



Opportunity Through Education

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Individuals with Disabilities Education Act Results Driven Accountability Monitoring Report for Prairie View Community School

Monitoring Dates: November 12 - January 24, 2025

Report Date: February 25, 2025

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

TO: John Wahler, Charter School Director
Bryce Cushman, Special Education Director

FROM: Sheila Thomalla, Monitoring Team Supervisor

SUBJECT: Results Driven Accountability Monitoring Report

REVIEW DATE: November 12 - January 24, 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 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).

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.

This report sets forth the findings as the result of the initial monitoring of Prairie View Community School (PVCS).

School Selection

The purpose of this monitoring visit was to assess compliance with federal IDEA regulations and to support continuous improvement in the provision of special education and related services to

students with disabilities. According to the WDE Monitoring Manual (11/2023) all newly formed charter schools shall after the initial year of operation be monitored to ensure compliance with special education policies and procedures and to ensure adequate staffing. The monitoring covers all aspects of implementing individualized education programs (IEPs), ensuring procedural safeguards, and conducting child-find activities within your school. As a new school, this facility was monitored in accordance with the WDE monitoring manual (November 2023).

The monitoring took place November 12, 2024 - January 24, 2025. The initial sample included 16 files, 4 of which were removed, leaving a total of 12 files that were reviewed. Members of the team also completed policy reviews, on-site observations, and interviews.

Below are details pertaining to systemic and individual findings from the monitoring.

Systemic Findings

Area 1: Comprehensive Evaluations (§ 300.304)

Citation: § 300.304(c)(4)(6) 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 twelve files reviewed, six files were found to be out of compliance with the requirements of a comprehensive evaluation. There are three areas of noncompliance noted. First, in five out of six of these files, the assessment plans were pre-determined, outlining the same proposed areas of assessment for each of these students. These assessment plans were not individualized to student needs based on referral questions or concerns noted in the pre-referral process. The team proposed to evaluate the areas of academic achievement, communication skills, general intelligence, functional behavior, adaptive behavior, social/emotional, assistive technology, health, vision, motor skills, and hearing regardless of the student's need documented by the team. While these categories were automatically included in every evaluation plan, assistive technology, despite being consistently listed, was never actually seemingly evaluated.

The evaluation plan for Student discusses concerns with academic skills only, but all aforementioned areas were included in the evaluation. The evaluation plan for Student also

included all aforementioned areas despite only documenting concerns with academic skills and social/emotional skills. The evaluation plan for Student included all areas previously mentioned; however, the MDT report indicates adaptive functioning was not completed because “it was not needed”.

Secondly, hearing and/or vision screenings as part of the evaluative process without the necessary follow-up. Specifically, Student was noted to have failed the hearing and vision screening prior to the evaluation, with no documented follow-up or further consideration during or after the evaluation. A referral to an optometrist was made by the team due to the failed vision screening; however, the evaluation was completed prior to receiving results from the optometrist. Additionally, it was recommended that the hearing screening be repeated again in four weeks. It was suggested that if the student did not pass the screening a referral be made to a primary care provider. This causes two concerns the school needs to address. When a student fails a hearing or vision screening, it signals a potential accessibility issue that could be linked to an IDEA disability. The results from these screenings are essential data in determining the student's eligibility for special education services and understanding their specific needs. As part of the eligibility process, these evaluations are a critical component. Therefore, it is the school's responsibility to cover the cost of these assessments if they are required for the evaluation process. The school must thoroughly review the outcomes of the optometrist's evaluation and the hearing rescreening. If either of these results indicates a failure, a re-evaluation is necessary to assess whether the student requires services related to vision and/or hearing. Furthermore, the evaluation team must also consider how vision and hearing challenges might affect the student's academic performance and contribute to any behavioral issues or escalations. Given the seriousness of the potential impact, the school is required to complete these actions within 60 days.

