

Assessing the Adequacy and Means of Funding Services for Students with Disabilities in Wyoming

Prepared by District Management Group

Under subcontract with Picus Odden & Associates

**Prepared for the Wyoming Select Committee
on School Finance Recalibration**

FINAL REPORT – December 1, 2020

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1. Introduction

In 2020, the Wyoming Legislature contracted with Picus Odden & Associates to recalibrate the state's school funding model. In this process, Picus Odden & Associates reviewed the Wyoming Education Resource Block Grant Model and used their Evidence-Based (EB) Model to assess the adequate level of school funding in Wyoming, while keeping in mind the most cost-effective options to provide the necessary basket of goods and services.

Special education, however, is not part of the Block Grant but districts are reimbursed 100 percent of their allowable costs. Thus, as part of the overall recalibration effort, Picus Odden & Associates contracted with District Management Group (DMGroup) to conduct a review of special education services, policies, and funding across Wyoming, in short to "recalibrate" the state's approach to funding special education services. Throughout the spring and summer of 2020, DMGroup sought to gain a deep and thorough understanding of special education services and funding across Wyoming.

The goals of this special education review are to:

- 1. Identify opportunities to raise achievement for students with disabilities, i.e., to identify best practices in serving students with disabilities**
- 2. Look for opportunities to make supporting students with disabilities easier and more effective for districts and teachers**
- 3. Find ways to achieve goals 1 and 2 in the most cost-effective manner**
- 4. Review regulations and policies that either support or inhibit best practices**
- 5. Consider alternatives to the current special education funding model.**

In order to conduct this work, DMGroup collected and analyzed extensive quantitative and qualitative data, met with hundreds of stakeholders across the state, and reviewed services provided to students with disabilities in a number of different ways.



This report outlines the findings from DMGroup's special education review in Wyoming. The recommendations are well aligned with the EB Model developed by Picus Odden & Associates.

The findings are broken out into three major sections:

- **Improving Special Education Teaching & Learning**
- **Assessing Special Education Funding**
- **Reviewing Special Education Guidance and Practice**

All findings in this report tie back to goals of the special education review, with the intention of raising achievement for students with disabilities first, and doing so in a cost-effective manner.



1a. Executive Summary

At a high level, DMGroup's key takeaways from this study can be summarized as follows:

Academic Achievement

- To raise achievement for students with special needs, changing how dollars are spent will be more important than focusing how many dollars are spent.
- To improve outcomes for students with disabilities, improving general education core instruction, general education provided intervention, and classroom based social-emotional practices are key. General education and effective inclusion are more than half the solution.

Spending and Funding

- These practices – core instruction, extra help for struggling students and social/emotional supports – are fully funded in the EB model, can be provided before a student is identified as having a disability, and are more cost-effective than current approaches to providing special education services.
- The additional spending for students with disabilities is higher in Wyoming than the national average, both in absolute terms and in comparison to general education spending. This higher spending has not led to higher levels of achievement. The higher spending is driven both by factors that contribute to higher general education spending: the small, rural nature of many districts and higher than national average staff salaries, and by an embrace of some high cost, but less effective strategies.
- Overall, Wyoming's reimbursement model for special education is ensuring students with disabilities receive the services schools and districts believe are appropriate. Despite incentives that could increase the number of students identified for a disability and the possibility of rapid increases in spending year over year, district leaders have balanced the needs of students with fiscal responsibility, based on their understanding of best practices. However, updates to this model can ensure that most



dollars are used for best practices and in a cost-effective manner. This would raise achievement and reduce costs over time.

- There is a misunderstanding concerning the acceptable uses of Individuals with Disabilities Act (IDEA), Part B dollars that may unintentionally discourage cost effective best practices for serving students with disabilities.

Small District Challenges

- Small, rural schools and districts face unique challenges to serving students with special needs and would benefit from creating regional approaches to these challenges which could both provide better services for students and at a lower cost.
- Improving the recruitment, retention, and training of special educators as well as content expert teachers with special education training will help schools and districts improve services and reduce the long-term costs. The national shortage of special educators has led to an over reliance on paraprofessionals, which is not optimal for students or the budget. This is true in all districts, but more acute in small districts.

Below is a more detailed summary of DMGroup's findings and recommendations, by section in the report.

Improving Special Education Teaching & Learning

There were ten commendations and eight opportunities identified for Wyoming to improve special education teaching and learning.

Commendations

1. Staff and leaders across Wyoming were passionate, dedicated, and committed to meeting the needs of all students and providing high quality services.
2. Many districts had a robust process for identifying students with disabilities, through a data-driven Behavior Intervention Team (BIT) or Response to Intervention (RTI) process.



3. Schools and districts wrote Individualized Education Program (IEPs) plans and provided services based on their perceptions of student need rather than available resources.
4. Most districts were committed to providing a wide continuum of services to meet the needs of all students within their district.
5. There was a statewide focus on serving students in the least restrictive environment that is embraced by district administrators and staff.
6. Paraprofessionals were highly motivated, and, in many districts, were used appropriately to support students with severe needs or to meet health and safety needs. While some aspects of the use of paraprofessionals was commendable, there was also an opportunity identified to refine their role to the benefit of students and the budget. See opportunity 4 for more information.
7. Many districts had strong transition services for students with more severe disabilities aging out of the school district.
8. Staff members across districts had extensive opportunities to participate in traditional professional development opportunities and apply the learning in their classrooms.
9. Special education caseloads - reinforced by the statewide staffing guidelines - were manageable and may support staff retention.
10. Districts took seriously being fiscally responsible with their special education spending, given their understanding of best practices.

Opportunities for Consideration

1. Strengthen Tier 1 classroom instruction by increasing the capacity of general education teachers to support all learners through a combination of a redesigned approach to high-quality instructional coaching (instructional facilitators), master teachers and model classrooms.
2. Clarify and expand the statewide guidance for Multi-Tiered Systems of Support (MTSS) to include training, support, and real-life applications for school districts.
3. Ensure that special education students with academic needs receive best practice intervention including extra instructional time with content strong staff.



4. Refine the role of paraprofessionals to focus on health, safety, behavioral, and severe needs, rather than academic support for students with mild to moderate needs.
5. Expand the MTSS approach to providing social, emotional, and behavioral supports for students.
6. Consider statewide strategies for recruiting, retaining, and training highly qualified special education staff.
7. Reduce the administrative duties (e.g. paperwork, meetings) for special education teachers through process mapping, utilizing the case management model, and allowing special education teachers to play to their strengths.
8. Take a regional approach in small districts to improving services for students with more severe needs and to providing intensive behavioral supports.

Assessing Special Education Funding

There were three strengths and five challenges to the existing funding model. There are five recommendations for improving special education funding across Wyoming.

Strengths

1. Wyoming's reimbursement model provides districts the freedom to provide services as the IEP team deems appropriate. That said, our report has identified multiple ways more effective services can be provided and in most cases at reduced costs.
2. Decision making for spending lives closest to the students, at the district, principal, and practitioner level.
3. Wyoming culture, coupled with the cap on special education spending, has encouraged districts to be fiscally responsible with special education dollars given their understanding of best practices. Because of this, school districts have not over-identified students with disabilities and have not substantially increased spending year-over-year.

Challenges



1. Wyoming's average additional per pupil expenditures for students with disabilities was higher than the national average, both in absolute terms and relative to general education spending, but has not led to above average outcomes.
2. The reimbursement model has unintentionally discouraged general education support for students with disabilities, even though such support is a best practice for closing the achievement gap and fiscal efficiency. (The Wyoming funding model includes multiple mechanisms that should mitigate this shortcoming, but unfortunately, these mechanisms have not had the desired effect.)
3. The reimbursement model creates short term financial challenges for districts when new students with severe, high cost needs, move into a district. While fund balances typically covered these costs until reimbursement is provided the following year, it creates some concern at the district level and creates a sense that special education spending is hard to manage tightly.
4. There are few incentives, if any, to encourage deploying resources toward more cost-effective best practices.
5. Wyoming's model for special education funding provides few incentives for districts or teachers to be fiscally or educationally creative, potentially leading to over-identification or over-spending in special education in the future.

Recommendations

1. Place greater emphasis on how dollars are spent (on effective best practices) rather than just how much funding is provided to special education.
2. Consider encouraging the use of general education staff (core teachers and tutors/interventionists) to support students with disabilities through the reimbursement model.
3. Consider establishing checks and balances to limit the financial incentive of over-identification of students with disabilities.
4. Separate high need, high cost students into their own reimbursement plan with a different cap and process for more timely reimbursement and a greater sense of control over spending at the district level.



5. Consider establishing greater checks and balances for costs associated with non-high needs students in the reimbursement model.

Reviewing Special Education Guidance and Practice

There are two recommendations for improving special education guidance and practices.

1. Revise state guidance on IDEA, Part B excess cost and supplement not supplant requirements to reflect the full flexibility intended by the federal regulations.
2. Update State monitoring tools to reflect the new guidance.



1b. Methodology

In the review of special education services, guidance, and funding across the state of Wyoming, District Management Group and their partners collected and analyzed extensive data and research.

DMGroup collected data from a number of different sources to understand how students are identified and services provided. The section below outlines the process for collecting and analyzing data.

Focus Groups, Interviews, and Classroom Observations:

DMGroup conducted over 150 focus groups and interviews with over 450 leaders and staff across Wyoming. DMGroup used these interviews and focus groups to understand how the special education system – both identifying students who need an IEP and deliver services – works in districts and across the state. A sample set of interview questions for state leaders, district leaders, and school staff are included in Appendix A.

At the state level, DMGroup conducted focus groups and interviews with Wyoming Department of Education (WDE) and Legislative Service Office (LSO) employees, and members of the Wyoming Association of Special Education Administrators, Wyoming School Boards Association and Wyoming Education Association over January 22-23, 2020. At WDE, DMGroup spoke with leaders including the State Superintendent, Chief of Staff, Chief Academic Officer, and Division Director for Special Education. DMGroup also spoke with members of the academic, finance, and data teams at WDE. DMGroup's schedule of interviews and focus groups are found in Appendix B.

Through conversations with state leaders, DMGroup established a list of ten school districts across Wyoming to visit for focus groups, interviews, and classroom observations. This list was a representative sample of size, geographic location, and services for students with disabilities.

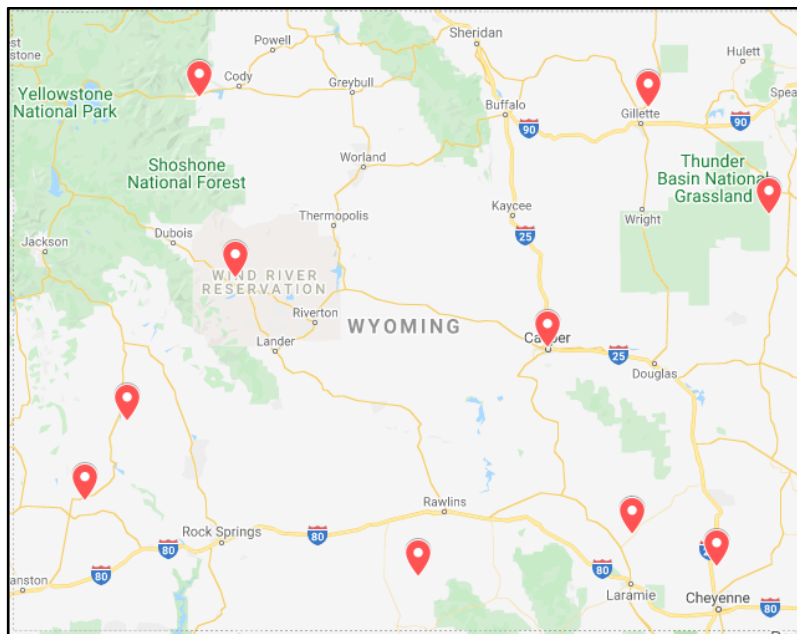
Below is the list of ten districts and their location in Wyoming:

- Albany County School District 1: Laramie, WY*
- Campbell County School District 1: Gillette, WY
- Carbon County School District 1: Rawlins, WY*



- Fremont County School District 6: Pavilion, WY*
- Laramie County School District 1: Cheyenne, WY*
- Lincoln County School District 1: Diamondville, WY
- Natrona County School District 1: Casper, WY
- Park County School District 6: Cody, WY*
- Sublette County School District 9: Big Piney, WY
- Weston County School District 1: Newcastle, WY

*Indicates that visit was done virtually, due to COVID-19 pandemic.



Note: Locations in image are approximate.

Five districts (Campbell, Lincoln, Natrona, Sublette, and Weston) were visited over the weeks of March 2-6 and March 9-13, 2020. During these visits, DMGroup team members spoke with district leaders and school-based staff to hear perspectives on special education services at the district level. Below is a list of typical roles that DMGroup staff spoke with in their district visits:

- Superintendent
- Assistant Superintendent / Chief Academic Officer
- Business Manager / Chief Financial Officer

- Special Education Director
- Principals
- Mild to Moderate Special Education Teachers
- Severe Needs Special Education Teachers
- General Education Teachers
- School Psychologists
- School Social Workers
- Speech & Language Pathologists
- Occupational Therapists
- Physical Therapists
- Interventionists/Tutors/Specialists
- Paraprofessionals

Additionally, DMGroup staff visited a range of classrooms at elementary, middle, and high schools that support students with disabilities. This included inclusive settings, resource rooms, and self-contained programs to see services in action.

A sample district visit schedule for a large district (Campbell, Laramie, Natrona) and medium-to-small district (all others) are found in Appendix C & Appendix D.

Interviews and focus groups for the other five districts (Albany, Carbon, Fremont, Laramie, and Park) were conducted virtually, as the COVID-19 pandemic halted in-person classes for students and travel across the country. Between April 20 and May 22, 2020, DMGroup staff conducted virtual interviews and focus groups with the same set of district leaders and school staff members. DMGroup was unable to visit classrooms in these districts.

DMGroup staff reviewed and synthesized notes from these focus groups based on district and statewide themes. Quotes and anecdotes from these interviews and focus groups will appear throughout the special education teaching and learning and special education funding sections of this report. All quotes and anecdotes are anonymized to protect the identity of the district and staff member who may have shared this information.

Schedule Sharing:

In addition to focus groups and interviews, DMGroup asked special education staff from all 48 districts to share a typical week's schedule; DMGroup used their own proprietary schedule sharing software, dmPlanning, for this activity. This activity asked staff to log into DMGroup's software and provide a fine-grained look at how they spent their time, both in direct service with students and on other responsibilities. Due to the COVID-19 pandemic, schedule sharing across the state was delayed from the weeks of March 30 - April 17 to the weeks of May 11-27. Staff were provided detailed instructions on how to enter data on what a typical schedule looks like in a brick-and-mortar school, and were provided the opportunity to share feedback on the following two open ended questions:

1. What kinds of activities tend to get in the way of being able to stick to your typical schedule?
2. What is one thing you would change about your role that would better support staff or students?

On Monday, May 11 staff received an email invitation to share their schedule. Technical support was offered both via email and over the phone to all staff and administrators with questions. 3,932 staff across 34 roles in 48 districts were invited to participate in schedule sharing. 75%, or 2,934 staff shared their schedules with DMGroup. This response rate was much higher than we have experienced in other studies, even with the complications caused by COVID 19. More specifically, in other statewide special education studies, DMGroup typically received a response rate of about 40% of schedules. With the COVID-19 pandemic, DMGroup anticipated only about 20% response rate; we were pleasantly surprised at the actual 75 percent response rate. Given the high response rate, we believe we have a solid understanding of the kinds of activities special educators engage in over a typical week. Respondents included representation from all districts in the state.

Below is a summary of the roles that participated in schedule sharing:

- Special Education Teachers (all grades, subjects, and settings)
- Special Education Aides/Paraprofessionals
- Adaptive PE



- Certified Teacher Tutors
- Case managers
- Educational Diagnostician
- Instructional Coordinator
- Job Coach
- Occupational Therapists & Assistants
- Physical Therapist
- Reading Specialist
- School Counselors
- School Psychologists
- Social Workers
- Speech Pathologists & Assistants
- Transition Coordinators

All practitioner schedules were analyzed to answer questions such as:

- How much time is devoted to supporting students, attending meetings, doing paperwork, and other tasks?
- What topics are being supported?
- How many students are being supported at a time?
- How much variation or consistency is there between staff with like roles?
- How are students with disabilities served similarly or differently to students without disabilities?
- How are these questions answered similarly or differently across districts of varying sizes or characteristics?

Quantitative Data Review:

DMGroup collected and analyzed quantitative data from WDE to further understand Wyoming special education funding, services, and outcomes. Below



are some metrics collected from WDE. The full data request to WDE is found in Appendix E.

- Special education revenues and expenditures, by district and line item
- Special education and general education enrollment, by district, school, grade, demographic identifier, and disability
- WYTOPP Student achievement data, by district, school, grade, demographic identifier, and disability
- Disciplinary information, by district, school, grade, demographic identifier, and disability
- Special education staffing, by position, district, and school
- Average salary and benefits for special education staff, by position and district

DMGroup also reviewed and analyzed data provided by WDE and available publicly, through the CRERW reports, special education expenditure report, state report card, and other reports.

Research, Policy, and Document Review:

DMGroup and their partners collected and reviewed documents, memos, policies, and research to round out their data collection for this study. This includes:

- All public guidance and documentation on the use of IDEA, Part B funds to districts
- All legislative policy on special education funding
- WDE guidelines for special education services and staff to district.

DMGroup also reviewed over 115 research studies on special education services and best practices, covering the below topics:

- Special education services
- Reading
- Access to general education

- Interventions
- Teacher quality
- Data and assessment
- Writing
- English language learners
- Social, emotional, and behavioral supports
- The role of paraprofessionals
- Speech and Language Services.

DMGroup puts a strong emphasis on research from:

- What Works Clearinghouse
- National Reading Panel
- John Hattie's Visible Learning Research
- School districts that have closed the achievement gap.

DMGroup synthesized the research and findings from these document reviews throughout the teaching and learning, policy, and funding sections of this report.

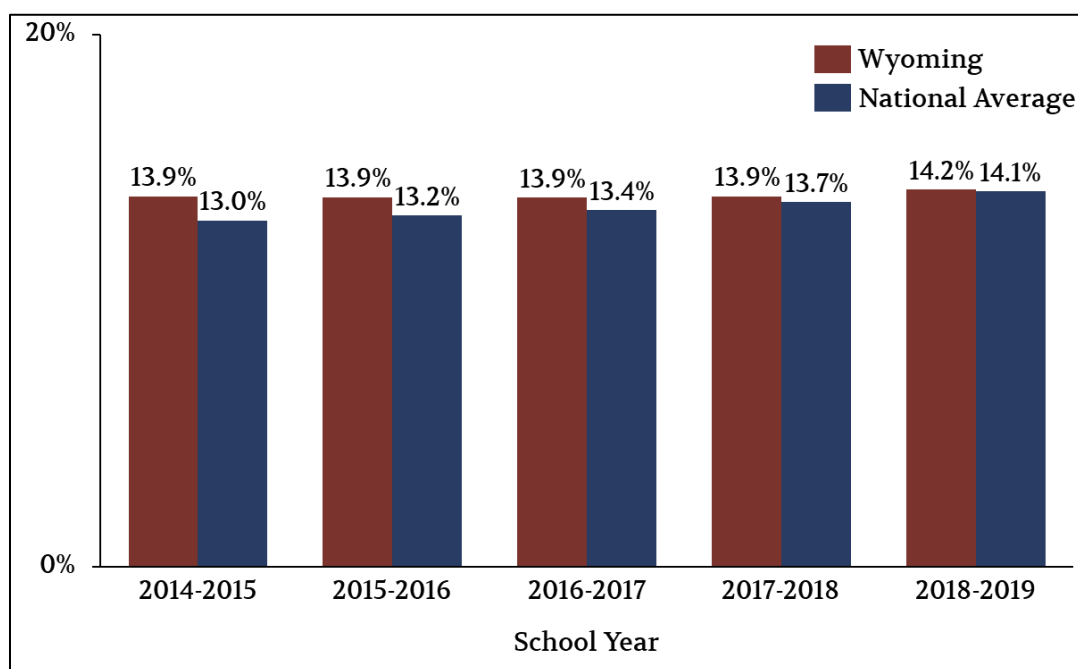


1c. Wyoming Special Education Context & Background

Identification Rates

Figure 1 shows that in school year 2018-19, Wyoming school districts identified 14.2% of all students for special education services. This was right in line with the national identification rate for special education services, which was 14.1% for that school year. Wyoming's percent of students with disabilities has stayed fairly stable for the past five years and has gotten closer to the national average over time.

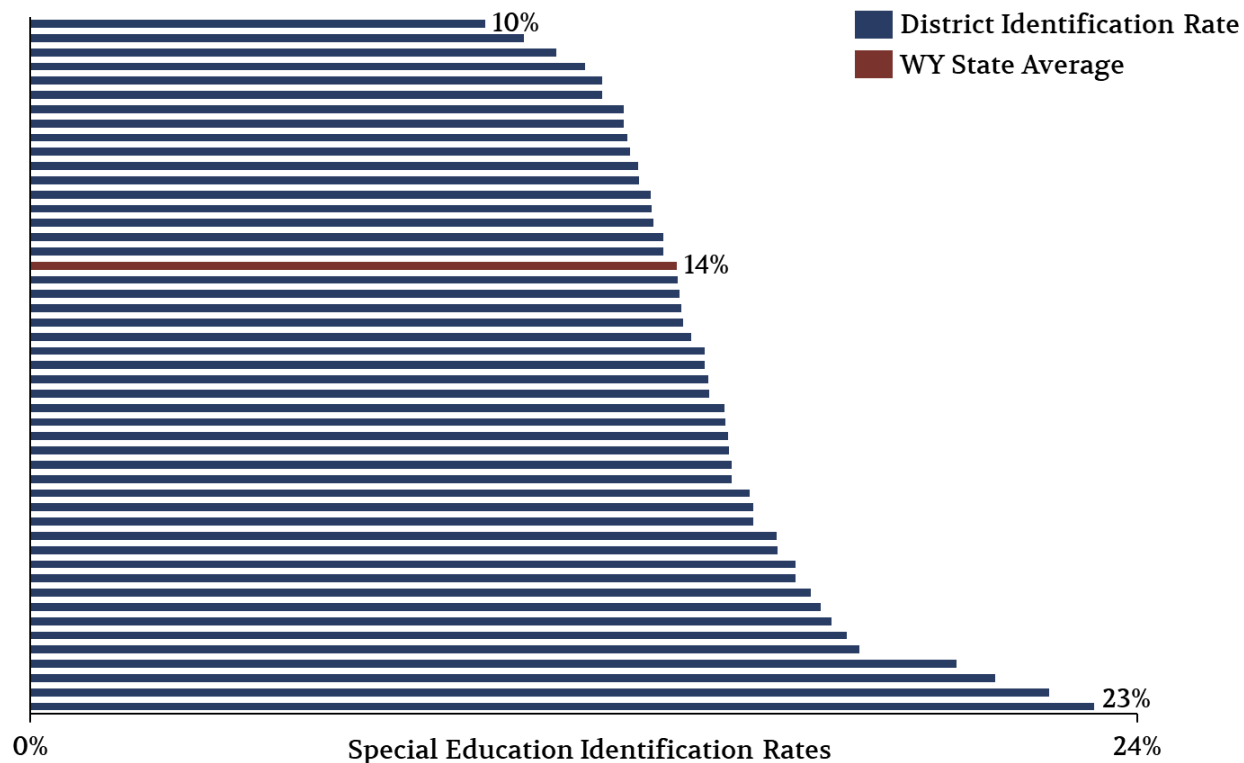
Figure 1. Percent of students identified for special education in Wyoming compared to national average (2014-15 – 2018-19).



Source: WDE enrollment data and the National Center for Education Statistics.

With that said, districts across Wyoming had some variation in their identification rates. Districts within the state identified between 10% and 23% of their students with IEPs, as shown by the data in Figure 2.

Figure 2. School district special education identification rates across Wyoming.

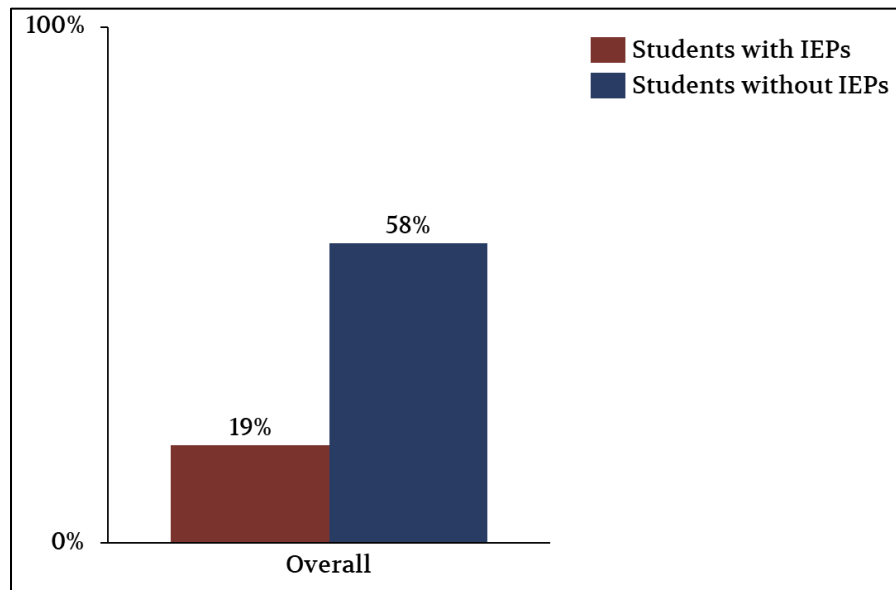


Source: WDE enrollment data.

