



Opportunity Through Education

Megan Degenfelder – *Superintendent of Public Instruction*

Dicky Shanor – *Chief of Staff*

Wyoming Department of Education
122 W. 25th St., Ste. E200
Cheyenne, WY 82002
307-777-7675

Individuals with Disabilities Education Act Results Driven Accountability Monitoring Report for Hot Springs County School District #1

**Monitoring Dates: September 11-November 21, 2024
Report Date: December 19, 2024**

**Report Created by: Wyoming Department of Education,
Special Education Programs Division**

**Wanda Maloney – Chief Policy Officer | Trent Carroll – Chief Operations Officer
Shelley Hamel – Chief Academic Officer | Linda Finnerty – Chief Communications Officer | Nathan Tedjeske – Chief Innovations Officer**

TO: Cassie Hetzel, Special Education Director
Hot Springs County School District #1

FROM: Sheila Thomalla, Monitoring Team Supervisor

SUBJECT: Results Driven Accountability Monitoring Report

REVIEW DATE: September 11, 2024 - November 21, 2024

REPORT DATE: December 19, 2024

Introduction

The Wyoming Department of Education (WDE) is required as part of its General Supervision Responsibilities under Part B of the Individuals with Disabilities Education Act (IDEA) at 20 USC 1416 to monitor the implementation of the statute and enforce it in accordance with the provisions at 34 CFR 300.604. The Individuals with Disabilities Act (IDEA) Part B Regulations include the following provision:

CFR § 300.600 State monitoring and enforcement.

(a) The State must-

- (1) Monitor the implementation of this part;
- (2) Make determinations annually about the performance of each LEA using the categories in § 300.603(b)(1);
- (3) Enforce this part, consistent with § 300.604, using appropriate enforcement mechanisms, which must include, if applicable, the enforcement mechanisms identified in § 300.604(a)(1) (technical assistance), (a)(3) (conditions on funding of an LEA), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part, by the SEA), and (c)(2) (withholding funds, in whole or in part, by the SEA); and
- (4) Report annually on the performance of the State and of each LEA under this part, as provided in § 300.602(b)(1)(i)(A) and (b)(2).

This report sets forth the results of the special monitoring of Hot Springs County School District #1.

District Selection

As part of its general supervision responsibilities, WDE is required to address a “credible allegation regarding an IDEA policy, procedure, practice or other requirement that raises one or more potential implementation or compliance issues if confirmed true.” (State General Supervision Responsibilities Under Parts B and C of the IDEA, July 24, 2023, OSEP 23-01) Therefore, WDE has the responsibility to investigate any information that may be considered a credible concern.

Through the review of special education staff in Hot Springs School District #1 (Hot Springs 1), WDE became aware of staff providing special education services with a permit rather than an

exception authorization (EA). WDE has received information regarding concerns about the appropriate oversight of staff who have either permits or exception authorizations. The district has had three changes in directors during the 2023-24 school year. This information rises to the level of credible concern that requires the WDE to conduct a special monitoring of the Hot Springs 1 special education program.

The WDE elected to monitor a sample of special education records for Hot Springs 1 in compliance with Part B regulations governing the following areas:

- Free Appropriate Public Education (FAPE) - to include oversight and implementation of IEPs - all students in grades 1-12 and teachers on exception authorizations.
- Comprehensive Evaluations

The monitoring took place from September 11, 2024, to November 21, 2024. The initial sample included 35 files, 4 of which were removed, leaving a total of 31 files that were reviewed. Members of the team also completed policy reviews, on-site observations, interviews, and paper document reviews from September 23, 2024 to September 27, 2024.

Below are details pertaining to systemic findings revealed in the initial monitoring. Each area is noted to be compliant or out of compliance with Federal regulations.

Systemic Findings

Area 1: Comprehensive Evaluations (§ 300.304)

Citation: § 300.304 Evaluation Procedures.

