WDE
Opportunity Through Education

Wyoming Department of Education
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Megan Degenfelder – *Superintendent of Public Instruction*
Dicky Shanor – *Chief of Staff*

6/8/2026
Dr. Joseph Libby, Superintendent
Kayci Arnoldi, Special Education Director
Sweetwater School District #1
3550 Foothills Blvd
Rock Springs, WY 82901

Dear Dr. Libby and Director Arnoldi,

Thank you for your response to the draft Sweetwater #1 monitoring report issued to the district on 5/6/26. We have reviewed the additional documentation and objections regarding the monitoring procedures and findings provided by Director Arnoldi and district legal counsel. We appreciate the district's efforts to provide this additional information for consideration.

As outlined in the WDE General Supervision Monitoring Procedural Manual, the Wyoming Department of Education (WDE), as the State Educational Agency (SEA), maintains sole responsibility for compliance determinations, the issuance of findings, and enforcement decisions. After thoroughly assessing the district's objections, this message formally notifies you that the draft report issued on 5/6/26, is now finalized.

The WDE has established mandatory corrective actions to address all areas of non-compliance, including specific timelines and required evidence for completion. In addition to the finalized monitoring report, the necessary corrective action details are also included in this document. All FAPE-related non-compliance findings must be corrected as soon as possible and in accordance with the identified timelines.

The WDE will make a copy of the final monitoring report and identified corrective action plans available to the public on the WDE website and encourages the district to share with its constituents as well. The WDE remains available for further clarification and is committed to providing technical assistance and coaching to help the district resolve these findings.

John Balow

John Balow
Attachments:
Final Monitoring Report
Corrective Action Plans

Cc: Cole Wright, Chairman, SCSD #1 Board of Trustees
Sheila Thomalla, WDE Monitoring Supervisor

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Individuals with Disabilities Education Act Special Targeted Monitoring Report for

Sweetwater County School District #1

Onsite Monitoring Dates: February 23 – 26, 2026
Report Date: 6/6/2026

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

TO: Kayci Arnoldi, Special Education Director
FROM: Sheila Thomalla, Monitoring Supervisor
SUBJECT: Special Targeted Monitoring Report

REPORT DATE: 6/8/2026

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 IDEA to ensure compliance. WDE is responsible for ensuring that the requirements of the IDEA and implementing federal regulations are met. Each educational program for children with disabilities administered within the state is under the general supervision of WDE and must meet the educational standards of Wyoming. *34 C.F.R. § 300.149(a).*

In response to recent findings of special education noncompliance through the state complaint process, parent concerns, current and former staff concerns, and media reports, WDE determined it was necessary to conduct a special monitoring pursuant to its general supervisory responsibility under 34 C.F.R. § 300.149 to identify barriers to compliance with federal and state requirements within the special education system at Sweetwater County School District #1.

The purpose of the special monitoring was to assess compliance with the IDEA, implementing federal regulations, and WDE Chapter 7 Special Education Rules, with a focus on five areas:

1. Employment, assignment, and supervision of adequately credentialed educators and related service providers in special education.
2. Provision of special education services in conformity with IEPs.
3. Compliance with the Least Restrictive Environment mandate.
4. Meaningful parental participation.
5. Confidentiality of personally identifiable student-level information.

This special monitoring consisted of a review of policy, procedures, and practices; student record reviews; interviews with special education staff and administrators; listening sessions for parents and community members; and a review of staff credentials and assignments.

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

Special Monitoring Overview

Prior to the onsite visit portion of the special monitoring, WDE randomly selected a sample of special education records to view, stratified across all grades, disabilities, and schools. Upon request, the District provided identification numbers for 145 students. However, 19 of the student records were not accessible in the online IEP system. Some students moved away, graduated, or were otherwise unavailable electronically, reducing the sample size to 126 student education records. The review of student records took place throughout the special monitoring period from the receipt of records up through the release of this Special Monitoring Report.

WDE visited 15 schools and interviewed 47 staff members, including the Director of Special Education and the Assistant Director of Special Education.

