



**Continuous Improvement  
Focused Monitoring Report  
for**

**FREMONT COUNTY SCHOOL DISTRICT #1**

October 31 – November 4, 2011

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Wyoming Department of Education  
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# Wyoming Department of Education Continuous Improvement Focused Monitoring Report

**Fremont County School District #1**

**School Year: 2011 – 2012**

**Date of On-Site Review: October 31 – November 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 Group<sup>1</sup> during the fall of 2011. 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 influences the annual selection of 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 single indicator for this year's district selection mechanism: PAWS proficiency rates for students in grades 7 and 8. Specifically, the Department calculated the change (positive or negative) in regular PAWS proficiency rates for these grades in reading and mathematics from 2008 to 2011 for students with disabilities. The Department did this to get a measure of districts'

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<sup>1</sup> The Stakeholder Group is comprised of principals, special education directors, teachers, parents, advocates and superintendents from across the state.

success in improving academic results for students in these grades over a four-year period. Those districts with the largest declines in proficiency rates (from 2008 to 2011) were most likely to be selected for on-site CIFM visits (along with one district selected at random).

## B. Individual District Selection

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

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

Fremont County School District #1 (FCSD #1) is considered a medium school district and reported a special education population of 263 students on its 2011 WDE-427 report. Thus, the district's 2010 – 2011 special education data were ranked against data from all other medium 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 2010 – 2011 school year were excluded from consideration for monitoring this year in order to give them adequate time to implement their Corrective Action Plans:

Measurement	Fremont 1	State (minus Fremont 1)
<i>Number students on July 2011 427 File</i>	263	15,203
A. Math proficiency rates for grade 7 and 8 special education students in spring 2011	12.00%	30.63%
B. Reading proficiency rates for grade 7 and 8 special education students in spring 2011	8.00%	30.01%
C. Sum of A. and B.	20.00%	60.64%
D. Math proficiency rates for grade 7 and 8 special education students in spring 2008	33.33%	31.94%
E. Reading proficiency rates for grade 7 and 8 special education students in spring 2008	37.50%	27.11%
F. Sum of D. and E.	70.83%	59.05%
G. Difference Score: C minus F	-0.5083	0.0159

In terms of the statewide proficiency rate variables included in the selection formula, Fremont #1's data do not compare favorably to the state overall. Although the district outperformed the state as a whole in mathematics and reading at the 7<sup>th</sup> and 8<sup>th</sup> grade levels during the 2008 PAWS administration, the district's scores were approximately 19% lower in mathematics and 22% lower in reading during the 2011 statewide assessment administration. Taken in sum, the district's regular statewide assessment proficiency rates for middle school students with disabilities in reading and math decreased by just over 50% from the 2008 administration to the 2011 administration. The decrease is most notable in the area of reading, in which 8% of the district's 7<sup>th</sup> and 8<sup>th</sup> graders scored 'Proficient' or 'Advanced' on the regular 2011 PAWS reading test. In contrast, 37.5% of the students with disabilities in Fremont #1's 7<sup>th</sup> and 8<sup>th</sup> grade classes demonstrated proficiency in this content area during the 2008 PAWS administration. When the WDE compared this statewide assessment data with other districts in this population group, Fremont #1's total score was the lowest of eligible districts in the "medium" cohort. 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. In short, suggestive data alone do not result in a finding: noncompliance can only be confirmed through the WDE's CIFM system if multiple pieces of objective information point to the same conclusion.

### **Focused Monitoring Conditions for Fremont County School District #1**

In preparation for the on-site monitoring visit, WDE reviewed Fremont #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 2011, 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 six hypotheses related to the district's provision of a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment:

- 1. Evaluation Procedures and Eligibility Determinations** This hypothesis was generated in response to district data showing a potential overidentification of students with disabilities under the State's Speech Language Impairment criteria.
- 2. FAPE – Educational Benefit** This hypothesis was developed due to the district's comparatively low PAWS proficiency rates for students with disabilities (particularly at the middle school level).
- 3. FAPE – Social, Emotional and Behavioral Supports and Services** This hypothesis was generated primarily due to the district's comparatively low number of students with disabilities receiving Counseling, Psychological Services, and/or Social Work services among those receiving multiple suspensions.

