

Wyoming Department of Education Continuous Improvement Focused Monitoring Report

Teton County School District #1

School Year: 2010 – 2011

Date of On-Site Review: January 31 – February 4, 2011

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 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 (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

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. Teton #1 was the randomly selected district for 2010 – 2011.

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

Teton County School District #1 (TCSD #1) is considered a large school district and reported a special education population of 303 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	TCSD #1	State (excluding TCSD #1)
<i>Number students on July 2010 WDE-427 File:</i>	303	15,023
A. Difference in IEP students' reading proficiency rates, grade 3-6, Proficiency 2009 minus Proficiency 2007	-11.95	-10.58
B. Difference in all students' reading proficiency rates, grade 3-6, Proficiency 2009 minus Proficiency 2007	-12.14	-10.51
C. Difference: A – B	0.19	0.08
D. Difference in IEP students' reading proficiency rates, grade 7-8, Proficiency 2009 minus Proficiency 2007	-16.54	-5.72

E. Difference in all students' reading proficiency rates, grade 7-8, Proficiency 2009 minus Proficiency 2007	-10.40	-10.57
F. Difference: D – E	-6.14	4.85
G. Average of C and F	-2.97	2.39
H. Percentage of students with CD, ED, or MU disability codes in SC environment*	67.44	68.44
Total Points (H. + G.)	64.47	70.83

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

As mentioned above, Teton #1 was selected for an onsite monitoring visit at random. However, the data in this chart are interesting to consider. Although the formula results did not trigger the WDE’s selection of Teton #1 as a focused district, the WDE reviewed the formula results after the district’s random selection.

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 proficiency rates for students with disabilities decreased at a greater rate than that of Wyoming’s overall population of students with IEPs. The district’s decrease from 2007 to 2009 was especially evident at grades 7 and 8, in which reading proficiency rates for students with disabilities decreased by an average of 16.54% while the rate among Wyoming’s other 47 districts decreased by 5.72% over the same time period.

However, Teton #1’s data compare more favorably to the state on the Least Restrictive Environment variable. According to the district’s 2010 WDE-427 report, Teton #1 has 32.66% 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.

It should be noted that the district’s performance on these formula components is not conclusive evidence of noncompliance. After a district has been selected for on-site monitoring, the WDE then analyzes a broad spectrum of district data to determine potential areas of noncompliance that may account for the district’s performance. For example, if a district has low PAWS proficiency rates in mathematics and low rates of regular class placement, the question of whether or not children with disabilities have 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 Teton County School District #1

In preparation for the on-site monitoring visit, WDE reviewed Teton #1 data from a variety of sources including the WDE-425 and WDE-427 data collections, assessment data (PAWS and PAWS-ALT) from 2006 through 2010, 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 – 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 – Extended School Year** This hypothesis was formulated in response to district data showing a comparatively low rate of students receiving Extended School Year services.
4. **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.
5. **Least Restrictive Environment** This hypothesis was formulated due to the district's comparatively high percentage of students with disabilities placed in Resource Room environments, particularly at the Middle school level.
6. **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.
7. **Child Find** This hypothesis was generated due to the district's comparatively low identification rates of students with Other Health Impairments and Emotional Disabilities.

Details regarding the development of each hypothesis and information on how the WDE determined its samples 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 Teton County School District #1

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 – 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. The WDE decided to explore the provision of FAPE to students in these categories on each of the 2010 – 2011 on-site CIFM visits.

B. Methodology

1. File Review

In planning the visit, the WDE crafted a purposeful sample comprised of all students in Teton #1 who have a reported disability code of BI, HI, MU, or VI. After arriving in Jackson, 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, seventeen students were removed from the sample for the following reasons:

- Eleven students’ IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Five students graduated in the spring of 2010
- One student was recently returned to the regular education program after being found ineligible for special education services.

This reduction left three 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:

- 1 of 3 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)].
- 1 of 3 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)].
- 1 of 3 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)].
- 1 of 3 students used amplification to compensate for a hearing impairment; his/her IEP did not document that the aids or cochlear implants are checked regularly to ensure proper functioning [34 C.F.R. §300.113].

² 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. 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’).

