



Opportunity Through Education

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Individuals with Disabilities Education Act Results Driven Accountability Monitoring Report for Wyoming Boys School

Monitoring Dates: December 2, 2024 - January 17, 2025
Report Date: March 12, 2025

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

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TO: Dale Weber, Superintendent
Wyoming Boys School

FROM: Sheila Thomalla, Monitoring Team Supervisor

SUBJECT: Results Driven Accountability Monitoring Report

REVIEW DATE: December 2, 2024 - January 17, 2025

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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 provisions:

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).

In accordance with these regulations, the ultimate goal of the Wyoming Department of Education's (WDE) monitoring process is to promote systems change that will positively influence educational results and functional outcomes for students with disabilities. The purpose of this monitoring was to assess compliance with the federal IDEA regulations, WDE Chapter 7 Education Rules, and the Memorandum of Understanding between the WDE and the Department of Family Services (7/22/23).

The monitoring process facilitates ongoing improvements in delivering special education and related services to students with disabilities. It covered all aspects of implementing individualized education programs (IEPs), ensuring procedural safeguards, and conducting child-find activities

within your facility. The monitoring took place from December 10, 2024, to January 17, 2025. The initial sample included 19 files, one of which was removed during the initial file reviews because the student was no longer at the school. Members of the team also completed policy reviews, on-site observations, interviews, and paper document reviews from December 2 to December 9, 2024. Below are details pertaining to systemic findings revealed in the initial monitoring.

Systemic Findings

Area 1: Supplementary Aids and Services

Citation: § 300.320(a)(4) 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: Concerns regarding the implementation of supplementary aids and services were found for 9 of 18 students. For example, Student #1 has an accommodation that states he is to receive a 10-minute break for every 30 minutes of work time. However, during an observation in the science classroom, this was not offered, nor during an interview with staff was there any way of documenting and ensuring this accommodation took place. Student #2 has an accommodation to have questions read aloud or the use of a screen reader in all classes. This was not observed as being offered during his math class which involves a significant amount of independent work time and a heavy reading load. Student #3 has an accommodation that states: “[student] requires the use of a calculator due to having difficulty with math skills,” with a frequency of daily, during math tasks. During an observation of this student, it was noted that he did not have a calculator while he was working on a math assignment.

Conclusion: Noncompliant. There is a failure to implement the supplementary aids and services specified 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). Failure to provide the supplementary aides and services as outlined in the Individual Education Plan may result in the denial of FAPE.

Area 2: Specially Designed Instruction

Citation: § 300.39 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: 18 student files were reviewed, and 14 had concerns regarding Specially Designed Instruction (SDI). Specifically, observations identified 9 students whose IEPs were not followed as written, 13 files had concerns about the delivery of SDI. Regarding IEP adherence, Student #2 has math instruction scheduled for 4 x 60 minutes per week. However, during an observation in his math classroom, it was noted that the special education teacher spent about 10 minutes with him, during which no SDI was observed. Instead, it appeared that the special education teacher was functioning in the role of a paraeducator, available to answer questions if necessary. Additionally, although the regular education teacher was available for questions, no direct instruction was provided during this math block. Furthermore, it is important to highlight that while it has been reported by the WBS that the students' SDI is derived from an online math program tailored to their individual learning needs based on diagnostic assessment results, this alone does not meet the IDEA's criteria for delivering SDI. Student #6 has math instruction listed as 5 x 15 min/week in the resource room to work on math facts. However, during a two-day observation period, the special education teacher was not seen bringing any students into a resource classroom to work on IEP goals.

With regard to the actual delivery of SDI, Student #3 was observed in the dorm setting, as he was not permitted to attend classes at school on the day of the observation. The special education teacher brought the student to the conference room to work on math. Although the teacher sat close to the student, no SDI was observed. Instead, the teacher monitored the student's work and prompted him to continue when he was off task. The teacher also mentioned that attention and focus are concerns for the student, but when asked if any instruction or support was provided in these areas, the response was "no." Additional classroom observations indicated that Student #7 requested to use a quiet study room next to the principal's office to focus, as per his IEP

accommodation. This student's SDI is scheduled for 15 minutes, 5 times per week. However, he remained in the quiet room for the entire class period while the special education teacher stayed in the regular classroom. This situation raised questions about whether, and if so, when, the student receives his SDI for math. There were also concerns about the delivery of supplementary aids and services, such as clarifying questions and directions in all classes, while he was in this location.

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 educational needs in a correctional facility, IEP teams are required to implement an Individualized Education Plan that meets each student's needs.

Area 3: Progress Monitoring

Citation: § 300.320(a)(3)(i)

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—

(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;

Evidence: Among the 18 files reviewed, 11 raised concerns about progress monitoring. For instance, Student #9 has a math goal stating: When presented with multi-step word problems, the student will set up the equation with the given information and solve it correctly 85% of the time, in 3 out of 4 opportunities, as measured weekly using class work, classroom-based assessments, or standards-based assessments. The progress monitoring for the December 2024 reporting period states: "[student] did not meet the expectations of this goal over the last reporting period. Data was collected from his math teacher and from his computer math program." However, the reported data does not align with the goal's intent, as it lacks specific percentages for setting up and solving multi-step word problems and does not detail how frequently the student achieves this.