(c) Other evaluation procedures. Each public agency must ensure that-

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

(6) In evaluating each child with a disability under §§ 300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Evidence: Of the thirty-one files reviewed, fourteen files were found to be out of compliance regarding the requirements of a comprehensive evaluation. In some instances, the evaluation did not address all areas of suspected need. Specifically, four of thirteen files indicate that students were not assessed in all suspected areas of disability, or were not assessed in areas that were included in the consent for evaluation. For example, Student #3 included consent for fine motor testing; however, no evidence was found in the MDT report that indicated that fine motor was assessed or looked at. In some instances, all areas of need uncovered during the evaluation process were not addressed within the student's IEP. For example, the MDT report and additional testing for Student #4 indicate concerns with anxiety based on the student's stuttering with the recommendation for additional support/supplementary aids and services (SAS) to help with this;

however, this is not addressed in the IEP. In several cases, when a specific learning disability was suspected, only cognitive ability and/or academic achievement assessments were completed (Student #5, Student #6). Generally, the assessment plans were universal, using the same set of instruments regardless of the referral question or concerns noted in the consent. Furthermore, when additional concerns were evident, no further assessments were conducted to identify and address all underlying needs. For example, Student #7 had a report from the student's mother indicating autism spectrum concerns, but no testing was done in this area.

Four of the thirteen files lacked additional parental input during the evaluation process. For instance, Student #2's evaluation involved rating scales, but the MDT report noted that the parents did not return these scales. This is concerning as eligibility decisions were made without the parents' input, which is crucial for accurate diagnostic decisions, requiring observations across multiple environments.

Five students were noted to have failed either hearing or vision screenings, and/or had concerns with hearing/vision, with no documented follow up or further consideration during or after the evaluation. Specifically, Student #8 has a hearing impairment that was not considered during the evaluation. Student #9 was also noted to have a history of hearing concerns that were not addressed during the evaluation. Additionally, this student was evaluated with a vision concern with it being noted that glasses were needed. Finally, Student #10 and Student #11 both had concerns with vision that were not followed up on during the evaluative process. All five students need to be re-evaluated in order to determine the possible need for services in the area of vision and/or hearing.

Conclusion: The WDE finds noncompliance in the area of comprehensive evaluations. The development of evaluation plans should be individualized to the student's needs and suspected deficits. Any measures completed outside of those mentioned in the initial plan in which parent(s) give consent, should be documented as having been addressed with team members, including parents, prior to the evaluation results meeting. All service packages to include goals, supplementary aids and services and service minutes as well as the least restrictive environment require sufficient data-based support through the evaluation process. Hearing and vision screenings must be completed, and if a student fails, they must be addressed prior to further assessment to either rule out or confirm the need for auditory and/or vision needs.

Area 2: Free appropriate public education (FAPE) and Unmet Needs

Citation:

§ 300.101(a)

- (a) *General.* A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in § 300.530(d).

§ 300.324 Development, review, and revision of IEP.-

- (a) Development of IEP -

- (1) General. In developing each child's IEP, the IEP Team must consider -
 - (i) The strengths of the child;
 - (ii) The concerns of the parents for enhancing the education of their child;
 - (iii) The results of the initial or most recent evaluation of the child; and
 - (iv) The academic, developmental, and functional needs of the child.

§ 300.320 Definition of individualized education program.

- (a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 300.320 through 300.324, and that must include-
 - (1) A statement of the child's present levels of academic achievement and functional performance, including-
 - (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e. the same curriculum as for nondisabled children);

Evidence: Based on comprehensive evaluations, observations, and a review of IEPs and onsite documents, 17 out of 31 files show discrepancies between identified needs and the services provided, or contain problematic PLAAFP statements. Specifically, 9 of these 14 files have issues with their PLAAFP statements. For example, the PLAAFP for Student #12 does not support the goals and services included in the IEP, as the behaviors and social skills identified do not align with the goals. Additionally, apart from reporting progress on previous goals, there is no discussion in the PLAAFP about the need for fine motor, gross motor, speech/language, or academic instruction. For Student #13, concerns about attention and focus impacting reading comprehension are noted, but the reading goals address reading fluency and multisyllabic words instead. Student #14, a student in the life skills classroom, has a PLAAFP statement that merely states, "(student name) receives IEP progress reports instead of traditional classroom grades," without addressing the student's classroom and resource room performance or functional needs. Furthermore, the impact of the disability statement is identical to the educational concerns noted in the IEP dated 10/19/2022.

In addition to the concerns mentioned above, there were also issues raised regarding the use of EA teachers in relation to the provision of FAPE. Per the PTSB memo from October 2023, an educator on an Exception Authorization (EA) is not fully licensed and thus not fully autonomous in the classroom, especially in regard to Special Education and the additional federal statutes and regulations in this area. PTSB rules for EAs state: "the applicant shall be supervised by a fully licensed educator" and "the district accepts responsibility for ensuring the applicant completes all requirements and becomes eligible for full licensure." For Special Education, PTSB has recommended that fully licensed educators complete any compliance or legal documentation and not have the individual on an EA sign them. This would include completion of IEP paperwork, conducting IEP meetings, and any other progress monitoring paperwork that is required. The individual on the EA can help develop IEP goals and participate in meetings, but should not be leading the meeting or completing any official documentation.