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, and developed by a multidisciplinary team. Utilizing a pre-determined assessment plan for a student's evaluation leads to an evaluation that is not individualized to the unique needs of each student. The comprehensive evaluation is the basis for determining not only student eligibility for IDEA services but also for the development of the IEP. Additionally, it assists the team in understanding the student's individual needs and how those needs are impacting their ability to access information within the general education setting. Therefore, when a student does not receive a comprehensive evaluation, and all areas of need are not evaluated for and addressed, the student is unlikely to receive educational benefit because the team does not have the necessary information to develop an appropriately calculated IEP. An assessment plan should be carefully crafted to address the documented pre-referral questions posed by the team. Furthermore, any assessments outlined in the initial plan that will not be completed, and for which the parent(s) have given their consent, must be formally documented through a Prior Written Notice (PWN). This PWN must outline the reason for the change and how this was addressed with team members, including parents, prior to the eligibility determination meeting. Failure to do so deprives meaningful parental involvement, and could potentially lead to a violation of FAPE. Giving parents the opportunity to

offer essential input and fully engage in decisions about their child's education is a core right guaranteed by the IDEA.

The evidence gathered suggests a significant gap in understanding how to effectively plan for and carry out a comprehensive evaluation. This highlights the need for targeted training to improve internal processes related to the pre-referral stage and the planning, as well as the execution, of thorough evaluations to assess and meet the needs of students. By addressing these areas, educators will be better equipped to effectively support students, ensuring that evaluations are comprehensive and aligned with federal and state guidelines.

Area 2: Development of Individualized Education Program (IEP)

Citation:

§ 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);
 - (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 through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

§ 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.

Evidence: Based on a review of student IEPs and observations, seven out of twelve files contain problematic Present Levels of Academic Achievement and Functional Performance (PLAAFP) statements. The PLAAFP for Student discusses previous evaluation results completed in 2022 and progress toward previous IEP goals but does not discuss the student's current educational and functional needs, especially in the areas of reading, writing, math, fine and visual motor, and speech. While previous evaluation information provides insight to the team regarding the student's disability and needs identified during the evaluation, it does not address the student's current educational needs. The PLAAFP does, however, reference that the student needs help resolving problems with peers and needs redirection to help calm down when frustrated, however, the IEP lacks goals and services to address these identified needs. Similarly, the PLAAFP statement for Student identifies concerns with social skills, anxiety, attention, and withdrawal, all of which were also documented in the evaluation summary, but the goals and services only address math, reading, writing, fine motor, speech, and language. Additionally, 7 out of the 11 goals lack a statement of when progress will be reported.

Student has a PLAAFP statement that states, "Due to [Student Name]'s low language and academic skills, it is difficult for [student] to access the general education classroom without accommodations and supports. [Student Name] is below grade level in all subjects and needs accommodations to be successful". The student's Individualized Education Program (IEP) further outlines the necessity for full-time, 1:1 paraprofessional support due to the student's low academic performance. However, the service time allocated for specialized instruction is insufficient, documented as only 20 minutes twice a week under the label "Intervention – reading, writing, and math." This amount of service time does not appear to adequately address the academic needs of the student. Additionally, the IEP includes a modified math curriculum, yet this is not reflected as a specific need in the PLAAFP. This inconsistency suggests a disconnect between the identified needs in the PLAAFP and the services provided in the IEP. The service package outlined in the IEP appears insufficient to effectively address the student's academic deficits and support their ability to make meaningful educational progress, raising concerns about whether the current plan is properly calculated to align with the student's actual needs.

Conclusion: The WDE finds noncompliance in the area of the development of the Individual Education Program (IEP). The PLAAFP must clearly define the student's current needs and how the student's disability affects the child's involvement and progress in the general education curriculum. This includes 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. This may or may not include the child's most recent evaluation results. The PLAAFP must be specific to identify current student needs to include the student's academic, developmental, and functional performance needs. Further, the needs identified in the PLAAFP should be used to determine appropriate goals and SDI required to meet the identified deficits.

