



Opportunity Through Education

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Individuals with Disabilities Education Act Results Driven Accountability Monitoring Report for Wyoming Classical Academy

Monitoring Dates: November 19, 2024 - January 28, 2025
Report Date: February 18, 2025

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

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TO: John Wahler, Charter School Director
Theresa Tidball, Special Education Director

FROM: Sheila Thomalla, Monitoring Team Supervisor

SUBJECT: Results Driven Accountability Monitoring Report

REVIEW DATE: November 19, 2024 - January 28, 2025

REPORT DATE: February 12, 2025

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 WDE's 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 federal IDEA regulations and support continuous improvement in the provision of special education and related services to students with disabilities.

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. It covered 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 occurred from November 19, 2024, to January 28, 2025. The initial sample included 29 files, 10 of which were removed because the students were no longer in attendance at Wyoming Classical Academy (WCA). A total of 19 files were included in the review. Also completed were policy reviews, on-site observations, interviews, and paper document reviews. After review and additional follow-up, two of the 19 files were determined to be compliant.

Below are details of systemic findings from the monitoring.

Systemic Findings

Area 1: Comprehensive Evaluations

Citation:

§ 300.301 Initial evaluations.

- (a) *General.* Each public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.304 through 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- (b) *Request for initial evaluation.* Consistent with the consent requirements in § 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- (c) *Procedures for initial evaluation.* The initial evaluation—
 - (1)
 - (i) Must be conducted within 60 days of receiving parental consent for the evaluation; or
 - (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
 - (2) Must consist of procedures—
 - (i) To determine if the child is a child with a disability under § 300.8; and
 - (ii) To determine the educational needs of the child.

§ 300.304 Evaluation procedures.

- (a) *Notice.* The public agency must provide notice to the parents of a child with a disability, in accordance with § 300.503, that describes any evaluation procedures the agency proposes to conduct.
- (b) *Conduct of evaluation.* In conducting the evaluation, the public agency must—
 - (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining—
 - (i) Whether the child is a child with a disability under § 300.8; and
 - (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);

Evidence: Two files were found noncompliant for a comprehensive evaluation. This was due to the student not being evaluated in all suspected areas of need.

Student was assessed only for speech and language concerns and found eligible. Upon review of the documentation, the student record indicated concerns in social-emotional regulation and visual perception skills that were not documented to be considered during the initial evaluation.

In January 2024, Student was initially evaluated for speech-language concerns only. Per a PWN dated 4/ /2024, "The IEP team has been requested to consider Student's [parent's] academic concerns, in addition to the speech therapy services." However, no further action on the part of the team is noted to respond to the parent's concerns. The student was then subsequently evaluated for concerns related to occupational therapy needs in September of 2024. OT services did not begin until October , 2024. Per a PWN dated 10 /2024, "[Parent] and [Teacher] both expressed concerns related to academics/learning and would like to meet with MDT to discuss further possible testing." There is no evidence the team has addressed these concerns for a second time. In the same document, it states, "[Student] may also have some sensory processing concerns that have not yet been assessed." This would indicate the team completed testing for occupational therapy-related concerns but did not address sensory concerns at that time. Per a PWN dated 1/ /25, the student now has an additional diagnosis related to neurological functioning; derived from outside testing.

Conclusion: Noncompliant. Conducting a comprehensive evaluation is central to the development of a reasonably calculated IEP and the provision of FAPE. IDEA mandates that evaluations address all domains related to a child's suspected disability, including but not limited to academic, developmental, social-emotional, behavioral, and physical/motor domains. Deficiencies in the evaluation can lead to unmet needs and insufficiently developed present levels of academic and adaptive functioning (PLAAFP). Oversight during the evaluation process of examining areas of documented concern can have a detrimental impact on the student's programming altogether. The school has a process of only involving the speech-language pathologist in an evaluation for a student who has or is suspected to have speech-language eligibility. This process does not ensure a full discussion of all student needs, but rather focuses on the student's speech or language needs alone. Student 's evaluation raises egregious concerns, and therefore, this student requires a new comprehensive evaluation and accompanying IEP to address *all* areas of suspected need within 30 days of this report. If additional needs are identified, the team shall consider if the student is owed compensatory services.

Area 2: 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: Through review of IEPs, interviews, and observations three students' IEPs reveal needs not being addressed.