- According to progress reporting information in the files, 1 of 3 students were not making adequate or expected progress in one or more annual goal areas. For this student, the IEP team had not addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
- 1 of 3 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)].

3. Interviews

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

C. Finding

The WDE does not find TCSD #1 noncompliant in this area. The WDE's compliance hypothesis related to FAPE – Low Incidence Disabilities 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 Teton #1 is not required to address Area 1 specifically through its Corrective Action Plan (CAP).

Area 2: FAPE – Assistive Technology

A. Data

According to the 2010 WDE-427 report submitted by the district, only 6.6% of students with disabilities in Teton #1 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 37 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). 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 Jackson, the WDE reviewed these 37 students' special education files. Through the file review process, 27 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.

- Seven student files did not demonstrate any clear need for Assistive Technology devices or services.
- Four students graduated in the spring of 2010.
- Two students were recently returned to the regular education program after being found ineligible for special education services.

This reduction left ten 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:

- 9 of 10 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)].
- 3 of 10 files contained no evidence of Assistive Technology consideration at these students' IEP meetings [34 C.F.R. §300.105].
- 9 of 10 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)].
- 1 of 10 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)].
- 5 of 10 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)].
- 1 of the 10 student's current IEP included a package of services that did not appear to adequately enable the student to advance appropriately toward meeting his/her annual goals [34 C.F.R. §300.320(a)(4)].
- 2 of 10 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)].
- 5 of 10 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, 4 of 10 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)].
- 3 of 10 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 Teton #1 special education staff, general education staff, and related service providers regarding these ten students' educational needs and their use of Assistive Technology. Through the interview process, six students were removed from the subsample for the following reasons:

- The WDE learned that five of the six 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 the student was not in need of AT devices or services.

These reductions 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:

- In discussing one student's potential need for Assistive Technology devices and services, a district staff member commented, "AT would be needed. [Student name] needs a full AT evaluation."
- When asked about the possibility of using AT devices and services to help increase a particular student's adaptive skills and functional living skills, a district service provider stated that such supports and services are necessary.
- A district staff member stated, "AT may be able to help" when asked about the use of Assistive Technology by a student who has significant difficulties with writing.
- In response to a question about possible barriers to the provision of AT for a certain student, a district staff member commented, "We have been told there's no money for that so don't even ask."
- For a student whose evaluation indicated that keyboarding and word prediction was the most effective means of written communication, staff indicated that, "it would be very important for [student name]." However, the recommendation was not incorporated into the student's IEP and, no other staff members interviewed had knowledge of the recommendation.

C. Finding

The WDE finds that special education services in TCSD #1 are not always provided in accordance with the FAPE requirements established in 34 C.F.R. §300.105. The district will be required to address this finding and correct the noncompliance through the development and implementation of a Corrective Action Plan (CAP).

Area 3: FAPE – Extended School Year

A. Data

During the data review meeting for Teton #1, 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 8.6% 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 ESY³. Within the top categories of students who are often provided with ESY,

³ 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%).

Teton #1 had 37 students who were not receiving ESY according to the district's 2010 WDE-427 results (27 of these students were in middle or high school).

In addition, the WDE noted that 25 Teton #1 students with disabilities in grades 6, 7, 8, and 11 who were *not* receiving ESY scored below 'Proficient' on all three 2010 PAWS subtests (reading, writing, and mathematics). Combining the two groups of students discussed in this paragraph and the preceding one, the WDE created a purposeful sample that included 48 unique students. The WDE hypothesized that some of these students may be in need of ESY services in order to receive FAPE.

B. Methodology

1. File Review

The WDE's first step in exploring this hypothesis was a focused review of these 48 students' special education files. Through the file review process, 22 students were removed from the sample for the following reasons:

- Nine of the students' files did not contain any evidence to suggest they were in need of ESY services.
- Six students graduated in the spring of 2010.
- Three of the students moved or transferred out of the district.
- Two students were in fact being provided with ESY services.
- Two students were recently returned to the regular education program after being found ineligible for special education services.