The files reviewed reveal a disconnect between student needs and services provided. 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, progress on previous IEP goals, student grades, student attendance, and any documented behavior referrals. 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. It is imperative that an IEP address all areas of identified needs. The existing PLAAFP 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.

Area 3: Specially Designed Instruction (SDI)

Citation:

§ 300.39

(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.

§ 300.39(b)(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. For example, one file was flagged for services on the IEP being linked to the school's schedule rather than the student's needs. Specifically, Student transferred into PVCS with services for "math/reading intervention" at 55 minutes 4 times each week, for 36 weeks and 37 minutes 1 time each week, for 36 weeks for a total of 257 minutes weekly. The IEP amendment dated 10/30/24 revised the SDI to be "Intervention- Reading and Math" 30 minutes 4 times each week, for 36 weeks, for a total of 120 minutes per week. The prior written notice dated 10/31/24 states, "The team considered leaving the special education services, however it was rejected due to PVCS having a 4 day schedule and not a 5 day schedule and our intervention time is 30 minutes a day". There was no documentation to support the decreased SDI from 257 minutes weekly to 120 minutes weekly based on the student's needs.

Of the twelve files reviewed, seven were found to have concerns regarding the lack of

individualization in addressing the students' specific needs. In all seven cases, the services listed in the IEP are documented under the broad label "Intervention - reading, writing, and math" for each student, rather than specifying the service times needed to address each distinct area of need. For instance, Student is allocated "Intervention - reading, writing, and math for 30 minutes, four times a week," while Student is documented to receive "Intervention - reading, writing, and math for 20 minutes, twice a week." While both "interventions" and "specially designed instruction" (SDI) aim to support a student's academic progress, they differ significantly in focus. Interventions typically refer to a broad range of strategies intended to improve student performance in general, whereas SDI is specifically designed to meet the needs of a student's disability as outlined in their IEP. SDI is tailored to address the student's unique learning challenges and is a more targeted and individualized approach within the broader scope of interventions. Further, SDI is designed and overseen by a special education teacher. Interventions are generally delivered by the general education teacher.

Despite the varied service times among students, the IEPs do not clarify which specific goals or areas of need are being addressed during the designated service delivery times. Because the service delivery for reading, writing, and math is grouped into one general service time, it remains unclear how each subject area is being adequately supported and whether the distinct needs in each area are being met effectively. This lack of specificity makes it difficult to determine whether the current service provision is appropriately aligned with the students' individual needs and learning goals. 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 Local Education Agency (LEA) 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 [LEA]'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).

Finally, the results of the evaluation for Student , completed on 10/28/24, indicates that the student requires support with basic math calculations and math reasoning. The evaluation also notes that the student is likely coping with high anxiety, attention difficulties, hyperactivity, and physical challenges. The PLAAFP further highlights that the student often needs redirection to stay focused in class and requires repeated instructions to remain on task. Additionally, the PLAAFP states that the student needs specialized instruction to reach grade-level skills. The IEP includes a service of "Pull out for related services" for 40 minutes once weekly, however, this does not address the skill deficits identified in the MDT evaluation and the PLAAFP. The IEP may not solely provide related services. According to 300.8(a)(2)(i), if a student only requires a related service and not special education, the student is not a child with a disability under the IDEA. The IEP lacks specific services to address the academic and behavioral challenges outlined not only in the evaluation, but also in the PLAAFP. The only goals included are for OT and speech language services, leaving the student's academic needs unaddressed. The IEP team is required to reconvene within 60 days to address the identified needs, develop an appropriate package of services to support these needs,

and establish measurable annual goals to track the student's progress or if the student does not require SDI in those areas, remove the student from an IEP.