4. **Child Find** District-reported data show zero students with disabilities eligible under the State's Hearing Impairment criteria since FFY 2006, leading to questions about the adequacy of the district's screening and referral practices for students who may have hearing issues.
5. **Least Restrictive Environment** This hypothesis was formulated due to the district's comparatively high percentage of students with disabilities placed in Separate Classroom environments.
6. **FAPE – Low Incidence Disabilities** This hypothesis was selected for review in all districts receiving CIFM visits during the 2011 – 2012 school year due to troubling statewide outcomes data for students in particular disability categories.

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 Fremont 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 prompted the hypothesis, a summary of evidence gathered in the district, and the WDE's compliance determination with findings of noncompliance if applicable.

### **Area 1: Evaluation Procedures and Eligibility Determinations – Speech Language Impairment**

#### **A. Data**

In reviewing the district's most recent WDE-427 data, the Department noted that Fremont #1 appeared to have a comparatively high percentage of students identified under the Speech Language Impairment (SL) eligibility criteria (35.4% compared to the state rate of 28.7%). In addition, the WDE noted that the district's percentage of students with Learning Disabilities (LD) was significantly below the state's comparable percentage (20.5% in Fremont #1; 35.2% statewide). The WDE hypothesized that some Fremont #1 students who are eligible under the SL criteria might have been identified inappropriately or could be eligible for special education under other criteria.

#### **B. Methodology**

##### **1. File Review**

In preparation for the visit, the WDE created a purposeful sample of 41 students, all of whom were reportedly eligible under the Speech Language Impairment criteria. 32 of these 41 students were also receiving other special education services (in addition to their speech and/or language services). The remaining nine students in the sample

were not receiving other special education services, yet all of them scored 'Basic' or 'Below Basic' on the mathematics or reading subtests of the 2011 PAWS.

Once on-site in Lander, 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, 32 students were removed from the sample for the following reasons:

- Seventeen students' files contained evaluation records that appeared comprehensive, and each student clearly met the Speech Language Impairment eligibility criteria.
- Eight students had returned to the regular education program after being found ineligible for special education services.
- Six students had moved or transferred out of the district.
- One student's special education file revealed that he/she was recently found eligible under the LD criteria.

This reduction left nine students remaining in the sample. Each of these nine 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 9 files contained an initial evaluation that did not address all areas of suspected disability [34 C.F.R. §300.304(c)(4)].
- 1 of the 9 files contained no evidence that information from the parent was included as a component of the evaluation [34 C.F.R. §300.305(a)(2)].
- All 9 of the files contained evidence to suggest that each student might be eligible in one or more different disability categories (i.e. vision and/or hearing screening results, cognitive testing results, district assessment results, etc.).

## **2. Interviews**

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

- For five of the students, those interviewed were able to describe how each student's evaluation team had suspected a Learning Disability but were unable to find the student eligible through the severe discrepancy approach.
- Regarding three students, district personnel were able to provide details demonstrating that each student's hearing and/or vision needs were being addressed adequately and did not require specially designed instruction or related services. Those interviewed explained why none of these students would meet the state's eligibility criteria for Hearing Impairment or Visual Impairment.
- During the week of the WDE's visit, one of the nine students was involved in a reevaluation to probe his/her potential eligibility under the Learning Disability criteria. In this student's case, the IEP team recognized the student's changing needs and responded appropriately by reevaluating him/her.

### **C. Finding**

The WDE finds FCSD #1 systemically compliant in this area. The State's compliance hypothesis related to Evaluation Procedures was not substantiated through on-site file reviews and interviews with district staff. The district is not required to address this area in a Corrective Action Plan (CAP).

### **D. Recommendation**

The WDE recommends that evaluation teams complete an eligibility determination any time a student is suspected of being eligible in a particular disability category, whether or not the student is actually found eligible.

## **Area 2: FAPE – Educational Benefit**

### **A. Data**

While preparing for its visit to Fremont #1, the WDE team noticed some areas of concern in its detailed review of district statewide assessment data. In particular, the team noted that while elementary proficiency rates are improving, proficiency rates for students with disabilities at the middle and high school levels have declined over the past few years<sup>2</sup>. The WDE hypothesized that some of the students with disabilities who were unable to demonstrate proficiency 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 forty students with disabilities to use in its exploration of this hypothesis. All of the students in the sample scored below 'Proficient' on all three subtests (reading, writing, and mathematics) of the 2011 PAWS. 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, seventeen 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.
- Three students had returned to the regular education program after being found ineligible for special education services.
- Two students had moved or transferred out of the district.