In the case of Student [redacted] the team identified social-emotional needs related to her anxiety during the comprehensive evaluation process. The PLAAFP states, "[Student] frequently displays behaviors stemming from worry, nervousness, and/or fear." Although this information was noted by the team in the PLAAFP, they did not address the impact these needs had on the student's ability to access general education or include corresponding programming to address the student's social-emotional needs in the IEP. The WDE interviewed staff onsite. When asked how the school addressed social-emotional needs, the interviewee indicated that the parent is given a list of providers that they may use to access those services. The interviewee further explained that the expense for those services would be the parent's responsibility.

An additional example of unmet social-emotional needs was found in Student [redacted]'s file. The evaluation and corresponding IEP dated 2/ [redacted] /2024 indicated minimal concerns with social-emotional functioning, primarily related to attention and self-regulation, that were addressed through an IEP goal. Subsequent documentation indicates that the student had a significant change in social-emotional functioning, including concerns with bullying and peer conflict, as documented on the PWN dated 12/ [redacted] /2024. No evidence was found in the amended IEP that the team addressed the additional concerns related to bullying and peer conflict. The PWN dated 12/ [redacted] /2025 regarding an amendment to the IEP states, "The check in/out is intended for [Student] to self-examine [their] current well-being, allow staff members an additional opportunity to touch base with [them], and to remind [them] of the purpose and focus needed in school in order to do well in [their] classes. The team acknowledged that this is not a support for mental health, but an overall well being and safety check-in measure to assure that [Student] is in a good place throughout the day." The blatant disregard for the mental health needs of this student is unacceptable. The student is presenting with significant mental health needs, and it is the responsibility of the IEP team to consider and ensure these needs are addressed.

Conclusion: Noncompliant. It is the responsibility of the IEP team to ensure all needs related to a student's disability that impact their ability to progress in the general education curriculum are considered when developing the IEP. The lack of addressing social-emotional and behavioral needs in the school setting is a FAPE violation. For the school to refer families to outside resources without further discussion violates the IDEA. One of the basic tenets of FAPE is that necessary services will be provided to the student at no expense to the parent.

Area 3: Present Levels of Academic Achievement and Functional Performance (PLAAFP)

Citation: § 300.320(a)(1) and § 300.324(a)(1)

§ 300.320(a)(1) 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); or
- (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

* * * * *

§ 300.324(a)(1) 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: Five of the 19 files reviewed contained PLAAFPs that were insufficiently developed. Under the IDEA, it is the responsibility of the IEP team to develop a PLAAFP that considers the academic, developmental, and functional needs of the child and includes a statement that addresses how the child's disability affects their involvement and progress in the general education curriculum. The five PLAAFPs failed to meet the requirements noted in the statute. PLAAFPs were found to contain brief statements on the progress toward goals. All were missing information pertaining to the student's progress in general education, including required information on academic performance and functional needs. For example, Student 7's PLAAFP only includes their articulation goal with the current performance. In the Team's Perspective section of the IEP, his classroom teacher noted concerns with the impact his articulation is having on "phonogram awareness" and in the student's writing and spelling work. This is not considered further in the PLAAFP and subsequently, there are no programming considerations in the IEP to support the student in this area. Additionally, this PLAAFP lacked a statement indicating how the student's disability impacts their ability to successfully access general education. This is also the case with Student 8's PLAAFP.

Conclusion: Noncompliant. IDEA regulations require the development of a PLAAFP that clearly identifies the academic achievement and functional performance needs of the student. Without identifying the academic achievement *and* functional performance needs of the student, the PLAAFP does not give the information necessary to inform goal development, identify needed supplementary aids and services, or any program modifications and supports for school personnel required to meet the student's needs.

Area 4: Goal Development

Citation: §§ 300.320(a)(2), (a)(3)

(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: Eight of the 19 files included goals that were not measurable. The issues with measurability were identified in several areas: goals were directly copied from state standards without specifying the skills students needed to make progress within those standards; goals included multiple skill targets, making them impossible to measure; and some goals used vague, non-measurable terms when describing the target.