Related to Special Education, the US Department of Education Office of Special Education provided guidance about qualifications for Special Education educators ([OSEP 22-01](#)). Under Section 612(a)(14) of IDEA and 34 C.F.R. § 300.156, the SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of IDEA Part B are appropriately and adequately prepared and trained, including that personnel have the content knowledge and skills to serve children with disabilities. Personnel who have not obtained full State certification as a special education teacher may obtain certification through an alternate route. Specifically, under 34 C.F.R. § 300.156(c)(2), personnel who are participating in a program that provides an alternate route to special education teacher certification must:

- (1) receive high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;
- (2) participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;
- (3) assume the functions as a teacher only for a specified period of time not to exceed three years; and
- (4) demonstrate satisfactory progress toward full certification as prescribed by the State.

Citation: §300.321(a) IEP Team.

- (a) **General.** The public agency must ensure that the IEP Team for each child with a disability includes—

§300.321(a)(4)(i)

- (4) A representative of the public agency who—
 - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

Evidence: 12 of 31 files include concerns with the provision of special education services from teachers on exception authorizations. For example, the EA for Student #5 is the teacher of record for both progress monitoring and the creation of IEP goals for this student. Student #13 has the EA teacher listed as the special education teacher and the teacher of record for progress monitoring of goals on the IEP held in January 2024; however, full certification for this teacher was not obtained until March 2024. Finally, an EA teacher was the only special education teacher present at an IEP meeting in March 2023 for Student #15. This violates the policy of HSCSD #1, Mentor teachers will be in attendance at all IEP team meetings with the EA teacher. Additionally, through onsite interviews, multiple teachers on exception authorizations reported that their mentor teachers are in separate buildings, and that a common planning time is not shared, making it difficult to regularly touch base and receive guidance and training. Teachers on exception authorizations are not fully certified, and may not have the depth of experience necessary to meet requirements specific to the completion of IEPs, conducting IEP meetings, and progress monitoring.

Conclusion: Noncompliant. The file review and further document examination on site reveal a disconnect between student needs and services provided. These deficits were often rooted in the evaluation process. The team should acknowledge all suspected areas of need and determine whether they should be addressed either through evaluation or, if data is sufficient, in the student's

plan. Additionally, it is noted that the PLAAFPs, in general, lack specific skill deficits and the description of educational impact on students' ability to access the general education curriculum. The PLAAFP statements reviewed primarily consisted of information copied from the most recent evaluation report, district testing results, state test scores, and student grades, including complete report cards and qualitative teacher reports. This information, while connected to student academic performance, failed to indicate how the student was performing in relation to the general education curriculum or other students in the general education setting as required by § 34 CFR 300.320(a)(1)(i), How the child's disability affects the child's involvement and progress in the general education curriculum. Consequently, the present levels of academic achievement documented in the Individualized Education Program (IEP) resulted with issues in identifying skill deficits and, subsequently, with goal development. The existing statements fail to provide a comprehensive understanding of the student's abilities, strengths, and areas of need for the purposes of designing specially designed instruction and reasonably calculated annual goals.

3: Goal Development

Citation:

§ 300.320(a)(2)(i)(A)(B)(ii)(3)(i)(ii)

(2)(i) A statement of measurable annual goals, including academic and functional goals designed to—

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability;

(ii) For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives;

(3) A description of-

(i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and

(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as the use of quarterly or other periodic reports), concurrent with the issuance of report cards) will be provided;

Evidence: The IDEA requires each IEP to include a statement of measurable annual goals designed to meet the child's disability-related needs. The purpose of this requirement is to enable the IEP team to monitor the student's progress. There are three areas of noncompliance noted. First, goals should clearly identify the condition, target behavior, and method of measurement. Of the 31 files reviewed, 17 files were identified to have goals lacking adequate measurability. Student #1 has four academic goals in which the baseline does not match the target. One goal states: [student name] is able to identify 20/26 letter sounds. By May 2025, [student name] will read CVC words containing short vowel sounds at 80% accuracy. Student

#2 has two academic goals that are not aligned to the baseline. As an example, the reading/phonics goal states: [student name] is able to identify 2 uppercase letters, 4 lowercase letters, and 12 letter sounds. By December 2024, [student name] will be able to decode cvc words containing short vowel sounds at 90% accuracy in 3/4 trials.

