

Wyoming Department of Education Continuous Improvement Focused Monitoring Report

Sheridan County School District #2

School Year: 2010 – 2011

Date of On-Site Review: October 26 – 29, 2010

Introduction

The Individuals with Disabilities Education Act (IDEA) Part B 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 [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 Group¹ 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 (PAWS 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 education

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

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 classroom 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

Sheridan County School District #2 (SCSD #2) is considered a large school district and reported a special education population of 567 students on its 2010 WDE-427 report. Thus, the district's 2009 – 2010 special education data were ranked against data from all other large 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:

Measurement	SCSD #2	State (minus SCSD #2)
<i>Number students on July 2010 WDE-427 File:</i>	567	14,759
A. Difference in IEP students' reading proficiency rates, grade 3-6, Proficiency 2009 minus Proficiency 2007	4.54	-11.25
B. Difference in all students' reading proficiency rates, grade 3-6, Proficiency 2009 minus Proficiency 2007	1.93	-10.98
C. Difference: A – B	2.61	-0.27
D. Difference in IEP students' reading proficiency rates, grade 7-8, Proficiency 2009 minus Proficiency 2007	-1.24	-6.06

E. Difference in all students' reading proficiency rates, grade 7-8, Proficiency 2009 minus Proficiency 2007	-3.54	-10.79
F. Difference: D – E	2.30	4.73
G. Average of C and F	2.45	2.22
H. Percentage of students with CD, ED, or MU disability codes in SC environment*	46.94	68.99
Total Points (H. + G.)	49.39	71.22

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

In terms of the statewide proficiency rate variables that are included in the weighted formula, Sheridan #2's data compare favorably to the state. When comparing the improvement in reading proficiency rates among students with disabilities in grades 3 – 8 to those of the general (non-IEP) population, the district's growth for students with disabilities outpaced that of Wyoming's overall population of students with IEPs. The district's improvement from 2007 to 2009 was especially evident at the elementary grades, in which reading proficiency rates for students with disabilities increased by an average of 4.54% while the rate among Wyoming's other 47 districts decreased by 11.25% over the same time period.

However, Sheridan #2's data did not compare as favorably on the Least Restrictive Environment variable. According to the district's 2010 WDE-427 report, Sheridan #2 has 53.06% 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 31.01% during the same time period. When the WDE combined the district's statewide assessment improvement data with this LRE data, Sheridan #2's total score was the lowest of the 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 direct evidence of special education 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 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 Sheridan County School District #2

In preparation for the on-site monitoring visit, WDE reviewed the district's most recent and trend data from a variety of sources including the WDE-425 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

seven hypotheses related to the district's provision of a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment:

1. **FAPE – Low Incidence Disabilities** This hypothesis was selected for review in all districts receiving CIFM visits during the 2010 – 2011 school year due to troubling statewide outcomes data for students in particular disability categories.
2. **FAPE – Social, Emotional and Behavioral Supports and Services** This hypothesis was generated due to the district's relatively low number of students with disabilities receiving Counseling, Psychological Services, and Social Work services among those receiving multiple suspensions.
3. **FAPE – Occupational Therapy** This hypothesis was formulated due to the district's low rate of students receiving Occupational Therapy related services when compared to the state rate.
4. **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.
5. **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.
6. **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.
7. **FAPE – Least Restrictive Environment** This hypothesis was formulated due to the district's comparatively high percentage of students with disabilities placed in Separate Classroom environments.

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 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 Sheridan #2

These areas were monitored 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 a finding of noncompliance if applicable.

Area 1: FAPE – Low Incidence Disabilities

A. Data

During its annual statewide data review, the WDE noted that students in particular “low incidence” disability categories appeared to be disproportionately represented in negative outcomes data reports. In particular, the data showed that no more than 1.2% of students with disabilities placed in Regular Education (RE) environments carried an eligibility label of Traumatic Brain Injury (BI), Hearing Impairment (HI), Multiple Disabilities (MU), or Visual Impairment (VI). Students in these categories were also less likely to graduate with a regular diploma and appeared to be over-represented among students with disabilities who dropped out of school² from 2006 – 2010.