This reduction left 23 students remaining in the sample. In addition, two students from other hypothesis areas were added to the Area 2 sample during the file review stage when the team's review of these files led to FAPE concerns. Each of these 25 files

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<sup>2</sup> Reading proficiency rates for students with disabilities at the elementary level increased from 19.72% in the spring of 2008 to 44.83% in 2011; mathematics proficiency rates increased from 39.44% in 2008 to 53.45% in 2011. On the other hand, middle school (grades 7 and 8) reading proficiency rates among students with disabilities decreased from 43.48% in the spring of 2008 to just 7.69% in 2011; mathematics rates among the same population decreased from 47.83% in 2008 to 11.54% in 2011. Finally, high school proficiency rates also demonstrate a decline (from 2010 to 2011), but rates vary greatly from year to year due to the low numbers of test participants with disabilities at the high school level.

exhibited one or more of the following violations of federal special education regulations, prompting the WDE to further examine these student situations:

- 7 of the 25 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)].
- 20 of the 25 files contained a current IEP that did not contain annual goals addressing an area of need described in the Present Levels of Academic and Functional Performance section of the program [34 C.F.R. §300.320(a)(2)(i)].
- 7 of the 25 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)].
- 12 of the 25 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 the 25 files contained a current IEP that was nonspecific in its designation of supplementary aids and services to be provided to the student [34 C.F.R. §§300.320(a)(4 & 6), 300.324(a)(2)].
- 6 of the 25 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, 9 of the 25 students were not making adequate or expected progress in one or more goal areas. Just two of these nine students' IEP teams had addressed the lack of progress by reconvening or amending the program [34 C.F.R. §300.324(b)(1)(ii)].
- 4 of the 25 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 25 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 25 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)].
- 1 of the 25 students' records reflected a poor attendance history; response from the IEP team was unclear [34 C.F.R. §§300.320(a)].
- 1 of the 25 students' records documented the occurrence of three or more behavior incidents during the 2011 – 2012 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 25 specific students. Through the interview process, thirteen additional students were removed from the sample for the following reasons:

- For ten 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 three 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 three students were inconclusive, leading the WDE to remove the students from the sample.
- For one student who appeared to be lacking an annual goal in an area of identified need, district staff members were able to demonstrate how the student's need in this particular area was being addressed through existing goals on the IEP.

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

- A district staff member explained that a particular student was not receiving specially designed instruction in the area of mathematics (despite file and interview evidence that he/she needed such services) because the student scored 'Proficient' on the 2010 PAWS.
- When explaining why a certain student was not receiving services in an area that district staff members recognized as requiring special education services, a district staff member stated that the student was receiving assistance in this area "if we have time."
- In discussing one student's reading difficulties, a district staff member stated that the student was in need of additional reading instruction, but this was not incorporated into his/her IEP because the student would "have to give up something" in his/her schedule in order to receive these services. ESY was not a component of this student's IEP.
- When asked about a particular student's inadequate progress in the area of written expression, district staff members stated that his/her current service package was inadequate. The student in question was not receiving specially designed instruction in this area—only 10-15 minutes per day of paraprofessional assistance in language arts.
- Regarding one student's lack of annual goals in multiple areas of need, a district service provider stated, "We could add goals through an amendment, but we haven't done that."
- When asked about one student's progress, a district staff member described the student's progress as inadequate and added that the student has regressed in one goal area. The student's IEP team had not reconvened or amended the program to address the lack of progress.
- While discussing a student's progress in a certain academic area, a district staff member commented that the IEP team recognized the student's need for a goal and special education services in this area. However, the staff member stated that the program would not be updated until the student's annual IEP team meeting in the spring<sup>3</sup>.
- When asked about a student's failing grades in multiple core academic courses, a district staff member stated that the student "absolutely" needed goals and services in these areas.
- Regarding a student who is performing well below grade level (more than five years below his/her enrolled grade) in a particular content area, a district staff

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<sup>3</sup> In discussing the educational needs of other students, multiple staff members recognized that adjustments needed to be made but several IEP teams were waiting until the students' annual IEP meetings to propose and implement changes.

member commented that a goal and services were necessary in this area. However, the IEP did not address this area and there was no evidence that the team had reconvened or amended the program to add these components.