The second area of noncompliance identified is progress monitoring. It is essential to regularly monitor the progress of students with disabilities to ensure they are making sufficient strides toward their IEP goals. This process helps the IEP team pinpoint areas needing additional support and adjust interventions as necessary. The IEP team must outline how a student's progress will be tracked, detailing the frequency of data collection and the specific assessment tools to be used. Concerns related to progress monitoring were found in 13 files. For instance, Student #6 has goals where the methods of reporting progress vary between reporting periods. Student #15 shows progress monitoring on the counseling goal that does not align with the goal itself. Lastly, Student #5 has a behavior goal where the first two reporting periods included data below the initial baseline. Additionally, no progress was noted for the last two reporting periods, and there is no documentation indicating that the team met to discuss the lack of progress.

Short-term objectives or benchmarks are the third identified area of noncompliance. Students who take the alternate assessment should have goals written with short-term objectives or benchmarks. The purpose of short-term objectives or benchmarks is to allow for the opportunity to measure incremental progress for students who learn at a slower rate where showing progress may be difficult. While benchmarks or short-term objectives are only required for students on an alternate assessment, an IEP team may elect to use them in other situations. Benchmarks and short-term objectives should be measurable and written with a specific timeline for measurement. Writing the timeline as one year or for the length of the IEP defeats the purpose of the smaller incremental measurements. Further, there is an expectation that the progress reporting is in alignment with the developed benchmarks or short-term objectives.

7 files were found to have inadequate short-term objectives for students participating in alternate standards and assessments. Student #16 has eight goals that do not include short-term objectives. Student #14 has several goals that have issues with alignment between the target and the baseline. Most goals include one objective with a target date of one year. Further, some of the goals include extended state standards that are above the student's current grade level.

Conclusion: The WDE finds noncompliance in the development of measurable annual goals. In general, goals lack clear, measurable targets that are aligned with a baseline. Baseline data is essential in the development of goals. Without this information, it is difficult for the team to specify a clear, measurable level of attainment and makes subsequent progress monitoring difficult or impossible. This is linked to PLAAFP development and a clear understanding of skill deficits.

Area 4: Supplementary Aids and Services

Citation: § 300.320 Definition of individualized education program

(a)(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child -

- (i) To advance appropriately toward attaining the annual goals;
- (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
- (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

Evidence: 9 of 31 files were found to have concerns with the implementation of supplementary aids and services. For example, Student #3 has an accommodation for speech-to-text; however, this was not offered even though the assignment was longer than five sentences. During a classroom observation, it was noted that Student #17 was not offered a scribe in the classroom. Additionally, there was no evidence of sensory accommodations, the use of a human reader, text-to-speech, or the provision of breaks during the observation period. The IEP for Student #2 includes multiple supplementary aids and services with the frequency, duration, and location listed as daily, length of school day, general education, or resource room.

Conclusion: Noncompliant. Two primary issues were identified in this finding, including (1) lack of specificity in the IEP, and (2), failure to implement the supplementary aids and services outlined in the IEP. An IEP is a written statement that is developed, reviewed, and revised in accordance with §§ 300.320 through 300.324. 34 C.F.R. § 300.320(a). Among other requirements, an IEP must articulate measurable educational goals, specify the nature of the services that the district will provide, and indicate the anticipated frequency, location, and duration of services. 34 C.F.R. § 300.320(a). There must be enough specificity about the services and modifications that will be provided “so that the level of the [district]’s commitment of resources will be clear to the parents and other IEP team members.” See 71 Fed. Reg. 46,540, 46,667 (Aug. 14, 2006) (codified at C.F.R. pts. 300 and 301). Multiple IEPs include supplementary aids and services that indicate students will receive them daily/duration of the IEP/ gen ed/resource room. This does not indicate a level of specificity that would ensure all providers would be aware of when and how these services would be provided.

Area 5: Specially Designed Instruction

Citation: §300.321(a) IEP Team.

(b) **General.** The public agency must ensure that the IEP Team for each child with a disability includes—

§300.321(a)(4)(i)

(4) A representative of the public agency who—

- (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities

§ 300.39 (a)(1)(i)(ii)(3)(i)(ii) Special education.