B. Methodology

1. File Review

In planning the visit, the WDE crafted a purposeful sample comprised of all students in Sheridan #2 who have a reported disability code of BI, HI, MU, or VI. After arriving in Sheridan, the WDE monitoring team reviewed these twenty students’ special education files as the first step in the team’s exploration of this hypothesis. Through the file review process, thirteen students were removed from the sample for the following reasons:

- Five students’ IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Two students recently moved or transferred out of the district.
- Two students were removed from the sample by the monitoring team leader before being reviewed in order to ensure timely completion of the file review.
- Two students dropped out of school.
- One student was recently returned to the regular education program after being found ineligible for special education services.
- One student recently passed away.

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

- 5 of 7 files included evidence that the students’ evaluations were not conducted in a comprehensive manner so that all relevant educational needs could be identified [34 C.F.R. §§300.304(b – c)].
- 3 of the 7 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)].
- 4 of the 7 files contained a current IEP that did not contain annual goals addressing each 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)].

² From the 2005 – 2006 school year through the 2009 – 2010 school year, 7 BI students, 7 HI students, 5 MU students, and 5 VI students dropped out of school (exit code ‘DO’). Over these same five school years, 26 BI students, 23 HI students, 3 MU students, and 14 VI students graduated (exit code ‘GD’). During the 2009 – 2010 school year, Wyoming had 513 students in these disability categories in its schools: 87 BI, 175 HI, 183 MU, and 68 VI.

- 6 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)].
- 4 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)].
- 6 of the 7 students were eligible under the HI or VI criteria—however, only 1 of these 6 students' IEPs included evidence that he/she receives services from a highly qualified service provider [34 C.F.R. §300.156(a – c)].
- 3 of the 7 files contained a current IEP that was unspecific 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), 300.172)].
- For 4 of the 7 students who use amplification to compensate for a hearing impairment, none had documentation in the IEP that the aids or cochlear implants are checked regularly to ensure proper functioning [34 C.F.R. §300.113].
- 5 of the 7 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, 3 of the 7 students were not making adequate or expected progress in one or more annual goal areas. For these 3 students, only one student's IEP team had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
- 5 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)].
- For 3 of the 7 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)].

3. Interviews

Following the file review, WDE monitoring team members interviewed district special education staff, general education teachers and related service providers regarding these seven specific students. Through the interview process, one additional student was removed from the sample when the team learned that each of the student's needs were in fact being addressed adequately, and he/she was found to be making adequate progress in each goal area.

Thus six students remained in the subsample for this hypothesis. The following comments made by district staff lend further support for a finding in this area:

- **Comments here** [Redacted]

C. Finding

The WDE finds that special education services in SCSD #2 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 – Social, Emotional and Behavioral Supports and Services

A. Data

Information from the most recent WDE-427 report indicated that 14% of Sheridan #2's students with disabilities receive Counseling (CS), Psychological Services (PS), or Social Work (SW) as related services. The district's rate was notably lower than the state's overall rate, which was 20.7% during the same time period. Interestingly, the district had 15 students with Emotional Disabilities (ED) who were not receiving any of these related services, even though these services are typical for students who are eligible under the ED criteria.

In addition, Sheridan #2 had 31 students with disabilities who were suspended for three or more days during the 2009 – 2010 school year and were not receiving CS, PS, or SW services. The WDE hypothesized that some of these 31 students—and some of the 15 students with ED mentioned in the previous paragraph—might have IEPs that are not reasonably calculated to result in educational benefit due to the district's apparent failure to provide necessary related services.

B. Methodology

1. File Review

Using the 46 students described above as its purposeful sample, 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, 33 students were removed from the sample for the following reasons:

- Six students' files contained no information to suggest that they were in need of social, emotional, or behavioral services.
- Five students recently moved or transferred out of district.
- Four students graduated in the spring of 2010.
- Four students dropped out of school.
- Five students were receiving one or more of these related services (CS, PS, SW) according to their current IEPs.
- Three students exited the district in the spring of 2009 and were inadvertently included on the 2010 WDE-427 report.
- Two files were not available during the time of the WDE's visit.
- Two students were removed from the sample by the monitoring team leader before being reviewed in order to ensure timely completion of the file review.
- One student was recently returned to the regular education program after being found ineligible for special education services.
- One student was removed from the sample for this hypothesis and added to the sample for FAPE – Educational Benefit (Area 4) when it became clear that the team's concerns were outside of the social/emotional/behavioral domain.