This reduction left 26 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:

- 19 of 26 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)].
- 16 of 26 files contained no evidence of ESY consideration at these students' IEP meetings [34 C.F.R. §300.106].
- 23 of 26 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)].
- 3 of 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)].
- 8 of 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)].
- 4 of 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)].
- 7 of 26 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, 11 of 26 students were not making adequate or expected progress in one or more goal areas. None of

- these eleven 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 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 4 of 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)].

2. Interviews

Following the file review, WDE monitoring team members interviewed special education staff, general education teachers and related service providers regarding these 26 specific students and their potential need for Extended School Year services. Through the interview process, twelve additional students were removed from the sample for the following reasons:

- For ten 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).
- For one student, staff was able to provide documentation that the IEP team recommended and offered ESY and the parent declined to make the student available for the services.

These reductions left fourteen 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:

- After stating that a particular student needs special education services beyond the regular school year, a district staff member added that the services were not provided to the student because “There’s no transportation back home.” Interviews with multiple staff confirmed that transportation difficulties are often viewed as a barrier to providing ESY.
- In discussing a certain student’s potential need for ESY, a district staff member mentioned that these services “would be highly beneficial” and added, “I highly suggest it, but you can’t make them go.”
- One student’s IEP states that he/she made very little progress in reading during the prior school year. The student’s current special education teacher said, “[Student name] would benefit from services over the summer, but we can’t mandate it.” Based on the file review, there is no evidence that ESY services were formally offered.
- For a student who was struggling in reading and math, a special education teacher indicated that he/she would “definitely” benefit from extended year services. However, the student’s current program does not include ESY.
- While discussing a particular student’s current progress, a service provider stated, “[He/She] definitely needs ESY. I can’t think of another student who needs it more.”

- In response to a question about a certain student’s potential need for ESY, a district staff member explained, “We would never count it on an IEP because we can’t mandate it because we can’t transport them home. Some kids can take the START bus, but if the parents work, not all of them can come. Lower functioning kids can’t take the START bus, and if they live further out...no way.”

C. Finding

The WDE finds that special education services in TCSD #1 are not always provided in accordance with the FAPE requirements established in 34 C.F.R. §§300.101, 300.106, 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 – Social, Emotional and Behavioral Supports and Services

A. Data

Information from the most recent WDE-427 report indicated that 7.9% of Teton #1’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 20.4% during the same time period. Interestingly, of the district’s thirteen students with an Emotional Disability (ED), five 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, Teton #1 had six 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 six students—and some of the five 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 ten unique 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, nine students were removed from the sample for the following reasons:

- Four students graduated in the spring of 2010.
- Three students recently moved or transferred out of district.
- Two students’ files contained no information to suggest that they were in need of social, emotional, or behavioral services.

This reduction left one student remaining in the sample. The file exhibited the following violations of federal special education regulations, prompting the WDE to examine the student’s situation more closely:

- The file included evidence that the student’s evaluation was not conducted in a comprehensive manner so that all relevant educational needs could be identified [34 C.F.R. §§300.304(b – c)].
- The file 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)].
- The file contained a current IEP that was nonspecific in its designation of supplementary aids and services [34 C.F.R. §§300.320(a)(4 & 6), 300.324(a)(2)].
- For this student, there was evidence that some IEP team members’ concerns regarding emotional/behavioral issues—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 special education staff, general education teachers and related service providers regarding this one specific student and his/her potential need for social, emotional, and/or behavioral services. Through the interview process, this student was removed from the sample when those interviewed were able to provide compelling evidence that the student’s needs were being adequately addressed without the provision of CS, PS, or SW services. Furthermore, the student was shown to be making adequate/expected progress.

C. Finding

The WDE does not find TCSD #1 noncompliant in this area. The WDE’s compliance hypothesis related to FAPE – Social, Emotional and Behavioral Supports and Services 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 Teton #1 is not required to address Area 4 specifically on its Corrective Action Plan (CAP).

Area 5: Least Restrictive Environment

A. Data

In reviewing the district’s most recent WDE-427 data, the Department noted that Teton #1 appeared to have a higher percentage of students placed in Separate Classroom (SC) settings when compared to the state as a whole (11.11% vs. 8.24%). In addition, of the district’s 28 students with disabilities in SC settings, six were not receiving any related services.