(a) **General.**

(1) **Special education** means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—

- (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

- (ii) Instruction in physical education.

(3) **Specially designed instruction** means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

- (i) To address the unique needs of the child that result from the child's disability; and

- (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Evidence: Multiple concerns were noted related to the provision of specially designed instruction. Two students were flagged for services on the IEP being linked to the master schedule for the school. For example, during onsite interviews and observations of schedules posted in various classrooms, several teachers reported that SDI times are driven by the master schedule. Student #7 has a service time listed on IEP for 30 min/4x per week; however, the teacher reported that works directly with the student two days a week, and then the student works independently the other two days while the teacher is providing instruction to another group of students.

Several files were identified with concerns related to not following the IEP or not being individualized to student needs. Specifically, 8 out of 31 files had issues in this area. Classroom observations revealed that Student #12 and Student #18 did not receive the total minutes of service time specified in their IEPs. For Student #3, there was no evidence of differentiated instruction, as all students were completing the same task at the same level. Additionally, this student's IEP lists all services as pull-out, yet there were two special education teachers and two paraprofessionals providing support in the classroom. The required check-in at the beginning of the day, as specified in the IEP, was not observed. Furthermore, several concerns were noted with Student #17. Much of the service time was spent on activities not directly linked to IEP goals. The reading fluency and comprehension goals were not addressed during SDI, and the student specifically asked to read a book with CVC words that had memorized. SDI materials should be adjusted to target skills linked to goals and to challenge students.

Conclusion: Noncompliant. Specially designed instruction involves adapting the content, methodology, or delivery of instruction to address the unique needs of students with disabilities. This ensures they can access, engage with, and progress in the general education curriculum,

meeting the same standards and expectations as their peers of the same age or grade. While the WDE acknowledges the challenges of accommodating school-wide schedules, IEP teams are required to implement an Individualized Education Plan that meets each student's needs. Failing to provide the full service minutes outlined in the IEP, or basing service minutes on specific blocks of time available for SDI, can result in the denial of FAPE.

Area 6: Procedural

A. Out of State Transfers

Citation: § 300.323(a)(f) When IEPs must be in effect.

(a) **General.** At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320.

(f) **IEPs for children who transfer from another State.** If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency—

(1) Conducts an evaluation pursuant to §§ 300.304 through 300.306 (if determined to be necessary by the new public agency); and

(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§ 300.320 through 300.324.

Evidence: There was a significant delay in determining the student's eligibility for special education services in Wyoming for Student #3. After providing comparable services to the student for over two months, an initial consent for evaluation was obtained on 2/6/2024 and received by the district on 2/9/2024. The eligibility determination was completed on 4/4/2024 at which point the initial consent for provision of services was signed. After serving the student for over four months, an initial evaluation was completed to determine WY eligibility and gain initial consent for services. This delay resulted in noncompliance, as the district did not adhere to the established timeline for initial evaluations for out of state transfer students.

B. Alternate Assessments (1%)

Citation: § 300.320(a)(6)(ii)(A)) Definition of individualized education program.

(a) **General:** As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include -

(6)(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular State or districtwide assessment of student achievement, a statement of why -

(A) The child cannot participate in the regular assessment;

The 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), known as the Every Student Succeeds Act (ESSA), along with the Individuals with Disabilities Education Act (IDEA), specifies that only students with the most significant cognitive disabilities are permitted to take the Alternate Assessment Aligned with Alternate Academic Achievement Standards (AA-AAAS). Additionally, it imposes a cap on the number of students taking alternate assessments, limiting it to no more than 1.0% of all students in assessed grades for each State Education Agency (SEA). IDEA requires that if an IEP Team determines that the student must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, the IEP Team must include a statement in the student's IEP of why the student cannot participate in the regular assessment; and why the particular alternate assessment selected is appropriate for the student (34 CFR § 300.320(a)(6)(ii)). As described in 34 CFR 200.6(c)(3), WDE may not prohibit Hot Spring #1 from assessing more than 1.0 percent of its students with the WYALT; however, WDE must require Hot Spring #1 to submit information to the WDE justifying the need to exceed the 1.0 percent threshold and is accountable to ensure the district is trained and using appropriate determination criteria.