### **C. Finding**

The WDE finds that special education services in FCSD #1 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 – Social, Emotional and Behavioral Supports and Services**

### **A. Data**

Information from the WDE-636 for FFY 2009<sup>4</sup> showed that Fremont #1 had a suspension rate for students with disabilities well above the comparable state rate. Specifically, the district suspended 18.02% of its students with disabilities for one or more days during the 2009 – 2010 school year, while overall state data indicated that only 8.45% of students with disabilities were similarly suspended. Furthermore, the district suspended 12.64% of its students with disabilities for three or more days, while the comparable state rate was 4.7%.

In addition, the WDE noted that the district had ten students with Emotional Disabilities (ED) who were not receiving Counseling (CS), Psychological Services (PS), and/or Social Work (SW) services, even though these services are typical for students who are eligible under the ED criteria. The WDE hypothesized that some of these students—those with multiple suspensions and those with identified emotional disabilities—might have IEPs that are not reasonably calculated to result in educational benefit due to the district's apparent failure to provide necessary social, emotional, and behavioral supports and services.

### **B. Methodology**

#### **1. File Review**

The WDE created a purposeful sample of 32 students with disabilities: 22 of them were suspended for three or more days during the 2009 – 2010 school year, and ten of them were students with an Emotional Disability who, according to data from the WDE-427, were not receiving CS, PS, or SW services. 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, 22 students were removed from the sample for the following reasons:

- Six students were receiving social, emotional, and/or behavioral services that appeared to be appropriate (some including CS, PS, SW) according to their current IEPs.
- Six students had moved or transferred out of district.

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<sup>4</sup> At the time of the data review in October 2011, FFY 2009 results were the most recent available to the WDE.

- Three students were recently returned to the regular education program after being found ineligible for special education services.
- Two students' files contained no information to suggest that they were currently in need of social, emotional, or behavioral services.
- Two students graduated in the spring of 2011.
- Two students exited after turning 21 years old during the 2010 – 2011 school year.
- One student's parents had revoked consent for special education services, thus returning the student to the regular education program.

This reduction left ten students remaining in the sample. Each of the nine 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:

- 1 of 10 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 5 of the 10 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)].
- 6 of the 10 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 the 10 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)].
- 5 of the 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)].
- 5 of the 10 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 the 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)].
- 4 of the 10 students' current progress reporting information was not clearly documented in the special education file [34 C.F.R. §300.320(a)(3)].
- According to progress reporting information in the files, 4 of the 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)].
- 2 of the 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)].
- For 4 of the 10 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 10 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)].

- 3 of the 10 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 10 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 ten specific students and their potential need for social, emotional, and/or behavioral services. Through the interview process, eight additional students were removed from the sample for the following reasons:

- Three of these students were in fact receiving adequate social, emotional, and/or behavioral services and supports, sometimes outside of school.
- For three 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 district's provision of CS, PS, or SW services. Each of these students was shown to be making adequate/expected progress.
- One student's behavior had vastly improved during the 2011 – 2012 school year, and district staff members provided compelling evidence to demonstrate that social, emotional, and behavioral services were no longer necessary for him/her.
- One student moved out of the district while the WDE monitoring team was on-site in Lander.

These reductions left two 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:

#### **Student One:**

- The student reportedly has a history of social and emotional issues, including anxiety, severe depression, self-injurious behavior, and suicidal ideation.
- Multiple staff members noted that the student had purposely cut himself/herself in the past, yet the student did not have any supports in place (such as a student safety plan) that might prevent or eliminate such behavior.
- District staff members commented that Counseling services were offered in the past but rejected by the parent. However, the WDE team could not find any evidence (such as Prior Written Notice forms) describing the school's offer of these services.

#### **Student Two:**

- The student struggles to attend school consistently, often missing multiple days each week. He/she has an attendance goal in the current IEP, but is not making adequate progress in this area.
- The student's failure to attend school regularly is not only affecting his progress toward attaining his/her attendance goal, it is also negatively impacting grades in his/her other classes.
- At the time of the WDE's visit, the student's IEP team has not reconvened to address his/her lack of adequate progress—both on his/her attendance goal and in the general curriculum.

### **C. Finding**

The WDE finds FCSD #1 systemically compliant in this area. The State'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 is not required to address this area in a Corrective Action Plan (CAP).