The WDE also noted that 42 of the district’s 88 students placed in Resource Room (RR) settings were reportedly not receiving any related services. In the 2009 – 2010 data, the district’s placement of students in this type of setting appears to spike considerably at grades 6, 7, and 8⁴. The WDE hypothesized that some Teton #1 students in SC and RR settings could be successfully educated in less restrictive environments if provided with appropriate supplementary aids and services.

⁴ According to Teton #1’s 2010 WDE-427 report, 63%, 56%, and 50% of the district’s 6th, 7th, and 8th graders with disabilities (respectively) are placed in Resource Room settings. The comparable state rates are much lower: 39% for 6th grade, 43% for 7th grade, and 41% for 8th grade.

B. Methodology

1. File Review

In preparation for the visit, the WDE created a purposeful sample of 39 unique students: thirty of them were students in middle school grades who were reportedly placed in Resource Room settings and *not* receiving any related services. The nine remaining students were in elementary grades and were all placed in Separate Classroom settings.

Once on-site in Jackson, the WDE reviewed these 39 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, 25 students were removed from the sample for the following reasons:

- Seventeen of the students' IEPs contained an appropriate justification for their removal from general education settings.
- Four students had moved or transferred out of the district.
- Two students were recently returned to the regular education program after being found ineligible for special education services.
- Two students had recently been moved to a less restrictive setting.

This reduction left fourteen 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 14 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].
- 7 of 14 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 2 of 14 students, challenging behavior appeared to have been a factor in the placement decision. Neither of these student's files 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)].
- 2 of 14 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)].
- For 3 of 14 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 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. Interviews

After the file reviews were completed, WDE team members interviewed special education teachers, general education staff, and related service providers regarding the

learning environments for these fourteen students. Through the interview process, all fourteen students were removed from the sample for the following reasons:

- For nine students, Teton #1 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.
- Five students had recently been moved to less restrictive settings and were shown to be making adequate progress in each of their goal areas.

C. Finding

The WDE does not find TCSD #1 noncompliant in this area. The WDE's compliance hypothesis related to Least Restrictive Environment 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 Teton #1 is not required to address Area 5 specifically on its Corrective Action Plan (CAP).

Area 6: FAPE – Educational Benefit

A. Data

In its review of 2010 PAWS assessment data, the WDE team noticed some particular areas of concern. Of the 57 students with disabilities placed in Resource Room (RR) or Separate Classroom (SC) settings who took the assessment, 47 scored below 'Proficient' on at least two 2010 PAWS subtests (reading, writing, mathematics). The WDE hypothesized that some of these students 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 46 students with disabilities to use in its exploration of this hypothesis: all were placed in RR or SC settings and scored 'Basic' or 'Below Basic' on two or more PAWS subtests during the 2010 administration. The WDE reviewed these 46 students' special education files and cumulative records as the first step in its exploration of this hypothesis. Through the file review process, 16 students were removed from the sample for the following reasons:

- Twelve students' IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Two students moved or transferred out of the district.
- Two students were recently returned to the regular education program after being found ineligible for special education services.

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

- 12 of 30 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)].

- 8 of 30 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)].
- 12 of 30 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 30 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 30 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)].
- 15 of 30 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, 10 of 30 students were not making adequate or expected progress in one or more goal areas. None of these ten students' IEP teams had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
- 6 of 30 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 10 of 30 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)].
- 8 students (all 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)].
- 5 of 30 students' records reflected a poor attendance history; response from the IEP team was unclear in each case [34 C.F.R. §§300.320(a)].
- One 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 thirty specific students. Through the interview process, twenty additional students were removed from the sample for the following reasons:

- Regarding fourteen students, district personnel were able to provide details demonstrating that each of the students were now making adequate progress and receiving educational benefit.
- For five 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 cases, the students' needs had changed since their most recent evaluation.
- Results of interviews regarding one student were inconclusive, leading the WDE to remove him/her from the sample.