Evidence: Concerns were identified in 7 out of 31 files regarding WYALT determinations. Classroom observations and a review of student files revealed several issues with the number of students on the WYALT. For example, Student #19 participates in both ELA and Math in the regular classroom. During the math block, this student was observed working on grade-level content with para support. However, upon returning to the life skills classroom, despite the specialized instruction being aligned with IEP goals, there was a discrepancy between the IEP and the student's demonstrated abilities in the regular education core content areas. Similar concerns were noted with other students in the life skills classroom, highlighting a mismatch between ability levels and placement in the life skills setting.

Additionally, the WDE has concerns that WYALT determinations and decisions may be based on program placement rather than individual student needs. The WYALT determination statement for Student #17 indicates: "(student name) has a significant learning disability that impacts academics in all content areas and requires direct instruction in a life skills setting to achieve gains academically. _____ also requires a modified curriculum in the regular education classroom to make adequate progress." According to a PWN dated 11/1/2022, while the student was in _____ grade, the team noted: "The team considered keeping (student name) on a regular diploma track but decided after comparing _____ academic and general intelligence scores and the WY-ALT checklist, that (student name) would be a student who qualifies for a certification track and would benefit from the WY-ALT assessment."

C. Behavior Intervention Plans

Citation: (taken from OSEP Dear Colleague Letter, August 1, 2016) The U.S. Department of Education (Department) is committed to ensuring that all children with disabilities have meaningful access to a State's challenging academic content standards that prepare them for college and careers. Consistent with these goals, the Individuals with Disabilities Education Act (IDEA) entitles each eligible child with a disability to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs. 120 U.S.C. §§1412(a)(1) and 1400(d)(1)(A). Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed individualized education program (IEP) that is based on the individual needs of the child. 34 CFR §§300.17 and 300.320-300.324. In the case of a child whose behavior impedes the child's learning or that of others, the IEP Team must consider – and, when necessary to provide FAPE, include in the IEP – the use of positive behavioral interventions and supports, and other strategies, to address that behavior. 34 CFR §§300.324(a)(2)(i) and (b)(2); and 300.320(a)(4).

§ 300.324 Development, review, and revision of IEP.-

(a) Development of IEP -

(2) *Consideration of Special Factors.* The IEP team must -

(i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

(b) Review and revision of IEPs

(2) *Consideration of Special Factors.* In conducting a review of the child's IEP, the IEP Team must consider the special factors described in paragraph (a)(2) of this section.

Evidence: Out of the 31 files reviewed, 18 included the special factor "Does the student's behavior impede their learning or the learning of others?" checked on the IEP. Among these, 16 of the 18 files addressed behavioral concerns either through goals or supplementary aids and services. 2 of 18 files reference a behavior intervention plan in the IEP or accompanying paperwork; however, WDE was unable to locate behavioral intervention plans attached to the IEP.

Conclusion: Noncompliant. During the monitoring process, several procedural violations were identified. These occur when a school does not follow the procedural requirements set by the Individuals with Disabilities Education Act (IDEA). Such lapses can greatly affect the delivery of necessary services and support to students with disabilities, potentially resulting in the denial of a Free Appropriate Public Education (FAPE).

Individual Findings of Noncompliance

Due to these being single-student findings, the district has 60 days to correct the following student findings. Evaluation reports shall be submitted to the WDE within ten days of completion and the eligibility meeting.

Student #8	The student is currently on a 504 but has a hearing impairment that was not
------------	---