This reduction left thirteen students remaining in the sample. In addition, one student from the FAPE – Educational Benefit sample was added to the Area 2 sample during the file review stage when it became clear that the team's concerns about the student were in keeping with this hypothesis. Each of the fourteen 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:

- 9 of 14 files included evidence that the students' evaluations were not conducted in a comprehensive manner so that all relevant educational needs could be identified [34 C.F.R. §§300.304(b – c)].
- In 11 of the 14 files, the teams had not conducted a Functional Behavior Assessment (FBA), despite members' documented behavior concerns [34 C.F.R. §§300.304(b)(3), 300.304(c)(4 & 6)].
- 7 of the 14 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)].
- 4 of the 14 files contained a current IEP that did not contain annual goals addressing each 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)].
- 8 of the 14 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 14 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 14 files contained a current IEP that was unspecific 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 14 files did not contain an active Behavior Intervention Plan (BIP), even though documentation supported the students' likely need for one [34 C.F.R. §§300.320(a)(4 & 6), 300.324(a)(2)(i)].
- 7 of the 14 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, 3 of the 14 students were not making adequate or expected progress in one or more goal areas. None of these three students' IEP teams had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
- 2 of the 14 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)].
- For 3 of the 14 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)].
- 6 of these 14 students (all six 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)].
- 6 of the 14 students' records reflected a poor attendance history; response from the IEP team was unclear in each case [34 C.F.R. §§300.320(a)].
- 9 of the 14 students' records documented the occurrence of three or more behavior incidents during the 2010 – 2011 school year [34 C.F.R. §§300.320(a)].

3. Interviews

Following the file review, WDE monitoring team members interviewed special education staff, general education teachers and related service providers regarding these fourteen specific students and their potential need for social, emotional, and/or behavioral services. Through the interview process, nine additional students were removed from the sample for the following reasons:

- Seven of these students were in fact receiving adequate social, emotional, and/or behavioral services and supports. One of the seven had counseling services added to his/her IEP during the time that the WDE team was in the district. In addition, some of the students were receiving counseling, psychological, or social work services outside of school.
- For two students, those interviewed were able to provide compelling evidence that these students' needs were being adequately addressed through special education and related services without the provision of CS, PS, or SW services. Both of these students were shown to be making adequate/expected progress.

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

- **Comments here** [REDACTED]

C. Finding

The WDE finds that special education services in SCSD #2 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 3: FAPE – Occupational Therapy

A. Data

During the data review meeting for Sheridan #2, WDE monitoring team members noted that the district's percentage of students receiving Occupational Therapy (OT) as a related service was below that of the state as a whole. Specifically, the district was providing OT to 8% of its students with disabilities; the comparable state rate was 14.7%.

Statewide, students who are eligible for special education under the Autism (AT) and Cognitive Disability (CD) criteria are among those who are most commonly provided with Occupational Therapy³. In Sheridan #2, there were 32 students eligible for special education in these two categories who were not receiving OT services. The WDE hypothesized that some of these 32 students may be in need of OT services in order to receive FAPE.

B. Methodology

1. File Review

The WDE monitoring team used the 32 students mentioned above as its purposeful sample for Area 3. The WDE's first step in exploring this hypothesis was a focused

³ In 2009 – 2010, 42% of Wyoming's students with Autism and 43% of the state's students with a Cognitive Disability received OT as a component of their programs. By contrast, 22% of the students with Autism and 21% of the students with Cognitive Disabilities in Sheridan #2 received OT during the same school year.

review of these students' special education files. Through the file review process, 24 students were removed from the sample for the following reasons:

- Twelve of the students' files did not contain any evidence to suggest that they were in need of Occupational Therapy services.
- Four of the students moved or transferred out of the district.
- Three files were not available during the time of the WDE's visit.
- Two students graduated in the spring of 2010.
- One student's file was removed from the sample by the monitoring team leader before being reviewed in order to ensure timely completion of the file review.
- One student was in fact being provided with Occupational Therapy services.
- One student received a certificate of completion and exited in the spring of 2010.