Many of the staff interviewed were conscientious, caring, and concerned about special education services and supports within the District. Relevant comments included:

- Long term substitutes provide lesson planning, special education services, and progress monitoring.
- The Teachers of Record were uncomfortable drafting IEP goals for students they did not instruct and, in some cases, did not know.
- Administration must approve placements in the high needs programs even after the IEP team made the decision that the placement meets a student's needs.
- Only one IEP amendment is allowed per year.
- Co-taught classes are not meeting students' needs.
- The need for paraprofessional support in an IEP is met with resistance from central administration.
- Staff are terrified of backlash or forced transfers if they speak in opposition of an administrative decision.
- Resource room teachers are unable to meet all service minutes on IEPs.
- IEPs are not reflective of the service minutes a student actually receives.
- Staff were told that students had to receive services in co-taught classes in the general education environment. Staff were told to rewrite IEPs and send out Prior Written Notices to document the change.
- There is mistrust between staff and administration.

During the listening sessions hosted by WDE, seven community members expressed positive points regarding the District. 45 other community members expressed concerns. The parents and community members expressed:

- 18 concerns regarding staffing and staff qualifications, focusing on high staff turnover, reliance on uncertified substitute teachers, and lack of staff training.
- 17 concerns regarding IEP implementation and compliance, focusing on service minutes and accommodations not being met, and administrative overreach in IEP team decisions.
- 11 concerns regarding communication and culture within the District, focusing on parent exclusion, language barriers, inadvertent information disclosure, and a pervasive fear of retaliation among staff and parents.

FOCUS AREA 1

EMPLOYMENT, ASSIGNMENT, AND SUPERVISION OF ADEQUATELY CREDENTIALED EDUCATORS AND RELATED SERVICE PROVIDERS IN SPECIAL EDUCATION

Requirements: 34 C.F.R. § 300.156

§ 300.156 Personnel qualifications.

(a) *General.* The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

(b) *Related services personnel and paraprofessionals.* The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that—

(1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and

(2) Ensure that related services personnel who deliver services in their discipline or profession—

(i) Meet the requirements of paragraph (b)(1) of this section; and

(ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and(iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.

(c) *Qualifications for special education teachers.*

(1) The qualifications described in paragraph (a) of this section must ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school—

(i) Has obtained full State certification as a special education teacher (including certification obtained through an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 CFR 200.56 (a)(2)(ii) as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the teacher must meet the certification or licensing requirements, if any, set forth in the State's public charter school law;

(ii) Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) Holds at least a bachelor's degree.

(d) *Policy.* In implementing this section, a State must adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit, hire, train, and retain personnel who meet the applicable requirements described in paragraph (c) of this section to provide special education and related services under this part to children with disabilities.

The U.S. Department of Education's Office of Special Education Programs (OSEP) has clarified that FAPE is premised on the provision of special education and related services that meet the requirements of IDEA Part B, which includes ensuring that special education teachers and related services providers are appropriately and adequately trained and credentialed. The State Education Agency (WDE) may not waive the special education or related services personnel certification or licensure requirements on an emergency, temporary, or provisional basis. *Memorandum to State Directors of Special Education*, 81 IDELR 287 (OSEP 2022).

In Wyoming, long term substitute teachers, permit holders, and educators on an Exception Authorization (EA) are not fully qualified or credentialed. The Professional Teaching Standards Board (PTSB) issued a memo to address concerns regarding staff not fully credentialed, specifically addressing EAs stating that EAs are not licensed, and thus not fully autonomous in the classroom, especially in regard to Special Education. 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." *PTSB Director's Memo* (October 2023). WDE interprets this same requirement to apply to any educator who is not fully licensed, including long term substitutes, permit holders, or any other individual who has not obtained full state certification.

In Wyoming, the supervision requirement means that staff not fully licensed must work under the direct supervision of a highly qualified teacher or provider. Direct supervision of an unlicensed teacher or provider may be considered adequate if:

(1) The fully credentialed teacher or provider prepares the lessons and plans the instructional support activities that the unlicensed staff carries out;

(2) The fully credentialed teacher evaluates the progress and achievement of the students with whom the unlicensed staff is working; and

(3) The fully credentialed teacher works in close and frequent proximity with the unlicensed staff.

A service delivery model where a long term substitute, EA, permit holder, or paraprofessional provides instructional support and a teacher visits a site once or twice a week, but otherwise is not in the classroom with the unlicensed provider would not be considered adequate supervision. Similarly, where a long term substitute, EA, permit holder, or paraprofessional works with a student in another location while the teacher provides instruction to the rest of the class would also be inconsistent with the requirement that a fully credentialed teacher works in close and frequent proximity with the unlicensed staff.