	considered during the evaluation. was found not to be eligible (team acknowledged ADHD, but ruled out need for specialized instruction because was passing all of classes)- however, testing as measured by WJ-IV ACH yielded a math problem solving standard score of 63, with regular classroom teacher noting concerns with attention/focus and concerns with math. The team should reconvene and determine a plan to evaluate the student and develop a new IEP based on the new evaluation results. As part of the evaluation, an audiology evaluation should be completed.
Student #10	Student has been receiving SL services since 2018, but communication was not part of assessment plan dated 1/26/2023. Concerns with vision noted in the consent for evaluation - vision/hearing screening passed, but student has vision therapy 1x per week - Diagnosis of Saccadic dysfunction and paresis of accommodation from 2021 acknowledged, but no updated information or review of vision needs was obtained for this evaluation. New vision data needs to be obtained, new academic testing should be completed, and the team should consider the impact of vision on reading.
Student #20	The student has been in interventions since grade, but continues to perform below grade level. The E3 indicates that the student struggles with regression every year, and has difficulty reaching and maintaining scores from year to year. The team should reconvene and determine a plan to reconsider eligibility under the RTI model. Cognitive and Academic testing is still current since it is within a year - re-evaluation should include a review of that data, as well as a review of new RTI data to include historical interventions, parent input, and teacher input.
Student #9	The student was evaluated with a vision concern, with paperwork noting that the student needs glasses. This student also has a history of hearing concerns that were not addressed. Student is due for a three year re-evaluation 11/2026 - The team should reconvene to develop a comprehensive evaluation plan to include comprehensive vision/hearing, OT, cognitive, academic, possible adaptive behavior, and speech/language.
Student #21	4/6/22 exited to RP on 504 plan - based on PWN written 3/31/22 - Notice of team meeting dated 3/17/22 was to develop a new IEP; however, nothing about discussing dismissal from services was included. The student was re-referred for initial evaluation and found not eligible 5/1/24. The team needs to reconvene and develop a plan to re-evaluate and consider SDI needs specific to behavior. Student has been referred 3 times (2016, 2018, 2024) 2024 referral was due to increase in behavior.
Student #1	On the last evaluation, the student was referred for further vision evaluation due to misalignment of eyes, but the file is unclear as to whether or not this occurred. If not, this needs to be investigated prior to re-evaluation, or completed as part of the re-evaluation. Per the PWN written 5/3/2024 - team was going to ask for fine/gross motor testing in the fall of 2024 - if this has not been done, it needs to be included in the re-evaluation - The team needs to convene to develop an evaluation plan to include the recommendation to complete a non-verbal test of cognitive ability, review of academic testing, functional academic testing/data, autism testing to

	include review of previous outside diagnosis and ensuring that rating scales and parent input is obtained as part of the evaluation, and a review of the previously administered speech/language evaluations.
Student #18	Three year re-evaluation due 3/6/2025 - however, it is recommended that this be completed now. Comprehensive evaluation should include non-verbal IQ in addition to FSIQ, as observations of the student in the classroom do not align with the currently reported FSIQ of 53, academic testing, functional academic data to include what the student is capable of doing outside of a standardized assessment, SL, and OT. The team should reconvene to develop an evaluation plan and new IEP based on evaluation results.
Student #7	Consent for evaluation dated 10/3/2023 states that an FBA will be completed in addition to rating scales for autism per documented concerns from the parent. These were not completed as part of the evaluation to determine eligibility in Wyoming. The team should reconvene to develop an evaluation plan and new IEP based on evaluation results.
Student #11	Vision outside normal limits "encouraged further evaluation." Flagged for "tracking" because of academic concerns. Unclear as to whether or not this has been followed up on. The re-evaluation needs to include academic testing. GARs/CARs was only completed by the teacher with no parent input - The consent for evaluation mentions testing for ADHD, but does not mention testing for autism. The team needs to reconvene and develop an evaluation plan and new IEP based on evaluation results.
Student #22	The student's mother reported that the student was recently diagnosed with Autism. Nothing was found in the file to indicate that the team met to discuss and address this. The team needs to reconvene and review the outside evaluation report to determine if the student's current IEP needs to be revised to reflect additional needs.

Commendations

Although there were findings specific to the provision of related services to include counseling and occupational therapy services, the district should be commended for being proactive by notifying parents and letting them know that compensatory services will be provided when service providers are available. There were a total of eight students identified for unmet needs in the area of counseling, and a total of five students with unmet needs in the area of occupational therapy (current services are being provided by a physical therapist).

The LEA has 30 days from the date of this letter to dispute in writing to John Balow, Special Education Programs Director, any areas of noncompliance by providing written documentation for review. Per the Office of Special Education Program's (OSEP) 23-01 Memo, the LEA has one year from the date of this letter to correct all noncompliance. It is the goal of the WDE that this letter and the implementation of the ensuing Corrective Action Plan (CAP) will guide the district as it seeks to improve its system-wide delivery of special education services.

Thank you for your collaboration with the monitoring team and continued commitment to improving outcomes for children with disabilities. If you have any questions concerning this report, please contact Sheila Thomalla at sheila.thomalla2@wyo.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila Thomalla", with a stylized, flowing script.

Sheila Thomalla
Monitoring Team Supervisor

cc: Dustin Hunt, Superintendent, Hot Springs County School District #1
John Balow, Special Education Director, WDE