The first issue identified during the review was that goals are being written to standards rather than identifying and addressing specific skills. As an example, Student has a goal that states: "Over the duration of this IEP, with 1-2 prompts, [Student] will demonstrate 70% accuracy for 4/5 trials with being able to draw connections between two or more elements in an informational text and determine how elements of a narrative work together to move the story forward (RL.5.2)." In this example, the student's goal is directly copied from the grade-level standard, which does not address the specific skills preventing the student from fully accessing the general education curriculum. Additionally, it does not reflect an individualized approach tailored to meet the student's unique needs.

The presence of multiple targets within a goal was another concern noted in the review. While having multiple targets is not inherently noncompliant, it becomes noncompliant when these multiple targets make the goal unmeasurable. Six files had concerns with goals written to address multiple skills in one goal. Due to the large number of skills that are included in the goal, it is difficult or impossible to monitor progress. For example, Student has a goal that states: "Over the duration of this IEP, [Student] will demonstrate 70% accuracy for 4/5 trials with rote counting skills up to 100; counting up to 100 objects with one to one correspondence; identify and sequence

numbers 0-100; and, solve addition facts up to 10 using relevant, real world examples (story problems and adding 'one more'). This goal will be met when three out of four objectives are met ((EE2.OA.A.1), Level I AA; (EE2.NBT.D.3), Level IV AA). Additionally, the benchmarks and objectives for this goal failed to provide additional clarity as to the main target of the goal, as evidenced by "objective #1: [Student] will demonstrate 50%, 60%, and 70% accuracy for 4/5 trials with rote counting skills up to 100 with 1-2 prompts per tens grouping of numbers, increasing with 10% accuracy every four months."

Lastly, goals were found to have vague and non-quantifiable targets. For example, Student has a goal that states: "Over the duration of this IEP, [Student] will read with sufficient accuracy and fluency to support comprehension (RF.3.4), by demonstrating 65% accuracy for 4/5 trials with applying phonological skills to decoding instructional and/or grade level text or word lists with short and long vowel sounds (CVC, CVCe) and vowel teams for 1-2 syllable words (RF.2.3.A-C)." While the goal mentions 65% accuracy-related to the specific skills, the terms "sufficient accuracy and fluency to support comprehension" are not measurable and the goal is not clear in identifying if the target is comprehension, fluency or decoding. Additionally, Student has a goal that states: "[Student] will improve his speech articulation to be more [sic] line with peer performance on standardized assessments." This goal is not measurable because it does not provide a target. As a result of this error in goal development, subsequent progress monitoring would be impossible. Finally, "Over the duration of this IEP, [Student] will demonstrate 70% accuracy for % trials when solving fraction based problems for all operations and conversions from fraction/decimal-decimal/fraction with respective denominators 10 and 100 with moderate support (4.NF.C.6, 4.NF.B.3)". In this example from Student file, the added descriptor of moderate support is subjective and without a precise metric or benchmark, assessing whether the student has mastered the goal is not possible.

Conclusion: Noncompliant. Under the IDEA, the development of annual goals is a cornerstone of an effective, reasonably calculated IEP. Per § 300.320(a)(2)(i), annual goals must not only be measurable but also must be designed to meet the student's unique needs resulting from their disability to enable their involvement in and progress in the general education. Identified issues with the creation of measurable annual goals, particularly the lack of clear and quantifiable targets, are closely related to the lack of comprehensively evaluated students and inadequately developed PLAAFP statements. Goals that fail to identify a specific, quantifiable target for achievement are not considered measurable. Without measurable targets, progress monitoring becomes impossible, and there is no way to determine whether the IEP is appropriately designed to meet the student's needs. Failure to develop a reasonably calculated IEP that addresses the student's unique needs may result in a substantive denial of FAPE.

Area 5: Progress Monitoring

Citation: § 300.324(b)

(b) *Review and revision of IEPs* —

(1) *General.* Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team—

- (i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
- (ii) Revises the IEP, as appropriate, to address—
 - (A) Any lack of expected progress toward the annual goals described in § 300.320(a)(2), and in the general education curriculum, if appropriate;
 - (B) The results of any reevaluation conducted under § 300.303;
 - (C) Information about the child provided to, or by, the parents, as described under § 300.305(a)(2);
 - (D) The child's anticipated needs; or
 - (E) Other matters.