Student Achievement Data

Figure 3 shows that there was a significant achievement gap between students with IEPs and students without IEPs across Wyoming. The data shows that only 19 percent of students with a disability achieved at or above proficiency on the WYTOPP test, while 58 percent of students without a disability met this standard. This gap creates urgency around this study and the need to raise achievement for students with disabilities across the state.

Figure 3. Percent of student scoring proficient or advanced on WYTOPP/WYALT State Assessment for the 2018-19 school year for students with IEPs and students without IEPs in 3rd- 10th grades across ELA, Math, and Science.



Source: WDE student achievement data. WYTOPP/WYALT State Assessment proficiency scores in ELA, Math, and Science were calculated for students with and without IEPs based on the number of students tested in 2018-2019.

Special Education Spending

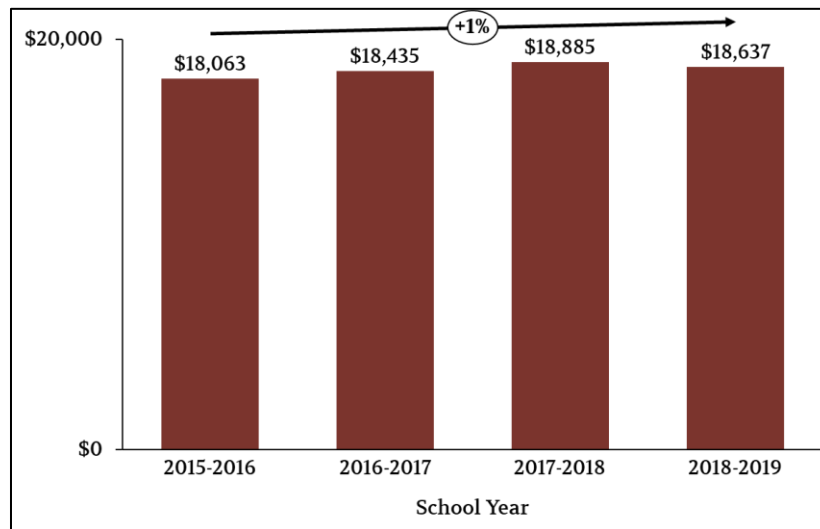
Figure 4 shows that on average, Wyoming districts spent about \$18,637 per pupil in additional special education costs in state funded dollars. Districts spend \$20,641 in total special education expenditures, including state funded expenditures and IDEA, Part B funded expenditures. As outlined in later sections of this report, this amount is higher than available national benchmarks, both in absolute dollars spent¹ and in comparison to general education spending.² The overall higher amount may be in part due to specific factors across the state that lead to higher general education spending, including Wyoming's rural nature and higher salaries. Additionally, there are some factors that may exacerbate special education spending, like the challenge of offering severe needs programs in small districts or the need to contract out services that may be

¹ Kolbe, T., Killeen, K. Study of Vermont State Funding for Special Education.

² Kolbe, T. (2019). Funding Special Education: Charting a Path that Confronts Complexity and Crafts Coherence. Boulder, CO: National Education Policy Center. Retrieved from <http://nepc.colorado.edu/publication/special-ed> (page 18).

provided in district. However, other factors, such as using higher cost service delivery strategies discussed below, also contribute to this higher spending, the higher level of spending has not, however been increasing much year over year. Wyoming's incremental per pupil special education spending has remained relatively constant over the past four years.

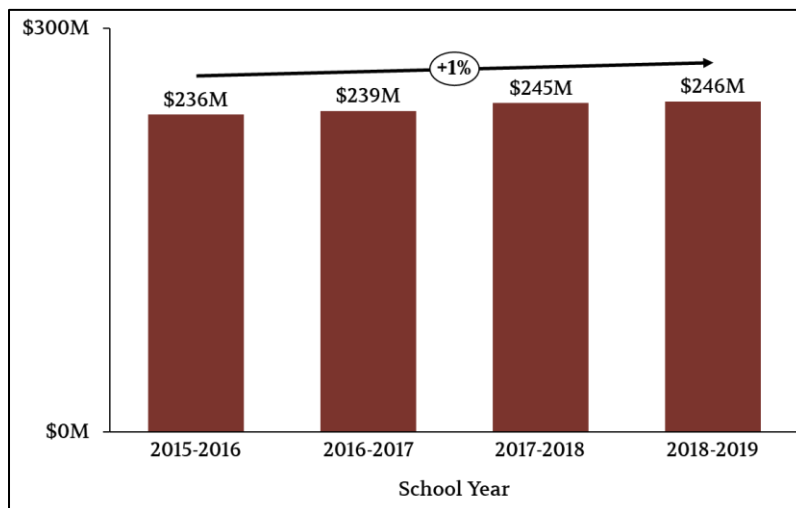
Figure 4. Wyoming per pupil incremental state funded special education spending (2015-16 – 2018-19).



Source: WDE Special Education Expenditure Report.

Figure 5 shows that Wyoming's total state funded special education spending stayed relatively flat over the past four school years.

Figure 5. Wyoming total state funded special education spending (2015-16 – 2018-19).



Source: WDE Special Education Expenditure Report.

2. Improving Special Education Teaching & Learning

This section of the report outlines the commendations and opportunities for consideration across the state of Wyoming related to teaching and learning.

These commendations and opportunities were generated based on the data DMGroup collected and analyzed, from focus groups, interviews, observations, schedule sharing, and quantitative data.

2a. Commendations

The state and districts have much to be proud of when it comes to serving students with disabilities. DMGroup identified 10 areas of strength in how districts provide services for students, supports for staff, and manage funds.

Services for Students

1. Staff and leaders across Wyoming were passionate, dedicated, and committed to meeting the needs of all students and providing high-quality services.

Practitioners and leaders in all districts DMGroup spoke with were passionate and committed to providing what they understand as high-quality services to students with disabilities. When asked about the strengths of the district, providing and adapting services to meet each individual student needs was the most common response. This ranged from decisions about how to respond to a single student struggling in class all the way up to the structures of programs at the district level.

In all ten districts DMGroup visited, roles ranging from the superintendent through paraprofessionals sought to prioritize the needs and best interests of students in their decision making. One district leader said she was most proud of their “individualized approach to special education” and the way her team comes together to decipher the needs of a student and supply the resources they need to be successful.



2. Many districts had a robust process for identifying students with disabilities, through a data-driven Behavior Intervention Team (BIT) or Response to Intervention (RTI) process.

Most of the districts DMGroup met with used a data-driven approach to identify students with disabilities, either through a BIT or RTI process. In both of these models, teachers gathered data on student success in the classroom and went through a multi-tiered approach of general education interventions and then gathered additional data before recommending a special education referral. In one district, a counselor relayed that the process for supporting a student for whom a concern has been raised includes collaborating with mental health experts, special educators, general educators, and others to identify student needs and the implementation of at least two strategies for six weeks each. During these trial periods, teachers kept notes on the impact of the intervention. Only after these interventions have proven unsuccessful was a student considered for evaluation.

The state's 100% reimbursement model for special education costs could have presented an incentive to over identify students for special education since there was no financial impact to the district. However, these data-driven processes provided an effective process that has eliminated overidentification. Providing multiple interventions prior to evaluation has increased the likelihood that students who are recommended for evaluation are struggling due to a disability rather than varied learning styles. In one district with the BIT model, staff and administrators noted that a majority of students who entered the BIT process exited without special education referral, and those who did go through the evaluation process typically qualified for special education services. The effectiveness of this approach in preventing overidentification is underscored by Wyoming's identification rate of 14.2%, in line with the national average of 14% (see Figure 1).

3. Schools and districts wrote Individualized Education Program (IEPs) plans and sought to provide services based on student need rather than available resources.

Special education leaders at WDE noted their emphasis to districts on ensuring student needs drive service decisions in IEPs. In all ten districts DMGroup spoke with, this held true. School leaders, teachers, and case managers alike commented on the quality of Wyoming's IEP plans, especially compared to those that come from out-of-state. "Whereas other IEPs are written based on the available resources and available staff time," one staff member noted, "IEPs in



Wyoming are based on student needs.” Districts and schools provided the services that they believed will best serve students. See the opportunities section for more on how well services actually align to best practices.

Many districts noted that if a student had a need that would be best served by a program, service, material or technology that wasn’t readily available in the district, they would find a way to add the program or acquire the resources as quickly as possible. For example, one small district had no students with occupational therapy needs, but when a student was identified as needing these services, the district contracted with a third party to provide occupational therapy support.

While districts were often successful in providing services that aligned to individual student needs, in some cases, especially in smaller districts, they were constrained by access to specialized resources or special education staff. A regionalized approach to less common needs may also serve students well and at a lower cost. See the Opportunity for taking a “regional approach to improving services” in Opportunity #8.

4. Most districts were committed to providing a wide continuum of services to meet the needs of all students within their district.

In districts of all sizes, staff members and leaders noted an emphasis on establishing, refining, and utilizing a continuum of services and multiple service delivery models. Because staff were committed to aligning student supports closely to student need, districts provided degrees of support for students that range from push-in services – where special education teachers join the general education classroom to support students with disabilities to access instruction – to self-contained settings where students with more severe needs are in class with other students with disabilities and the special education staff is often specialized to support their specific needs. All districts had push-in services (in larger districts, co-teaching was often used as the push-in model where a general education and special education co-deliver materials to a class of special education and general education students), pull-out services (special education staff remove a student from the general education classroom for a short period of time to provide specialized instruction or services), resource classes (portions of the day where students with disabilities with similar needs are grouped in a class with a special education teacher to work on skills like math, reading, organization, etc.), and self-contained classes for students with severe needs. Many larger districts also had multiple self-contained programs,

including behavioral programs and life skills programs, where students were grouped by need with specialized curricula, materials, and staff to support their needs.

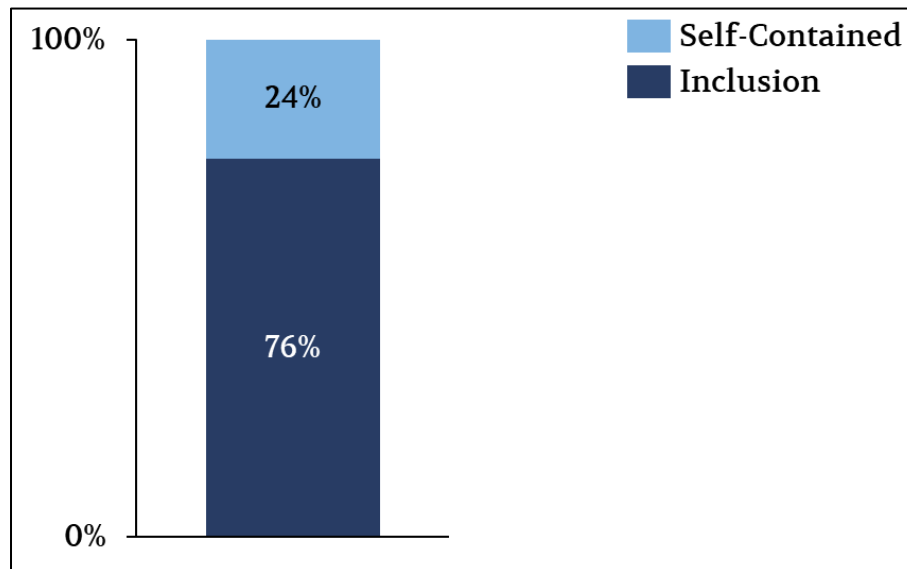
Not only were there a wide range of services and settings available, but schools and staff were also committed to frequently reassessing student needs and adjusting settings to encourage student skill development. For example, in one district DMGroup visited, there were a range of services available for students with emotional needs. Secondary schools had a self-contained emotion regulation program and a less restrictive setting for students with more moderate emotional support needs. School leaders shared that students often moved between these two settings. Additionally, general education teachers were encouraged and supported to collect behavior data for their students and collaborate with behavior specialists to meet the emotional needs of students in a general education setting.

5. There was a statewide focus on serving students in the least restrictive environment that was embraced by district administrators and staff.

WDE leaders put emphasis and focus on inclusion and have guidelines related to the least restrictive environment for students with disabilities. The WDE's Rules, Chapter 7 states: "To the maximum extent appropriate, children with disabilities... are educated with children who are nondisabled; and 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."

This vision and practice has been applied by leaders in districts and schools, and by individual practitioners across the state. Illustrated in Figure 6 below, special education staff across the state reported spending only 24% of their time in a self-contained classroom whereas they reported spending 76% of their time in inclusion settings like co-teaching, push in, and pull-out. In focus groups with special education staff, one noted that they "Push as hard as they can for the least restrictive environment, so all kids go into the regular education classroom as much as possible."

Figure 6. Percent of special education staff time with students by setting.



Source: Schedule sharing data.

In larger districts in particular, there was a focus on utilizing and improving co-teaching to serve as many students as possible in general education settings and to use paraprofessionals to provide academic support to students in a general education setting when co-teaching is not available. The motivation behind these strategies was commendable – to serve as many students in the general education setting. As described in opportunity 3, however, there are alternative strategies to meet this same goal that have proven to be more effective and more cost effective at scale.

In almost all of the districts DMGroup visited, students with severe needs in self-contained settings were included in general education classrooms for at least part of the day, with support from other staff members. As one staff member noted, “The goal is to make sure the kids get into the general education classrooms as much as possible for meaningful learning.”

6. Paraprofessionals were highly motivated, and, in many districts, were used appropriately to support students with severe needs or to meet health, safety and behavior management needs. While some aspects of the use of paraprofessionals was commendable, there is also an opportunity to refine their role to the benefit of students and the budget. See opportunity 4 for more information.

Paraprofessionals in all ten districts DMGroup met with were passionate and motivated to support students. In many focus groups, staff members cited

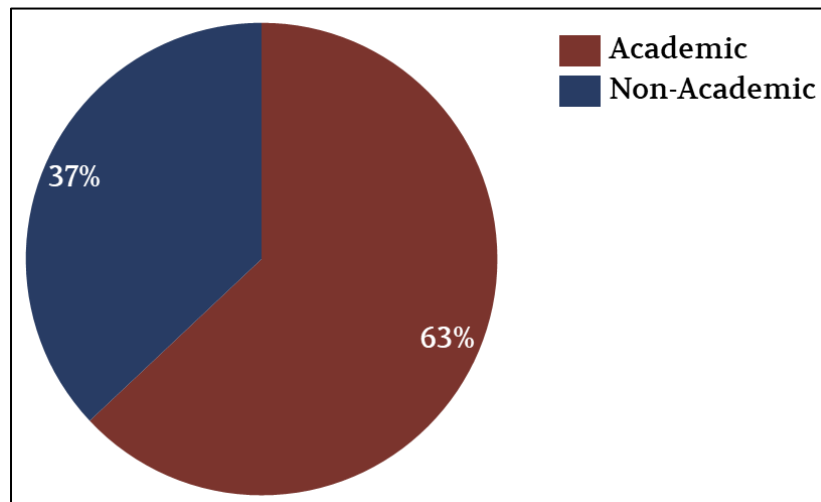
paraprofessionals going above and beyond to meet student needs and commented on the value they bring to the classroom. For example, staff shared that paraprofessionals increased student access to instruction through proactively learning the academic content, building strong relationships with students, and getting to know their learning styles. One high school teacher noted that the paraprofessional in her class is critical for “maintain[ing] the integrity of the learning environment.”

Because of their contracted workday, paraprofessionals in most districts were not invited to staff or IEP meetings. However, certified staff across multiple districts noted that when a paraprofessional worked closely with a student, they would not hesitate to attend an IEP meeting - without compensation - if asked.

Paraprofessionals themselves noted a desire for more and better training, including on-the-job training to best support staff and students. One paraprofessional noted that she invited herself to general education trainings to continue learning. Certified colleagues noted a similar desire. “Paras are always looking for more training.”

There is no doubt that many paraprofessionals were eager and energized to serve and well respected by school and district leaders. In many cases, however, they were also asked to provide academic support to students. Special education paraprofessionals statewide spent 63% of their time with students providing academic support or instruction (see Figure 7); more than two thirds of this time was spent supporting reading or math. In some districts, especially larger districts, paraprofessionals took the highest-level group, which enabled content expert teachers to focus on students who struggled academically. However, in many other districts, paraprofessionals were asked to provide academic support to struggling students with mild to moderate disabilities, which is unlikely to narrow the achievement gap. See Opportunity #4 on “refining the role of paraprofessionals” for further discussion.

Figure 7. Percent of time paraprofessionals spend with students by topic.



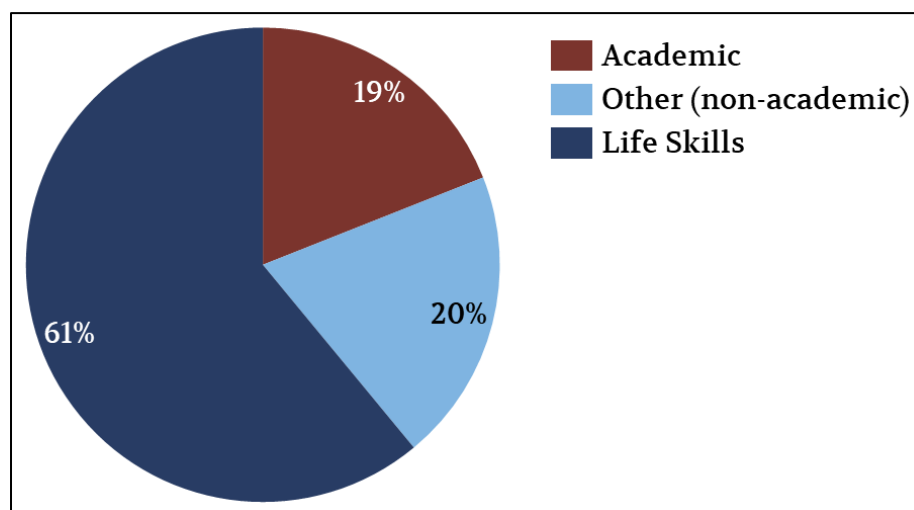
Source: Schedule sharing data.

7. Many districts had strong transition services for students with more severe disabilities aging out of the school district.

Districts across Wyoming had robust systems and programs for transitioning students with more severe disabilities to alternative settings, including full time jobs. Transition services include a set of activities that support the student in moving from high school to post-secondary activities such as higher education, vocational training, employment, and independent living. By law, transition services must be included in a student's IEP after the student turns 16.

Larger districts had life skills programs that teach fundamental living and working skills to support students throughout their educational career to prepare them for leaving high school. Some of these districts also had job coaches and/or transition coordinators devoted to helping students with disabilities transition out of high school. Statewide, these transition coordinators and job coaches spent over 60% of their time with students supporting them on developing life skills, which is very good (see Figure 8).

Figure 8. Percent of job coach and transition coordinator time with students by type of support.



Source: Schedule sharing data.

Many districts noted partnerships with community employers to support students with disabilities in finding employment during and after exiting high school. One district noted a partnership with the Wyoming Department of Workforce Services – Vocational Rehabilitation Division where students in the life skills program worked in the community after lunch and received a paycheck. In another district, a high school partnered with a local hospital to provide students internships with the potential of full time, future employment.

Supports for Staff

8. Staff members across districts had extensive opportunities to participate in professional development opportunities and apply the learning in their classrooms.

Staff in many districts noted that they were provided with ample professional development opportunities. In one district, for example, case managers and compliance facilitators attended many external training and professional development sessions and shared information back with school staff as it related to their work with students. Moreover, many districts demonstrated their commitment to new instructional frameworks by providing meaningful professional learning opportunities. In more than one of the districts DMGroup visited, staff received trainings on the MTSS guidelines set by the state and engaged in professional learning communities to develop and standardize a

school-wide tiered approach to supporting all students in response to the explicit intent to grow the model at the district level.

Many staff also noted that they were encouraged and supported to pursue professional learning on their own. For example, in a mid-size district, staff noted that they were reimbursed in full for professional development they attended, as long as it aligned with their work and the district's vision for supporting students. In another district, staff received partial tuition reimbursement for enrolling in university programs that led to certification and credentials in their area of focus.

Furthermore, staff in many districts cited that they were able to apply the training they received in the classroom, as their administrators provided resources and time to apply training in real time. Staff shared multiple and frequent opportunities for collaboration to deepen professional learning including professional learning communities, weekly staff meetings, and professional development days. A next step for state and district leaders could be to review the content of the training staff receive to ensure it is high-quality and research-based, and to evaluate the impact of those sessions on student achievement.

9. Special education caseloads – reinforced by the statewide staffing guidelines – were manageable and may support staff retention.

Practitioners and administrators at the state and local levels noted that district staffing policies maintain manageable caseloads, particularly compared to other states. In January of 2019, the WDE released guidelines for special education staffing, establishing student-to-staff ratio guidance for a variety of special education positions consistent with historic practice in the state.

Though the guidelines did not lead to a shift in practices in most districts, some districts around the state updated their staffing procedures and others validated their staffing approaches with the guidance. The staffing guidelines state that special education caseloads for a mild to moderate special education teacher should be between 12 and 15 students. In district interviews and focus groups, average caseloads frequently fell within this range.

Multiple teachers commented that Wyoming's strong student support was notable, in part because of smaller caseloads. The sentiments were echoed by district administrators, as well. "Our caseloads aren't at 40 students. That's part

of the quality education you receive [in Wyoming],” shared an administrator in one district. State leaders also noted that smaller caseloads may have increased special education teacher retention, particularly in hard to staff districts.

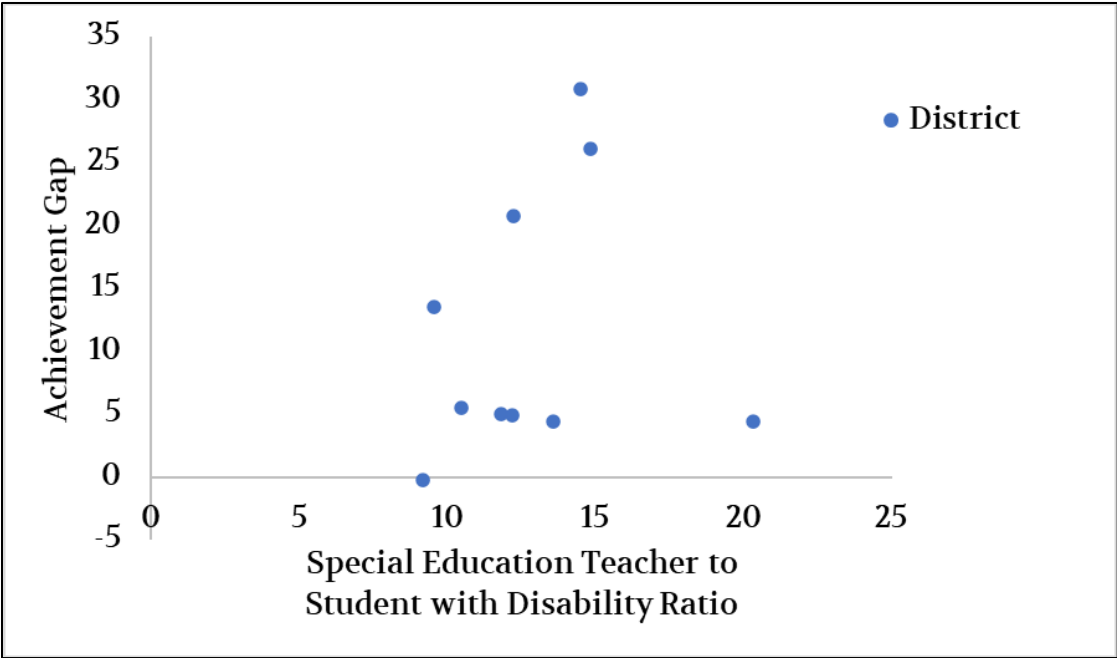
While small caseloads were appreciated by staff and administrators alike, Wyoming had notably lower caseloads than in many other states and districts around the country that averaged 25 or more students with mild to moderate disabilities. Wyoming’s caseloads were also typically smaller than the EB Model’s recommendation of 20 students.³

These lower caseloads may have helped with staff retention but have had little impact on student achievement, and they increased the overall costs of delivering special education services. A DMGroup analysis of the special education teacher to student with disability ratio across ten representative districts in Wyoming showed that there was almost no relationship between staffing ratios and student achievement (see Figure 9). Districts with lower staffing ratios did not necessarily have smaller achievement gaps between general education students and students with disabilities.