This reduction left eight 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:

- 3 of 8 files included evaluation reports describing student needs that could be potentially addressed through the provision of Occupational Therapy [34 C.F.R. §§300.301(c)(2)(ii), 300.304(b)(1)(ii), 300.304(c)(4 & 6), 300.305(a – d)].
- All 8 files contained a current IEP describing needs that could be addressed through the provision of OT, yet these services were not designated in the students' programs [34 C.F.R. §§300.324(a)(iv)].
- 1 of the 8 files contained a current IEP that did not contain annual goals addressing each 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 8 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)].
- 3 of the 8 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)].
- 3 of the 8 files contained a current IEP that was unspecific 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), 300.172].
- 6 of the 14 files did not contain an active Behavior Intervention Plan (BIP), even though documentation supported the students' likely need for one [34 C.F.R. §§300.320(a)(4 & 6), 300.324(a)(2)(i)].
- 8 of the 8 students' progress reporting information was not clearly documented in the IEP [34 C.F.R. §300.320(a)(3)].
- 3 of the 8 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)].
- For 3 of the 8 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)].

2. Interviews

Following the file review, WDE monitoring team members interviewed special education staff, general education teachers and related service providers regarding these eight specific students and their potential need for Occupational Therapy related services.

Through the interview process, five additional students were removed from the sample for the following reasons:

- For three of the students, district staff members were able to provide compelling evidence to demonstrate that these students were not in need of OT services.
- The WDE learned that two of the students were in fact receiving Occupational Therapy services. In both cases, district staff demonstrated that the type and amount of OT being delivered was appropriate given the students' needs.

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

- Comments here 

C. Finding

The WDE finds that special education services in SCSD #2 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: FAPE – Educational Benefit

A. Data

Although Sheridan #2's 2009 statewide assessment proficiency rates for students with disabilities were generally higher than the state's overall rates⁴, the WDE team noticed some areas of concern in its detailed review of district data. In particular, students placed in Resource Room (RR) or Self-Contained (SC) settings appeared less likely than their peers in Regular Education (RE) placements to achieve proficiency. Among those students placed in RR or SC settings, students with Learning Disabilities (LD) and Other Health Impairments (HL) made up the largest group of students who failed to demonstrate proficiency in two or more of the 2009 PAWS subtests (reading, writing, mathematics). The WDE hypothesized that some of these students with LD or HL may have IEPs that are not reasonably calculated to result in educational benefit.

B. Methodology

1. File Review

The WDE crafted a purposeful sample of 48 students with disabilities to use in its exploration of this hypothesis. All 48 of the students in the sample were eligible under the LD or HL criteria, all were placed in either RR or SC settings, and all scored below 'Proficient' on two or more of the 2009 PAWS subtests. 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, 23 students were removed from the sample for the following reasons:

⁴ 2009 PAWS administration results show that Sheridan #2 bested the state's overall proficiency rates for students with disabilities on both reading and mathematics at all grade levels except high school reading and high school math.

- Ten students' IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Five students moved or transferred out of the district.
- Three students were removed from the sample by the monitoring team leader before being reviewed in order to ensure timely completion of the file review.
- Two students graduated in the spring of 2010
- Two files were not available during the time of the WDE's visit.
- One student dropped out of school.

This reduction left 25 students remaining in the sample. In addition, one student from the FAPE – Social, Emotional, and Behavioral Supports and Services sample was added to the Area 4 sample during the file review stage when it became clear that the team's concerns about the student were broader than the concerns focused upon in Area 2. Each of these 26 files exhibited one or more of the following violations of federal special education regulations, prompting the WDE to further examine these student situations:

- 15 of the 26 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)].
- 7 of the 26 files contained a current IEP that did not contain annual goals addressing each 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)].
- 21 of the 26 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)].
- 9 of the 26 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 26 files contained a current IEP that was unspecific 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)].
- 5 of the 26 files did not include supplementary aids and services, even though these students were spending some portion of the school week in general education environments [34 C.F.R. §§300.320(a)(4)].
- 16 of the 26 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, 3 of the 26 students were not making adequate or expected progress in one or more goal areas. None of these three students' IEP teams had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
- 12 of the 26 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)].
- For 6 of the 26 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 26 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)].