Evidence:

As of the date of this report, the District's website indicates that 27 special education teacher and provider positions remain open (as confirmed at this web address on the District's website: https://www.applitrack.com/sweetwater/onlineapp/default.aspx?Category=Certified+Staff&all=cat). When interviewed during the Special Monitoring, the Director of Special Education stated that she was unaware of how many special education openings the District had at any given time. The Director considered adequate staffing to be the responsibility of the Human Resources Department rather than special education leadership.

The District provided a list of 18 long term substitute teachers employed in positions serving students with disabilities. Of those, 12 of the long term substitutes teach in special education Resource Rooms, three in Alternative Daily Living Skills Program, and one long term substitute teacher in the Alternative Behavior Program, Alternative Communication Program, and Community Based Instruction. In addition, the District provided a list of special education staff credentials, documenting three EAs at the high school, eight at the elementary level, and one EA at the District level.

Many of the teachers confirmed in interviews that long term substitutes and EAs were planning lessons, delivering instruction without supervision, assigning grades, and monitoring progress toward IEP goals. In many IEPs, the unlicensed teacher or provider reported progress towards IEP goals. Observations and interviews established a District-wide practice of permitting unlicensed staff to provide special education and related services without adequate supervision. The District employed and utilized 30 unlicensed teachers or providers in special education, permitting them to work autonomously in contravention of IDEA's personnel requirements and contrary to limitations placed on unlicensed personnel by PTSB.

Of the files reviewed, 26% evidenced that special education or related services were provided by an unlicensed person lacking the credentials to provide specially designed instruction or related services.

Staff who are not fully qualified must be supervised by a fully licensed educator or professional. Supervision requires collaboration, planning, and proximity. Credentialed teachers repeatedly voiced concern about being forced to be the Teacher of Record for students they did not know while unlicensed staff prepare lesson plans, progress monitor, and assign grades. In some instances, the Teacher of Record was located in a different building than the actual service provider, unable to provide supervision consistent with the purpose and intent of the IDEA, PTSB, or WDE.

Conclusion:

WDE finds the District to be in violation of the requirement to provide special education and related services by fully credentialed professionals as required by 34 C.F.R. § 300.156.

Barriers to Compliance:

Staff shortages, unlicensed staff acting beyond the scope of their professional practice, and a lack of special education leadership oversight and support. The District assigns unlicensed personnel to special education classrooms with students who have significant educational needs. The practice of assigning unlicensed teachers to resource rooms and program rooms must cease, and a plan for compensatory services for students in those classrooms must be developed and submitted to WDE.

FOCUS AREA 2

PROVISION OF SPECIAL EDUCATION SERVICES IN CONFORMITY WITH THE IEP

Requirements: 34 C.F.R. §§ 300.17 and 300.323(c)

§ 300.17 Free appropriate public education. *FAPE* means special education and related services that—

(a) Are provided at public expense, under public supervision and direction, and without charge;

(b) Meet the standards of the SEA, including the requirements of this part;

(c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and

(d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.320 through 300.324.

§ 300.323 When IEPs must be in effect.

(c) *Initial IEPs; provision of services.* Each public agency must ensure that—

(1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and

(2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

Evidence:

Of the student records reviewed, 40% evidenced that services were provided in conformity with student IEPs. 60% of student records evidenced services were not provided in conformity with student IEPs. It is likely that there are many causes for the misalignment between student IEPs and actual service delivery. The discrepancy between a student's IEP and the services provided was noted most frequently when:

1. Service minutes in the student's and teacher's schedules did not align with IEPs.
2. Students remained in the special education environment receiving instruction for a full class period rather than the specific amount of specially designed instruction or related service minutes on a student's IEP. [redacted]. The result is that several students were overserved in comparison to the amount of service on their IEPs. This error was evidenced in approximately 29% of the noncompliant files in this focus area. The practice of providing special education service minutes based on the length of a class period rather than the amount of time documented in the IEP based on a student's educational needs must cease, and a plan for compensatory services for students in those classrooms must be developed and submitted to WDE.
3. Students received service from unlicensed staff without the necessary credentials or supervision to provide specially designed instruction or related services to students with disabilities. This error was evidenced in approximately 44% of the noncompliant files in this focus area.