This may be because smaller special education caseloads for teachers may have fueled an overreliance on less skilled paraprofessionals to also support students with disabilities. Smaller caseloads require more special educators and given the shortage of special educators in Wyoming; paraprofessionals were often used to provide the instruction that special educators cannot. The role of paraprofessionals are discussed further in opportunity 4 and in the special education funding sections of this report.

³ Allan Odden and Lawrence O. Picus. (2020). *School Finance: A Policy Perspective*, 6th Edition. New York: McGraw Hill.

Figure 9. The impact of special education teacher to student with disability ratio on the achievement gap between students with disabilities and general education students.



Source: WDE student achievement and enrollment data; WDE Special Education Expenditure Report.

Fiscal Responsibility

10. Districts take seriously being fiscally responsible with their special education dollars.

District administrators believed they were intentional and restrained in their year-over-year special education spending based on their understanding of funding regulations and instructional best practice. One superintendent described Wyoming school districts as “good stewards of taxpayer dollars,” indicating that Wyoming school districts believed they were not overspending special education funds, despite the 100% reimbursement model. In focus groups and interviews, district administrators noted that they try to be fiscally minded and do not view the reimbursement model as a “blank check.”

Wyoming’s per pupil special education spending is higher than the national norm. As shown in Figure 10, in the 2018-19 school year, Wyoming spent \$17,412

for each general education student.⁴ This figure is from the CRERW report, which includes general fund, special revenue, and enterprise fund dollars. For students with disabilities, the state spent an additional \$18,637 per student (2018-2019 fiscal year) in state dollars,⁵ and \$20,641 in total dollars, including IDEA, Part B dollars.⁶ Thus, the average incremental per pupil special education spending from state dollars was 1.1 times the general education per pupil spending, and the total incremental per pupil special education spending was approximately 1.2 times the general education per pupil spending. This is roughly 33% higher than the typical average incremental cost of 0.9 times the general education per pupil spending.⁷ Because general education spending was high statewide, the combined impact on the overall state budget of this increased spending was not negligible. Further analysis and explanation are included in the funding section of this report.

Figure 10. Wyoming per pupil spending on general and special education.

FY 2018-2019 Wyoming Per Pupil Spending (General and Special Education)		
General Education Per Pupil Spending	Additional Special Education Per Pupil Spending	Incremental Spending Multiplier
\$17,412	\$18,637 (state dollars only)	1.1x
\$17,412	\$20,641 (state and estimated federal dollars)	1.2x

Source: WDE CRERW Report and WDE Special Education Expenditure Report.

However, districts have not increased spending dramatically year-over-year. Some district leaders also noted that the rural nature of the state may cause the same services to cost more in Wyoming. For example, rural districts found it

⁴ Wyoming CRERW Report

⁵ Wyoming Special Education Expenditure Report

⁶ Wyoming Federal 6B Expenditures – FY19

⁷ Kolbe, T. (2019). Funding Special Education: Charting a Path that Confronts Complexity and Crafts Coherence. Boulder, CO: National Education Policy Center. Retrieved from <http://nepc.colorado.edu/publication/special-ed> (page 18).

hard to staff related service positions like speech and language pathologists, occupational therapists, and physical therapists. Additionally, these districts typically required less than a full-time employee to meet student needs. Therefore, many rural districts contracted out related service staff, which is more expensive. School leaders also noted that recruiting and retaining quality special education staff is much more challenging in a rural setting. Finally, rural districts tend to have higher costs because special education staff often support fewer students, which increases the per pupil special education costs for the school.



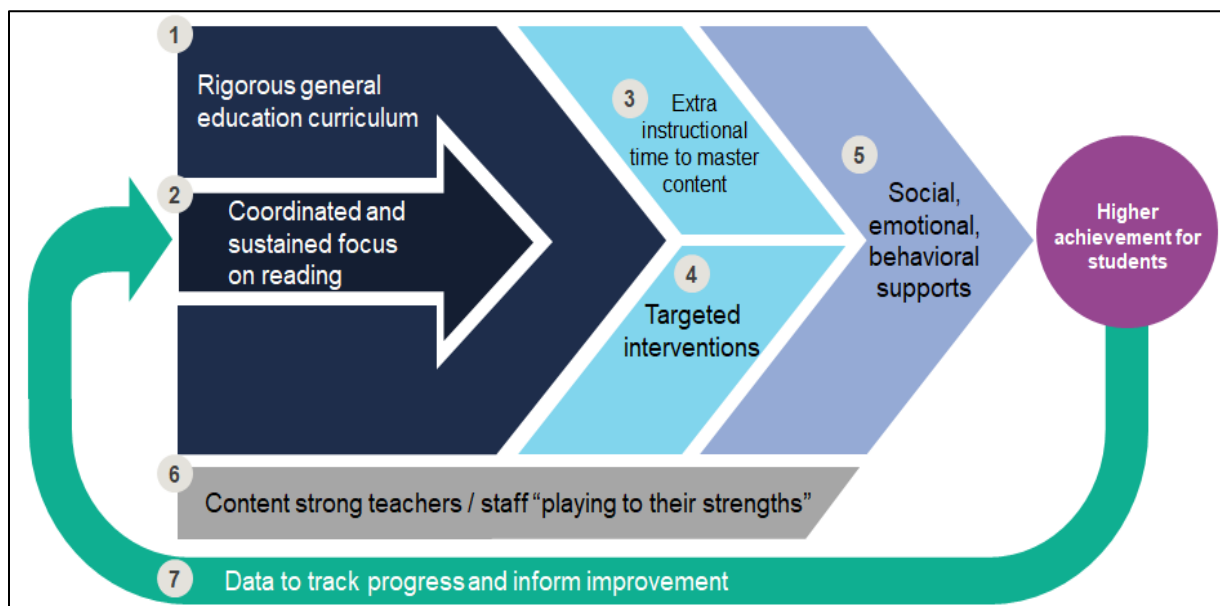
2b. Best Practices Framework

DMGroup compared current practices against a framework of best practices to raise achievement for students with disabilities and students who struggle without a disability.

Best Practices

The framework comes from experience partnering with more than 200 districts around the country with best practice research, with an emphasis on research from the What Works Clearinghouse, the National Reading Panel, and John Hattie's Visible Learning Research. While many of these best practices are widely accepted among educators and are seen as 'common sense,' faithful and effective implementation of these best practices is hard and requires a measured, coordinated systems thinking approach. This framework is also reflective of the school improvement approach embedded in the EB Funding Model.

There are seven interconnected best practices that can help students requiring additional support achieve high levels of success in a cost-effective manner. This is true both for students with mild to moderate disabilities and students without disabilities. These students are often served best using the same strategies outlined in the below framework. Approximately 85% of students with disabilities have mild to moderate disabilities.



1. Rigorous general education curriculum

- General education impacts all students; there is a high correlation between successful general education outcomes and successful special education outcomes.
- High expectations matter.
- Coaching provided by Instructional Facilitators is a highly effective professional development tool for improving general education instruction.

2. Coordinated and sustained focus on reading

- Reading is the gateway to all other learning.
- Students should receive at least 90 minutes a day of literacy instruction at the elementary level.
- A science-based approach to literacy should include the explicit teaching of phonemic awareness and phonics as well comprehension at the elementary level; explicit instruction in reading at the secondary level should be provided when needed by struggling students.
- Identifying struggling readers should begin in Kindergarten and continue at each grade level.
- One person should be in charge of reading at the district level.

3. Extra time to learn

- Struggling students should receive additional time to learn daily.
- Students should receive at least 30 min / day additional time for all struggling readers at the elementary level, and at least 60 minutes / day or one additional period of math, ELA, or reading at the secondary level.
- Staff for this extra time is amply provided by the EB funding Model.

4. Targeted interventions



- Struggling students should receive interventions that target specific skill gaps.
- Intervention should be tightly connected to core curriculum and instruction.
- Students should be dynamically grouped based on skill gaps.
- Training and background of the instructor, the length of intervention time provided, and the type of instruction presented during intervention are more significant factors for increasing student achievement than intervention group size.

5. Content strong teachers

- Nothing matters more than the effectiveness of the teacher.
- Students who struggle should receive targeted support from staff highly skilled in the content area they support that have a proven track record of success. Put differently, students struggling in math should be provided extra help by a math teacher; students struggling in science should be provided extra help by a teacher trained in science, etc.

6. Social-emotional and behavioral supports

- Meeting the social, emotional needs of students is a prerequisite to meeting their academic needs.
- Training and supports should be provided to strengthen the capacity of the general education teacher to proactively manage student behaviors.
- Behavior-related data should be collected through frequent student observations to identify and refine supports needed and monitor progress.
- Schools should utilize a common language and coordinated, scaffolded approach to social, emotional, and behavioral supports.
- Schools should identify a model for supporting students with moderate or severe behavior-related needs that relies on specialized expertise.

- Engaging families is important to effectively support the whole student.
- It is important to clarify roles and responsibilities for staff and how they are incorporated into the district's overall approach to supporting students.
- Guidelines should be established to specify the amount of time staff will dedicate to their primary focus and other responsibilities.

7. Data to track progress and inform improvement

- Performance data from short cycle assessments should be frequently used as a way to inform instruction and progress monitor students.
- Common benchmarks within and across schools should be established to have a consistent approach to identifying the needs of students.

DMGroup compared services across Wyoming against these best practices and found some areas of strength and some opportunities to better implement these best practices. This framework should guide districts and the state in considering how they want to improve services for students.

The following section of the report outlines DMGroup's findings about how students with disabilities are served, both in relation to special education and general education, as outlined in the above framework. Throughout the document, many opportunities apply to students with mild to moderate disabilities while others apply to students with severe disabilities. This will be noted throughout the report.

Throughout this section of the report, some opportunities are unique to districts of specific size, as the challenges, needs, and solutions in small and rural districts are often different from those in larger districts. For the purposes of this report, small districts are defined as having fewer than 800 students enrolled. Medium districts have between 801 and 5,000 students enrolled. Large districts have more than 5,001 students enrolled.

2c. Opportunities

Opportunity #1: Strengthen Tier 1 classroom instruction by increasing the capacity of general education teachers to support all learners through a combination of a redesigned approach to high-quality instructional coaching (instructional facilitators), master teachers and model classrooms.

Strong Tier 1 instruction is critical for student success. If core instruction is strong, all students benefit, especially students with disabilities who spend most of their day with a general education teacher. Within Tier 1 instruction a hyper focus on literacy will serve students with disabilities well. However, staff and district leaders in Wyoming expressed a need to strengthen Tier 1 instruction and the support for general education teacher. Without strong Tier 1 instruction, student success relies too much on out-of-classroom supports, for which there can never be enough time, staff capacity, or resources.

Why is Tier 1 Instruction So Important?

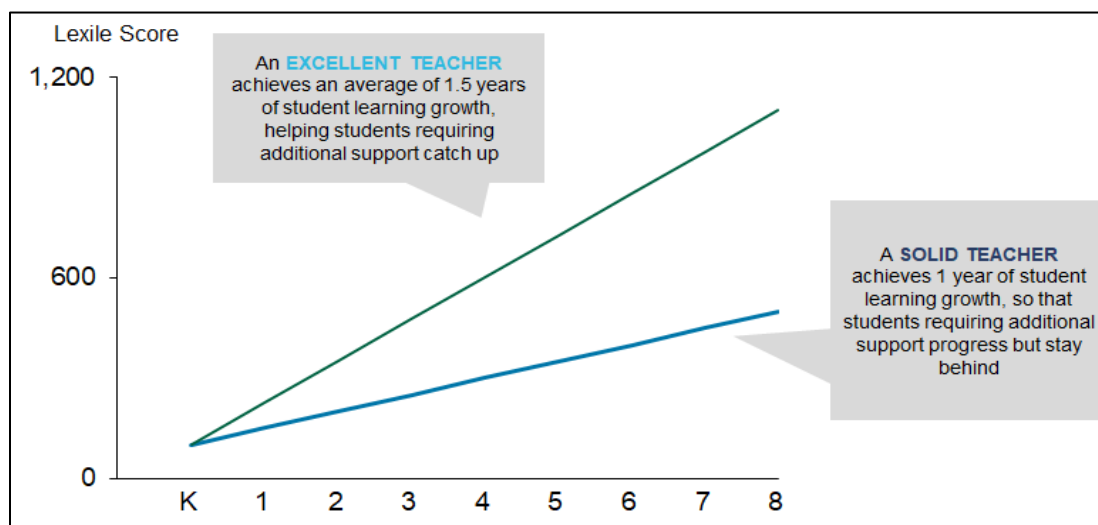
Tier 1 refers to the instruction that is provided to all students in the general education classroom. Research suggests that 80-85% of students can effectively learn grade level material through high-quality Tier 1 instructional strategies. For the remaining 15-20%, Tier 2 and 3 interventions are required to increase student success.

Strong Tier 1 instruction is dependent on teacher skill and training. Figure 11 demonstrates that, on average, a solid teacher can support students in gaining a year of growth each academic year while an excellent teacher can help students achieve a year and a half of growth per academic year. In the districts that DMGroup visited, staff and district leaders noted the need to strengthen and improve Tier 1 instruction in Wyoming. Many noted that there was a strong focus on Tier 1 instruction and an acknowledgement of its importance, but that there was a lack of consistent resources and supports to build teacher skill, particularly around meeting the needs of struggling learners, including students with mild to moderate disabilities.

Central to increasing classroom teacher capacity is the need to ensure all classroom teachers are well trained and highly skilled in science based reading practices. The majority of students who have mild to moderate disabilities and the overwhelming majority of other struggling students have challenges to read and comprehend well. Unfortunately, many classroom teachers are not taught

the fundamentals of science based reading in their college programs. Strengthening these skills can be life altering for students and greatly reduce the need for special education and other interventions in future years.

Figure 11. Impact of teacher quality on student Lexile scores



Source: National Council on Teacher Quality: *Expanding the Teacher Quality Discussion*; Public Impact's *OpportunityCulture.org*.

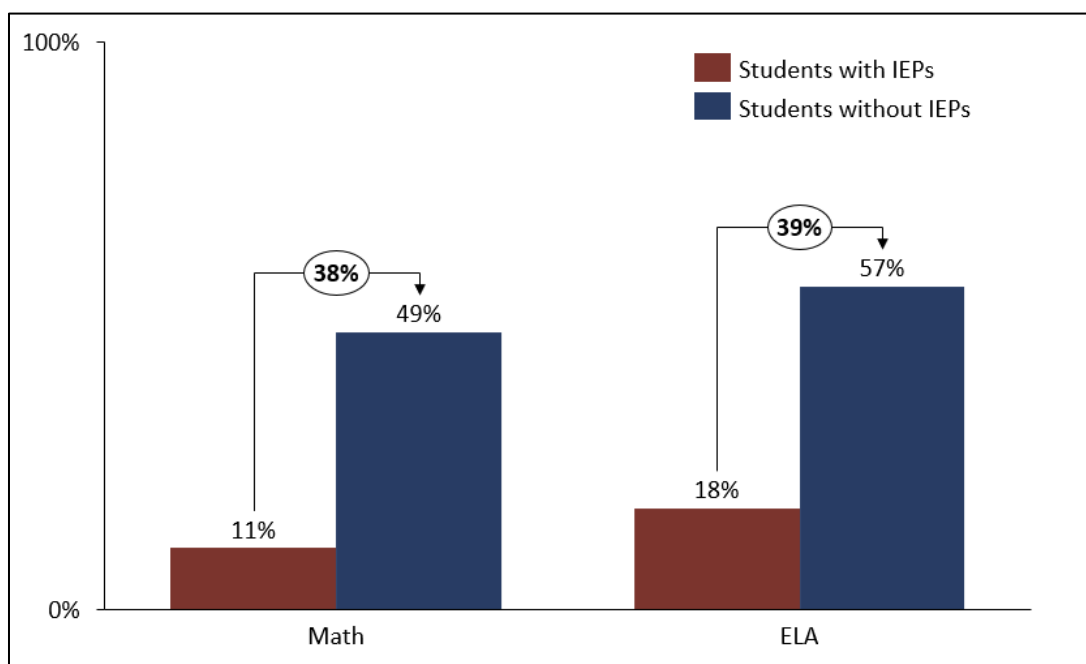
To ensure that all students, including those with disabilities, have access to the same core content, it is critical that students with mild to moderate disabilities are included in the general education classroom for 100% of core instruction time for at least math, ELA and reading. This core instructional time is critical to mastering grade level material and should not be lost to provide special services to students. In many districts across the U.S., students with mild to moderate disabilities are pulled from the general education classroom during ELA and/or math lessons to receive special education or related services, often to meet the scheduling needs of the special educator or related service provider. This disadvantages students with mild to moderate disabilities who typically struggle with core content but, with this practice, are getting less instruction in core content than their non-struggling peers.

In Wyoming, strong inclusion practices provide students with mild to moderate disabilities with access to general education staff and administrators work hard to prioritize keeping students with mild to moderate disabilities in the general education classroom during core instruction by scheduling special education and related services during other parts of the day, where possible. In focus groups, related service providers in more than one district commented on this

commitment to protect core learning time for students sharing that one of the greatest challenges they experience is developing schedules that meet the service needs of the students but do not conflict with core instruction time.

All students in Wyoming would benefit from improved Tier 1 instruction. Based on 2018-2019 WYTOPP State Assessment scores, fewer than 50% of 10th grade students were scoring proficient or advanced in math and only 57% were scoring proficient or advanced in ELA (see Figure 12). However, effective Tier 1 instruction is even more critical for students with disabilities in Wyoming, as they consistently underperform compared to their general education peers and therefore require consistent, strong Tier 1 instruction to close that gap.

Figure 12. WYTOPP State Assessment scores for the 2018-19 school year for students with IEPs and students without IEPs in 10th grade.



Source: WDE student achievement data.

Lastly, strong Tier 1 instruction reduces the number of students who need out of classroom supports, thereby reducing the need for interventionists and special education teachers. Several special education staff interviewed by DMGroup added that ineffective Tier 1 instruction often leads to an increase in special education referrals and services. As one special education facilitator noted, “Special education has not been part of Tier 1 conversations, but that’s really where the challenge exists.”

Three ways to improve Tier 1 instruction.

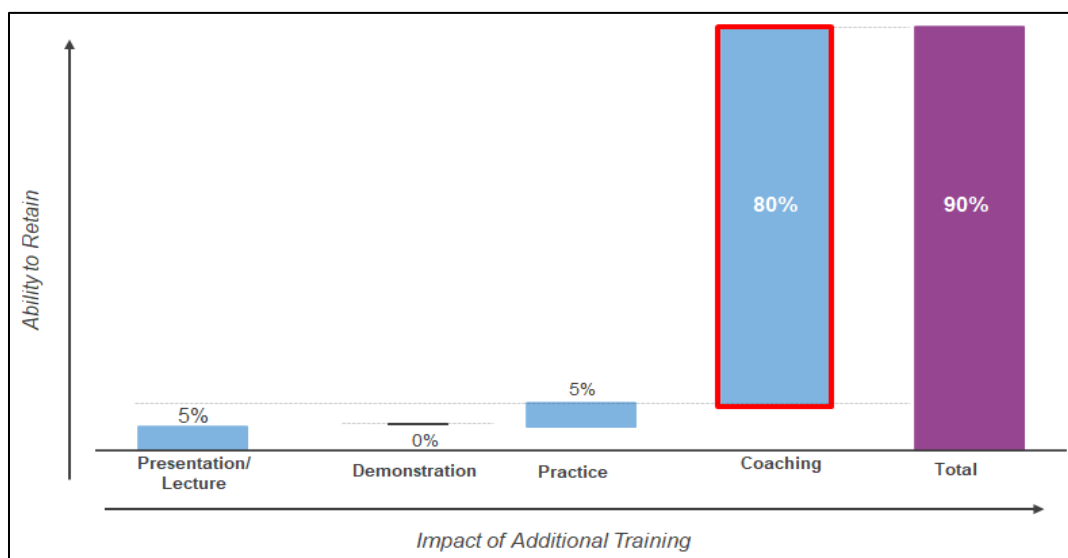
Improving Tier 1 instruction is best done through a combination of means including:

- High quality instructional facilitators
- The use of master teachers
- The identification of model classrooms

Traditional professional development on its own has not been shown to be effective in most cases.

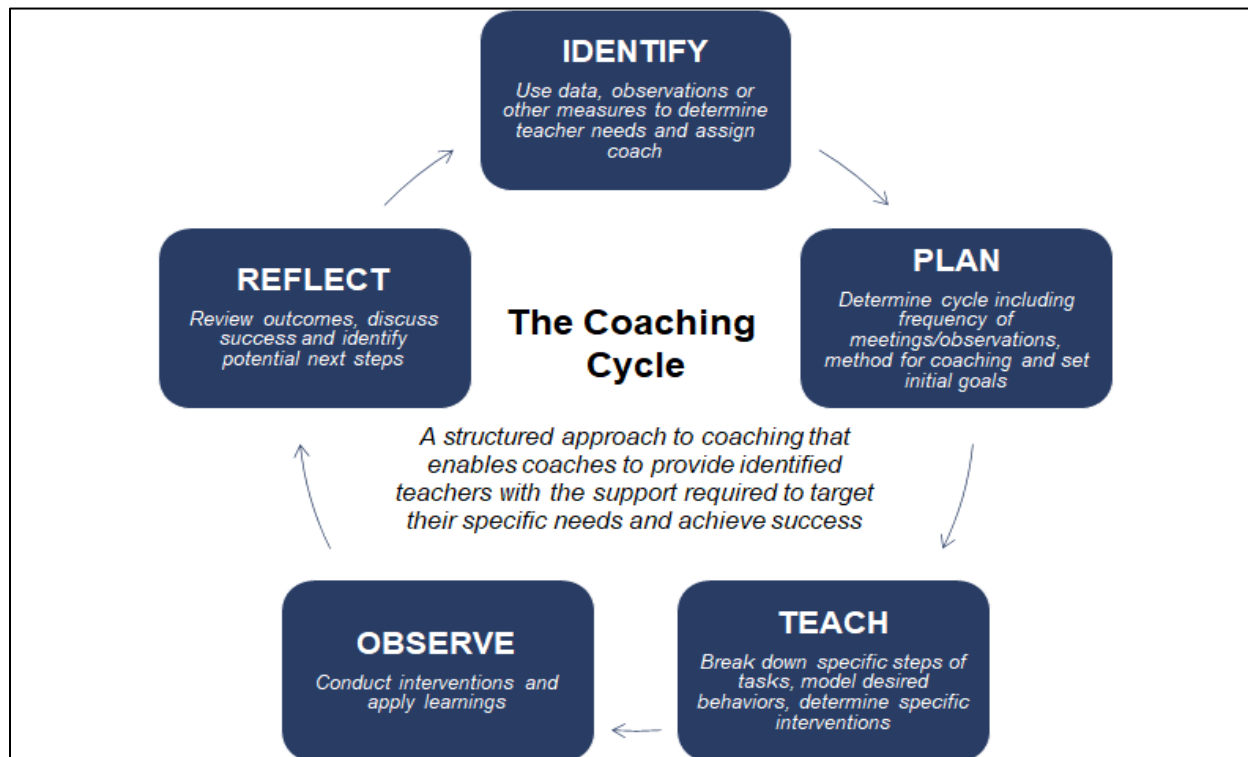
The most effective means of improving Tier 1 instruction is through professional development coupled with strong instructional coaching. Teachers often retain only a small amount of sit-and-get style professional development but coupling trainings with instructional coaching has shown to increase the retention of new information significantly by allowing teachers to practice and iterate on new skills alongside reflection and feedback (see Figure 13 below). Effective instructional coaching typically follows a cycle illustrated in Figure 14 of identification, planning, practice, and reflection that helps to fully embed new pedagogical learnings into teachers' daily instructional practices and builds strong habits for continuous improvement.

Figure 13. The impact of additional training practices on teacher knowledge retention.



Source: Joyce & Showers, 2002.

Figure 14. The coaching cycle.



Source: DMGroup.

Coaching can help teachers to engage students in higher order thinking, to teach reading using a science based approach, use real-time short cycle/formative assessments to check understanding, analyze student data to inform instruction, maintain grade level expectations for all students, and progress monitor results. These skills build the capacity of teachers to meet the wide range of learning needs in their classroom, including those of students with disabilities.

Instructional coaching has the added benefit of reducing staff turnover. Targeted support increases staff effectiveness leading to greater job satisfaction.⁸ Moreover, the coaching model reinforces the culture of collaboration within a school thereby strengthening teacher relationships and feeling of support in their role.⁹

⁸ Frazier, Rebecca, 2018

⁹ Annenberg Institute for School Reform, 2004

Challenges with instructional facilitators in Wyoming

While instructional coaching has been proven to be highly impactful when done well, not all districts in the state have confidence that it can be done well at scale. Some districts and many of the best practice schools in the state have had excellent outcomes in part due to effective use of instructional facilitators. Others have had a different experience and have reduced their use over time.

There can be a number of reasons for this lack of enthusiasm for expanding or even continuing the use of IFs. A shortage of sufficient highly skilled teachers, a reluctance to pull highly skilled teachers from the classroom, or IFs being pulled into lower impact work are all likely contributors.

Given the current experience, both very positive and not, it would be wise to review and revise the approach to instructional coaching before expanding it. It would also be wise to augment instructional coaching with master teachers and model classrooms.