- 2 of the 26 students' records reflected a poor attendance history; response from the IEP team was unclear in each case [34 C.F.R. §§300.320(a)].
- 3 of the 26 students' records documented the occurrence of three or more behavior incidents during the 2010 – 2011 school year [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 26 specific students. Through the interview process, sixteen additional students were removed from the sample for the following reasons:

- For seven 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. In several of these cases, the students' needs had changed since their most recent evaluation.
- Regarding six students, district personnel were able to provide details demonstrating that each of the students were now making progress and receiving educational benefit.
- Results of interviews regarding two students were inconclusive, leading the WDE to remove the student from the sample.
- For one student who appeared to be lacking an annual goal in an area of identified need, district staff were able to demonstrate how the student's need in this particular area were being addressed through existing goals on the IEP.

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

- In discussing a certain student's progress in reading, a service provider stated, "[He/She] is one I'm really concerned about." The IEP team had not changed any aspect of the student's program and had "carried over" an annual goal from the prior year's IEP: the service provider added, "It's the same goal."
- When asked about the adequacy of a particular student's special education services in a certain area of need, a district staff member stated that the special education teacher's only involvement with the student was checking his/her grades.
- One staff member was not able to give any insight into a certain student's progress, even though the goal had been in place for over two quarters and was the teacher's responsibility for tracking. The staff member listed multiple measures used to track the student's progress on the goal in question (none of them included in the goal as a method of measurement), and added, "I'm just not sure until we get some more baseline how far [he/she] has come."
- When asked about a particular student, a service provider described him/her as the service provider's "most critical student." The service provider agreed with documentation in the file describing the student's need for functional skills as a component of his/her instruction, but the IEP team has not provided them due to concerns about the student's self-esteem if placed in a "lower" class.
- An IEP team member recognized a certain student's need for counseling services to help him/her deal with anxiety that affects work completion. The staff member encouraged the student's parent to pursue these services outside of the

- school: however, the staff member was not sure if such services were being provided outside of school (counseling is not listed in the student's IEP)
- In discussing one student's "severe" sensory impairment, a district staff member explained that the team had not fully evaluated the student's sensory needs due to the student's stubbornness. The team had reportedly attempted to provide some accommodations, but "[student name] doesn't want to play" and refuses the supports. There are no supplementary aids and services listed in the student's IEP
 - When asked what would be done to address a certain student's confirmed lack of progress, a teacher stated, "We let the IEP expire and make changes then."
 - In describing how a particular student's services meet his identified needs in a specific academic area, a staff member stated, "The idea is to try to work on the goal when we're doing homework." The student had no special education or related services aimed at this need area (despite an applicable goal).
 - A staff member described a particular student's hearing aid as an "antique piece of junk" and mentioned that the student has not had a hearing evaluation in a "long, long time." The staff member was unsure who is assigned to ensure the hearing aid's proper functioning and added, "We don't even have an audiologist on staff in the district."
 - When asked about a student's poor progress in reading, a district staff member stated, "Reading is [his/her] biggest roadblock." The student's reading goal remained unchanged for three consecutive IEPs, including the current program.
 - When asked about a certain student's progress in reading, a teacher described that student as the only one in the class who "has not passed a single standards assessment." The teacher explained that the student's poor performance was largely due to reading difficulties, yet the student's IEP team had not yet reconvened to address the lack of progress. The teacher added, "I haven't considered having the IEP team reconvene."

C. Finding

The WDE finds that special education services in SCSD #2 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 5: FAPE – Extended School Year

A. Data

During the data review meeting for Sheridan #2, 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 6% of its students with disabilities; the comparable state rate was 12.3%.