However, for the two individual students discussed under section B2 above, Fremont #1 must take action on behalf of these students. The students' WISER ID numbers are listed on the cover letter of this report. For both of them, the district must take action to correct the specific areas of concern listed. The WDE requires that the district reconvene the students' IEP teams within 45 business days of the date of this report. Both IEP teams must consider the listed areas of concern in order to ensure the provision of FAPE in accordance with 34 C.F.R. §300.101. If these students' IEP teams have already met since the WDE's visit and addressed these students' potential need for social, emotional, and/or behavioral supports and services, please notify the Department as soon as possible. In any case, within the timeframe noted above, the WDE must be informed in writing of any resulting changes made to the students' IEPs.

## **Area 4: Child Find**

### **A. Data**

In reviewing Fremont #1's WDE-427 data, the Department noted that the district reported zero students eligible under the Hearing Impairment (HI) disability category during the 2010 – 2011 school year. Looking into previous years' data, the WDE discovered that Fremont #1 has not reported any students eligible in the HI category since at least FFY 2006. Statewide, just over 1% of students with disabilities are eligible in this category. The WDE hypothesized that Fremont #1 may have an inadequate hearing screening process, which could negatively affect the district's Child Find process.

### **B. Methodology**

In preparation for the visit, the WDE requested two sets of documents from the district:

- a) Copies of the fifty most recently conducted hearing screening reports.
- b) Copies of hearing screening reports for any student who failed a hearing screening since the beginning of the 2010 – 2011 school year

In total, the WDE reviewed 71 hearing screening reports in order to ascertain whether or not the district's hearing screening process is adequately identifying students with potential sensory deficits in this area and to determine whether failed hearing screenings triggered the district's Child Find process when appropriate. In reviewing these 71 reports, the WDE determined that:

- 43 of the 71 reports indicated that the student passed the hearing screening. However, these reports did not contain any specific information related to the hearing screening results other than check boxes for "P" (pass), "F" (fail), and

- “Refer.” All 43 of these results were embedded into one-page reports, all of which were entitled, “Vision Screening<sup>5</sup>.”
- One of the 43 students who passed the hearing screening did so while wearing his/her hearing aids.
  - Another of the 43 students who passed the screening was apparently only screened at 2000 and 4000 Hz before the screener noted that he/she was “uncooperative.” The documentation gave no indication that the student was given a full screening.
  - Seven of the 71 reports indicated that the student failed the initial hearing screening, but passed a rescreening later in the school year.
  - 21 of the 71 reports indicated that the student failed the initial hearing screening.
    - Only three of these 21 students were reportedly rescreened; all three of them failed the second screening as well.
    - Ten of the 21 reports indicated that the student was to be “referred” as a result of the failed hearing screening. However, the documents did not make clear to whom the student would be referred.
      - Of the ten students who were to be referred, documents submitted included letters were sent to nine of the students’ parents. The exact content of the letters varied depending upon which school the student attended; however all letters asked (or “strongly urged”) parents to take their child to an audiologist “as soon as possible.”
      - Only two of the ten students who were referred had a record of a subsequent audiometric examination. Both students’ hearing was determined to be within normal limits.

### **C. Finding**

Because the WDE was not able to ascertain whether or not any student’s failed screening results correlated to an adverse educational impact, the WDE was not able to determine if any district staff member should have suspected a possible disability in any student’s case. Therefore, the WDE cannot issue a finding of noncompliance based on the information reviewed. The State’s compliance hypothesis related to Child Find was not fully substantiated through the review of screening records, and the district is not required to address this area in a Corrective Action Plan (CAP).

### **D. Recommendation**

The WDE recommends that the district review its procedures for addressing instances in which a child fails a hearing screening. The district should alert special education staff (or other intervention team member) to any student’s failure of a hearing screening, and special education staff should confer with the child’s teacher(s) to find out if there is reason to suspect that the student may be a child with a disability (as defined under 34 C.F.R. §300.8). If a staff member suspects that a child may have a disability, the district is also reminded that it must formally seek parental consent for an initial evaluation. Once parental consent for an evaluation is provided, the district is also reminded that it is responsible for obtaining audiometric testing if such testing is necessary to establish eligibility or to determine the educational needs of the child. If the district suspects that a student may have a disability, it is not permissible to require parents to obtain testing on their own.

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<sup>5</sup> 12 of these 43 reports appear to have been completed by a local optometrist’s office, and the other 31 appear to have been conducted by a school nurse.