Conclusion: WDE identifies noncompliance in the provision of SDI. SDI involves adapting the content, methodology, or delivery of instruction to meet the unique needs of students with disabilities, ensuring they can access, engage with, and make progress in the general education curriculum. This approach helps students meet the same standards and expectations as their peers of the same age or grade. While the WDE recognizes the difficulties that may arise from accommodating school-wide schedules with a limited staff, it is the responsibility of IEP teams to implement an IEP that addresses the specific needs of each student. Using fixed time blocks for service delivery may lead to the denial of FAPE. The special education services documented in the IEP must be carefully calculated to ensure that the student receives the necessary supports to address their identified needs.

Area 4: Unmet Needs

Citation:

§ 300.324(a) 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.

Evidence: Out of the twelve files reviewed, eight were found to have unmet needs that were not addressed in the IEP. All eight files are lacking needs being addressed in the areas of social/emotional or behavioral needs.

Student is serviced under the category of Other Health Impairment (HL) and has multiple mentions of needs related to emotion regulation and behavioral concerns from both school staff and parents. While the student's parents mention the student's behavior improving since attending PVCS, they both report continuing concern for their child "shutting down" at home. While the student has a goal that states, "By the end of the IEP, [Student] will communicate 75% of the time when [student] is frustrated and has shutdown in 3 consecutive trials, monitored every 3 weeks and reported quarterly." This goal does not address the SDI being provided to the student or the skill being taught to support their needs. This student previously had counseling services on their IEP and since beginning to attend PVCS, the counseling services have been dropped from the IEP with no justification.

Student has been identified with a primary disability of HL, as determined by the team on 11 /24. The multidisciplinary evaluation highlighted concerns regarding attention, focus, social behavior, and emotional regulation. The evaluation report notes that "[Student] is likely trying to cope with significant difficulties regulating hyperactivity, inattention and distractibility, emotional

regulation, and utilizing executive functioning skills within the environment." The initial IEP, developed on 11/ /24, includes services and goals aimed at addressing academic skills, fine motor skills, and visual-motor skills. Specifically, it provides "Intervention - reading, writing, and math" for 55 minutes once a week and 30 minutes once a week, in addition to 25 minutes of occupational therapy (OT) services weekly. This approach raises two key concerns. First, the services and IEP goals documented in the initial plan do not fully address all of the areas of need identified in the initial evaluation, particularly those directly related to the student's disability. These gaps may hinder the student's ability to access the general education curriculum as intended. Second, the IEP lists services as "Intervention - reading, writing, and math," which, as previously mentioned, fails to clearly align with the student's specific, individualized needs. The IEP should be designed to specifically address each identified need, rather than merely offering a broad intervention. It is the responsibility of the special education teacher to create SDI that adapts content, methodology, and delivery to meet the student's unique needs. The IEP team must reconvene within 60 days to review and address the identified needs, determine the necessary services to support those needs and develop measurable annual goals to guide the student's progress.

Conclusion: The WDE finds noncompliance in the area of Unmet needs. According to 34 CFR 300.324(a)(1)(iv), it is the responsibility of the IEP team to ensure all "academic, developmental, and functional needs of the child" are considered in developing the IEP. Subsequently, it is the responsibility of the LEA to provide the services determined necessary to ensure FAPE. To deny a student services required to meet their needs, in this case social/emotional and behavioral needs, is a failure to provide FAPE.

Individual Findings of Noncompliance

Student	On 9/ /24 the team met to determine initial IDEA eligibility for special education. The student moved in from out of state with an active IEP and evaluation dated 5/ /24. During the initial evaluation process the team reviewed this evaluation rather than completing a new assessment, but utilized the regulations and standards from that state to determine eligibility rather than utilizing the Wyoming Chapter 7 rules and regulations. The team should reconvene to conduct an initial evaluation pursuant to Wyoming Chapter 7 rules and regulations.
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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 LEA 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: Christian Winger, Headmaster, PVCS
Janine Bay Teske, Chairman, Wyoming Charter School Authorizing Board
John Balow, Special Education Director, WDE
Elaine Marces, Charter School Supervisor, WDE