This reduction left ten 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 what might account for a certain student's poor progress, a district staff member stated, "Attendance is a huge issue. It adversely affects [him/her]." However the student's IEP did not address this negative behavior, and the team had not yet reconvened to address the student's inadequate progress. Similar issues were found in other student's cases.
- In discussing possible reasons for a particular student's poor progress, a teacher mentioned, "His behavior interferes with his learning." However, behavior is not addressed in the student's current IEP.
- A student's PLAAFP documents that work completion is an educational need, yet the IEP does not address these struggles through an annual goal or appropriate services. When asked why the student is failing a core content area class, the teacher stated, "Because [he/she] continues not to complete [his/her] work".
- One student's most recent evaluation report carefully documents his/her hearing loss and recommended hearing aids, audiological checks, preferential seating and classroom amplification. Of these recommendations, only preferential seating is included in the current IEP. None of the staff interviewed were aware of the student's hearing loss or these additional recommendations from the evaluation.
- In discussing a particular student with a variety of needs related to reading, a district staff member stated, "I just know how much she's getting. I just don't know where her level of comprehension is". When asked if reading comprehension is an area in which the team should consider crafting an annual goal, the staff member replied, "Probably."
- In discussing the adequacy of a certain student's service package, a district staff member reported that the student's counseling services are "sporadic" and not meeting his/her needs appropriately.

C. Finding

The WDE finds that special education services in TCSD #1 are not always provided in accordance with the FAPE requirements established in 34 C.F.R. §§300.101, 300.320, and 300.324. Correction requires the development and implementation of a Corrective Action Plan (CAP).

Area 7: Child Find

A. Data

After analyzing the district's July 2010 WDE-427 data collection, the WDE observed that the district's identification rates for students with Emotional Disabilities (ED) and Other Health Impairments (HL) were significantly lower than comparable state's rates⁵. Additionally, when reviewing Teton #1's 2010 PAWS results, the WDE identified seven students *without* disabilities who scored below 'Proficient' on two or more of the PAWS 2010 subtests and were suspended for three or more days in 2009 – 2010. Digging deeper into the data, the WDE discovered four students *without* disabilities who scored below 'Proficient' on two or more 2009 PAWS subtests and were suspended for three or

⁵ 4.3% of Teton #1's students with disabilities were reportedly eligible under the ED criteria during the 2009 – 2010 school year. In contrast, 7% of the state's students with disabilities were similarly eligible during the same time period. For students with Other Health Impairments, the percentages were 10.2% and 14.8% respectively for the district and state as a whole.

more days during the 2008 – 2009 school year. The WDE hypothesized that the district might have additional students for whom district staff members suspect a disability, yet the students have not been evaluated or found eligible.

B. Methodology

1. File Review

The WDE used the eleven students without disabilities discussed under Section A above as its purposeful sample for this hypothesis. The WDE reviewed these students' cumulative records as the first step in its exploration of this hypothesis. Through the file review process, eight students were removed from the sample for the following reasons:

- Five students moved or transferred out of the district.
- Three student's files contained no clear evidence that would prompt school staff to suspect a disability.

This reduction left three students remaining in the sample. Each of these files exhibited one or more of the following conditions, prompting the WDE to further examine these student situations:

- 1 of 3 students had a recent history of behavior incidents requiring office discipline referrals.
- 2 of 3 students (all of whom were enrolled in secondary grades) had grades of 'D' or 'F' in at least one core academic course.
- 3 of 3 files contained district assessment data results showing scores below the corresponding targets and/or below the mean in the content areas measured.
- 3 of 3 files contained records that indicate frequent or extended absences from school.

2. Interviews

Following the file review, WDE monitoring team members interviewed district general education teachers and other district staff regarding these three specific students. Through the interview process, all of the students were removed from the sample when district staff members were able to provide compelling reasons to explain why school personnel did not suspect a disability in each case (in spite of information documented in the students' cumulative files).

C. Finding

The WDE does not find TCSD #1 noncompliant in this area. The WDE's compliance hypothesis related to Child Find was not substantiated through on-site file reviews and interviews with district staff. Teton #1 is not required to address Area 7 specifically through its 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 provide insight regarding their children's special education experiences in Teton #1. The Department mailed a hard copy of the Parent Survey and a cover letter to each parent of a student currently receiving special

education services in the district. Parents had the option of completing the survey on paper or completing it online. The WDE mailed a total of 252 surveys, and 38 parents returned completed surveys to the WDE (15.07%). In Appendix A of this report, the complete survey results are included for the district's review.