Why Doesn't the Current Allocation of Instructional Facilitators (IFs) Meet the Need in Wyoming?

Though some Wyoming districts have invested in instructional facilitators or coaches, these staff members spent only a small portion of their time on actually coaching teachers. Staff from the districts DMGroup visited shared that the instructional facilitators did not have much time to spend with teachers, and also that many teachers did not have adequate access to IF support. Instructional facilitators themselves noted that they were often pulled in many different directions and did not get to devote as much time to coaching teachers as they want.

Based on the schedules shared by staff in Figure 15 below, facilitators spent only 33% of their time supporting staff through professional development and collaboration. Facilitators spent an additional 20% of their time on instruction and support for students and 30% of their time on administrative responsibilities like paperwork and meetings.



Figure 15. Breakdown of time during a typical week for instructional facilitators in Wyoming.

Activity	% of Time
Staff Support*	33.3%
Administrative Support**	46.2%
Student Instruction and Support	19.6%
Other***	0.9%

Source: Schedule sharing data. *Staff Support includes: Professional development (giving), collaboration with colleagues and paraprofessional management. **Administrative Support includes: Attending meetings, planning/materials preparation, attending IEP meetings, IEP responsibilities, and paperwork. ***Other includes: Personal lunch, travel between schools/transition time, assigned school duties, and over/under reported time.

State and district investments in instructional facilitators has been decreasing over the last seven years in Wyoming due to the reduction in targeted state funding for facilitator positions and moving the funding for those positions from a categorical to block grant model. Even before this shift in funding models, Wyoming districts were hiring fewer instructional coaches than were allocated by the legislative model. The decline in funding and its move away from a categorical funding model, however, further undermined the importance of coaching for effective Tier 1 instruction and reduced the motivation for districts to allocate funds towards instructional facilitators. As a result, the number of facilitators employed by districts between the school years 2013-2014 to 2017-2018 decreased by more than one third.

Picus and Odden explain in their report (illustrated in Figure 16 below) the impact of the shift in funding models on the number of instructional facilitators across the state.

“In 2013-14 the Legislative Model allocated a total of 266.5 instructional coach positions to Wyoming school districts. The districts employed 242.1 instructional coaches or 24.4 fewer than allocated. In 2014-15 the Legislative Model allocated a total of 270.2 instructional and districts hired 249.7 individuals, 20.6 fewer than the model allocated. Funding for instructional coaches (IFs) began to drop when the IF positions were rolled into the Block Grant. As a result, in 2017-18 the Model provided for 247.2 IFs but districts hired only 154.3, and for the 2018-19 school year the Model reduced the number

of IFs resourced to 135.4 with districts hiring 142.9.¹⁰ If the state considers IFs a key ingredient for school improvement, it would be wise to put the funds back into a categorical program and fully fund the program identified in the EB Model.”

Figure 16. Instructional facilitator allocation in legislative model versus actual FTE hired by Wyoming districts.

School Year	Instructional Facilitators (IF) Allocations vs Actual FTE		
	Legislative Model allocated IF positions	Number of IF positions hired by Wyoming districts	Difference
2013-2014	266.5 FTE	242.1 FTE	24.4 FTE
2014-2015	270.2 FTE	249.7 FTE	20.6 FTE
2017-2018	247.2 FTE	154.3 FTE	92.9 FTE
2018-2019	135.4 FTE	142.9 FTE	-7.5 FTE

Source: Picus and Odden (2020).

What Could the State Do to Further Support Teachers in Meeting the Needs of All Students?

The state could double down on their investment in coaching by fully funding the instructional facilitators outlined in the EB model. School districts and the state could also consider developing guidelines for instructional coaches and removing additional duties from these staff members’ plates to increase the time they can spend supporting skill development in teaching staff.

In conjunction with this the state should review in detail why IFs have been more successful in some districts than others. It is likely that a re-imagined approach to IFs might include greater use of part time retired teachers to fill the role, more carefully selection criteria and even the use of remote coaching. Before the pandemic made Zoom a staple of K-12 a number of districts have had good results with coaches who spend some time in person with teachers to build rapport but then observe teachers via zoom or recorded sessions and meet virtually. This expands the potential pool of coaches to all 50 states.

¹⁰ CRERW Table sfp_crerw_staffing_table4

Picus and Odden's 2020 recalibration report demonstrates that state policy and funding of the instructional facilitator position has a direct correlation to the number of instructional facilitators districts hire. In order to increase the number of instructional facilitators, therefore, the state could communicate the value that facilitators add for students and staff by funding the instructional facilitator position at the level indicated in the EB model.

Additionally, setting guidelines for instructional coaches can increase the impact of instructional facilitators on teacher development. By explicitly defining how instructional coaches should spend their time and by removing additional duties that take away from time spent coaching staff, instructional facilitators will support in the strengthening of Tier 1 instruction and limit the need for interventionists and special education services outside of typical student needs.

Master teachers and model classrooms

Improving Tier 1 instruction through a reimagined IF program can be augmented by two other effective strategies.

Master teachers are similar to IFs but they aren't required to give up being a classroom teachers. Many excellent teachers don't want to be IFs because they will miss being a classroom teacher. Many principals don't want their strongest teachers leaving the classroom either. A master teacher has a classroom but also leaves the classroom about 5 hours a week to coach their colleagues. When they leave the classroom is carefully planned, such as when their students are taking tests, doing independent work, reading silently, or during project work. A paraprofessional or other staff member covers the classroom during this time. The master teacher will also have a lead role during faculty meetings and common planning time. They also receive a stipend (and status) for taking on the role.

Model classrooms are designated rooms where the teacher has been identified as very effective. Other teachers visit the classrooms regularly through the year. Faculty meetings and common planning time can be used to discuss the strategies and practices seen in the model classrooms.

How is this better for students?

- Instructional coaching has been shown to be the most effective way to strengthen Tier 1 instruction by building teacher capacity to meet the learning needs of a wide range of students. All students benefit from strong Tier 1 instruction but especially students with disabilities.

How is this better for staff?

- Instructional coaches provide the opportunity for teachers to grow in their practice by targeting feedback and growth opportunities to their specific needs.
- Effective coaching can reduce staff turnover by increasing effectiveness and job satisfaction.
- Through a combination of means, teachers can increase their skill and effectiveness.

Is this strategy more cost effective for districts and the state?

- If teachers are better able to support all learners in their classrooms, fewer supports (interventionists, curricula, etc.) are needed outside of the classroom, which is more cost effective for schools and districts.

Potential next steps

The state has a number of options to help improve Tier 1 instruction:

- Make the funds for IFs targeted only for IFs, master teacher stipends and support of model classrooms.
- Conduct a study as to what separates effective IF efforts in some schools and districts from less successful efforts elsewhere.
- Support research into effective strategies for remote coaching and/or the expansion of part time retired coaches.

Opportunity #2: Clarify and expand the statewide guidance for Multi-Tiered Systems of Support (MTSS) to include training, support, and real-life applications for school districts.

Many schools and districts across the state and country implement tiered systems of intervention and support through a Multi-Tiered System of Support (MTSS) or Response to Intervention (RTI) model to provide interventions and additional supports for students who struggle. These systems are best practice for raising the achievement of all students, including those with mild to moderate disabilities. The tiered intervention models use ongoing short cycle assessments to identify student needs, targeted supports in addition to core instruction, content experts to deliver instruction, and short cycle assessments to progress monitor results to support student learning and prevent premature special education referrals, which can significantly reduce demand for costly special education services.

These systems, therefore, are an integral part of effective schools and districts as they promote and ensure the academic and social-emotional success of students. In Wyoming, WDE already provides guidance to school districts around MTSS for districts to provide differentiated instruction and intervention to students. However, school districts across the state have interpreted and implemented this system with varying fidelity and effectiveness.

What Makes an MTSS Model Effective?

In a best practice MTSS model, schools and districts implement structures within schools and districts that ensure consistent and ongoing use of the model, identify students (with or without a disability) for interventions using clear and consistent data and assessments, provide research-based interventions in addition to core content instruction, ensure interventions are delivered by content expert staff members, and progress monitor with short cycle assessments the impact of those interventions. In Figure 17 below are 11 identified best practices for MTSS. In a best practice model, there must be an organizational structure in place, strong data and assessment practices, and supplemental interventions provided by content expert staff. These are aligned with the best practice framework for raising achievement for students who struggle, both with mild to moderate disabilities and without disabilities.



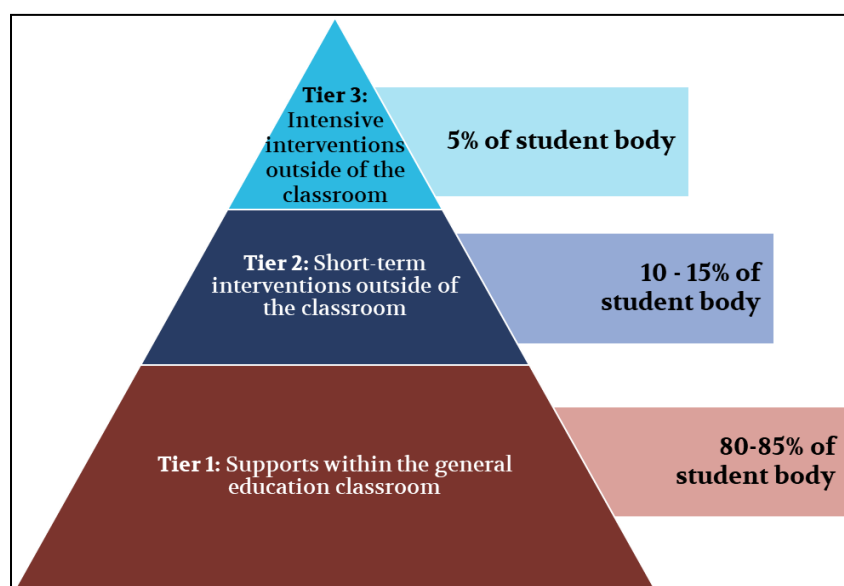
Figure 17. Best practices for an effective MTSS model.

Organizational Structure	1.	Clear understanding of the school MTSS vision and process.
	2.	Defined leadership roles at the district and one school-level leader.
	3.	A single cohesive, school-level data team with clear roles.
Data and Assessments	4.	Centralized location for storing student data.
	5.	Classroom level data is timely and easily accessible for teachers.
	6.	Clear agenda and protocols for data meetings.
Supplemental Interventions	7.	Clear menu of tiered interventions available at each school that are connected to general education and supplemental to core instruction.
	8.	Extra time built into the schedule for intervention outside of core instruction.
	9.	Student progress is monitored at defined intervals.
Content Strong Staff	10.	Interventionists (teachers, specialists, SPED staff, etc.) have the training and demonstrated skill in the focus content area.
	11.	Ongoing coaching, training, and professional development is provided to strengthen expertise of intervention staff.

Source: DMGroup.

A multi-tiered system should include three tiers defined by the types of supports available to students. Tier 1 is differentiated instruction within the classroom and should fully meet the needs for about 80-85% of the student body in a district. Tier 2 interventions are short-term outside of the classroom and should be provided to about 10-15% of the student population. Tier 3 interventions are intensive and provided outside of the classroom. These should only be used to support about 5% of the student population. Figure 18 shows this model.

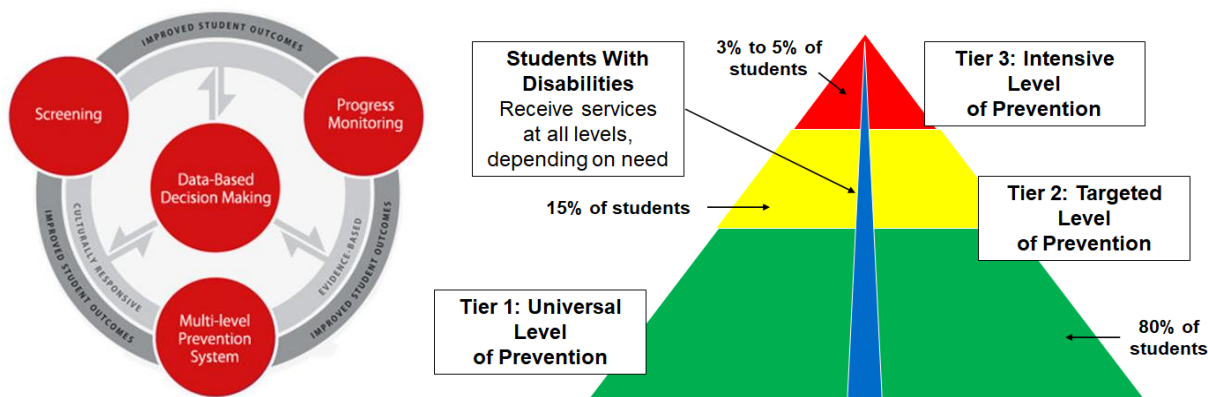
Figure 18. A best practice MTSS model.



Source: DMGroup.

WDE’s guidance for MTSS is aligned with this best practice model and is focused on preventative supports and interventions. Central to WDE’s guidance is data-based decision making, a multi-level prevention system, strong screening practices, and progress monitoring. Their multi-level prevention system includes three tiers of support, including universal supports for 80% of students, targeted interventions for 15% of students, and intensive interventions for 3-5% of students. Their model also shows students with disabilities to receive supports at all tiers, depending on student need. Their system is outlined in Figure 19.

Figure 19. WDE’s MTSS model.



Source: Retrieved from Wyoming 2017 WAVE Symposium Training on MTSS.

Why Are the MTSS Models Across Wyoming Inconsistently Effective?

WDE provided extensive guidance, including training and resources, on MTSS. However, districts across Wyoming had varied adoptions of the best-practice MTSS model and fidelity of implementation. Many districts had some of the core components of MTSS already in place. For example, most districts interviewed had defined tiers and a shared understanding of MTSS in their schools. Many districts also used specific data and assessments to identify students needing Tier 2 or Tier 3 interventions and had a team of staff that review this data and make recommendations for students. Additionally, multiple districts visited had an intervention block in place at the elementary level that allowed students to receive supplementary targeted interventions from a grade-level teacher, interventionist, or other staff member and larger districts often had tutors or interventionists devoted to providing these interventions to students.

However, even with many of these practices in place, districts across the state were inconsistent with their implementation of MTSS leading to varied effectiveness. Few districts had an intervention time at the secondary level, making it harder for students to get supplemental interventions from a content expert. In some districts, the data used to identify students for interventions became less substantial at the secondary level, where districts used student grades in class rather than short cycle assessment data on specific skills. Student grades are a blunt measure of student need and do not provide the insight needed to identify the specific skill and knowledge gaps that students need to be successful. Additionally, many districts stated that they struggled with having adequate interventions for Tiers 2 and 3. Teachers often cited needing more support and training with the implementation and execution of MTSS in their schools and classrooms.

The variation in implementation of MTSS was echoed by staff within districts and at the state level. WDE leaders noted that MTSS remains a focus across the state because of the inconsistency. One administrator noted, “About a third of districts in Wyoming are doing MTSS well, about a third say they’re doing it, but need improvement, and about a third don’t have an MTSS model.” This was even true within districts, where some schools have a strong MTSS model in place and others do not.

Another measure of the effectiveness of MTSS is the achievement gap between student subgroups. Universal assessment of students needs accompanied by

aligned interventions delivered by content experts means that all students have access to multiple opportunities to learn according to their learning styles and needs. Efforts to implement an MTSS model across districts, however, have not closed large achievement gaps, particularly between general education students and students with disabilities (see Figure 3). Stronger systems and faithfulness to the implementation and training needed for robust MTSS models, could help to close those gaps.

In a medium sized district, one administrator articulated the challenge of MTSS for her district, “It’s easy to talk in theory about MTSS tiers, but we struggle with understanding the tools for Tier 2 and 3. There isn’t enough time to adequately train staff and so they don’t always know the tools that work better with different tiers or students.”

What Could the State Do to Ensure More Consistent and Effective Implementation of MTSS Across Districts and Schools?

Every district DMGroup spoke with raised MTSS either as an area of strength or an area of development and noted some areas in which MTSS could be strengthened. WDE could consider refining their guidance on MTSS to include more training, support, and real-life application of this system for districts. This could ensure that students across the state have access to strong supplemental interventions with content expert staff. For example, WDE could provide a pre-approved menu of interventions for each tier, to provide guidance and options for schools and districts on effective, research-based interventions. The EB and Legislative Funding Models have ample resources for training, but those resources have been underspent for over 15 years. These funds could be used to provide this MTSS training, which would improve the overall effectiveness of such services and could, over time, lower special education costs by lowering the identification rates in many districts.

Additionally, the state and districts should increase the role of general education staff and Tier 2 interventionists in the general funding model to support students, with and without disabilities, who struggle to achieve to core content standards through the MTSS model. The EB Model provides for a robust range of general education staff, from tutors and Tier 2 interventionists to extended day and summer school programs, that can provide supplemental interventions from a content expert. If these elements of the EB Model were fully funded, along with supports from WDE in utilizing these elements to support both



general education and special education students, it would allow for an educationally effective way to both provide extra services through an MTSS model and to lower special education costs in the long term.

How is this better for students?

- A strong, robust MTSS program in districts provides better instructional and behavioral supports for students. In a strong program, students have access to high quality supplemental interventions from a content expert in addition to strong core instruction. Strong MTSS practices are research backed and help lead to increased student achievement.
- Current efforts to implement MTSS models have not closed a large achievement gap between general education students and students with disabilities. Consistent implementation of an MTSS model could help to close those gaps.
- An effective MTSS system could also improve the identification process for students with disabilities by ensuring that multiple interventions are afforded to the student *before* they are referred to the evaluation process.

Is this strategy more cost effective for districts and the state?

- A strong MTSS program is a cost-effective way of supporting students and schools. The components of an effective MTSS model – intervention blocks, short cycle/formative assessments, teams to analyze data – cost little for the district to implement, and resources to do so are included in both the EB and Legislative Models. Additionally, schools can take advantage of existing staff with content expertise and adjust scheduling to ensure these are the teacher who are providing interventions to struggling students, which increases the quality of instruction for students but does not add personnel costs to the district.
- Effective MTSS models validate the identification process for special education as it provides interventions and additional supports for struggling students *before* they are referred and evaluated for special education services. In many districts in Wyoming, this will reduce the rate of identification for special education, decreasing the need for costly special education services.

Opportunity #3. Ensure that students with academic needs receive best practice intervention including extra instructional time provided by content strong staff.

In the 2018-19 school year, there was a significant achievement gap between students with and without IEPs in Wyoming (see Figure 3). While 58% of all students across the state scored proficient or higher on the WY-TOPP assessment, only 19% of students with IEPs were proficient. School districts have taken this gap seriously and have made significant investments to close the gap, but with limited success.

Co-teaching has become a popular approach for trying to close the achievement gap in Wyoming districts. Research shows that co-teaching has inconsistent results given the number of critical conditions that must be met in order for the strategy to be effective. Additionally, it is a resource heavy model because it requires two certified staff to teach one group of students.

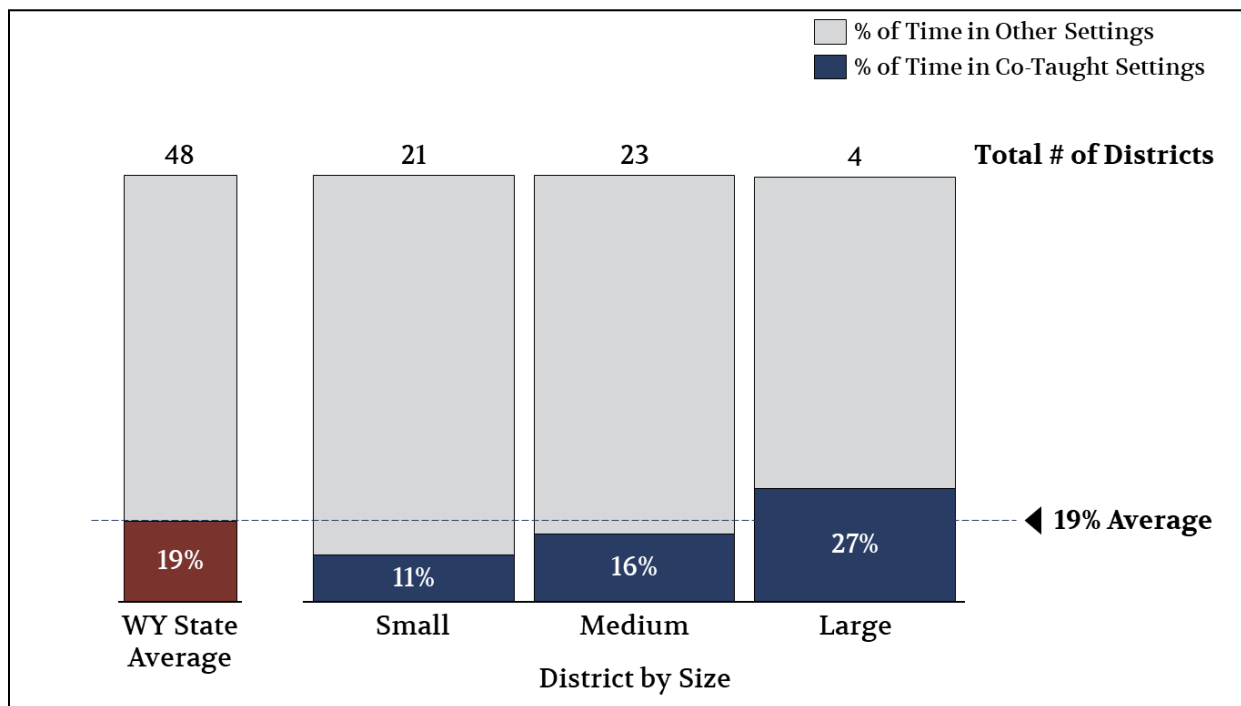
Research indicates that having extra time intervention during the day to pre-teach and reteach core content to struggling students is one of the most effective strategies for closing the achievement gap.¹¹ Given the limited time during a school day and the complexities of scheduling required for both co-teaching and extra time intervention, however, districts and schools find it challenging to invest in both strategies simultaneously and often choose to implement the co-teaching model alone.

Districts across Wyoming used a number of strategies to raise student achievement, particularly for students with disabilities. One of the strategies used most, particularly in medium and large districts, was co-teaching. As shown in Figure 20, special education teachers across Wyoming spent about 20% of their time with students in co-taught settings. The percent of time teachers spend in this setting increased as districts increased in size, with large district teachers having spent over a quarter of their time with students in co-taught settings. During focus groups, staff expressed optimism that this strategy would raise the achievement of students with disabilities in an inclusion setting. Some staff noted that the model has been successful, especially at the secondary level, in shrinking the performance gap on formative assessments between students with and without disabilities. Others spoke to its success in encouraging the least restrictive environment (LRE) by “bringing special education into the

¹¹ John Hattie’s Visible Learning Research. Findings on the effectiveness of RTI.

[general education] classroom.” Staff expressed particular confidence in the model when co-teaching was paired with common planning time and targeted professional development. However, the data on the large achievement gap between students with and without a disability counters these perceptions about the effectiveness of co-teaching.

Figure 20. Percent of special education teacher time in co-taught settings.



Source: Schedule sharing data.

The Challenge with Co-Teaching:

Co-teaching is an expensive model with inconsistent and often discouraging results based on national studies. A landmark study by John Hattie found that co-teaching, on average, leads to significantly less than a year’s growth each year, which is a low bar for struggling students who need to make more than a year’s growth to catch up to grade level.¹² A 2012 meta-analysis of 146 studies showed no causal evidence that co-teaching improves student achievement and

¹² Levenson, Nathan. *Six Shifts to Improve Special Education and Other Interventions*.

a recent study in Massachusetts found that co-teaching had no effect on students with disabilities' performance in ELA or in Math.¹³

Co-teaching alone often fails to raise achievement in schools and districts for two reasons:

- (1) Effective co-teaching requires meeting a number of prerequisites that schools are often unable to meet, and
- (2) Co-teaching does not provide extra-time beyond core instruction for intervention, which is critical for raising the achievement of struggling students. Most districts do not have the resources – time, money, and staff – to implement both co-teaching and additional intervention time.

As outlined in Figure 21, for co-teaching to be effective, it requires that the partnered general education and special education teachers have four key elements (1) common training and professional development, (2) explicit time for daily co-planning, (3) shared content expertise, and (4) a strong relationship (which can be aided but not entirely controlled by school culture). Across Wyoming districts, DMGroup heard that some of these conditions were in place. For example, one district sent co-teaching partners to a training together over the summer. In another district, one high school had carved out time during the day for co-teachers to lesson plan together. However, it is unusual for school districts to be able to meet all four of these conditions and school districts in Wyoming are no exception; very few districts in Wyoming had all of these required structures in place.