Conclusion:

WDE finds the District to be in violation of the requirement to provide special education and related services in conformity with student IEPs as required by 34 C.F.R. §§ 300.17 and 300.323(c).

Barriers to Compliance:

Staff shortages, unlicensed staff acting beyond the scope of their professional practice, lack of understanding of IDEA requirements, and lack of supervision. The practice of providing special education service minutes based on the length of a class period rather than the amount of time documented in the IEP based on a student's educational needs must cease. The District's service delivery model must align with the amount of service in each IEP.

FOCUS AREA 3

COMPLIANCE WITH THE LEAST RESTRICTIVE ENVIRONMENT MANDATE

Requirements: 34 C.F.R. §§ 300.114 through 300.117

§ 300.114 LRE requirements.

(a) *General.* (1) Except as provided in § 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120.

(2) Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

§ 300.115 Continuum of alternative placements.

(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under § 300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

§ 300.116 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that—

(a) The placement decision—

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including §§ 300.114 through 300.118;

(b) The child's placement—

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

§ 300.117 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

Evidence:

Of the student records reviewed, 65% evidenced that services were provided in compliance with the LRE mandate. 35% of student records contained evidence that services were not provided in compliance with the LRE mandate. The discrepancy was noted most frequently when:

1. Service locations did not align with the location in the IEP, altering the amount of time students spent with nondisabled peers. This appeared to be due to scheduling challenges.
2. Students remained in the special education environment receiving instruction for a full class period rather than the specific amount of specially designed instruction or related service on a student's IEP. [redacted] The result is that several students were overserved by keeping a student in the special education environment longer than indicated on their IEPs. Providing special education services and related services based on the length of a class period rather than student need is an error that was evidenced in approximately 68% of all

noncompliant files in this focus area.

Conclusion:

WDE finds the District to be in violation of the LRE mandate to educate students with nondisabled peers to the maximum extent appropriate as required by 34 C.F.R. §§ 300.114 through 300.117.

Barriers to Compliance:

Service delivery models that do not support maximizing the amount of time students with disabilities spend with nondisabled peers, lack of understanding of the LRE mandate, and the absence of District oversight.

FOCUS AREA 4

MEANINGFUL PARENTAL PARTICIPATION

Requirements: 34 C.F.R. §§ 300.322, 300.501, 300.503, and 300.504

§ 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 upon 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).

§ 300.501 Opportunity to examine records; parent participation in meetings.

(a) *Opportunity to examine records.* The parents of a child with a disability must be afforded, in accordance with the procedures of §§ 300.613 through 300.621, an opportunity to inspect and review all education records with respect to—

(1) The identification, evaluation, and educational placement of the child; and

(2) The provision of FAPE to the child.

(b) *Parent participation in meetings.*

(1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to—

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child.

(2) Each public agency must provide notice consistent with § 300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.

(3) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(c) *Parent involvement in placement decisions.*

(1) Each public agency must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency must use procedures consistent with the procedures described in § 300.322(a) through (b)(1).

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

(4) A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent's participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement.

§ 300.503 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;

(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.

(c) *Notice in understandable language.*

(1) The notice required under paragraph (a) of this section must be—

(i) Written in language understandable to the general public; and

(ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure—

(i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(ii) That the parent understands the content of the notice; and(iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.

§ 300.504 Procedural safeguards notice.

(a) *General.* A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents—

(1) Upon initial referral or parent request for evaluation;

(2) Upon receipt of the first State complaint under §§ 300.151 through 300.153 and upon receipt of the first due process complaint under § 300.507 in a school year;

(3) In accordance with the discipline procedures in § 300.530(h); and (4) Upon request by a parent.

(b) *Internet Web site.* A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists.

