

Wyoming Department of Education Continuous Improvement Focused Monitoring Report

Uinta County School District #4

School Year: 2010 – 2011

Date of On-Site Review: December 6 – 9, 2010

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 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

Uinta County School District #4 (UCSD #4) is considered a small school district and reported a special education population of 163 students on its 2010 WDE-427 report. Thus, the district's 2009 – 2010 special education data were ranked against data from all other small districts for the same time period. Districts with the lowest scores in each population group were selected for an on-site monitoring visit using the comparison to state rates found below. Districts who received on-site monitoring visits during the 2009 – 2010 school year were excluded from consideration for monitoring this year in order to give them adequate time to implement their Corrective Action Plans:

Measurement	Uinta #4	State (excluding Uinta #4)
<i>Number students on July 2010 427 File</i>	163	15,163
A. Difference in IEP students' reading proficiency rates, grade 3-6, Proficiency 2009 minus Proficiency 2007	-14.21	-10.56
B. Difference in all students' reading proficiency rates, grade 3-6, Proficiency 2009 minus Proficiency 2007	-16.79	-10.51
C. Difference: A - B	2.58	0.06
D. Difference in IEP students' reading proficiency rates, grade 7-8, Proficiency 2009 minus Proficiency 2007	-34.15	-5.64

E. Difference in all students' reading proficiency rates, grade 7-8, Proficiency 2009 minus Proficiency 2007	-16.49	-10.53
F. Difference: D - E	-17.66	4.89
G. Average of C. and F.	-7.54	2.42
H.% of MU, CD, ED students in SC environment*	70.00	68.40
Total Points (H. + G.)	62.46	70.82

* reversed scored; lower scores are desirable on this measure

In terms of the statewide proficiency rate variables that are included in the selection formula, Uinta #4's data are lower than the state's overall data on the reading variables. However, the district's reading proficiency rates among students with disabilities in grades 3 – 6 did not decline as much as those of the district's general (non-IEP) population from 2007 to 2009. Meanwhile, at the middle school level, the data show a sharp decline in reading proficiency rates among students with disabilities as compared to their nondisabled peers. Overall, the "gap" between reading proficiency rates for students with disabilities and their nondisabled peers in elementary and middle school grades widened by an average of approximately 7.5% in Uinta #4 from 2007 to 2009.

In contrast, Uinta #4's data were slightly better than the overall state when one considers the Least Restrictive Environment variable. According to the district's 2010 WDE-427 report, Uinta #4 has 30% 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 31.6% during the same time period. When the WDE combined the district's statewide assessment improvement data with this LRE data, Uinta #4's total score was the lowest of eligible districts in the small population group. As such, the district was selected for an onsite visit from the Continuous Improvement Focused Monitoring team.

It should be noted that the district's performance on these measures is not conclusive evidence of special education noncompliance. 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 Uinta County School District #4

In preparation for the on-site monitoring visit, WDE reviewed Uinta #4 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 five hypotheses related to the district's provision of a Free Appropriate Public Education (FAPE):

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 – Educational Benefit** This hypothesis was developed due to the district’s comparatively low PAWS proficiency rates for students with disabilities.
3. **Evaluation Procedures and Eligibility Determinations** This hypothesis was formulated due to the district’s comparatively high percentage of students eligible for special education under the Learning Disability criteria.
4. **FAPE – Physical Therapy** This hypothesis was formulated due to the district’s low rate of students receiving Physical Therapy related services when compared to the state rate.
5. **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 related services.

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

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 Uinta County School District #4

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

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

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 Uinta #4 who have a reported disability code of BI, HI, MU, or VI. After arriving in Mountain View, the WDE monitoring team reviewed these eight students' special education files as the first step in the team's exploration of this hypothesis. Through the file review process, seven 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.
- One student recently moved or transferred out of the district.
- One student was recently returned to the regular education program after being found ineligible for special education services.

This reduction left only one student remaining in the sample. This file contained a current IEP that did not incorporate all of the student's educational needs as identified through the team's evaluation reports [34 C.F.R. §§300.320(a)(1), 300.324(a)(1 – 2)]. Thus, the WDE further examined the student's situation through the interview process.

3. Interviews

Following the file review, WDE monitoring team members interviewed district special education staff and related service providers regarding this particular student's educational needs. Through the interview process, the 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.

C. Finding

The WDE does not find UCSD #4 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. No corrective action is required of the district in this area.

Area 2: FAPE – Educational Benefit

A. Data

In its detailed review of district data, the WDE noted that Uinta #4's 2009 statewide assessment proficiency rates for students with disabilities were lower than the state's overall rates at each grade band (elementary, middle, and high school) in both reading and mathematics. In reviewing the district's assessment data more closely, the WDE discovered that there were fifty Uinta #4 students with disabilities who scored below

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').