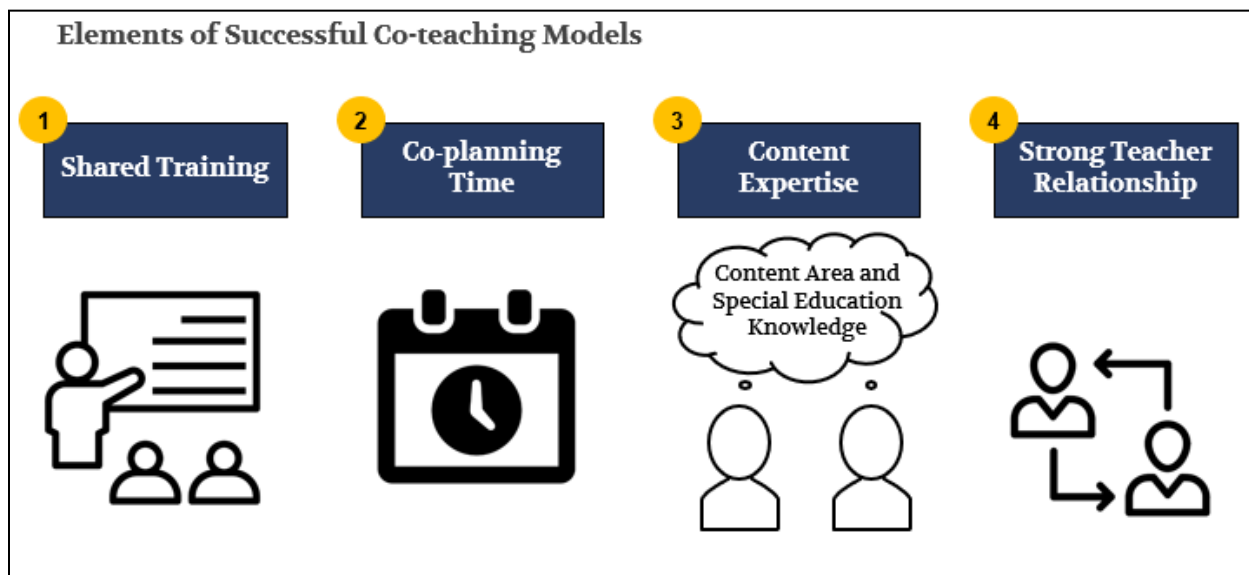
Few Wyoming districts provided general education teachers and special education teachers the same training, especially on the topic of co-teaching. Some district leaders noted the intent to send co-teaching teams to trainings, but few had done so. For those districts that had sent teachers to co-teaching trainings, it was almost always special education teachers who went to the training alone. Additionally, general education teachers and special education teachers were often part of separate professional learning communities (PLCs), which is where department staff typically collaborated and developed content knowledge. A group of general education teachers from one district noted that even though special education teachers were invited to their department

¹³ Jones, Nathan, Vaughn Sharon, and Fuchs Lynn. *Academic Supports for Students with Disabilities*.



meetings, they often could not attend because the time conflicted with IEP meetings or their own department meetings.

Figure 21. Elements of successful co-teaching models.



Source: DMGroup.

In addition to the challenge in finding shared time for training and development, district leaders and staff noted the challenge in finding common daily planning time for co-teachers. Teachers and special education directors alike noted the challenge in building time into the schedule for co-planning. One group of high school teachers added that even when they did find some time for co-planning, special education teachers were often double booked to attend IEP meetings or to pull students for services. In part due to this missed opportunity to collaborate, special education teachers often played a supportive, rather than equal, instructional role in the classroom. Some special education teachers expressed feeling like a “glorified paraprofessional” in co-taught classrooms, either because the general education teacher took the lead on lesson delivery or due to a lack of content expertise by the special education teacher.

Finding special education teachers who have context expertise in the subject they are co-teaching is another requirement that was challenging for districts in Wyoming – as well as other states – to meet. “In an ideal co-teaching model,” noted one teacher, “there are two certified teachers in the classroom, and you can’t tell who the expert is in either area of expertise [content or special education].” District leaders across Wyoming, especially those farther from the larger cities like Cheyenne or the University in Laramie, noted the challenge in

finding enough highly skilled special education teachers, let alone special education teachers with subject matter expertise. One medium-sized district was working to specialize their special education teachers at the secondary level for this purpose, but the process was slow and difficult. A group of high school teachers shared that their school had started with co-teaching only in ELA and Math and that they wished to expand co-teaching to other subjects, but they didn't have enough staff, particularly those with required content expertise.

In addition to the need for shared training, co-planning, and content expertise, effective co-teaching is heavily dependent on the relationship among co-teaching partners. These relationships are strengthened over time when partners have multiple opportunities to work together. Staff in focus groups expressed that the best co-teaching existed when partner teachers had co-taught together for multiple classes and multiple years. However, scheduling challenges often got in the way of keeping partners together year over year. Teacher turnover, especially on the special education side, also posed a challenge to building co-teaching relationships over time.

The challenge in ensuring all of these four conditions are met within each co-teaching classroom created inconsistencies in impact across the state and even within districts and schools. During a visit to a high school in a large district, DMGroup observed two co-teaching classes. In the first, both adults in the room shared the instruction and supported students equally during work time. It was unclear which adult was the general education teacher and which was the special education teacher both in terms of their content knowledge and their role during the lesson. In the next classroom, the general education teacher led the entire lesson while the special education teacher stood in the back. During work time, the special education teacher only supported the students with disabilities in the room, making a statement about who each teacher was in the room to support.

What is a Best Practice “Extra-Time” Intervention Model?

Even if school districts invest to meet all of the required conditions, co-teaching often precludes providing extra time in the schedule for interventions, which, as outlined in the best practices section of the report, is critical for closing the achievement gap for students who struggle. The extra time model builds into the daily schedule a block of time specifically for context experts to provide pre-teaching, reteaching, teaching specific skill gaps, or extra practice to ensure



struggling students have the opportunity to master core grade level content. Research states that struggling students require 30 minutes per day at the elementary level and 45-60 minutes per day at the secondary level of extra time outside of core instruction in order to close gaps in learning.¹⁴

This model is critical for struggling students including students with mild to moderate disabilities and has proven to be an effective strategy for closing achievement gaps as long as content strong staff are the ones supporting students during this time. Thoughtful scheduling of extra-time intervention blocks also ensures that the students who struggle most have increased opportunities to work with content strong staff who are skilled at identifying and correcting misconceptions and teaching content using multiple modalities. Some special educators are content expert staff, some are not. Nearly all general education staff have content expertise.

General education staff, including literacy specialists, math specialists, interventionists, and classroom teachers are often the content experts best equipped to provide interventions for students with and without disabilities. Since certification is not always a reliable indicator of who is or is not an effective teacher of reading and math. In a best practice model, districts use coursework, training, and past results to identify these content experts in their schools. The EB model seeks to provide resources for content experts through general education resources, including core tutors and at-risk tutors.

Many elementary schools in districts across Wyoming had extra-time models with intervention blocks built into their schedules, but this is more unusual at the secondary level. Even schools that did have extra-time intervention blocks did not always have content experts providing interventions to students with disabilities. The approach and staff during this extra time was often based on special education status. For example, a teacher in one district noted that during intervention times, “The team of interventionists push in by grade level and support Tier 2 students. At the same time, special education teachers pull out their students to work on IEP goals.” She noted that “special education students are not usually in the intervention groups,” so students with IEPs received intervention from special education teacher generalists instead of the content expert interventionists or grade level teachers. While most special education teachers are strong advocates for the needs of students with disabilities, and

¹⁴ John Hattie’s Visible Learning Research. Findings on the effectiveness of RTI.

have much expertise in pedagogical practices, many have limited background in the teaching of reading, math, or other subjects. Some certainly do have content expertise, but not all, and not even a majority.

While co-teaching enables students with disabilities to engage in the general education classroom with their peers and often includes a variety of instructional strategies that allow for students to access core content, it “does not work well for helping students fill gaps,” as one elementary special education teacher explained. In order to fill gaps in knowledge or scaffold upcoming lessons to prevent gaps from developing, additional learning time from a content expert outside of core instruction is essential.

What Could Wyoming Districts Do Differently?

Students would benefit if elementary and secondary schools included extra time in their master schedules for struggling students to learn past material and get extra help for current material during intervention periods and classes.

Wyoming districts can continue to invest and develop their co-teaching models in addition to, not instead of, extra time during the day for intervention. If school schedules or staffing prohibit the scheduling of both co-teaching and extra time intervention blocks, Wyoming districts would better serve students by investing in extra time. This strategy supports the learning and achievement of students who struggle more directly and consistently than co-teaching. In these extra time models, Wyoming districts should ensure that students who struggle, with and without disabilities, have access to the content experts who can identify missing foundational skills, correct misconceptions, pre-teach concepts, re-teach concepts, or break down complex ideas in a way that is more accessible.

In addition to the benefit of the extra-time intervention model on student learning, the extra-time intervention model costs the same or less than a co-teaching model.

In a typical elementary co-teaching classroom, there are a handful of students with mild-moderate disabilities with varying academic and behavioral needs. Imagine, for example, a class with three students with IEPs – one with a math goal, another with an executive functioning goal, and the last with reading difficulties. The special education teacher helps deliver the content and provides individual accommodations for those three students for say 1 hour a day while the classroom teacher covers the core content. In an extra-time intervention

model, however, that same special education teacher (or general education teacher) would provide instruction in those three areas of need but can group up to 5 students from different classes for an hour with similar needs to provide more targeted instruction to more students.

In this example, the extra-time intervention model is more cost effective and provides high-quality instruction, an extra hour of instruction each day, to more students.

Assume the special education teacher costs the district \$90,000 including benefits. In the co-teaching model, the per pupil cost to serve those 3 students is \$6,000 (assuming 5 hours are devoted to teaching each day). In the extra time model with 5 students in each group, the per pupil cost is only \$3,600. Not only is the per pupil cost lower, but the special education teacher is able to deliver quality instruction to more students. The help is more targeted, and more time to learn is provided as well.

The same trend happens at the secondary level. In a co-teaching model, a special education teacher may co-teach three classes each with five students with IEPs and one resource class with 5 students, serving a total of 20 students during the day. If, instead, that teacher taught four extra time math classes with 10 students, the same teacher would be able to provide quality instruction to 50% more students. Assuming the same \$90,000 cost to the district, the per pupil cost of students served is half the amount (\$2,250 versus \$4,500) in the extra-time model than in the co-teaching model.

If Wyoming districts choose to continue in utilizing co-teaching alongside the scheduling of intervention periods, districts are advised to implement the best practice conditions that are necessary for effective co-teaching – common training, co-planning time, shared content expertise, and strong relationship – to increase the consistency and impact of the model.

Why is extra-time better for students?

- In a co-teaching model, the special education teacher can provide modifications so that students with mild to moderate disabilities can access the core content but does not provide the time to address any prior knowledge gaps that would strengthen the students' ability to succeed with the grade level content. For example, the special education teacher may be able to scaffold the steps of a long division problem but does not

have the time in a co-teaching environment to provide that student practice with the multiplication and subtraction skills that undergird proficiency with long division. The extra-time intervention model, on the other hand, provides time for a content expert to fill those past knowledge gaps so that the student can also learn about long division alongside their peers in the general education classroom.

- Creative scheduling maximizes opportunities for students who struggle to spend more time with content strong staff who are skilled at identifying and correcting misconceptions and teaching content using multiple modalities.
- Co-teaching does not provide time outside of core instruction for intervention, which is critical for closing achievement gaps for struggling students.
- Co-teaching has inconsistent results for students because it depends on many conditions being in place to be effective, some of which are hard to ensure at scale.

Why is extra-time better for the budget?

- The extra-time intervention model allows special education staff to provide quality instruction to more students at a lower per pupil cost. For example, while in a co-teaching class, a special education teacher may provide support to five students with IEPs. However, during an extra-time intervention block, that same teacher could pull three small groups of 5 students each with similar needs, providing quality instruction to three times the number of students at a third of the per pupil cost.

Potential next steps

The state could facilitate the adoption of this best practice in a number of ways.

- Make the funds for interventionists and high skilled tutors targeted only for these roles.
- Simplify and encourage reimbursement for general education interventionists and high skilled tutors when they serve students with disabilities.
- Provide statewide technical assistance in scheduling and staffing of best practice interventions.

Opportunity #4: Refine the role of paraprofessionals to focus on health, safety, behavioral, and severe needs, rather than academic support.

Paraprofessionals often provide critical supports to students with disabilities. However, there was a statewide tendency to over rely on paraprofessionals, particularly to support student academic instruction. In the 2018-19 school year, Wyoming employed the equivalent of 1,760 full time special education paraprofessionals for a total cost of about \$60 million. In small districts, certified special education staff were stretched thin across multiple roles and hard to hire so paraprofessionals were tasked with many different responsibilities that certified staff were unable to cover, including instruction to students with mild to moderate disabilities. In larger districts, limited guidance from district and state leaders on the role of the paraprofessional led to a wide variation in roles of paraprofessionals across districts and schools.

Over the last decade two truths have emerged. 1) Research is clear that paraprofessionals are important for supporting students with disabilities, but not their academic needs as they often don't have the training, certification, or content expertise to provide grade level instruction to students¹⁵ and 2) despite this research, the role of paraprofessionals in providing academic support has increased in many districts, including in Wyoming, contributing to the stubborn achievement gap between student with disabilities and their non-disabled peers.

Paraprofessional support is most effective when focused on the health, safety, behavior and severe needs of students with disabilities. Unfortunately, paraprofessionals in many districts received little guidance and training on these key responsibilities which perpetuated confusion around their role, accounted for the range in quality of their support to students and may have led to high turnover rates.

The Challenge with Relying on Paraprofessionals to Support Student Instruction

Non-certified special education staff play an important role in supporting many students with special needs, especially for health, safety, behavioral and

¹⁵ Mittnacht, Marcia. "Technical Assistance Advisory SPED 2014-3: Identifying the Need for Paraprofessional Support." Massachusetts Department of Elementary and Secondary Education. February 26, 2015.

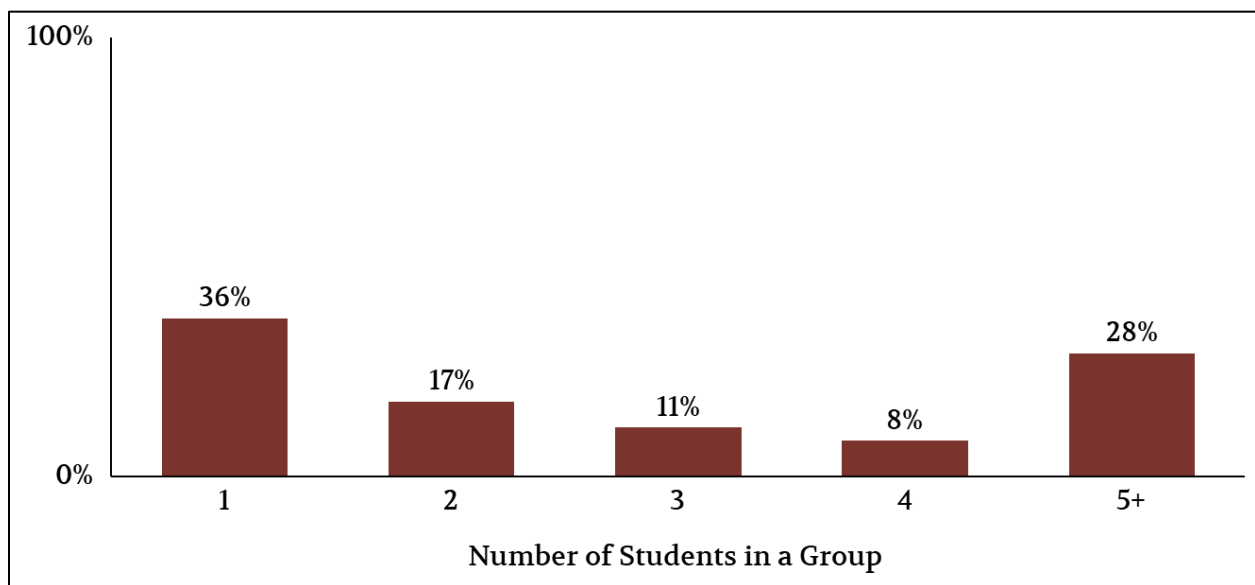


physical support. For many students with severe disabilities, support from paraprofessionals is indispensable for enabling the students to successfully participate in school each day and take maximum advantage of inclusion.

When students with mild to moderate special needs struggle academically, it is more beneficial for them to spend extra time with certified teachers or interventionists highly skilled in the teaching of reading or academic content areas than with paraprofessionals, who typically do not have extensive training in the teaching of reading or core content areas.

Moreover, the overuse of paraprofessional support for some students can often limit students' learning and independence, particularly when they work with students one-on-one. For students with mild to moderate needs, too much paraprofessional support can result in limiting a student's interactions with the classroom teacher and other students and maintain a need for continued or elevated paraprofessional support. Figure 22 illustrates that in Wyoming districts, paraprofessionals spent almost 40% of their time working one-on-one with students, increasing the likelihood for long-term dependence.

Figure 22. Percent of paraprofessional time with students by group size.

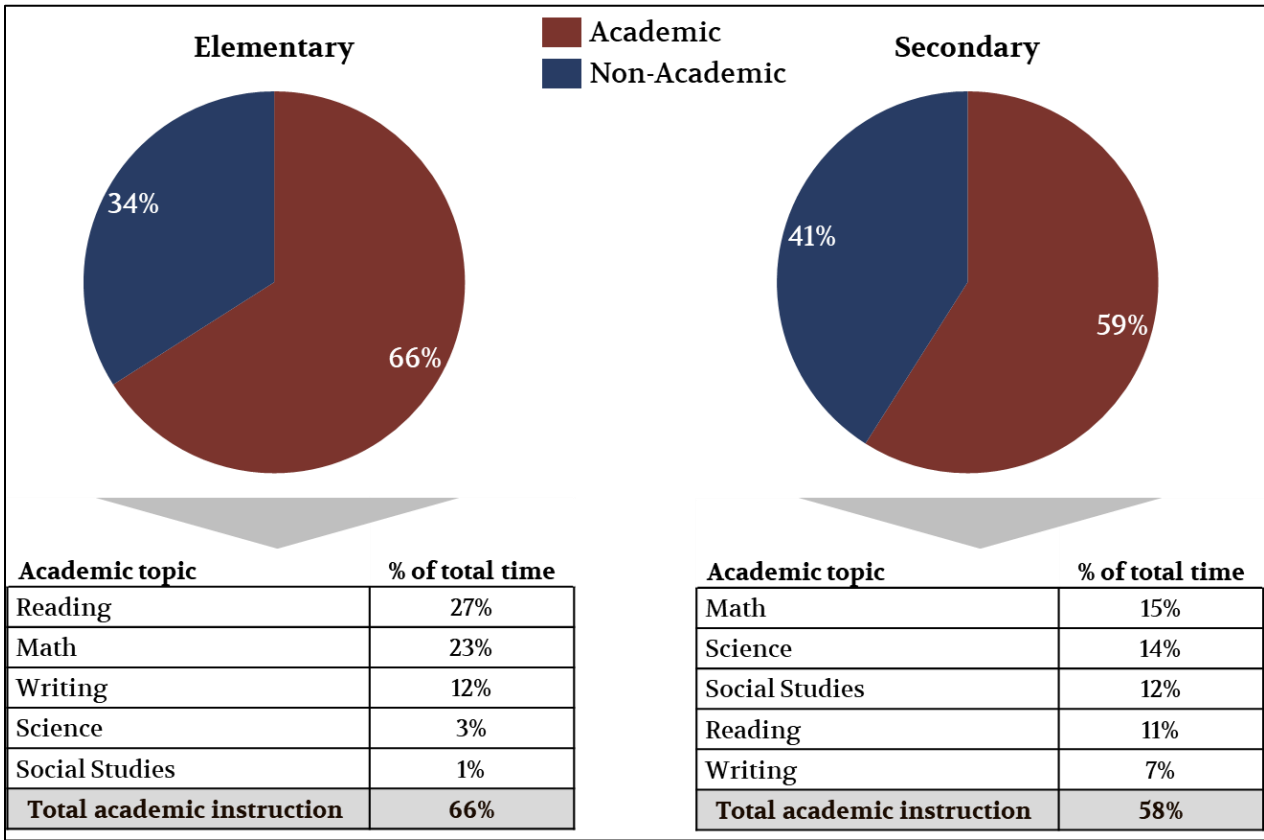


Source: Schedule sharing data.

Paraprofessionals generally do not have the certifications nor are they included in the staff meetings that would allow them to provide high-quality academic support to students. Nonetheless, paraprofessionals are often expected to provide academic support – and, at times, instruction – to students in the

classroom. According to schedule sharing, elementary paraprofessionals and secondary paraprofessionals spent 66% and 59%, respectively, of their time with students, supporting them on academic topics, at least half of which was spent on reading and math (see Figure 23).

Figure 23. Percent of paraprofessional time with students by topic and subject.



Source: Schedule sharing data. Staff at K-8 and K-12 schools are included in both elementary and secondary analyses.

Moreover, paraprofessionals were often not invited to instructional staff meetings (PLCs, staff meetings, trainings, etc.) because they occur outside of their contracted hours. One paraprofessional explained that they were expected to provide instructional support to students but missed the opportunities for collaboration that would make their support more effective. “I work so hard to be consistent,” she commented, “but not everyone is always on the same page.”

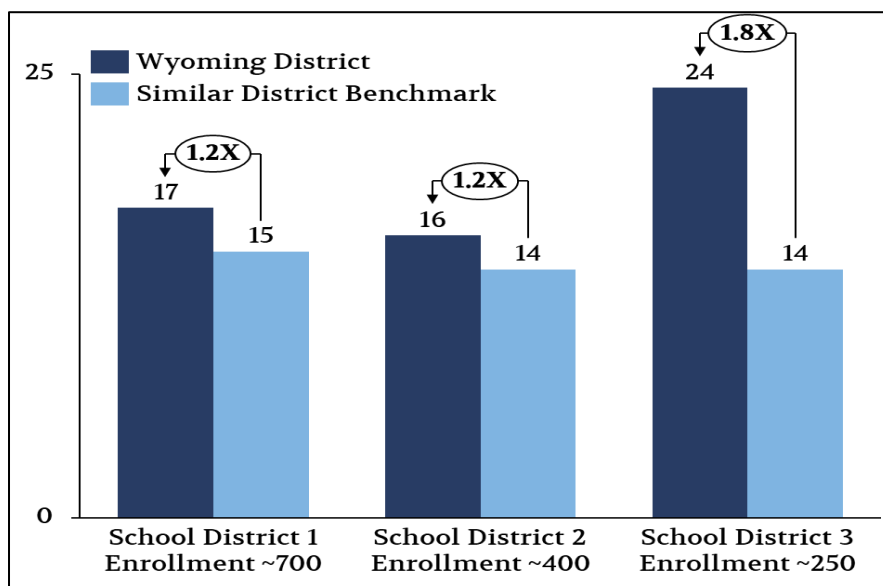
Why Do Wyoming Districts Use Paraprofessionals for Instruction?

In small districts, there was a reliance on paraprofessionals to provide academic instruction to students, because certified roles were stretched too thin. In one

district, there was only one special education teacher for the elementary school and one special education teacher for the middle school, so the district relied on paraprofessionals to provide the support that the teacher could not. One special education teacher said, “Providing services without paraprofessionals would be impossible, they are responsible for so many accommodations.”

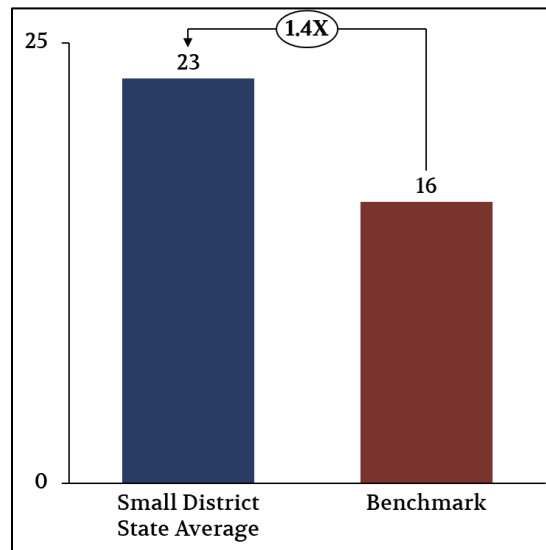
The need for paraprofessionals to take on some of the responsibilities of certified staff has led to large numbers of paraprofessionals in these districts. Figure 24 below shows three small Wyoming districts had between 1.2 and 1.8 times as many paraprofessionals than benchmark districts. Benchmarking came from a database of districts nationwide and were adjusted based on enrollment, per pupil spending, special education identification rates, and poverty level. Three districts of varying sizes are represented in the chart. On average, small districts across Wyoming had 1.4 times more paraprofessionals per 1,000 students than DMGroup’s benchmark districts (see Figure 25). There were only two small districts across the state that had fewer paraprofessionals than benchmark districts, adjusted for enrollment.

Figure 24. Three Wyoming small districts paraprofessional staffing compared to benchmark districts.



Source: District and WDE staffing data. District staff benchmarking from DMGroup proprietary database of districts nation-wide. Similar districts exhibit similarities in per pupil spending, poverty level, special education identification rate, and student enrollment. Please note that any benchmarking is directional and is not a staffing recommendation.