Student #10 has a goal stating: "In order for [student] to reach his transition goal and close the gap between his current math level of 4th grade and grade-level (5th grade) math, he needs to be able to solve multi-step equations with 80% accuracy or better." The progress reporting update states: "[Student] has not yet met this goal. He has improved his math skills from a 3rd grade level to a 5th grade level. Data was collected from his math teacher and from his individualized computer math program." This update does not provide meaningful information to gauge the student's progress toward increasing his math skills. The data reported does not relate to the goal's target (solving multi-step math equations with 80% accuracy or better). Recording the grade level where the

student is working does not provide enough specificity for the IEP team to gauge the goal's effectiveness.

Conclusion: Noncompliant. Generally, file reviews indicated that the progress monitoring updates were often vague and lacked sufficient detail. This lack of clarity makes it difficult for readers to understand how students are progressing toward their individual IEP goals. The vague statements hindered a clear assessment of each student's progress, highlighting the need for more precise and informative reporting. Tracking monitoring data to determine a student's progress on goals is a checkpoint to determine if the current IEP and offering of FAPE is sufficient. Failure to complete such steps reduces the team's ability to determine the appropriateness of the IEP.

Area 4: IEP Misalignment to Include All Team Members

Citation: § 300.322 Parent participation.

(a) **Public agency responsibility—general.** Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—

- (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- (2) Scheduling the meeting at a mutually agreed time and place.

(b) **Information provided to parents.**

- (1) The notice required under paragraph (a)(1) of this section must—
 - (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - (ii) Inform the parents of the provisions in § 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).
- (2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must—
 - (i) Indicate—
 - (A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with § 300.320(b); and
 - (B) That the agency will invite the student; and
 - (ii) Identify any other agency that will be invited to send a representative.

(c) **Other methods to ensure parent participation.** If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with § 300.328 (related to alternative means of meeting participation).

Evidence: 3 files highlighted a mismatch between the services outlined by the district IEP and those in the WBS copy of the IEP.

There is a clear misalignment between the district copy of the IEP and the copy provided to WDE by the Wyoming Boys School (input manually into their data management system), Student #4 has seven WYTOPP accommodations that were not included in the Wyoming Boys School IEP on record. For Student #8, the district IEP includes the following services: math, 5 x 85 min/week; reading, 5 x 85 min/week; social skills, 5 x 85 min/week; written expression, 10 times per month for 40 min per session (400 min/month); and social work services, 2 x 15 min/week. However, the IEP service grid provided by the Wyoming Boys School lists services for reading, writing, and math as 5 x 17 min/week for each area, with written expression at 4 x 40 min every four weeks, totaling 160 min/month. Not only are these service minutes significantly less than those in the district IEP, but observations also indicate that the student was in the regular classroom for core content instruction. The district IEP is the official document and must be followed as written unless it is amended. There is no need for the Wyoming Boys School to create a separate document, as this can lead to errors that compromise the fidelity and intention of the original plan developed by the team. Regarding Student #5, the WBS reported that staff have been instructed to “use short, quick assignments and provide a fidget to help with focus. They also give him little jobs in the class to provide movement.” However, these accommodations are not included in his IEP, as noted during the file review.

Conclusion: The WBS IEPs that do not match the district IEPs pose great concern. The district is responsible for ensuring FAPE. Therefore, WBS is unable to make any changes to the IEP without the district. These changes not only may lead to a denial of FAPE but also raise concerns for parent participation as the parent is not a part of the decision to make those changes. WBS may not make any changes to an IEP for any student without the resident district *and* IDEA parent being involved in the amending of the IEP.

Lastly, WDE expresses concern regarding the increasing number of students who are being diverted from the traditional high school diploma path and enrolled in the HiSET program with the goal of obtaining a GED. When a student shifts to HiSET, they are no longer receiving their IEP services. This means the student does not receive the special education services that they would if enrolled in the resident district. Frequently, this shift is made outside of an IEP team meeting. This does not allow the resident district to ensure the parents and students are aware of what they are giving up as a result of this shift. The failure to conduct an IEP meeting with the resident district further leads to noncompliance that the resident district is required to rectify. The WBS should develop internal procedures that ensure that anytime a student who is on an IEP is no longer on a diploma track, the resident district holds an IEP meeting to ensure a proper revocation of services is provided to the IDEA parent.

Finally, it should be noted that while the Boys School is an accredited school that offers a quality education, it is not able to offer the full continuum of services for students who are on IEPs. Those who are members of MDT teams and in decision-making positions specific to these placements should take into consideration whether or not the student can have all of their educational as well as functional needs met in this setting.

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 your facility 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, cursive script.

Sheila Thomalla
Monitoring Team Supervisor

cc: Dale Weber, Superintendent, Wyoming Boys School
Korin Schmidt, Director, Wyoming Department of Family Services
John Balow, Director, Special Education Programs Director, WDE
Shelley Hamel, Chief Academic Officer, WDE