(c) *Contents.* The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under § 300.148, §§ 300.151 through 300.153, § 300.300, §§ 300.502 through 300.503, §§ 300.505 through 300.518, §§ 300.530 through 300.536 and §§ 300.610 through 300.625 relating to—

(1) Independent educational evaluations;

(2) Prior written notice;

(3) Parental consent;

(4) Access to education records;

(5) Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including—

(i) The time period in which to file a complaint;

(ii) The opportunity for the agency to resolve the complaint; and(

iii) The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;

(6) The availability of mediation;

(7) The child's placement during the pendency of any due process complaint;

(8) Procedures for students who are subject to placement in an interim alternative educational setting;

(9) Requirements for unilateral placement by parents of children in private schools at public expense;

(10) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;

(11) State-level appeals (if applicable in the State);

(12) Civil actions, including the time period in which to file those actions; and(13) Attorneys' fees.

(d) *Notice in understandable language.* The notice required under paragraph (a) of this section must meet the requirements of § 300.503(c).

Evidence:

Of the student records reviewed, 53% of files demonstrated that parents were afforded the opportunity for meaningful participation. 47% of student records contained evidence that parents were denied the opportunity for meaningful participation in the IEP process. The noncompliance was noted most frequently when:

1. The District failed to provide evidence that IEP meetings were scheduled at a mutually agreed-upon time. In most records, there was no evidence of parent contact prior to sending home the meeting notice.
2. Students remained in the special education environment receiving instruction for a full class period rather than the specific amount of specially designed instruction or related service on a student's IEP. The result is that several students were overserved, keeping a student in the special education environment longer than indicated on their IEPs without giving parents the opportunity to

participate in the IEP process to amend the amount of service time in their child's IEP. This represents a unilateral change to the amount of special education service the students received rather than IEP team decision making, including the parents. Unilateral changes to the special education service minutes occurred in approximately 46% of all noncompliant student records in this focus area.

3. Students received service from unlicensed staff without the necessary credentials or supervision to provide specially designed instruction or related services to students with disabilities. This error was evidenced in approximately 54% of all noncompliant student records in this focus area.

Conclusion:

WDE finds the District to be in violation of the requirement to afford parents a meaningful opportunity to participate in the IEP process.

Barriers to Compliance:

A service delivery model that permits unilateral changes to IEP services, a lack of understanding of the meaningful parental participation requirements, and the absence of District oversight.

SUMMARY OF FOCUS AREAS 1 - 4

The deleterious impact of the District serving students with unlicensed staff and providing special education services based on the length of class periods rather than the number of minutes in student IEPs cannot be overstated. The overarching purpose of the IDEA is to ensure that students with disabilities have available to them a Free Appropriate Public Education (FAPE), including special education and related services that meet the unique needs of individual students and prepare them for further education, employment, and independent living. *34 C.F.R. § 300.1*. The FAPE standard was set by the hallmark United States Supreme Court decision in the Rowley case. The Supreme Court addressed the importance of the procedural safeguards in the IDEA, stating:

> [W]e think that the importance Congress attached to these procedural safeguards cannot be gainsaid. It seems to us no exaggeration to say that Congress placed every bit as much emphasis upon compliance with procedures giving parents and guardians a large measure of participation at every stage of the administrative process … as it did upon the measurement of the resulting IEP against a substantive standard.

Board of Educ. of the Hendrick Hudson Cent. Sch. Dist. v. Rowley, 553 IDELR 656 (1982).

The procedural safeguards described in the *Rowley* decision are codified in the federal regulations implementing the IDEA and include the parents' right to participate in IEP team decision-making regarding their child. *34 C.F.R. §§ 300.121, 300.322, 300.327, and 300.501.*

The Supreme Court clarified the substantive FAPE standard in the *Endrew F.* case. The Court made it clear that "[t]o meet its substantive obligations under the IDEA, a school must offer an IEP reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances." *Endrew F. v. Douglas County Sch. Dist. RE-1*, 69 IDELR 174 (2017). The primary vehicle for providing FAPE is through an appropriately developed IEP that is based on the individual needs of the child. *Dear Colleague Letter*, 115 LRP 53903 (OSERS 2015). Once the IEP is developed, services must be provided in conformity with the IEP. *34 C.F.R. § 300.17(d).*

When decisions reserved for the IEP team are made outside of the IEP process, this unilateral decision-making is referred to as predetermination. It occurs when district members of the IEP team unilaterally decide a student's educational placement and services outside of an IEP team meeting or the IEP team process. *Deal v. Hamilton County Bd. of Educ.*, 42 IDELR 109 (6th Cir. 2004). *cert. denied.* Altering the services documented in IEPs by serving students for a full class period rather than the number of minutes in an IEP constitutes predetermination by the District. Likewise, determining that unlicensed service providers can provide special education and related services constitutes predetermination by the District because it results in the inability to provide services in conformity with an IEP.