Figure 25. Wyoming small district average paraprofessional staffing compared to benchmark districts.



Source: District and WDE staffing data. District staff benchmarking from DMGroup proprietary database of districts nation-wide. Similar districts exhibit similarities in per pupil spending, poverty level, special education identification rate, and student enrollment. Please note that any benchmarking is directional and is not a staffing recommendation.

In larger districts, paraprofessionals wore many hats, including providing academic instruction, in part because their role was not clearly defined or understood. Through focus groups, DMGroup learned that paraprofessionals were used to support students on behavior coaching and redirection, to pre-teach and reteach content to students, to provide 1:1 support for students with more intensive needs, and were often assigned to or pulled for school duties or classroom coverage. Based on schedule sharing data in Figure 26, paraprofessionals in large and medium districts spent about 58% of their time on student support, 14% on instruction, and 9% on school duties. A group of middle school paraprofessionals noted that “when a teacher knows the role of a para, it can be great, but usually the teacher just doesn’t know the role of the para.” In another district, elementary paraprofessionals lamented that administrators don’t understand their role, which often makes them feel dispensable.

Figure 26. Percent of paraprofessional by activity.

Activity	% of Time
Student Support (Academic or Behavioral)	58%
Student Instruction	14%
Assigned School Duties	9%
Other*	19%

*Source: Schedule sharing data. *Other includes: Personal lunch, planning/materials preparation, collaboration with colleagues, data collection/management, professional development, paperwork, parent communication, travel between schools/transition time, and over/under reported time.*

The Impact of Limited Training on Supports to Students and Retention

Paraprofessionals provide the greatest benefit to students when they offer health, safety, and behavior support to students coupled with targeted training and opportunities to collaborate with classroom teachers. Multiple groups of paraprofessionals across districts, however, expressed that there is little to no training before their first day on the job. One paraprofessional explained, “there really is no training... you just show up and wing it. If you have a love for children, that helps.” A group of middle school paraprofessionals noted a need for more training on behavior support for students as they are often not invited to those trainings. “The expectation is that the teachers will come back and train us, but they don’t have time for that,” they explained. Paraprofessionals often did not participate in professional development days because they are outside of their contract and are not offered compensation to attend. According to schedule sharing, paraprofessionals spent only 0.1% of their time receiving professional development.

When training was offered to paraprofessionals, it was usually only at the beginning of the year. Ongoing training was often limited and self-directed or directed by the special education teachers. One paraprofessional from a medium-sized district noted that there used to be more training for paraprofessionals. “That’s why I’m good at what I do,” she explained, “but now I have to look for the training opportunities and invite myself.” Paraprofessionals in other districts, however, were not included in staff training, even when they asked to join. “We’re told the schools don’t have the funding for us to attend....it makes me feel behind on my ability to support students.”

As a result, teachers noted that the quality of paraprofessional support was almost completely based on their background and experience before entering the district, not their on-the-job training, which led to a wide range in the quality of the support they offer students. For example, some paraprofessionals were certified teachers while others only had a high school diploma; this has led to wide variation in their effectiveness with students.

A lack of guidance and training often led to high turnover rates among paraprofessionals and inconsistency for students. One district leader noted that their biggest turnover rates were among paraprofessionals. He explained that “there are a core of about 10-15% of paraprofessionals that stick around but the rest of them turn over pretty quickly...usually within every four years.” Unfortunately, there was no reported data on statewide turnover rates for paraprofessionals but conversations with school leaders and staff across all of the districts DMGroup spoke with, echoed similar experiences with high turnover rates among paraprofessionals.

There were a variety of reasons shared to explain short paraprofessional tenures including low pay, feeling undervalued, and experiencing burnout. However, staff and school leaders shared that if paraprofessionals received more training and were given a clearer role in the classroom, they would be inclined to stay in their positions longer. A teacher expanded on the impact of the turnover on students. “We see a lot of paras come and go...which leads to a lot of inconsistency for students.”

What Could Wyoming State Leaders and Districts Do Differently?

The state and districts could consider shifting the responsibilities of paraprofessionals to focus on health, safety, and behavior needs as well as supporting students with severe needs by developing explicit guidelines on paraprofessional responsibilities and by offering additional training opportunities. Moreover, districts could backfill paraprofessional positions with certified staff to better meet the academic needs of students with disabilities.

In order to provide students with content strong teachers, paraprofessionals should decrease their time supporting students on academic topics and narrow their focus appropriately on health, safety, behavior, and severe need supports.

Additionally, the state should encourage districts to offer more training to paraprofessionals by developing and sharing training modules, topics, and



materials with districts to utilize with paraprofessionals. The EB model funds professional development at high levels and can be used to increase training resources and opportunities for paraprofessionals at the district level.

As general education teachers take on more academic intervention, the number of paraprofessionals needed will decrease. Though this recommendation does not suggest letting go of paraprofessional staff in any district, through natural attrition, districts can backfill vacant paraprofessional positions with content strong staff who are best equipped to support student learning. While certified staff are more costly than paraprofessionals, they can provide interventions to slightly larger students groups which is typically more effective than providing one-on-one interventions with a non-certified staff member. As a result, districts will need fewer certified staff to meet the same instructional needs that paraprofessionals were serving. Given the shortage of special education teachers in the state, and particularly in small districts, many of these converted positions are likely to be filled with general education certified staff. This switch can be cost neutral.

How is this better for students?

Paraprofessionals play a critical role in supporting students with disabilities. However, as noted above, overuse of paraprofessional support for academic support can limit students' learning and independence, particularly because paraprofessionals often do not have the certification or training needed to provide best practice academic interventions to students who struggle academically.

- Struggling students benefit more from academic intervention delivered by certified staff with the training and content expertise to accelerate learning.
- If paraprofessionals focused more on health, safety, and behavior supports for students, certified staff would take on more academic intervention for struggling students and students can work more effectively towards independence.
- Refining the role of the paraprofessional and providing targeted training enables them to build expertise in health, safety, and behavior strategies, improving supports for students.

How is this better for staff?

- Defining and clarifying the role of a paraprofessional helps districts and schools target trainings and enables paraprofessionals to build expertise in specific student supports.
- Providing paraprofessionals with a clear role in the classroom and related professional learning, helps professionalize the role and may increase retention and satisfaction.

How is this better financially?

- Wyoming has a state-wide overreliance on paraprofessionals to provide academic support to students. By focusing the role of paraprofessionals on health, safety, behavior, and severe need supports, districts can reduce the need for paraprofessionals.
- The savings from fewer paraprofessionals over time should be invested in more certified staff. This is a cost neutral strategy that yields much better results for the same dollars spent.
- In the long run, closing the achievement gap through more effective services will reduce costs as fewer students will need extra help.



Opportunity #5. Expand the MTSS approach to providing social, emotional, and behavioral supports for students.

Across the country and the state, there are growing levels of student need for social, emotional, and behavioral supports. Larger districts across Wyoming had extensive specialized programs in place for students with severe behavioral challenges, but many of these districts may not have had an effective district-wide approach to social-emotional learning and behavior management to address the more routine needs of many students. Additionally, small districts struggled with providing supports for students with more intensive needs.

In focus groups and interviews, some districts noted having protocols for managing crises and handling students with more severe behavioral needs, but not for behaviors that should be handled in the general education classroom or through short-term interventions. General education teachers often noted struggling with handling behaviors within their classrooms and at times referred to behavior issues as a special education or behavior specialist issue rather than a classroom issue.

Many districts did have programs like Positive Behavioral Interventions and Supports (PBIS), but the implementation and impact were inconsistent across districts and schools.

Best Practice Social-Emotional and Behavioral Systems:

Meeting the social, emotional, and behavioral needs of students requires a holistic and unified approach. There are many roles that are essential in supporting the social-emotional and behavior needs of students but creating a system that ensures students are adequately supported requires coordinating these roles in a cohesive way.

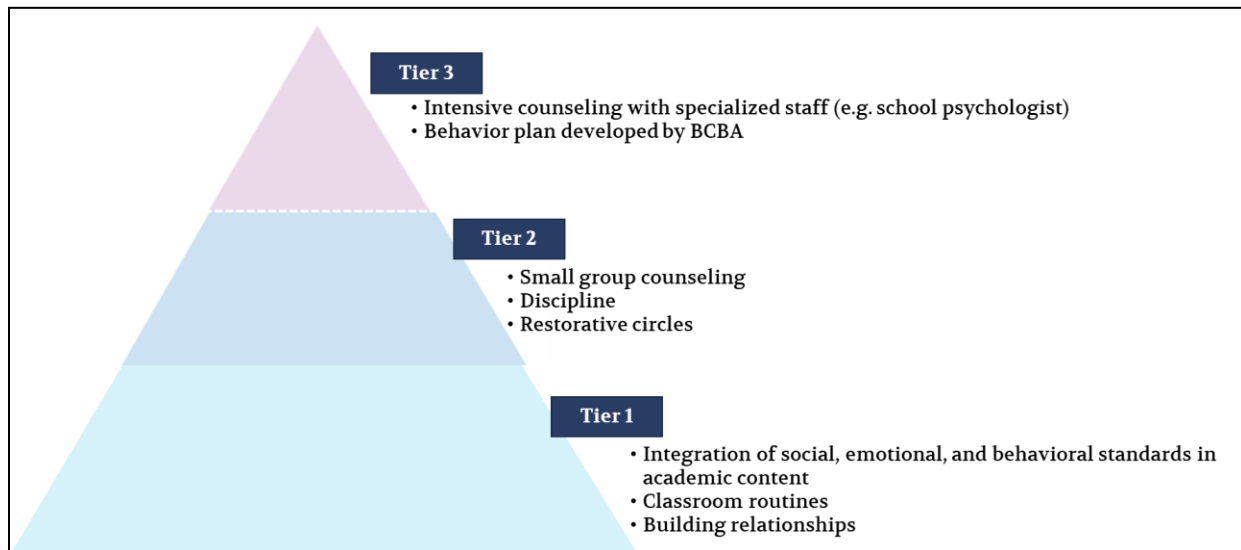
Research has shown that MTSS models (see Opportunity #2) which incorporate both academic and social, emotional and behavioral supports produce larger gains in student outcomes.¹⁶ An MTSS model for behavior is a proactive approach to supporting students' social, emotional, and behavioral needs by equipping classroom staff and students with tools, strategies and interventions.

¹⁶ Hanover Research (2014). Best Practices in Multi-Tiered Support Structures.



Like an academic MTSS model (see Opportunity #2 for academic MTSS), behavioral MTSS models should be tiered. As outlined in Figure 27, a best practice model includes different strategies for each tier of social, emotional, and behavioral support. It is important to ensure that the applied support strategy is matched to the specific tier of the student's social, emotional, and behavioral needs.

Figure 27. A best practice tiered approach to behavior support.



Source: DMGroup.

A high-quality system for behavior support starts with effective whole school and class-wide expectations, routines, positive encouragement, close relationships, and thoughtful student-centered discipline practices. The general education teacher plays a central role in executing behavioral supports in the core classroom by establishing behavioral norms, teaching correct behaviors through practice, monitoring student progress, and correcting and reinforcing behavioral expectations.

It is important to first present students with clear and specific examples of appropriate behavior in order to build a shared understanding of behavioral expectations. Students should also be provided with opportunities to practice the appropriate behavior with positive reinforcement, or redirections if needed. The classroom teacher should model expected behaviors in their classrooms and often have posters and other notices of expectations and protocols around their classrooms. Students should be consistently held accountable for their behaviors. In a classroom that does not have these practices, teachers may have

inconsistent responses to student behaviors or unspecified or unknown protocols for classroom routines and procedures.

Classrooms and schools that have these strong Tier 1 practices and protocols have created a system of prevention based behavioral expectations. This means that the focus and emphasis of behavioral supports is on preventing negative student behaviors and in part as a result reduces the need for resource-heavy Tier 2 and 3 interventions.

In addition to these universal practices, some students with behavioral challenges will need more support. Detailed data can help identify the triggers of problematic behavior and skilled experts can advise both students and teachers how to avoid the triggers, see the indicative warning signs, and develop coping mechanisms.

Behaviors requiring Tier 3 supports are highly disruptive, often dangerous, behaviors that significantly impede learning for students both the students exhibiting the behaviors and their classmates who have their instruction interrupted by frequent outbursts. It is distracting for students and teachers alike. Teachers also report that severe student behaviors contribute to their stress, burnout and leaving the profession.

Students demonstrating these more extreme behaviors typically require intensive, individualized supports from highly skilled or specialized staff. The roles that typically have these skills and training include School Psychologists, Board Certified Behavior Analysts (BCBA), and Behavior Specialists or Technicians. For these students, an individualized behavior plan may be required, with intensive supports and goals laid out.

In many districts, social-emotional and special education staff are assigned very broad roles based on a job title, regardless of their specific strengths, prior training, or expertise. It is difficult to have expertise in all of the skills asked of a special educator or school psychologist. It is more likely that staff may have expertise in one or two of the areas they are asked to do each day.

When possible, staff responsibilities and their use of time should be assigned based on their strengths and skills rather than their titles. This is paramount for staff with mental health and behavioral expertise, as they are the most appropriate staff to support students with more severe social, emotional, and behavioral needs. Schedules for staff with this expertise and training should be

optimized to allow them to spend as much time as possible supporting students on their behavior.

For example, school psychologists are often assigned to a number of different responsibilities, including coordinating IEPs, conducting evaluations for IEPs and 504s, providing counseling, and being behavioral experts. However, some psychologists may be experts in conducting evaluations and coordinating IEPs, while others may be behavioral and counseling experts. Rather than having all psychologists performing all of these responsibilities, district should instead assign responsibilities to psychologists based on their expertise.

Across the nation, there is an increase in the need for, and national shortage of, school psychologists¹⁷ and an increased demand for Behavior Analysts (BCBAs).¹⁸

The Challenge in Wyoming:

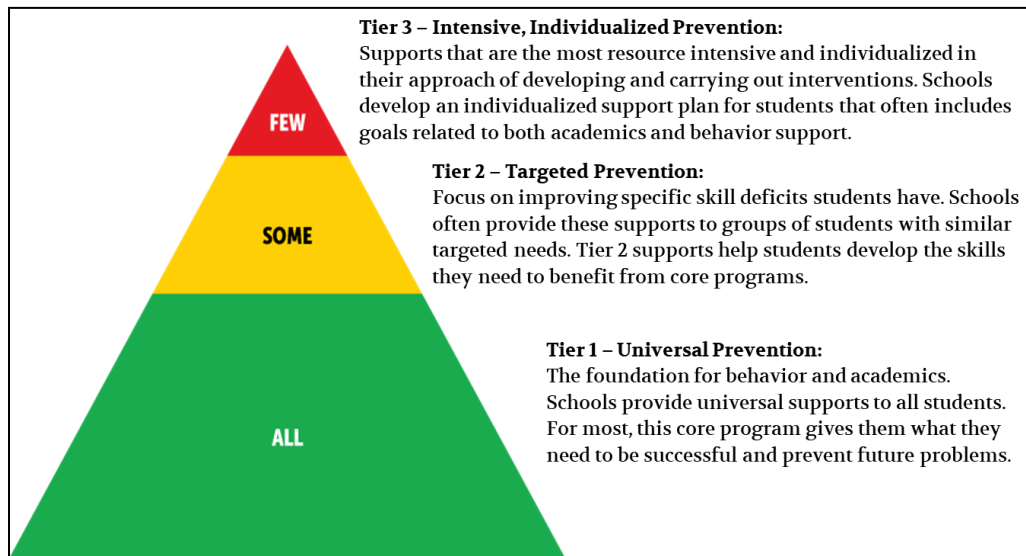
WDE's guidance on behavioral MTSS was aligned with these best practices. Included in their guidance was PBIS, an evidence-based tiered approach to supporting student data. Figure 28 demonstrates PBIS' guidance for schools and staff to support students. Tier 1 supports are universal prevention for all students. Tier 2 supports are targeted prevention, often provided to groups of students to improve specific skill gaps. Tier 3 supports are intensive, individualized, prevention focused that are both resource intensive and developed to support an individual student's goals based on their unique needs.

¹⁷ National Association of School Psychologists (<https://www.nasponline.org/research-and-policy/policy-priorities/critical-policy-issues/shortage-of-school-psychologists>)

¹⁸ Behavior Analyst Certification Board, US Employment Demand for Behavior Analysts (https://www.bacb.com/wp-content/uploads/2020/05/US-Employment-Demand-for-Behavior-Analysts_2019.pdf)



Figure 28. PBIS guidance for schools and staff to support students at all tiers.



Source: PBIS.

Overall, medium and large districts across Wyoming struggled more with Tier 1 and 2 social, emotional, and behavioral approaches, as they had strong intensive programs for students with Tier 3 needs. In small districts, the big challenge was in providing intensive Tier 3 supports, as programs and specialized staff were harder to source in these districts. Small districts should consider a regional approach to solving this challenge, as outlined in Opportunity #8.

Most districts DMGroup met with used PBIS or an adaptation of it as their behavioral MTSS system. However, participants in focus groups across medium and large districts noted that implementation of PBIS was often inconsistent between schools and districts. Most teachers did not learn all of the protocols and procedures for an MTSS behavioral system in school. There is a growing need for these systems and teachers across the state and country increasingly overwhelmed by the lack of training and support for classroom behavioral supports.

Staff and administrators in a few districts noted that this inconsistency or lack of implementation may be due to insufficient training. One teacher in a focus group articulated this challenge, “We were supposed to all be trained on PBIS, but not everyone got the training and so it has not been applied consistently. Teachers aren’t on the same page across our school.” An administrator in another district said, “We have MTSS for academic (RTI) and behavior (PBIS), but

we're much more haphazard on the PBIS side. Secondary schools don't even have PBIS in place."

In an observation of a large district, DMGroup observers visited multiple elementary schools. In one school, the PBIS culture was obvious throughout the hallways and classrooms. This included clear expectations around the school, incentives for positive behaviors, and consistent protocols in classrooms. Administrators at this school noted that behavior isn't a significant issue throughout the school.

However, in another elementary school within the same district, administrators and teachers said that student behavior was one of the prevailing challenges for staff. At this school, while PBIS was in place, many of the key schoolwide components were unclear or not observed throughout the building.

Additionally, across the medium and large districts DMGroup studied, many general education teachers said they did not always feel equipped to handle behavior challenges in their classrooms, which may exacerbate the need for specialized behavior programs in these districts. In one district, the special education teachers noted that behavior issues are often viewed as "special education issues" because classroom teachers did not have the training to handle these issues in their classrooms. "Behavior issues overshadow academic issues because teachers don't have the training and preparation necessary to handle them," one administrator said.

In another district, an administrator noted, "All of our teachers are struggling with classroom management. Everyone wants to know how to help students with behavior issues, but don't always know what the next step is so they look to special education to step in for students with persistent challenges."

This push from districts to get students into Tier 3 programs and interventions was eased by the 100% reimbursement model. In most districts outside Wyoming, schools complain greatly about a shortage of Tier 3 programs. This was not the case in medium and large districts in Wyoming. The programs available were great for students across these districts, but a better solution for some students, as well as the budget, is effective, prevention-focused Tier 1 and 2 interventions and supports.

In schedule sharing, social workers, school counselors, and psychologists in large and medium districts reported spending most of their time directly

supporting students. Of their time with students, all of these roles reported spending only about 10% of their time on student behavior.

Figure 29 shows a breakdown of social worker time in medium and large districts. Across the state, social workers spent almost half of their time on counseling and student instruction and support. They spent nearly the same amount of time on administrative support (37%), such as case management, as they do on counseling (40%).

Figure 29. Breakdown of social worker time in medium and large districts.

Activity	% of Time		
	Medium Districts	Large Districts	WY State Average
Counseling*	38%	42%	40%
Administrative Support**	38%	35%	37%
Student Instruction and Support***	6%	10%	8%
Other****	18%	13%	15%

*Source: Schedule sharing data. *Counseling includes: 1:1 and small group counseling for students with and without IEP/504s. **Administrative Support includes: IEP responsibilities (case management, IEP writing, meetings, testing, and paperwork), planning/materials preparation, collaboration with colleagues, parent communication, paraprofessional supervision, paperwork (other IEP/504), professional development, and 504 responsibilities. ***Student Instruction and Support includes: student instruction and crisis intervention. ****Other includes: Attend meetings (other than IEP/504), personal lunch, planning/materials preparation, professional development, travel between schools/transition time, assigned school duties, and over/under reported time.*

Figure 30 shows a breakdown of school counselor time in medium and large districts. School counselors spent a little more than half of their time on counseling and student instruction and support. However, they spent more time on administrative support (42%), such as case management, than they do on counseling (40%).

Figure 30. Breakdown of school counselor time in medium and large districts.

Activity	% of Time		
	Medium Districts	Large Districts	WY State Average
Counseling*	42%	38%	40%
Administrative Support**	47%	38%	42%
Student Instruction and Support***	9%	14%	12%
Other****	2%	10%	6%

Source: Schedule sharing data. *Counseling includes: 1:1 and small group counseling for students with and without IEP/504s. **Administrative Support includes: IEP responsibilities (case management, IEP writing, meetings, testing, and paperwork), planning/materials preparation, collaboration with colleagues, parent communication, paraprofessional supervision, paperwork (other IEP/504), professional development, and 504 responsibilities. ***Student Instruction and Support includes: student instruction and crisis intervention. ****Other includes: Attend meetings (other than IEP/504), personal lunch, planning/materials preparation, professional development, travel between schools/transition time, assigned school duties, and over/under reported time.

Figure 31 shows a breakdown of school psychologist time in medium and large districts. These highly trained and specialized staff spent over 80% of their time on administrative support, such as IEP responsibilities. While this is typical for this role, it limits the amount of time psychologists have available to support students. School psychologists spent on average about 10% of their time counseling and supporting students.

Figure 31. Breakdown of school psychologist time in medium and large districts.

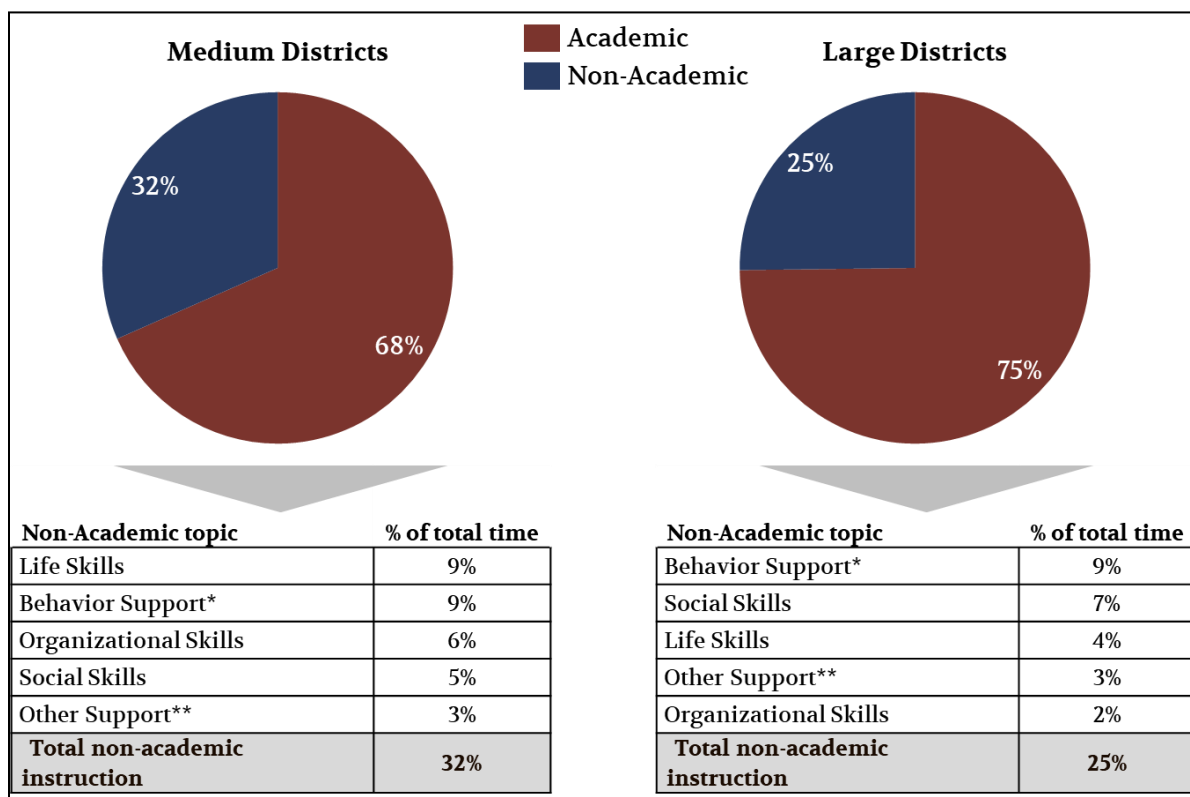
Activity	% of Time		
	Medium Districts	Large Districts	WY State Average
Counseling*	14%	3%	8%
Administrative Support**	79%	94%	86%
Student Instruction and Support***	4%	3%	4%
Other****	3%	0%	2%

Source: Schedule sharing data. *Counseling includes: 1:1 and small group counseling for students with and without IEP/504s. **Administrative Support includes: IEP responsibilities (case management, IEP writing, meetings, testing, and paperwork), planning/materials preparation, collaboration with colleagues, parent communication, paraprofessional supervision, paperwork (other IEP/504), professional development, and 504 responsibilities. ***Student Instruction and Support includes: student instruction and crisis intervention. ****Other includes: Attend meetings (other than IEP/504),

personal lunch, planning/materials preparation, professional development, travel between schools/transition time, assigned school duties, and over/under reported time.