Although ESY services may be provided to any student with a disability who needs them, students who are eligible in particular disability categories are more likely to

receive ESY⁵. Within the top categories of students who are often provided with ESY, Sheridan #2 had 30 students who were not receiving ESY according to the district's 2010 WDE-427 results. The WDE hypothesized that some of these 30 students may be in need of ESY services in order to receive FAPE.

B. Methodology

2. File Review

The WDE monitoring team selected the 30 students mentioned above as its purposeful sample for Area 3. The WDE's first step in exploring this hypothesis was a focused review of these students' special education files. Through the file review process, 22 students were removed from the sample for the following reasons:

- Seven of the students' files did not contain any evidence to suggest they were in need of ESY services.
- Four of the students moved or transferred out of the district.
- Four students were in fact being provided with ESY services.
- Three students' files were removed from the sample by the monitoring team leader before being reviewed in order to ensure timely completion of the file review.
- Two students graduated in the spring of 2010.
- One file was not available during the time of the WDE's visit.
- One student recently passed away.

This reduction left eight 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:

- 7 of 8 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)].
- 2 of the 8 files contained no evidence of ESY consideration at these students' IEP meetings [34 C.F.R. §300.106].
- All 8 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)].
- 4 of the 8 files contained a current IEP that did not contain annual goals addressing each 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)].
- 8 of the 8 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)].
- 3 of the 8 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)].

⁵ For 2009 – 2010, Wyoming's statewide data showed that students who are eligible in the following disability categories are most likely to receive ESY services: Multiple Disabilities (56%), Cognitive Disability (48%), Autism (33%), Traumatic Brain Injury (30%), Orthopedic Impairment (24%), and Visual Impairment (19%).

- 7 of the 8 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, 6 of the 8 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)].
- 5 of the 8 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)].
- For 4 of the 8 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)].

2. Interviews

Following the file review, WDE monitoring team members interviewed special education staff, general education teachers and related service providers regarding these eight specific students and their potential need for Extended School Year services. Through the interview process, five additional students were removed from the sample for the following reasons:

- For four of the students, district staff members were able to provide compelling evidence to demonstrate that these students were not in need of ESY services.
- The WDE learned that one of the students was in fact receiving some services during long school breaks from outside service providers (in lieu of services provided by the school district).

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

- When asked why ESY would not be appropriate for a certain student with sensory needs, a staff member stated, "ESY is for kids who lose a lot over the summer and have trouble with recoupment. It's for MR kids." However, the staff member later stated that the student in question would benefit from related services to address these sensory impairments during longer school breaks.
- For one of the students who was not progressing as expected, ESY services were described as "too stressful" to be suggested or attempted. However, the student had previously been required to attend extra study sessions outside of regular instructional times with positive results.
- In discussing one of the students, a district staff member stated the student in question would make more progress if provided with a certain related service during the summer. The staff member wondered aloud, "Why don't we offer (related) services in the summer?"
- One staff member declined to share a perspective on whether or not a particular student would benefit from ESY services. However, the same staff member described notable regression in multiple skill areas after the student had missed only one week of school.
- Regarding one of the students, a staff member shared that additional after school services were provided last year with positive results; no explanation was given as to why they were not provided this year (at the time of the WDE's visit, the student continued to struggle in certain goal areas).

C. Finding

The WDE finds that special education services in SCSD #2 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 6: FAPE – Assistive Technology

A. Data

According to the 2010 WDE-427 report submitted by the district, only 1% of students with disabilities in Sheridan #2 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 50 students who were not receiving Assistive Technology according to the most recent WDE-427 data. All of these students were reportedly eligible for special education under one of the following criteria: Autism (AT), Traumatic Brain Injury (BI), Cognitive Disability (CD), Hearing Impairment (HI), Multiple Disabilities (MU), Orthopedic Impairment (OI), or Visual Impairment (VI). In addition, none of these students scored 'Proficient' or 'Advanced' on any subtest during the most recent year in which they took the PAWS or PAWS-ALT statewide assessment. The WDE hypothesized that some of these students might be in need of Assistive Technology devices or services in order to receive FAPE.

