28.4% of Fremont #6’s students with disabilities were reportedly eligible under the Learning Disability criteria. The comparable state figure stood at 35.7% during the same time period. For Speech Language Impairments, 26.3% of the district’s students with disabilities were reportedly eligible in this category; statewide, the comparable figure was 28.7%.
students who meet eligibility criteria in other categories should not be considered eligible under the DD criteria. Regardless of the category in which the student qualifies, the IEP must address all relevant educational domains in which the student has a need for special education and related services. The student’s category of eligibility does not determine or narrow the scope of services the student can receive.

Parent Survey Results

As part of the monitoring process, the WDE developed a Parent Survey in order to provide all parents an opportunity to give input on their children’s special education experiences in Fremont #6. The Department mailed a hard copy of the Parent Survey and a cover letter to each parent of a student currently receiving special education services in the district. Parents had the option of completing the survey on paper or completing it online. The WDE mailed a total of 54 surveys, and 14 parents returned completed surveys to the WDE (25.92%). In Appendix A of this report, the complete survey results are included for the district’s review. Please note that Question #7 mistakenly asked parents about OT when the survey company was directed to ask about the provision of AT. The WDE regrets the error.