As outlined in Figure 32, special education teachers in medium and large districts also reported about 10% of their time with students on behavior support. While these staff members did spend a large portion of their time directly supporting students, unless it is providing classroom and schoolwide supports to prevent behaviors, they did not provide many Tier 1 supports for students.

Figure 32. Special education teacher time spent on non-academic topics in medium and large districts.



Source: Schedule sharing data. *Behavior support includes: support in crisis and support that is not due to crisis. **Other support includes: Specials (Art, Music, PE), personal hygiene, related services, and physical accommodations.

Because no one role noted spending a large portion of their time on behavior, this may indicate that the responsibilities for handling student behaviors were spread across a great many people, with no individual person or specific role concentrating on the behavior issues.

The EB model provides significant resources for schoolwide social emotional and behavioral supports, and these should be used to effectively implement

preventative services to ensure that resource-heavy programming is not required for as many students. Ultimately, districts will save money on intensive programs, services, and staff by investing in prevention-based behavior programs. Students and teachers benefit as well.

How Can Medium and Large Districts in Wyoming Improve their Social, Emotional, and Behavioral Practices?

While WDE already has systems of supporting students with social, emotional, and behavioral needs, districts and the state can consider refining their training and supports around implementation of a tiered system of behavior support or PBIS. Districts should establish a menu of options for Tier 1 and 2 interventions to proactively support student behaviors within the general education classroom. These may include existing strategies that are deployed in schools or grades with pockets of success or strategies published by WDE and PBIS themselves. Districts should consider developing a social-emotional learning curriculum that is integrated into classroom instruction.

With these strategies, districts should work to ensure that all staff, especially all classroom teachers, are trained in the behavioral systems of support and understand their role in implementing this system and supporting students with behavioral needs. The EB and Legislative Funding models have resources for training and professional development; these funds could be used to train all staff in PBIS and behavior supports.

Districts may also invest in PBIS and MTSS coaches using resources from the EB model. Some of these coaches can focus on academics while others should focus on classroom behavior management. Coaches can provide on-the-job training and feedback to staff in implementing Tier 1 and 2 behavior interventions and PBIS systems.

Additionally, for districts to proactively meet the social-emotional and behavior needs of their students, there has to be an understanding of how all the social-emotional and behavioral staff will create a cohesive system to meet these needs. Districts should consider establishing clear roles and responsibilities for handling student behavioral challenges to align these supports to the systematic approach to student behaviors, either through PBIS or a similar model. This requires reviewing the existing roles and setting guidelines for which staff support what types of needs in their schools. With these aligned roles, training



should be provided to all staff how they are a part of this larger system of supports.

How is this better for students?

A systemic approach to social-emotional and behavioral supports for students ultimately improves student support:

- With a Tier 1 social-emotional curriculum and a menu of options for Tier 2, all students could have better social-emotional development and more students would have their needs met within the general education classroom. This should reduce the number of students who are excluded from core instruction and improve students' abilities to learn in these settings, ultimately leading to greater academic success for these students.

How is this better for staff?

By providing more and better training to staff, as well as clarifying the roles and responsibilities of different staff members within the larger system of support, the staff experience should improve:

- Staff would have greater clarity about their role in supporting students with social-emotional and behavioral challenges, both within and outside of the classroom.
- Staff would have better training on how to support students with behavioral challenges. Therefore, staff would be better equipped to handle behavioral issues when they occurred and proactively prevent them from happening in their classroom and ultimately teacher burnout could be reduced.
- Staff could access high quality coaches in behavior and PBIS to better support students in their classrooms.

Is this more cost effective for districts and the state?

Yes, ultimately a systemic approach to social-emotional and behavioral supports for students is a more cost-effective approach to supporting students with behavioral needs. Ultimately, by improving Tier 1 and Tier 2 approaches to behavior, the need for intensive, costly Tier 3 interventions and programs can be reduced.

Opportunity #6. Consider statewide strategies for recruiting, retaining, and training highly qualified special education staff.

The Challenge with Recruiting in Wyoming:

Administrators and educators from across almost all district, regardless of size, noted that recruiting and retaining highly qualified special education staff was one of their biggest challenges. This challenge is not unique to Wyoming, as across the nation there is a shortage of special education teachers, speech and language pathologists, school psychologists, and other special education providers.¹⁹

However, the challenge in Wyoming has been exacerbated by the rural nature of the state and the limited number of in-state accreditation and teacher training programs. The United States Department of Education (ED) reported a shortage of all special education disciplines and grades for the 2018-19, 2019-20, and 2020-21 school years across Wyoming.²⁰

In conversations with state and district leaders and practitioners, the roles that were most discussed as tough to recruit were special education teachers, school psychologists, speech pathologists, occupational therapists, and physical therapists.

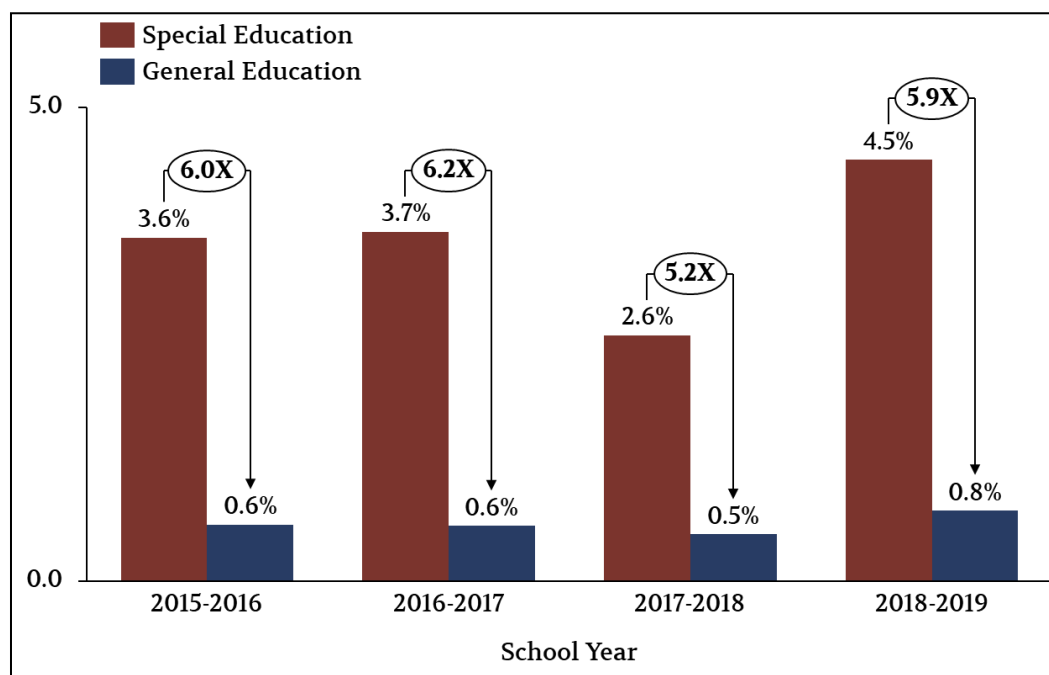
These challenges have resulted in a few issues for districts. First, many districts expressed having a high number of exception authorizations for special education teachers pursuing certification as they work with students. This often happens when districts are unable to find qualified and certified candidates.

On average, as shown in Figure 33, districts across Wyoming had about six times as many special educators on certification waivers than general educators. While few small districts utilize certification waivers for the 2018-19 school year, some districts had as many as 20% of special education teachers on certification waivers.

¹⁹ National Coalition on Personnel Shortages in Special Education and Related Services. <https://specialedshortages.org/about-the-shortage/>

²⁰ US Department of Education Teacher Shortage Area Reports. <https://tsa.ed.gov/>

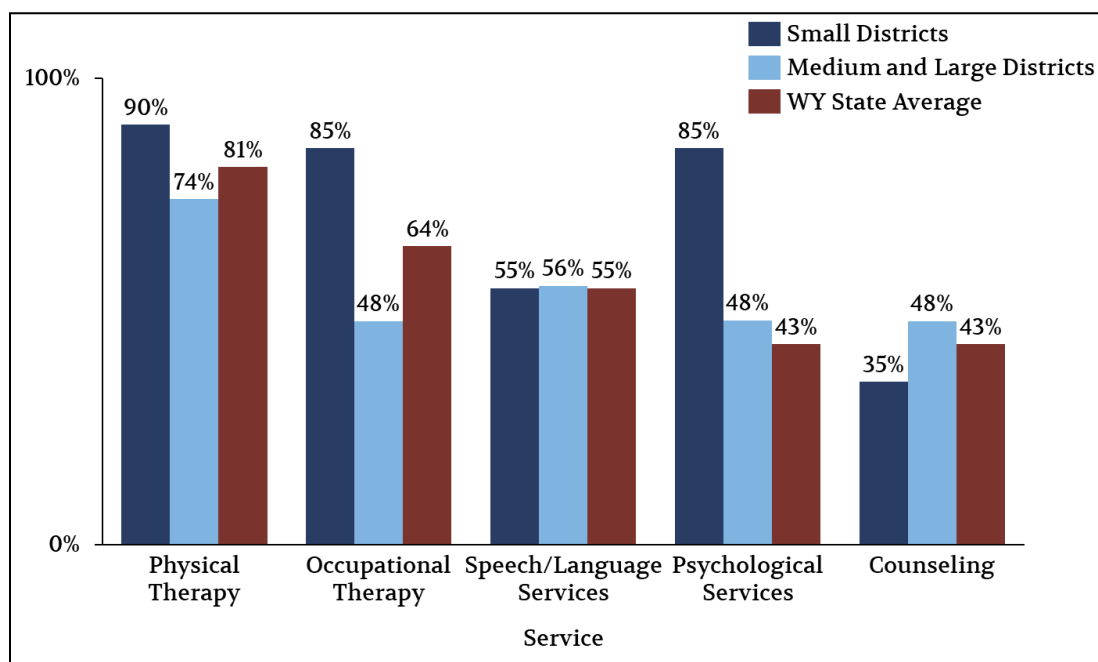
Figure 33. Percent of teachers on certification waivers.



Source: WDE teacher certification exception data.

Additionally, districts across Wyoming contracted out services from external providers to fill the voids of positions that were difficult to recruit for or when there was a need for less than a full-time employee. One hundred percent of districts that provided data on contracted services reported contracting out for multiple services for students with disabilities. As shown in Figure 34, most commonly, districts reported contracting out for physical therapy (81%), occupational therapy (64%), speech/language services (55%), psychological services (43%), and counseling (43%). In general, small districts were more likely to contract out services than medium and large districts.

Figure 34. Percent of Wyoming districts that contract out services.



Source: District provided contracted service data.

While contracting out ensures students receive their needed services, it is often expensive for districts and does not provide the flexibility for districts to thoughtfully schedule these services around student core class schedules. These challenges were raised by many in the districts DMGroup spoke with; one district administrator said, “[Contracted services] don’t always go smoothly. We’d like to shift towards more [services from] employees as opposed to contractors.” A practitioner in another district noted, “I wish the [service provider] was in the district more than just their contracted days, we’d be able to better schedule services around student schedules.”

The Challenge of Retaining and Training Special Educators:

Additionally, many districts noted that there is higher burnout in the role of special education teacher. Special education teachers had many duties on their plates; in many districts special educators were expected to be experts in student instruction in multiple content areas and grades, as well as behavioral experts, IEP compliance specialists, supports for general education staff members, and parent liaisons. While Wyoming has maintained reasonable caseloads in attempts to retain staff members, many special education teachers expressed frustration with the number of responsibilities on their plates, and attribute this to the higher turnover in this role.

One special education teacher said, “I would like to have more defined roles as a special education teacher... I wear two hats, classroom teacher and case manager. However, there is no time built in our days to do the case manager parts, this is all done on top of the PLC’s and classroom [teacher] responsibilities.”

This frustration with the role is so strong in many places that special education teachers often tried to move to general education positions when they opened up. However, in one large district, special education teachers expressed that this is nearly impossible, “I feel like I’m stuck, I’ve been trying to move into a general education role for a few years. But we have unfilled special education positions, so I’m forced to stay here... It’s causing burnout for those of us in the role.”

These challenges have led to higher turnover rates in special education teachers. Nationally, special education teachers have a 46% higher predicted turnover rate than elementary school teachers.²¹ Although Wyoming does not report data on teacher attrition, anecdotally, state and district administrators across the state noted a higher turnover in special education staff than general education staff.

High turnover in special education roles has added challenges to building a consistent knowledge base and application of practices, including MTSS, co-teaching, behavioral supports, or the special education identification and referral process. This has held true in one district where an administrator said, “MTSS has been challenging for us because it’s hard to build the knowledge base over time when there is a lot of teacher turnover,” and a practitioner noted, “The turnover of special education teachers has made it hard to work as a cohesive team.”

In another district, teachers and administrators expressed how special education teacher burnout and turnover has created challenges with effectively implementing co-teaching, as that practice requires relationship building between teachers and extensive training that they cannot offer every year.

Further, focus group and interview participants shared that the ongoing training of special education staff is at times limited and that the preparation programs in the state are often insufficient. This may be in part due to the shift in University of Wyoming’s program for special education certification. This challenge only exacerbated these issues of recruiting and retaining highly qualified special education staff.

²¹ Learning Policy Institute. Teacher Turnover: Why It Matters and What We Can Do About It (2017).

The Acute Challenge in Small Districts:

While recruiting and hiring special education staff is challenging across Wyoming, this challenge was acutely felt in small, rural districts across the state. In these districts, finding staff members to fit specialized roles has been made more difficult by the lack of proximity to cities and universities that produce and train them.

In general, small districts had to contract out for more services than larger districts (see Figure 34) and had up to 20% of special education teachers on certification waivers in some districts. In one district, there was a vacancy for a Speech Pathologist for over two years before they got a qualified candidate. This meant that the district had to pay for contracted services despite having the need for a full-time person in the position. The added challenge for this rural community came when the district (and thus the state through the reimbursement program) had to pay not only for the time in service with students but also for the travel time to these rural communities, many of which are hours from the nearest city.

In many small districts, this challenge caused many practitioners to wear many different hats to fill the needs that existed in their schools. This could include a district administrator also acting as a school-based practitioner or a special education teacher who is shared across multiple buildings, grades, and subject areas. This makes doing any one role well especially challenging for folks in these positions. In one district DMGroup spoke with, a single special education teacher “worked with 6 different grades and multiple content areas. It’s hard to do that well.”

What Could Wyoming Do Differently to Help with These Challenges?

There are several strategies Wyoming can launch to improve the recruitment, retention, and training of highly qualified special education staff.

Change funding and certification requirements

First, Wyoming could change the funding and certification requirements so that general education staff could more easily deliver instruction for students with disabilities. Expanding the role of general education staff to deliver primary and intervention instruction to students with mild and moderate disabilities reduces the need for special education teachers across the state and helps mitigate the need for certification waivers for special education staff. More information on this can be found in the funding review section.



Expand guidance on grow your own programs

WDE could provide more guidance and support on how to “grow your own” programs to identify high quality paraprofessionals, general education teachers, and/or high school students to become special education staff in hard-to-recruit positions. Already, many districts utilized grow your own programs and pathways with success. In these programs, districts pay for the schooling of staff members (e.g. paraprofessional, general education teacher) in exchange for a commitment of staying in the district for three years. Typically, a district identifies staff members who have potential to be successful in a future role and provide the resources for that staff member to get the necessary training and certification. In one district, this process was used to grow paraprofessionals into certified teachers, including certified special education teachers. In another district, this process was used to grow a speech and language pathologist, a position that was nearly impossible to recruit for in that community.

Districts should continue using thoughtful strategies, including reviewing student data, reviewing staff evaluations, and questioning during interviews, to identify staff with high potential for success in special education and specialized roles and provide opportunities for the growth and development of those staff members. WDE can provide more resources and supports for districts in establishing these grow your own programs and guidance for ensuring these programs are successful and effective.

Differentiate pay for special educators

Additionally, the state can support districts in differentiating the pay for special education teachers, related service providers (psychologists, speech/language pathologists, occupational therapists, and physical therapists), and other hard to fill positions. In some districts, related service providers were in a different bargaining unit than certified teachers, making their pay more competitive with surrounding communities, a strategy that has worked with some success. If the state supports districts in differentiating the pay for more positions, the special education roles may be more desirable, creating incentives for staff to become special education certified.

Consider regional approaches to recruiting and hiring

Districts and the state could consider using regional approaches to recruiting and hiring staff members in hard to fill roles. Using regional non-profit organizations and other external parties, the recruiting and hiring process can be moved from districts to a new entity. These organizations can use

compensation strategies that will grow the pool of candidates, such as higher base pay and less costly benefits.

In smaller and more rural communities, using these regional approaches, including pooling resources together to hire full-time staff, can help with tough-to-fill positions and positions where there isn't a need for a full-time employee. For example, if two districts in the southwest region of Wyoming need part time speech pathologists, they can hire one person and split their time across the districts. Full time positions are usually easier to fill than part time positions.

Collaborative organizations, including a Board of Cooperative Education Services (BOCES), could help by hiring a pool of qualified professionals in specific hard-to-find positions for these smaller and more rural communities. According to Wyoming statute, the purpose of BOCES includes “provide a method whereby school districts and community college districts or any combination may work together and cooperate to provide educational services, including... services for children with disabilities, when the services can be more effectively provided through a cooperative effort.”²² BOCES could be utilized to help recruit and hire staff in specialized roles that can be shared across multiple districts. Some BOCES already do this with psychologists and other related service roles, but their role in recruiting and hiring these staff members could be expanded to support more school districts.

Expand recruiting strategies outside of the state

Additionally, districts across Wyoming can expand their recruiting strategies outside of Wyoming. By recruiting from the surrounding states, especially at the state's flagship universities, Wyoming can expand their pool of special education staff members and can recruit staff who have a variety of different educational backgrounds. This approach lends itself to regional efforts to share the cost of out of state recruiting and interviewing.

Align University of Wyoming's teacher preparation to state needs

Finally, WDE and the Wyoming Legislature can ensure that there is alignment between the University of Wyoming's teacher preparation programs and the needs of schools and districts around the state. As noted earlier, many practitioners and administrators felt that University of Wyoming's program was not fully preparing staff for the demands in their schools and districts. The state

²² Wyoming Statute 21-20-102



can review and re-align the program to train staff for the roles they will take on in schools.

How is this better for students?

The challenge of recruiting, retaining, and training special education staff members is critical for the success of students.

- By establishing and expanding strategies to recruit special education staff, students will have access to more services from certified and trained staff members.
- By creating better systems to retain and train special education staff, students will have access to experienced staff with specialized expertise in the areas of support, ultimately improving services for students.

How is this better for staff?

Special education staff are experiencing burnout and high turnover in special education positions. Through these strategies for recruiting and retaining staff, staff have access to better pay, more training, and opportunities for growth.

Is this more cost effective for districts and the state?

There are a few ways that taking these approaches is more cost-effective for districts and the state:

- Through taking regional approaches to recruiting and hiring specialized special education staff, districts can save money on contracted services. Instead of paying the premium for a part time contracted speech pathologist, districts can split the cost of a full-time employee with a neighboring district. Alternatively, by utilizing regional collaboratives, districts can pay a less-expensive fee for their contracted service and invest less time and money in recruiting for these positions.
- Though grow your own pathways are at times costly for schools and districts, ultimately, they are no more expensive than the investment in recruiting and competing for a limited number of staff in roles that are hard to recruit and hire for.
- Expanding the reach of general educators in supporting students with disabilities is ultimately more cost-effective. It both reduces the cost of recruiting staff and reduces the need for specialized positions.

Opportunity #7. Reduce the administrative duties (e.g. paperwork, meetings) for special education teachers through process mapping, utilizing the case management model, and allowing them to play to their strengths.

In focus groups, interviews, and schedule sharing, special education teachers in many districts across Wyoming noted one of the most challenging aspects of their role is the paperwork and administrative duties on their plates. Special education teachers were often held responsible not only for providing direct service to students, but also for managing IEPs, designing differentiating lessons and curricula, collaborating with general education teachers, liaising with parents, and coordinating student supports.

In all districts across the state, special education teachers reported spending almost 30% of their time on paperwork and administrative duties (see Figure 35). Paperwork and administrative duties include IEP responsibilities, materials preparation, collaboration with colleagues, attending meetings, parent communication, paraprofessional supervision, paperwork, professional development, and 504 responsibilities. This percent was consistent among districts of medium and large sizes. Considering the total cost of special education teachers across the state was about \$91,000,000, the total cost of time on paperwork and administrative duties was about \$27,000,000.

Figure 35. Breakdown of special education teacher time across medium and large districts in Wyoming.

Activity	% of Time		
	Medium Districts	Large Districts	WY State Average
IEP Related Responsibilities*	10%	9%	9%
Administrative Support**	18%	16%	17%
Student Instruction and Support	65%	67%	66%
Other***	7%	8%	8%

Source: Schedule sharing data. *IEP Related Responsibilities includes: Case management, IEP writing, meetings, testing, and paperwork. **Administrative Support includes: planning/materials preparation, collaboration with colleagues, parent communication, paraprofessional supervision, paperwork (other IEP/504), professional development, and 504 responsibilities. ***Other includes: Attend meetings (other than IEP/504), personal lunch, planning/materials preparation, professional development, travel between schools/transition time, assigned school duties, and over/under reported time.

Special education teachers in focus groups and interviews attributed staff burnout and turnover in special education teachers to the many responsibilities on their plate.

Best Practice: How Have Other Districts Handled This Challenge?

Specialized Special Education Teachers & Case Management Model

The challenges of juggling the many responsibilities of being a special education teacher is not unique to districts in Wyoming. Across the country, there are higher turnover rates of special education teachers²³ and research cites role conflict, role ambiguity, and administrative duties as some of the largest factors why special educators leave the field.²⁴

One way that districts across the country have addressed this challenge is by allowing teachers to identify their areas of strength and interests. Districts can then move towards specializing the deployment of special education teachers to their desired content area or responsibility. In general, there are four ways a special education teacher's role may be specialized: content-specific expertise, pedagogical expertise for struggling students, social-emotional expertise, and case management expertise.

- 1. Content-specific expertise:** Primarily responsible for delivering instruction in their area of expertise, making use of best-practice instructional strategies to help students reach grade-level mastery.
- 2. Pedagogical expertise:** Support to general education teachers in helping to accommodate the needs of students with disabilities, ensuring that teachers use scaffolding, differentiation, chunking, and other strategies to meet students' needs.
- 3. Social-emotional expertise:** Work with students on self-monitoring strategies to bring behavioral or emotional challenges under control, rather than simply managing outbursts.
- 4. Case management expertise:** Focus solely on case management responsibilities in order to free up time for other special education teachers to maximize the amount of time they are serving students.

²³ Learning Policy Institute. Teacher Turnover: Why It Matters and What We Can Do About It (2017).

²⁴ Brunsting, Sreckovic, & Lane (2014). Special Education Teacher Burnout: A Synthesis of Research from 1979 to 2013.



Using a model that allows special education teachers to focus on one or two of these distinct roles allows for special education teachers to play to their strengths and to enhance the effectiveness of each role. This strategy allows for a better delineation of roles and responsibilities. As a result, special education staff would spend more time working directly with students, provide better and more individualized services to students, and create higher quality and more compliant IEPs. Further, allowing special education teachers to specialize and play to their strengths creates better services for students and streamlines their responsibilities.

In medium and large districts across Wyoming, some districts already utilized a case management model, in which special education teachers and case managers functioned in separate roles. Case managers generally handled more of the management, coordination, and compliance of IEPs and were meant to free up time for other special education teachers to work directly with students. In medium and large districts, case managers who participated in schedule sharing reported spending about 60% of their time on IEP related responsibilities and 20% of their time collaborating with colleagues or communicating with parents (see Figure 36).

Figure 36. Breakdown of case manager time.