The District's compliance with the requirements of IDEA, despite strong performance in the areas of Present Levels and PWN, was negatively impacted by unilateral decision-making by the District's administration. Any service delivery model that unilaterally alters IEP team decision-making runs afoul of the IDEA and Wyoming rules.

FOCUS AREA 5

CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE STUDENT-LEVEL INFORMATION

Requirements: 34 C.F.R. §§ 300.610 and 300.611

§ 300.610 Confidentiality.

The Secretary takes appropriate action, in accordance with section 444 of GEPA, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by SEAs and LEAs pursuant to Part B of the Act, and consistent with §§ 300.611 through 300.627.

§ 300.611 Definitions.

As used in §§ 300.611 through 300.625—

(a) *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(b) *Education records* means the type of records covered under the definition of "education records" in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).

(c) *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act.

Evidence:

Of the student records reviewed, no evidence was found to support a conclusion that the District failed to systematically protect the confidentiality of personally identifiable student-level information. The District acknowledged an incident where personally identifiable information for one student was inadvertently provided to someone other than the student's parent. The District took responsibility for this error.

Previous incidents or allegations that were addressed in another forum are beyond the scope of this Special Monitoring.

Conclusion:

WDE finds no current violation of students' right to confidentiality of personally identifiable information.

General Observations & Commendations

Building level administration and support staff were welcoming and helpful. The monitors observed a sense of community in each school building and respectful interactions between students and staff. Staff were caring, concerned professionals who had the interests of students as their primary motivator when speaking with WDE's monitors. Staff were conscientious and focused on the educational needs of students. They also forthrightly shared perceived barriers to IDEA compliance with the special monitoring team.

The District's special education files demonstrated strength in the following areas. The Present Levels of Academic Achievement and Functional Performance (Present Levels), a required component of every IEP, evidenced a thorough review of each student's Present Levels across environments.

Strong Present Levels serve as a building block for a clear understanding of students' educational needs. The District's systematic approach to describing Present Levels is helpful to the team process.

In addition, the files reviewed demonstrated well developed Prior Written Notice (PWN), another mandatory component of the IEP process. The PWNs reviewed contained all required components and thoroughly explained current proposals or refusals regarding a student's identification, evaluation, educational placement, or the provision of a Free Appropriate Public Education (FAPE).

Timeline & Next Steps

Per WDE Policy, the District has up to 30 days from the date of this draft report to dispute any findings by providing additional data or evidence in writing to John Balow, Special Education Programs Director. After 30 days or upon the District's acceptance of these findings, the draft report will be made final. Per 34 C.F.R. § 300.600(e) and the Office of Special Education Programs' (OSEP) 23-01 Memo, the District has one year from the date of this report to correct all noncompliance. Noncompliance corrections will follow the Corrective Action Plan created by the WDE, in consultation with the District, after the report is finalized. The Corrective Action Plan will be finalized within 30 days of the report becoming final. The WDE intends for this report and the ensuing Corrective Action Plan to guide the District as it improves 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,

Sheila Thomalla
Monitoring Team Supervisor

cc: Dr. Joseph Libby, Superintendent
John Balow, Special Education Director, WDE

Corrective Action Plan

Sweetwater1
Special Monitoring

1. Monitoring Priority Area: EMPLOYMENT, ASSIGNMENT, AND SUPERVISION OF ADEQUATELY CREDENTIALED EDUCATORS AND RELATED SERVICE PROVIDERS IN SPECIAL EDUCATION

Findings of Non-Compliance: The WDE finds the District to be in violation of the requirement to provide special education services by fully credentialed professionals as required by 34 C.F.R. § 300.156.