B. Methodology

1. File Review

Once on-site in Sheridan, the WDE reviewed these 50 students' special education files. Through the file review process, 42 files were removed from the sample for the following reasons:

- Fourteen students appeared to be receiving appropriate amounts and/or types of Assistive Technology services.
- Ten student files did not demonstrate any clear need for Assistive Technology devices or services.
- Eight students recently moved or transferred out of the district.
- Three students' files were removed from the sample by the monitoring team leader before being reviewed in order to ensure timely completion of the file review.
- Two files were not available during the time of the WDE's visit.
- Two students dropped out of school.
- One student graduated in the spring of 2010.
- One student received a certificate of completion and exited in the spring of 2010.
- One student recently passed away.

This reduction left eight 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:

- 7 of 8 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)].
- 4 of the 8 files contained no evidence of Assistive Technology consideration at these students' IEP meetings [34 C.F.R. §300.105].
- All 8 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)].
- 2 of the 8 files contained a current IEP that did not contain annual goals addressing each 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)].
- 8 of the 8 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)].
- 4 of the 8 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)].
- 4 of the 8 files contained a current IEP that was unspecific 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)].
- All of the 8 students' progress reporting information for each annual goal was not clearly documented in the IEP [34 C.F.R. §300.320(a)(3)].
- According to progress reporting information in the files, 8 of the 8 students were not making adequate or expected progress in one or more goal areas. Only one of these eight students' IEP teams had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
- 5 of the 8 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

At the conclusion of the file review, WDE monitoring team members interviewed Sheridan #2 special education staff, general education staff, and related service providers regarding these eight students' educational needs and their use of Assistive Technology. Through the interview process, all eight students were removed from the subsample for the following reasons:

- The WDE learned that seven of the students were in fact receiving Assistive Technology services and/or using AT devices. In each of these cases, district staff demonstrated that the type and amount of AT being delivered was appropriate given the students' needs.
- For one of the students, district staff members were able to provide compelling evidence to demonstrate that this student was not in need of AT devices or services.

C. Finding

The WDE does not find SCSD #2 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 Sheridan #2 is not required to address Area 6 specifically on its Corrective Action Plan (CAP).

D. Recommendation

The WDE recommends that Sheridan #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 WDE through the WDE-425 and WDE-427 submissions.

Area 7: Least Restrictive Environment

A. Data

In reviewing the district's most recent WDE-427 data, the Department noted that Sheridan #2 appeared to have a comparatively high percentage of students placed in Self-Contained (SC) settings (12.75% compared to the state rate of 8.24%). In addition, the WDE noted that the district's representation of students with disabilities in SC settings was higher among students with certain primary disability labels. For example, 18% of Sheridan #2's students placed in this type of setting were eligible under the Autism criteria, while just 11% of the state's total group of students in SC settings carried the same eligibility. Additionally, 31% of the district's students in SC settings were eligible under Other Health Impairment (HL) criteria, while only 18% of the students statewide who are served in this type of setting had the same eligibility. The WDE hypothesized that some Sheridan #2 students who are eligible under the AT, HL, CD or ED criteria could be successfully educated in less restrictive environments with the use of supplementary aids and services.

B. Methodology

1. File Review

In preparation for the visit, the WDE created a purposeful sample of 36 students, reportedly identified in the AT, CD, ED, or HL disability categories. These students were reported as receiving special education and related services in Self-Contained settings at the elementary and middle school grade levels.

Once on-site in Sheridan, the WDE reviewed these 36 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, seventeen students were removed from the sample for the following reasons:

- Ten students had moved or transferred out of the district.
- Three of the students' IEPs contained an appropriate justification for their removal from general education settings.
- Two files were not available during the time of the WDE's visit.
- One student had recently been moved to a less restrictive setting.
- One student's file was removed from the sample by the monitoring team leader before being reviewed in order to ensure timely completion of the file review.