'Proficient' on two or more PAWS subtests (math, reading, writing) during the most recent year in which they took the test³. 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

Using the fifty students described above as its purposeful sample for this hypothesis, the WDE began its exploration of the FAPE – Educational Benefit hypothesis with a review of special education files and cumulative records. Through the file review process, thirty students were removed from the sample for the following reasons:

- Twenty students' IEPs appeared to be reasonably calculated to result in educational benefit, and each was making adequate/expected progress.
- Seven 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.
- One student dropped out of school.

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

- 1 of the 20 files did not contain a current evaluation, which is the foundation for creating an Individualized Education Program that provides FAPE to the student [34 C.F.R. §300.304(b)(1)(ii)].
- 7 of the 20 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 the 20 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 20 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 the 20 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 20 students' progress reporting information in each goal area 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 20 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)].
- 6 of the 20 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 As noted above, the WDE did not include PAWS results from 2010 in its data analysis due to widely noted validity concerns caused by problems with the online testing platform. For purposes of this sample, the WDE considered statewide assessment results from 2008 and 2009 only.

- For 4 of the 20 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)].
- 13 of these 20 students 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 the 20 students' records reflected a poor attendance history; response from the IEP team was unclear in each case [34 C.F.R. §§300.320(a)].

2. Interviews

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

- For six of the students, those interviewed were able to provide compelling evidence that these students' needs were in fact being adequately addressed through special education, related, and supplementary aids and services. In three of these cases, the students' educational needs had changed since their most recent evaluation.
- Regarding six other students, district personnel were able to provide details demonstrating that each of the students were making adequate progress and receiving educational benefit. In one student's case, the IEP team had recently reconvened and made appropriate adjustments to the student's program.

This reduction left eight 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 a particular student, multiple staff members confirmed that the student needs specialized instruction and annual goals in the areas of reading, writing, and mathematics (as indicated in the student's most recent evaluation reports). Only one of these three areas is addressed in the student's current IEP, although the student is also receiving Study Skills services.
- When asked if the IEP team had reconvened to address a certain student's poor academic performance, a district staff member replied that the team had not but added, "Reconvening is a good idea."
- When asked about the absence of an annual goal to address a student's difficulties in the area of written expression, a district staff member explained that there is no specific goal because writing is "worked on" in Study Skills.
- In responding to a question about how a certain student's poor attendance is being addressed, a staff member responded that the school continues to contact parents. Frequent absences are negatively impacting this student's progress; however, the IEP team has not met to consider any changes to the student's program.
- When asked if the team has considered extended day or extended school year options to assist a particular student who reportedly needs additional time for pre-teaching of concepts, a district staff member replied that the team had not discussed these options. The staff member added, "The limited Study Skills time does not meet the needs of all of our students."

- While discussing changes to one student’s program that might enable him/her to make adequate progress, a service provider stated that the student needs additional specialized instruction in the area of mathematics. However, the staff member added that this was not possible to due to scheduling concerns.
- While reflecting on how a particular student’s IEP team had responded to his/her failing grades and poor attendance, a district staff member stated, “We really have not done anything formal to address these issues.”

C. Finding

The WDE finds that special education services in UCSD #4 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).

In addition, for the single student without a current, comprehensive evaluation (mentioned under section B1 above), the district must reconvene his/her IEP team within 45 business days of the date of this report. The student’s WISER ID number can be found in the report’s cover letter. The IEP team must: 1) consider existing data relating to the student’s educational needs; 2) consider the need for additional assessment—and conduct these assessments if necessary; and 3) adjust the student’s IEP in light of the information gathered through the comprehensive evaluation. The WDE must be informed in writing of any resulting changes made to this student’s program as a result of these activities.

Area 3: Evaluation Procedures and Eligibility Determinations

A. Data

In reviewing the district’s most recent WDE-427 data, the Department noted that Uinta #4 appeared to have a comparatively high percentage of students identified under the Learning Disability (LD) eligibility criteria (45% compared to the state rate of 35.7%). In addition, the WDE noted that the district’s percentage of students with Emotional Disabilities (ED) was slightly below the state’s comparable percentage (5% in Uinta #4; 7% statewide). The WDE hypothesized that some Uinta #4 students who are eligible under the LD criteria might have been identified inappropriately or be eligible for special education under other criteria.

B. Methodology

In preparation for the visit, the WDE created a purposeful sample of twelve students, all of whom were reportedly eligible under the Learning Disability criteria. Eleven of these twelve students were also receiving Counseling (CS) as a related service, and one was receiving Adaptive Physical Education services. Once on-site in Mountain View, the WDE reviewed these students’ special education files in order to find out more about the evaluation procedures followed and eligibility determinations made in each case. Through the file review process, all twelve students were removed from the sample for the following reasons:

- Four of the students’ special education files revealed that they were also found eligible in other disability categories.

- Three students' files contained evaluation records that appeared comprehensive, and each student clearly met the Learning Disability eligibility criteria.
- Three students graduated in the spring of 2010.
- Two students had moved or transferred out of the district.

C. Finding

The WDE does not find UCSD #4 noncompliant in this area. The WDE's compliance hypothesis related to Evaluation Procedures and Eligibility Determinations for students with Learning Disabilities was not substantiated through on-site file reviews. No corrective action is required of the district in this area.