Required Compliance Result: In accordance with the requirements of 34 C.F.R. § 300.156 and the Memorandum to State Directors of Special Education, 81 IDELR 287 (OSEP 2022), the District must ensure that special education and related services are provided by personnel who hold the appropriate certification, licensure, and qualifications necessary to serve students with disabilities. To achieve compliance, the District must ensure that teachers providing specially designed instruction are fully credentialed for their assigned roles and that long-term substitutes, staff working under emergency authorizations, and other personnel without full special education credentials are not utilized in a manner that results in the denial of FAPE or the failure to implement students' IEPs. The District must also establish procedures to ensure appropriate supervision, support, and staffing practices when vacancies or personnel shortages occur and ensure that staffing decisions do not result in unqualified personnel independently providing special education instruction or related services requiring appropriate licensure or certification. Consistent with the PTSB Director's Memo (Oct. 2023), educators working under an Exception Authorization (EA), along with long-term substitutes, permit holders, and other personnel lacking full state certification, must be supervised by a fully licensed educator and may not independently provide special education instruction or services.

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
1. Develop a WDE-approved process to offer and provide compensatory services for all students who were provided instruction by uncertified/improperly certified staff	6/8/2026	8/1/2026	Special Education Director	Submission of the plan

WYOMING DEPARTMENT OF EDUCATION

Corrective Action Plan

Sweetwater1
Special Monitoring

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
2. District shall identify each student entitled to compensatory education services due to a long-term substitute, EA, or permit holders.	6/8/2026	7/1/2026	Special Education Director	Provide the list of students to WDE
3. District shall notify parents/guardians of each student eligible for the offer of compensatory services.	6/8/2026	8/1/2026	Special Education Director	Provide evidence of notification to each parent
4. District shall provide to WDE documentation of each student's provision of compensatory services monthly.	6/8/2026	6/5/2027	Special Education Director	Submission of documentation monthly by the 5th of the month.
5. Develop policies and procedures regarding the supervision of long-term substitutes and teachers	6/8/2026	1/5/2027	Special Education Director	Submission of policies and procedures

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
on exception authorizations to ensure adequate guidance that meets the requirements as outlined in OSEP memo 22-01 and the PTSB memo from October 2023				
6. Develop a system that documents supervision of long-term substitutes and teachers on exception authorizations (upload monthly to WDE)	6/8/2026	1/5/2027	Special Education Director	Uploaded documentation by the 5th of the month for the previous month
7. Develop a process for ensuring parents/guardians are notified if there is a teacher on an EA or LTS providing service to their student	6/8/2026	1/5/2027	Special Education Director	Submission of the process

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
8. Training for all district administrators on the policies and procedures for the requirements of oversight and supervision of any teacher who is not fully certified.	6/8/2026	1/5/2027	Special Education Director	Copy of training materials Evidence of attendance
The district shall provide to WDE a list of current staff assignments and certification by August 1 and ongoing monthly by the 5th calendar day of the month.	6/8/2026	8/1/2026 9/5/2026 10/5/2026 11/5/2026 12/5/2026 1/5/2027 2/5/2027 3/5/2027 4/5/2027 5/5/2027 6/5/2027	Special Education Director	Monthly submission

2. Monitoring Priority Area: **PROVISION OF SPECIAL EDUCATION SERVICES IN CONFORMITY WITH THE IEP**

Findings of Non-Compliance: The WDE finds the district to be in violation of the requirement to provide special education and related services in conformity with student IEPs as required by 34 C.F.R. §§ 300.17 and 300.323.

Required Compliance Result: In accordance with 34 C.F.R. §§ 300.17 and 300.323, the District must ensure that each student with a disability receives special education and related services in conformity with the student's individualized education program (IEP). To achieve compliance, the District must ensure that all services, supports, accommodations, supplementary aids and services, and program modifications identified in a student's IEP are implemented as written and delivered in the frequency, duration, location, and manner specified in the IEP. The District must also ensure that special education and related services are provided by appropriately licensed and qualified personnel, and that unlicensed staff do not independently provide specially designed instruction or other services requiring appropriate certification or licensure.

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
1. District shall develop procedures to monitor the implementation of IEP services within all settings.	6/8/2026	11/30/2026	Special Education Director	Established procedures submitted to WDE
2. Train all staff, by a WDE-approved trainer, including building-level administrators, general education teachers, and support staff, on the requirement to implement the IEP as written, regardless of the building schedule	6/8/2026	11/30/2026	Special Education Director	Copy of training materials Evidence of attendance

3. Monitoring Priority Area: COMPLIANCE WITH THE LEAST RESTRICTIVE ENVIRONMENT

Findings of Non-Compliance: WDE finds the District to be in violation of the LRE mandate to educate students with nondisabled peers to the maximum extent appropriate as required by 34 C.F.R. §§ 300.114 through 300.117.