This reduction left nineteen 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 19 files contained an inadequate or unclear rationale for the student's removal from the regular education environment [34 C.F.R. §§300.114(a)(2), 300.320(a)(5), 300.116].
- 15 of the 19 files contained no evidence that the IEP teams had considered a less restrictive environment for the students in question [34 C.F.R. §§300.114(a)(2), 300.115, 300.116(b – e)].
- For 12 of the 19 students, challenging behavior appeared to have been a factor in the placement decision. Of these twelve student files, just three contained a functional behavior assessment (FBA) [34 C.F.R. §300.304(b – c), 300.114(a)(2), 300.115(b)(2), 300.116(b – e)].
- 5 of 19 files indicated that the students' communication difficulties were a factor in the placement decision. It was unclear from these two files if/how the IEP teams had attempted the use of supplementary aids and services in regular education environments prior to placing the student in a more restrictive setting [34 C.F.R. §§300.114(a)(2), 300.115(b)(2), 300.116(b – e)].
- 9 of the 19 students' current programs had no services or supports designated in the supplementary aids and services section of the IEP [34 C.F.R. §300.320(a)(4)].
- For 13 of the 19 students, the WDE could not determine their levels of progress in the current setting due to unclear progress reports [34 C.F.R. §300.320(a)(3)].
- According to progress reporting information in the files, 3 of the 19 students were not making adequate or expected progress in one or more goal areas. None of these three students' IEP teams had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].

2. 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 nineteen students. Through the interview process, sixteen additional files were removed from the sample for the following reasons:

- Nine students had recently been moved to less restrictive settings and were shown to be making adequate progress in each of their goal areas.
- For seven students, Sheridan #2 staff provided compelling evidence to explain why these IEPs could not be implemented in less restrictive environments even with the provision of supplementary aids and services.

For the three 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:

- One district staff member commented that a particular student could be served successfully in a less restrictive setting if some sort of co-teaching arrangement could be implemented.

- A teacher stated that one of the students could spend more time in general education environments if provided with assistance from a paraprofessional. The teacher added that one was not available, however—“That was more or less an administration decision.”
- Regarding one student’s level of involvement in general education classrooms, a district staff member stated the student is not actively involved and is socially isolated. The staff member recognized that the student’s current designation of supplementary aids and services may be inadequate.
- More than one district staff member described a certain student’s restrictive placement as “automatic” due to his/her previous placement at a residential treatment center.

3. Review of Additional Documentation

During the on-site review in Sheridan #2, WDE monitoring team members were supplied with a document entitled, “Description of the Resource IV Program,” which was dated February 7, 2008⁶. The document describes the Resource IV program as a service to students whose “behavior prevents them from benefiting from a less restrictive educational environment” and contains procedures for implementation. Resource IV settings are found at both the elementary and secondary grade levels in the district.

In its review of the document, the WDE team found several troubling pieces of information. First, the text describes a “Target Population” for Resource IV placement—the description is almost a verbatim restatement of the definition of a child with an “Emotional Disturbance” as included in the federal regulations at 34 C.F.R. §300.8(c)(4). The district is reminded that categorical placement of any student based on anything other than his/her unique needs is a direct violation of federal LRE regulations, most notably 34 C.F.R. §300.116. Furthermore, students in Resource IV settings are reportedly all given individual and group counseling, and all students in the program follow a shorter daily class schedule with special transportation (unless “mainstreamed into first and/or seventh hour classes”).

Elsewhere in the document, the district describes procedures by which students in the Resource IV program acquire additional “mainstream classes” with their nondisabled peers. The document goes into great detail to explain the means by which students gain or lose general education classes depending upon the their adherence to the program’s rules, the amount of time spent in Resource IV classes, and the “discretion of the CS/IBP (*sic*) team.”

No school or district can require that students with disabilities “earn” their right to be educated with nondisabled students. IDEA’s LRE requirements set forth standards to be used in making placement decisions: in short, removal from general education settings is allowable if a student’s IEP cannot be implemented satisfactorily in a less restrictive setting even with the use of supplementary aids and services. The application of the district’s “mainstreaming” system to students placed in Resource IV classrooms—without proper consideration of their individual needs—does not meet this standard.

C. Finding

The WDE finds that special education services in SCSD #2 are not always provided in accordance with the LRE requirements established in 34 C.F.R. §§300.114 through

⁶ A copy of the document is included with this report as Appendix B.

300.116. 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).

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 Sheridan #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 455 surveys, and 85 parents returned completed surveys to the WDE (18.68%). In Appendix A of this report, the complete survey results are included for the district's review.