## **Area 5: Least Restrictive Environment**

### **A. Data**

In reviewing the district's most recent WDE-427 data, the Department noted that Fremont #1 reported a comparatively high percentage of students placed in Self-Contained (SC) settings (13.88% compared to the state rate of 7.6%). The WDE hypothesized that some of these students 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 29 students, reportedly identified in a variety of disability categories including several with Cognitive Disabilities (CD), Emotional Disabilities (ED), Traumatic Brain Injuries (BI), Other Health Impairments (HL), Speech Language Impairments (SL), and Multiple Disabilities (MU). These students were served in Self-Contained settings at the elementary, middle school, and high school grade levels.

Once on-site in Lander, the WDE reviewed these 29 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, sixteen students were removed from the sample for the following reasons:

- Nine of the students' IEPs contained an appropriate justification for their removal from general education settings.
- Two students had moved or transferred out of the district.
- Two students' parents had revoked their consent for special education services.
- One student passed away before the start of the 2011 – 2012 school year.
- One student was parentally placed in a home school environment.
- One student reached his/her 21<sup>st</sup> birthday and "aged out" of special education after completing the 2010 – 2011 school year.

This reduction left thirteen 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:

- 11 of 13 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].
- 6 of the 13 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 the 13 students, challenging behavior appeared to have been a factor in the placement decision. Of these two student files, only one 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)].
- 3 of 13 files indicated that the students' communication difficulties were a factor in the placement decision. It was unclear from these 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)].

- According to progress reporting information in the files, one of the 13 students was not making adequate or expected progress in one or more goal areas. The file contained no record of the IEP team addressing 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 thirteen students. Through the interview process, eleven additional files were removed from the sample for the following reasons:

- For ten students, Fremont #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.
- One student was recently moved to a less restrictive setting and was shown to be making adequate progress in each of his/her goal areas. However, this student's IEP had not yet been amended to reflect his/her new environment.

For the two 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:

### **Student One:**

- This student, who is eligible under the Speech Language Impairment criteria, receives special education services for reading, written expression, and mathematics in a Resource Room setting.
- According to file information and comments from district service providers, the student achieves adequately in the general education environment during other core academic classes (such as science and social studies) with the provision of supplementary aids and services.
- From year to year, the student's IEPs show an increase in the amount of time spent in general education settings and a corresponding decrease in time spent in special education settings.
- District staff members commented that the use of supplementary aids and services would likely to enable his/her successful inclusion in general education settings for additional content areas.

### **Student Two:**

- The student has a variety of educational needs, including cognitive, physical, and communication needs.
- The student reportedly does not attend special classes (i.e. art, music, etc.) with his/her nondisabled peers, although he/she did in the past.
- District staff members indicated during interviews that this student could be successfully included in some of these special classes with appropriate supplementary aids and services, adding that the student's next IEP would probably document general education settings for these classes.

### **C. Finding**

The WDE finds that special education services in FCSD #1 are typically provided in accordance with the LRE requirements established in 34 C.F.R. §§300.114 through 300.116. The district will be required to address violations of the related requirements listed under section B1 above, but the WDE does not require the district to develop and implement a Corrective Action Plan (CAP) in this area.

However, for the two students noted under section B2 above, the district must take action to correct the specific areas of concern listed. Both students' WISER ID numbers will be included in the cover letter to this report. Fremont #1 must reconvene these students' IEP teams within 45 business days of the date of this letter and reconsider the listed areas of concern in order to ensure placement in the least restrictive environment in accordance with 34 C.F.R. §§300.114 – 300.116. If the IEP teams have already met and addressed placement since the WDE's monitoring visit in Lander, please notify the Department as soon as possible. In any case, the WDE must be informed in writing of any resulting changes made to these students' IEPs.

## **Area 6: 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 2.5% 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 also appeared to be over-represented among students with disabilities who dropped out of school<sup>6</sup> during FFY 2010. The WDE decided to explore the provision of FAPE to students in these categories on each of the 2011 – 2012 on-site CIFM visits.

### **B. Methodology**

#### **1. File Review**

In planning the visit, the WDE crafted a purposeful sample comprised of all students in Fremont #1 who have a reported disability code of BI, MU or VI (the district reported no HI students) and who were not already included in the sample for Area 2 above. After arriving in Lander, the WDE monitoring team reviewed these ten students' special education files as the first step in the team's exploration of this hypothesis. Through the file review process, eight students were removed from the sample:

- Five students' IEPs appeared to be reasonably calculated to result in educational benefit, and each one was making adequate/expected progress.
- One student had recently moved or transferred out of the district.