Required Compliance Result: In accordance with the requirements of 34 C.F.R. §§ 300.114 through 300.117, the District must ensure that students with disabilities are educated with nondisabled peers to the maximum extent appropriate and that placement decisions are individually determined by the IEP Team based on each student's unique disability-related needs. To achieve compliance, the District must ensure that students are not removed from the regular education environment, or provided more restrictive or more intensive special education services than necessary, unless the IEP Team determines such services are required for the student to receive FAPE.

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
1. The district shall train all staff, including building-level administrators, general education teachers, special education teachers, and support staff, through a WDE-approved trainer, on the requirement to implement IEPs as written and on how failure to provide the services, accommodations, modifications, and supports identified in the IEP may result in a denial	6/8/2026		Special Education Director	Copy of training materials Evidence of attendance

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
of FAPE and compromise a student's ability to access education in the least restrictive environment (LRE). The training shall include training on documentation to ensure compliance.				
2. The district shall train all staff by a WDE-approved trainer on the requirements of the consideration and documentation of the use of supplementary aids and services.	6/8/2026		Special Education Director	Copy of training materials Evidence of attendance
3. The district shall develop a procedure for ensuring parents/guardians are notified if there is a teacher on an EA or LTS	6/8/2026		Special Education Director	Submission of the procedure

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
providing service to their student				
The district shall develop a procedure aligning with IDEA for amending IEPs.	6/8/2026		Special Education Director	Submission of procedure

4. Monitoring Priority Area: **MEANINGFUL PARENTAL PARTICIPATION**

Findings of Non-Compliance: The WDE finds the District to be in violation of the requirement to afford parents a meaningful opportunity to participate in the IEP process.

Required Compliance Result: In accordance with the requirements of 34 C.F.R. §§ 300.322, 300.501, 300.503, and 300.504, the District must ensure that parents are afforded a meaningful opportunity to participate in the development, review, and revision of their child's IEP and in decisions regarding the provision of FAPE. To achieve compliance, the District must ensure that IEP meetings are scheduled at mutually agreed-upon times and that parents are provided proper notice and an opportunity to participate in all educational decision-making processes. The District must also ensure that placement, services, and educational decisions are made through the IEP Team process and are not determined unilaterally by District staff outside of the IEP process. In addition, the District must ensure that staff participating in the development and implementation of IEPs possess the appropriate licensure, credentials, and qualifications necessary to carry out their assigned responsibilities in accordance with federal and state special education requirements.

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Corrective Action Plan

Sweetwater1
Special Monitoring

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
1. The district will train all staff, including building-level administrators, general education teachers, special education teachers, and support staff, by a WDE-approved trainer, on ensuring a parent's ability to meaningfully participate in the IEP development, especially for changes regarding service minutes, location of services, accommodations, and other areas in the provisions of FAPE.			Special Education Director	
2. The district shall develop a procedure that ensures compliance with IDEA			Special Education Director	

Activities/Steps	Start Date	End Date	Person Responsible	Documentation: Evidence of Activity/Step Completion
regarding the requirements for amending an IEP.				
3. The district shall ensure training for all staff regarding the procedure for amending an IEP.			Special Education Director	

- Each activity in the Corrective Action Plan must be carried out in compliance with the detailed procedural requirements of IDEA, statute and regulations, and state rules. The district is obligated to resolve all areas of non-compliance no later than one year from identification [20 U.S.C. 1416(a)(3)(B)]
- The file on this Corrective Action Plan will remain open pending WDE's approval that the included activities and deadlines have been satisfied.
- Failure to meet the prescribed deadlines may result in further sanctions being applied.

The Sweetwater County School District #1 team accepts the Corrective Action Plan and assures that the activities and steps will be carried out by the person responsible.

Name and District Position	Team Member Signature	Date

Name and District Position	Team Member Signature	Date

WDE Approval

The Corrective Action Plan developed for Sweetwater County School District #1 has been approved by the Wyoming Department of Education, Special Education Programs Division.

John Balow, State Director of Special Education

Date