Evidence: Three files contain progress reports indicating the mastery of goals without the team reconvening to address revisions to the student's IEP. Student met their writing goal. Student met their self-regulation goal over two reporting periods. Student met their reading comprehension goal. Their goal states the student will "demonstrate 75% accuracy with responding to questions such as who, what, where, when, why, and how to demonstrate understanding of key details in a variety of grade-level text types" In their progress report dated 11/ /2024, a description of data states, "[Student] is 90% accurate with responding to explicit who, what, where, when, and why questions, and is able to cite key details in the text to support those questions with 85% accuracy for all trials." This would indicate mastery of the goal. There is no documentation to suggest the team has reconvened to examine progress and determine if a new goal is necessary.

Conclusion: Noncompliant. If a student is meeting their IEP goals well before the team plans to develop a new annual IEP, it should trigger the team to discuss the student's progress and respond with revisions or amendments as necessary to ensure needs are being met. While the student is demonstrating success, it is imperative the team determine if the IEP continues to support the student with appropriately challenging goals. Failing to make these adjustments in response to the requirements of § 300.324(b), could result in an IEP that is no longer adequately designed to meet the student's needs, which is a violation.

Area 6: Supplementary Aids and Services

Citation: §§ 300.320(a)(4), (a)(7)

- (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;

* * * * *

(7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.

Evidence: Through the review of files, interviews, and student observation it was determined the school is not compliant in this area. Six of the 19 files documented supplementary aids and services that did not identify the frequency, location, or duration of the aid or service. All six files had one or more supplementary aid or services that indicated “at the discretion of the teacher” in the frequency, duration, and location description. For example, Student 1 has an accommodation that states: “Over the duration of this IEP, [Student] will have the opportunity for small group test settings for classroom based assessments at the discretion of the teacher and for all WYTOPP state testing to assist with fluid reasoning and working memory needs.”

Conclusion: Noncompliant. The IDEA requires that the services, including supplementary aids and services, include the anticipated frequency, location, and duration of the identified services. Supplementary aids or services that list “at the discretion of the teacher” do not clearly identify when the student will be afforded the needed aid or service. The frequency, duration, and location of the supplementary aids and services should be specific enough for parents and staff to understand how and when the student will receive the identified services and modifications in order to access the general education curriculum. “What is required is that the IEP include information about the amount of services that will be provided to the child so that the level of the agency’s commitment of resources will be clear to parents and other IEP team members. The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation of the IEP.” Federal Register Vol 71 46667. Teachers should not be making unilateral decisions on when a student is permitted to use a supplementary aid or service.

Area 7: Prior Written Notice (PWN)


Citation: §§ 300.503(a),(b). Prior notice by the public agency; content of notice

(a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—

- (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

(b) Content of notice. The notice required under paragraph (a) of this section must include—

- (1) A description of the action proposed or refused by the agency;
- (2) An explanation of why the agency proposes or refuses to take the action;

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- (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
 - (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
 - (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
 - (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.

Evidence: Seven files in the sample were noted as either missing a prior written notice (PWN) or having a PWN that did not memorialize the district proposal of action. For example, Student's PWN indicates only that the IEP will update but does not provide specific information on the updates proposed by the team. The PWN states: "Wyoming Classical Academy (WCA) proposes to update all: census/demographic data; strengths, concerns and interests input from the IEP team; PLAAFP data; measurable annual goals; consideration of special factors; ESY; supplementary aids and services; and, special education service minutes." While this is a comprehensive list of areas to be addressed by the IEP team meeting, it does not indicate the action the team proposed to take to implement the FAPE offering to the student. Additionally, Student's IEP stated, "WCA proposes to review the current IEP and hold [Student's] annual IEP meeting to review progress toward goals. This proposal indicates an action that, again, does not detail the team offering of FAPE but records that there will be a meeting, which is not the regulatory purpose of the PWN.

Conclusion: Noncompliant. A prior written notice must be provided to parents whenever a school district proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE for a child with a disability. This proposal comes after the team has met to consider and review all relevant information to develop the offering of FAPE. Failure to provide a PWN, or issuing one that omits required elements, such as a clear district proposal of action, constitutes a procedural error. Such omissions can impede parents' ability to participate in the IEP process fully and can also potentially result in the denial of FAPE for the student.

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 23-01 Memo, the LEA has one year from the date of this letter to correct all non-compliance. 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: John Balow, Special Education Director, WDE