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<sup>6</sup> During the 2010 – 2011 school year, Wyoming had 537 students in these disability categories in its schools: 83 BI, 179 HI, 211 MU, and 64 VI. This represents 3.46% of the total population of students with disabilities in the state. In FFY 2010, 2 BI students, 1 HI students, 2 MU students, and 0 VI students dropped out of school (exit code 'DO'). During this same school year, only 3 BI students, 7 HI students, 0 MU students, and 2 VI students graduated (exit code 'GD').

- One of the students had a duplicate WISER ID, meaning he/she was represented twice in the sample.
- One of the students passed away before the WDE's on-site visit.

This reduction left two students remaining in the sample. These remaining files exhibited the following violations of federal special education regulations, prompting the WDE to further examine these students' situations:

- 1 of the 2 files 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)].
- 1 of the 2 files contained a current IEP that did not incorporate all of the student needs identified through the team's evaluation reports [34 C.F.R. §§300.320(a)(1), 300.324(a)(1 – 2)].
- 1 of the 2 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)].
- 1 of the 2 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)].
- 1 of the 2 students had a current package of services that did not appear to enable him/her to advance appropriately toward meeting his/her annual goals [34 C.F.R. §300.320(a)(4)].
- 1 of the 2 students' records reflected a poor attendance history; response from the IEP team was unclear in his/her case [34 C.F.R. §§300.320(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 two students. Through the interview process, the WDE found that both of the students' programs were in fact reasonably calculated to result in educational benefit, and both were making adequate progress.

### **C. Finding**

The WDE finds Fremont #1 systemically compliant in this area. The State's compliance hypothesis related to FAPE – Low Incidence Disabilities was not substantiated through on-site file reviews and interviews with district staff. The district is not required to address this area in 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 Fremont #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 208 surveys, and 35 parents returned completed surveys to the WDE (16.99%). In Appendix A of this report, the complete survey results are included for the district's review.

**Continuous Improvement Focused Monitoring  
Parent Survey for:  
Fremont County School District #1**

**Total Respondents: 35**

**Total Parents who were mailed a survey: 208**

**Returned due to invalid address: 2**

**Response Rate: 16.99%**

	Strongly Disagree	Disagree	Neutral	Strongly Agree	Strongly Disagree
1. At Individualized Education Program (IEP) meetings, we talk about whether my child needs special education services during the summer or other times when school is not in session.	9%	6%	14%	43%	29%
2. My child is included in the general education classroom as much as is appropriate for his/her needs.	0%	6%	9%	37%	49%
3. My child's school addresses my child's educational needs.	3%	6%	17%	40%	34%
4. My child has made adequate progress over the course of the past year.	3%	3%	11%	46%	37%
5. My child's special education program is preparing him/her for life after school.	3%	11%	26%	34%	26%

6. Did your child's school conduct testing in every area in which he/she might have needs that could be addressed through Special Education services? 6a. If no, which areas were not included in the testing? <i>See following page for parent comments</i>	<b>Yes</b> 71%	<b>No</b> 6%	<b>Don't Know</b> 23%
7. Could your child's school be doing more to address his/her academic needs and improve your child's progress in school? 7a. If yes, what could the school be doing? <i>See following pages for parent comments</i>	<b>Yes</b> 29%	<b>No</b> 51%	<b>Don't Know</b> 20%
8. Does your child receive any social, emotional, or behavioral services at school? 8a. If no, do you think your child would make more progress if he/she received these services? 8b. If yes, do you think the amount/type of these services is appropriate for your child? <i>See following pages for parent comments</i>	<b>Yes</b> 31%	<b>No</b> 51%	<b>Don't Know</b> 17%
9. Has the school addressed your child's hearing needs adequately? 9a. If no, what would you like the school to do differently? <i>See following pages for parent comments</i>	<b>Yes</b> 77%	<b>No</b> 0%	<b>Don't Know</b> 23%
10. Are there any additional supports, services, or equipment that would enable your child to spend more time in the regular classroom? 10a. If yes, please describe. <i>See following pages for parent comments</i>	<b>Yes</b> 12%	<b>No</b> 68%	<b>Don't Know</b> 21%

	Strongly Disagree	Disagree	Neutral	Strongly Disagree	Strongly Disagree
11. My child's school provides me with information about organizations that offer support for parents of students with disabilities.	9%	12%	24%	35%	21%
12. My child's teachers are available to speak with me.	3%	0%	6%	43%	49%