Area 4: FAPE – Physical Therapy

A. Data

During the data review meeting for Uinta #4, WDE monitoring team members noted that the district's percentage of students receiving Physical Therapy (PT) as a related service was below that of the state as a whole. Specifically, the district reported that none of its students with disabilities were receiving PT services; the comparable state rate was 3.6%.

Statewide, students who are eligible for special education under the Cognitive Disability (CD) or Developmental Delay (DD) criteria are among those who are most commonly provided with Physical Therapy. In addition, students who receive Occupational Therapy (OT) services are also among those most often provided with Physical Therapy services⁴. In Uinta #4, there were fourteen students eligible for special education in the two aforementioned categories and one student eligible under the Other Health Impairment criteria who was also receiving OT services. The WDE hypothesized that some of these fifteen students may be in need of PT services in order to receive FAPE.

B. Methodology

1. File Review

The WDE monitoring team used the 15 students mentioned above as its purposeful sample for Area 4. The WDE's first step in exploring this hypothesis was a focused review of these students' special education files. Through the file review process, nine students were removed from the sample for the following reasons:

- Five of the students moved or transferred out of the district.
- Three of the students' files did not contain any evidence to suggest that they were in need of Physical Therapy services.
- One student's file was removed from the sample when the team determined that his gross motor needs appeared to be addressed adequately through the provision of Adaptive Physical Education.

⁴ In 2009 – 2010, 14.33% of Wyoming's students with a Cognitive Disability and 9.67% of the state's students with a Developmental Delay received PT as a component of their programs. In addition, 21% of Wyoming's students with disabilities who received OT also received PT.

This reduction left six 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:

- 6 of 6 files included evaluation reports describing student needs that could be potentially addressed through the provision of Physical Therapy [34 C.F.R. §§300.301(c)(2)(ii), 300.304(b)(1)(ii), 300.304(c)(4 & 6), 300.305(a – d)].
- 6 of the 6 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 due to the lack of PT services [34 C.F.R. §300.320(a)(4)].
- 2 of the 6 students' progress reporting information was not clearly documented in the IEP [34 C.F.R. §300.320(a)(3)].
- 2 of the 6 students had one or more gross motor goals that had not changed meaningfully from the previous IEP to the current IEP [34 C.F.R. §300.320(b)(1)].
- For 2 of the 6 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 six specific students and their potential need for Physical Therapy related services. Through the interview process, all six of the students were removed from the sample for the following reasons:

- For two of the students, district staff members were able to provide compelling evidence to demonstrate that these students were not in need of PT services. In both cases, district staff presented additional evidence to show that the students' progress was adequate in the area of gross motor functioning.
- In four students' cases, district staff presented additional evidence to demonstrate that the type and amount of motor services (included Adaptive Physical Education and Occupational Therapy) being delivered was appropriate given the students' needs.

C. Finding

The WDE does not find UCSD #4 noncompliant in this area. The WDE's compliance hypothesis related to FAPE – Physical Therapy 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 Uinta #4 is not required to address Area 4 specifically on its Corrective Action Plan (CAP).

Area 5: FAPE – Social, Emotional and Behavioral Supports and Services

A. Data

Information from the most recent WDE-427 report indicated that approximately 14% of Uinta #4's students with disabilities receive Counseling (CS) 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, the district reportedly had five students with Emotional Disabilities (ED) who were not receiving CS services, even though these services often

address social, emotional, and/or behavioral concerns and are typical for students who are eligible under the ED criteria.

In addition, Uinta #4 had one student with a Learning Disability who was suspended for three or more days during two of the past three school years. This student was also not receiving CS services, according to district data. The WDE hypothesized that this student—and some of the 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 six 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, five students were removed from the sample for the following reasons:

- Three students dropped out of school.
- One student's file contained no information to suggest he/she is in need of social, emotional, or behavioral services. In addition, this particular student has had no disciplinary infractions thus far during the 2010 – 2011 school year.
- One student graduated in the spring of 2010.

This reduction left just one student remaining in the sample. This file contained a current IEP that did not address the student's documented social/emotional/behavioral needs through appropriate goals and services. Furthermore the student was struggling academically and the team had not conducted a Functional Behavior Assessment (FBA) to assist in developing an appropriate program [34 C.F.R. §§300.320(a)(1), 300.324(a)(1 – 2)]. Thus, the WDE further examined the student's situation through the interview process.

3. Interviews

Following the file review, WDE monitoring team members interviewed special education staff, general education teachers and related service providers regarding this 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 district personnel provided evidence to demonstrate that the student's behavior has improved dramatically. In addition, the student's IEP team is planning a meeting to discuss the student's continuing eligibility.

C. Finding

The WDE does not find UCSD #4 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. No corrective action is required of the district in this area.

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 Uinta #4. 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 118 surveys, and 15 parents returned completed surveys to the WDE (12.71%). In Appendix A of this report, the complete survey results are included for the district's review.