	Strongly Disagree	Disagree	Neutral	Strongly Disagree	Strongly Disagree
13. Teachers and administrators encourage me to participate in the decision-making process.	6%	9%	11%	37%	37%
14. My child's school gives parents the help they may need to play an active role in their child's education.	3%	9%	23%	26%	40%
15. My child's school explains what options parents have if they disagree with a decision of the school.	6%	20%	11%	23%	40%

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

*See following pages for parent comments*

**Continuous Improvement Focused Monitoring  
Parent Survey Results  
Open-Ended Comments  
Fremont County School District #1**

**6. Did your child's school conduct testing in every area in which he/she might have needs that could be addressed through Special Education services?**

**6a. If no, which areas were not included in the testing?**

- Special skills
- Speech-yes; not sure about reading
- I and staff knew of child's needs. I addressed this at the very start of school but they waited. I knew she needed more time one-on-one.

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

**7a. If yes, what could the school be doing?**

- They could support my child in elective courses, not just core.
- Everything. My child is failing
- My child could use a little more one-on-one with his reading.
- A better job helping him finish missing work.
- Not since we changed paras.
- Working harder in one-on-one
- Communicating better. We receive no letters or notices
- Computerized testing is not working for my daughter. Her current teacher is trying to help her but testing remains on computer.
- Child needs more one-on-one in special ed. I addressed this and they seem to think she don't.

**8. Did your child receive any social, emotional, or behavioral services at school?**

**8a. If yes, what could the school be doing?**

- Not sure if this means she can see a counselor when she wants, or if it means more.
- Yes
- No (x6)
- Not needed

**8b. If yes, do you think the amount/type of these services is appropriate for your child?**

- Yes (x4)
- I feel he could use more of the behavioral services.
- Yes, as of right now.
- No. Not enough time; 15-20 min. not long enough for example she was not eating brkfst in morning for the first 6 or 7 weeks of school, because of her social services, until I physically went with her one morning and starting asking questions.

- Not sure. They claim she has "functional communication" issues, but later in the year she seems to be doing better since she knows the other kids now. In fact, teacher said she was "talking too much".

**9. Has the school addressed your child's hearing needs adequately?**

**9a. If no, what would you like the school to do differently?**

- Not sure. I have had her hearing and eyes tested through our doctor. They are fine.
- Nature vs. nurture?

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

**10a. If yes, please describe.**

- Qualified paras and additional time for electives would really help!
- I was on policy council for headstart and have C.D.A.
- Only if the school would try
- My child should have received speech 3 yrs. ago during the summer prior to K.
- I would like her to have more special ed time.

**16. Any other comments that you would like to share?**

- Things were going pretty well until this school year when my daughter wanted to take Spanish. Here SpEd teacher strongly discouraged it and no para help or study skills time was allotted. The school didn't follow through after we called a review of IEP.
- No. I'm pretty happy with the speech teacher and classroom teacher. I feel like my son likes both teachers and they like him. He's happy at school
- I think the school is doing a great job.
- They're doing great with my child. Thank you!!
- Our school system needs to do more things on person-to-person basis instead of assuming everyone needs the same - and try harder to be more understanding. You have to have a backbone to deal with them.
- Don't really know this a new school but so far yes

**Continuous Improvement Focused Monitoring  
Parent Survey Demographics for:  
Fremont County School District #1**

<b>Gender</b>	<b>N</b>	<b>%</b>
Female	8	33%
Male	16	67%

<b>Ethnicity</b>	<b>N</b>	<b>%</b>
Hispanic	3	13%
Mixed Race	1	4%
American Indian/Alaskan Native	5	21%
White	15	63%

<b>Primary Disability Code</b>	<b>N</b>	<b>%</b>
Cognitive Disability	5	21%
Emotional Disability	2	8%
Other Health Impairment	4	17%
Learning Disability	4	17%
Orthopedic Impairment	1	4%
Speech/Language Impairment	8	33%

<b>Grade Distribution</b>	<b>N</b>	<b>%</b>
Grades 6-8	9	38%
Grades 9-12	4	17%
Grades K-5	11	46%

<b>Environment Code</b>	<b>N</b>	<b>%</b>
Regular Environment	13	54%
Resource Room	6	25%
Separate Classroom	4	17%
Separate School	1	4%

*NOTE: For 11 of the respondents, the student's WISER ID could not be linked to the July 2011 427.*