Activity	% of Time
IEP Related Responsibilities*	61%
Administrative Support**	20%
Student Instruction and Support	3%
Other***	16%

*Source: Schedule sharing data. *IEP Related Responsibilities includes: Case management, IEP writing, meetings, testing, and paperwork. **Administrative Support includes: Collaboration with colleagues and parent communication. ***Other includes: Attend meetings (other than IEP/504), personal lunch, planning/materials preparation, professional development, travel between schools/transition time, assigned school duties, and over/under reported time.*

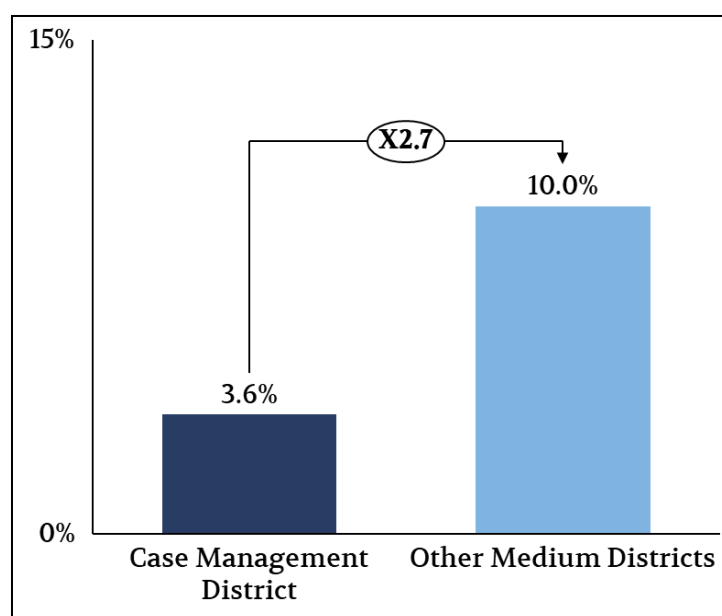
Districts that did use this model noted in focus groups and interviews many of the benefits of this model. One special education teacher articulated the benefits of this model for her district, “In [my previous district], we spent about half of our time setting up meetings and managing IEPs. Here, when you have a high-

quality case manager running the nuts and bolts of the IEP process and that makes your life so much better.” Another teacher in this same district said, “Case managers can check IEPs and documentation to ensure we’re following the law. [They’re role] helps tremendously in meeting kid’s needs.”

Staff in medium and large districts that did not use case managers generally expressed a desire to switch to this model. One special education teacher in one of these districts said, “I am responsible for being a case manager, a special education teacher, and a curriculum modifier. My role would be much better if we could separate the case management out.” In another district, a teacher wrote in feedback on schedule sharing, “I’d like to find a way to have less paperwork required for IEPs, testing and liability. This would allow more time to work with students.”

This was reflected in schedule sharing as well. Special education teachers in one medium size district with a case management model spent about a third of the time on IEP related responsibilities than their peers in other medium sized districts (see Figure 37). This additional time spent on IEP responsibilities can often take away time that these teachers would have spent supporting their students and preparing materials.

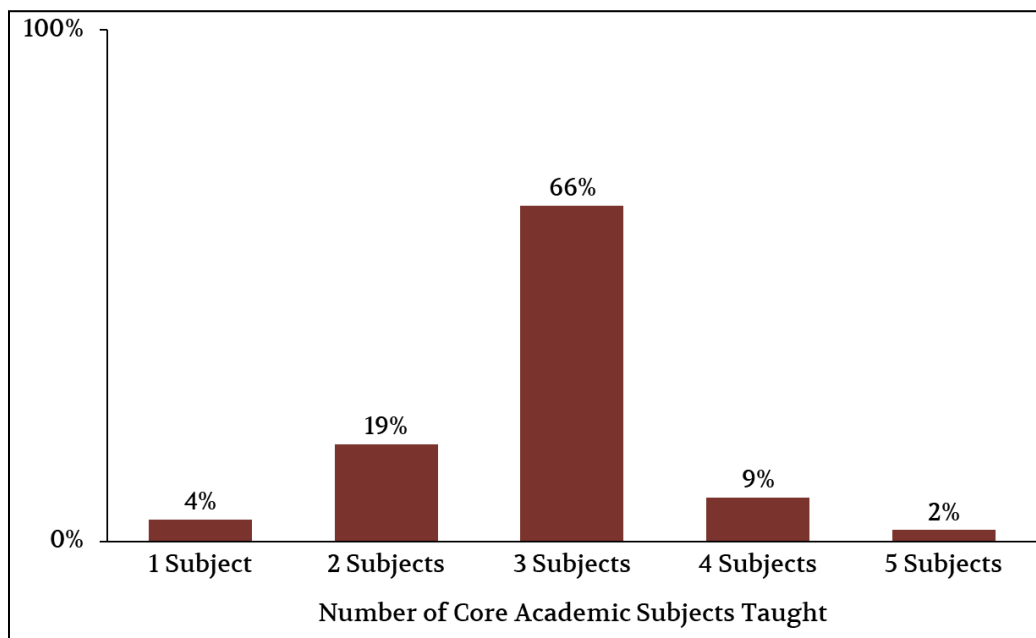
Figure 37. Comparison of the percent of special education teacher time on IEP related responsibilities in a case management district and other districts.



Source: Schedule sharing data.

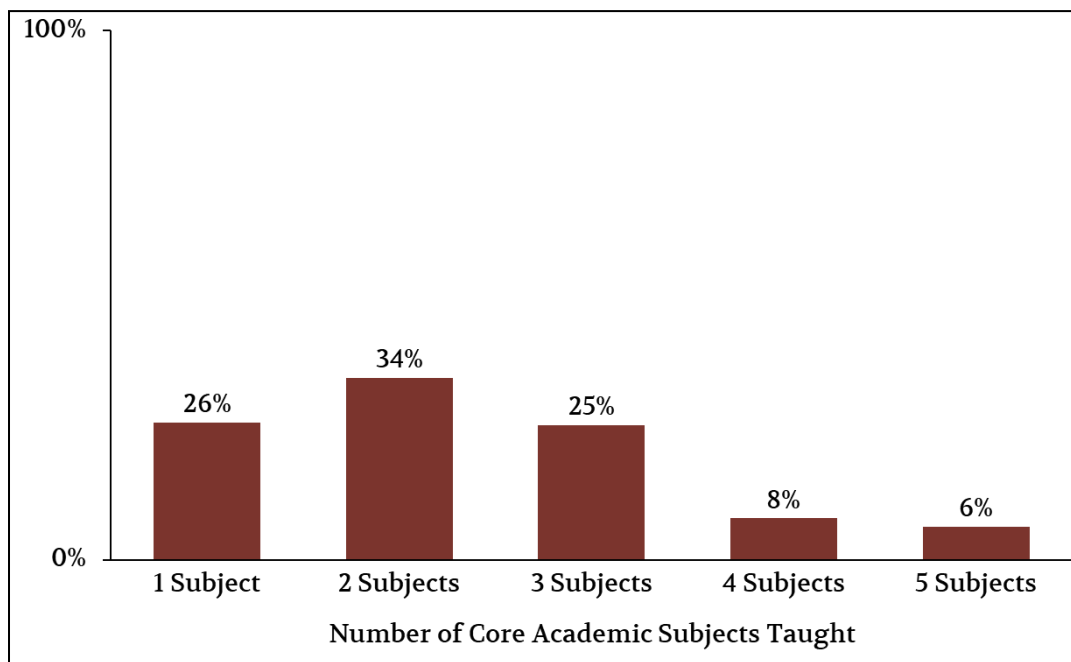
Additionally, many districts across Wyoming did not specialize special education teachers by content area. As a result, most special education teachers provided instruction in multiple subject areas, adding to their workloads and responsibilities, and potentially limiting the impact they can have on students. Data from schedule sharing indicated that a majority of special education teachers (62%) taught three or more core subjects (reading, writing, math, social studies, science). This was more pronounced at the elementary level (see Figure 38) than at the secondary level (see Figure 39) but was true for a majority of teachers at both levels. Teaching multiple subjects can add to the amount of preparation and planning required, while also reducing the likelihood that the teacher will have content expertise in all the subjects they teach and thus less effectiveness with students. Having content expertise becomes even more essential given that content becomes more complex at the secondary level.

Figure 38. Percent of elementary special education teacher teaching multiple core academic subjects.



Source: Schedule sharing data.

Figure 39. Percent of secondary special education teacher teaching multiple core academic subjects.



Source: Schedule sharing data.

By deploying special education teachers based on content expertise, staff can “play to their strengths” and reduce their paperwork and preparatory duties. This practice is also better for student instruction.

Process Mapping to Reduce Administrative Duties

Another solution schools and districts can take to reduce the administrative duties of special education teachers, even without a case management model, is called process mapping. This includes thoughtful guidance on how staff use their time and streamlining the paperwork and meeting portion of their work. Districts can increase staff time with students by taking a deeper look at the most time-consuming aspects of their role. Process mapping involves listing the steps of a large task (e.g. Annual IEP Meetings), detailing the most time-consuming elements, and listing who is involved in each step and how it is done. Then, districts should question each step to answer some key questions:

1. **Who is in the room:** Are there meetings some staff members do not need to attend, can attend occasionally, or can attend only for part?

2. **Process efficiency:** Are there steps in the process that can be eliminated, streamlined, or occasionally skipped? Are there steps that certain staff members are better at?
3. **Dispel myths:** What myths or historical practices are guiding parts of this process?

Through this process, districts can update, adjust, and streamline processes for special education teachers to reduce their administrative duties. Additionally, in many districts, this process helps offload administrative tasks like scheduling meetings and logistics to clerical or noncertified staff members. Some districts have reduced paperwork and meetings by 20% or more through process mapping. A 20% reduction in meetings and paperwork would free up about 6% of special education teacher time, or about \$5,000,000 of teacher time.

Across Wyoming, these aspects of the role were consistently noted as one of the biggest challenges for special education teachers. One teacher wrote in schedule sharing, “[I struggle] to keep up with the drowning amount of never-ending required paperwork” when asked what they would change about their role to better support students.

During a focus group, a principal in one district noted, “[special education teachers experience] death by paperwork. They are doing the best they can but there is too much paperwork that goes with the role. It’s become a hurdle and an obstacle for what’s best for kids.”

How Could Wyoming Districts Apply These Practices?

Across Wyoming, districts can apply both of these practices to reduce the administrative and paperwork duties of special education teachers. When possible, districts can utilize a case management model in which most special education teachers focus on providing services for students while other teachers are case managers, responsible for IEP coordination, writing, and compliance. Additionally, districts can specialize the responsibilities of staff members providing services to students based on their specific instructional expertise. This will allow districts to have staff “play to their strengths,” based on content area, pedagogical expertise, and social emotional supports. By doing this, staff members can streamline their responsibilities and can help with the recruitment and retention of staff. This is especially realistic in medium and



large districts across the state, where there are multiple special education teachers at each level who can specialize by content area and case management.

These districts can apply the case management model and specialize their special education teachers often using their existing staff. Administrators should use staff preference and data to determine which staff should specialize in specific content areas, pedagogical expertise, and case management. In general, this model is cost-neutral for districts, as it shifts responsibilities around, but does not add or remove responsibilities of staff members.

Districts can also work with practitioners to process map and streamline the responsibilities of special education teachers and other staff, as necessary. By doing this, staff members can find ways of streamlining paperwork and minimizing participants in meetings and can free up more time for student support and eventually reduce the number of special education teachers needed.

How is this better for students?

Reducing the administrative duties of special education teachers and specializing their roles is better for students in several ways:

- Staff are able to devote more and better support for students, by increasing their time devoted to student support and specializing in an area in which they are a true expert.
- The quality and compliance of IEPs can increase, becoming more responsive to the specific needs of a student.
- Staff are more likely to stay in the role as a special education teacher. By decreasing the turnover rate in the role, students can access higher quality instruction from more experienced teachers.

How is this better for staff?

Special education teachers across the state expressed frustration with the paperwork and administrative duties associated with their role. Through these processes, staff can devote more time to students and reduce these responsibilities without sacrificing high quality instruction and support. Ultimately, this should reduce the turnover in special education teachers and improve satisfaction in the role.

Is this more cost effective for districts and the state?

Utilizing a case management model with specialized special education staff ultimately should not cost more for districts and the state. Ultimately, the same number of staff should be required in these models, just the responsibilities of these staff members is shifted.

By streamlining the paperwork and administrative duties of special education teachers, fewer special educators would be needed to provide the same level of student services, as staff will have more time available to work with students. Streamlining is easier with the case manager model.



Opportunity #8: Take a regional approach in small districts to improve services for students with more severe needs and to providing intensive behavioral supports.

Across Wyoming smaller and more rural school districts face heightened challenges supporting students with more severe special education needs, as serving these students requires unique, individualized programs. Many of the smaller districts did not have, or only had limited, severe needs programs within their district. This includes supports for students with intensive life skills, severe autism or significant behavioral needs. While out of district placements were not high in these districts, smaller districts can consider ways of better supporting these students through regional approaches to ensure their needs are met at a potentially lower cost and higher quality.

There are two different regional approaches that can help:

1. Regional specialized programs
2. Regional teams to support students with intensive behaviors

High Quality Specialized Programs:

High quality specialized programming for students with severe needs should include a few key components: highly specialized and trained staff, students grouped with similar needs and developmental similarities, and when appropriate, access to inclusion in some general education settings. For a program to be cost effective, there should be at least 3-4 students with similar needs and disabilities and in a similar age range. In smaller districts, creating programs that were high quality and cost effective were very challenging because often just one or two students should be grouped together.

In many larger districts, students with more severe needs were often served in specialized programs, including life skills programs, behavior programs, or transition programs (defined below).

- **Life skills programs:** Functional or intensive life skills programs are specialized programs that focus on developing student independence and functional academic skills. This includes self-care, vocational academic skills, and self-advocacy. These programs are often for students with significant intellectual disabilities.

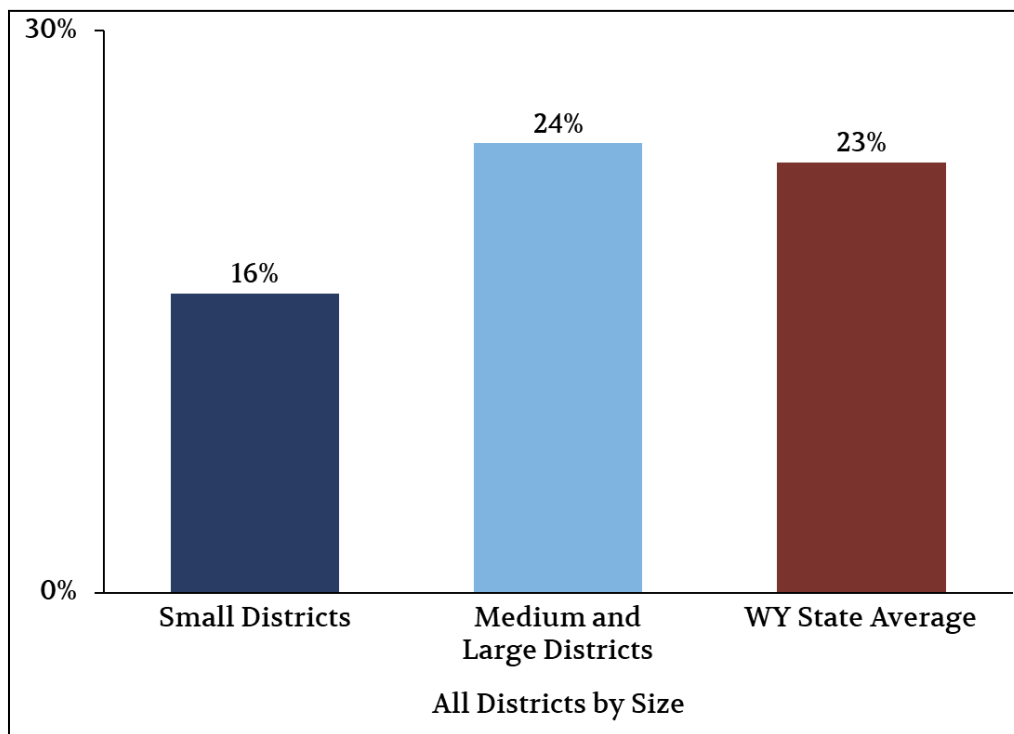
- **Behavior programs:** Behavior programs are specialized programs that support students behavioral and social-emotional development, in addition to their academic skills. These programs are often for students with intensive behavior and social skills needs.
- **Transition programs:** Transition programs are specialized programs for students transitioning out of a school district. They are typically for students who are 18-22 and put an emphasis on vocational and independent living skills. These programs support students in moving from high school into adult life.

The Challenge with Specialized Programs in Small Districts:

In smaller districts, many of these programs only existed when the need arises. While this is a good thing, this means that districts were often tasked with establishing a program from scratch quickly when a student moves into the district with a need. These programs were often smaller and less robust than in the larger districts and were resource intensive, often requiring additional staff, materials, and programming.

As shown in Figure 40, on average, special education teachers in small districts spent about 15% of their time with students in self-contained settings. This was less than the state average and less than medium and large districts. This indicates that while self-contained settings were used in smaller districts, they were used less frequently and with a smaller number of teachers than larger districts.

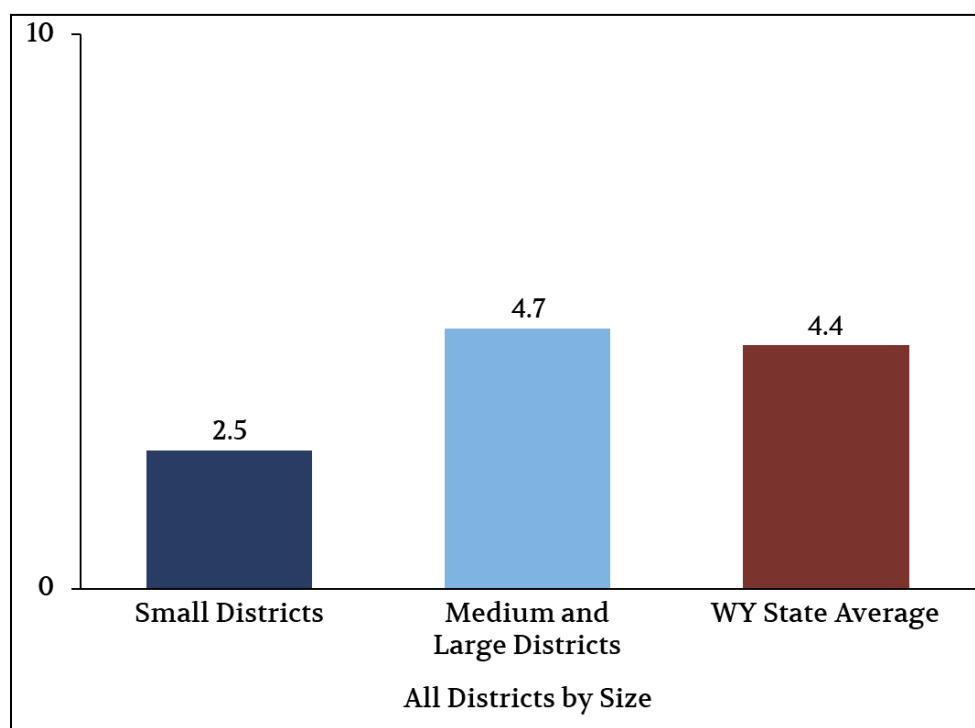
Figure 40. Percent of special education teacher time in self-contained settings.



Source: Schedule sharing data.

Additionally, as shown in Figure 41, groups of students in these self-contained classrooms were generally smaller in small districts than those in medium and large districts. This and the percent of time special education teachers worked in self-contained classrooms indicates that small districts had less specialized, self-contained programs and have fewer students in those classrooms.

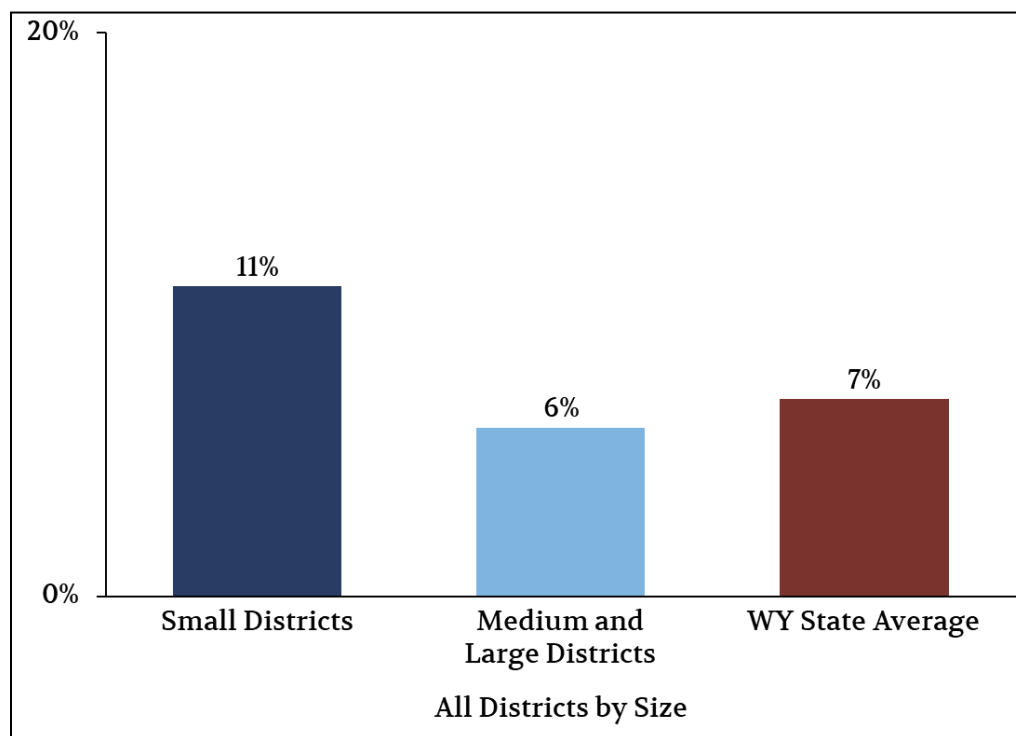
Figure 41. Average number of students in self-contained groups.



Source: Schedule sharing data.

Overall, as shown in Figure 42, small districts spent a higher percent of their special education budget on out of district placements than medium or large districts. While small districts, on average, spent almost double the percent (11% compared to 6%) of their special education budget on out of district placements than medium and large districts, this difference becomes more pronounced when isolating only the districts that placed students out of district. Small districts that spent money on out of district placements, on average, spent about 15% of their special education dollars on out of district placements, while medium and large districts still spent about 6% of their special education dollars on out of district placements.

Figure 42. Percent of special education budget spent on out of district costs.



Source: WDE Special education expenditure report.

All of this information together indicates that smaller districts across Wyoming may have struggled with high quality, cost-effective specialized programs for students with more severe needs.

Focus group and interview participants indicated that this is true in many smaller districts. Participants in one district noted that they only had one specialized program and it was for students with behavior challenges, so when a student is in need of a different type of program they must adapt and update what they provide.

In another district, the only self-contained classroom was for students who are academically low and only had one student in that classroom. To staff that classroom, there was a half time special education teacher and a paraprofessional who covers the non-academic parts of the day. For this student, they did not have access to a full time highly trained staff member and instead received some support from a paraprofessional in the place of a teacher.

How Can Districts Use a Regional Approach to Solve This Challenge?

To establish best practice specialized special education programs for students with more severe needs in smaller districts, Wyoming districts can consider taking a regional approach to these challenges. In a regional program, districts that are within proximity of one another would set up specialized programs for students across multiple districts. These programs would require tuition from neighboring districts, but tuition would be less expensive than an out-of-district placement, as they are covering just the proportion of the program costs for that student.

One potential way of helping facilitate these specialized programs is through Boards of Cooperative Education Services (BOCES), as their purpose includes “provide a method whereby school districts and community college districts or any combination may work together and cooperate to provide educational services, including...**services for children with disabilities, when the services can be more effectively provided through a cooperative effort.**”²⁵

However, these programs should be hosted at a specific district rather than at a regional facility, to provide opportunity for inclusion with non-disabled peers and to reduce facilities costs.

There are a few key benefits to holding these programs regionally:

- Students can be grouped together based on specific need and age across multiple districts
- Students can access inclusion in general education settings when it’s appropriate, as these programs are hosted at a district.
- Programs can be well-established with specialized and highly trained staff and appropriate materials.
- With programs serving at least three to four students, programs can become more cost-effective for participating districts.

²⁵ Wyoming Statute 21-20-102



The Challenge with Handling Intensive Behaviors in Wyoming Small Districts

Opportunity #5 outlines a best practice, multi-tiered approach to social, emotional, and behavioral supports and how districts can better implement this approach through district-wide structures and systems. However, as outlined above, small districts face acute challenges of supporting students with more specialized needs, including students requiring intensive Tier 3 behavior supports. This is largely because of the required training and specialization of staff members to handle these behaviors. Behavior management is a science requiring very specialized training, skills and aptitude. Board Certified Behavior Analysts (BCBA), are one such example of a behavior management expert.

Across small districts in Wyoming, there were only 5.5 FTE school psychologists fully employed in the 2018-19 school year.²⁶ Many districts had to contract out for psychologist and behavioral support. Additionally, in the entire state of Wyoming, there are only 21 registered BCBAs.²⁷ However, not all BCBAs work in public schools and districts across the state, many may work in hospitals, nonprofits, mental health centers, and government agencies. There were no BCBAs noted in Wyoming's special education expenditure report or CRERW report.

Focus group and interview participants from small districts noted a challenge of handling students with more significant behavioral needs in their districts, schools, and classrooms. One psychologist in a small district noted that behavior crisis management was the biggest challenge for her in the district. "Whenever we have kid with a blow up, they often hold the whole building hostage. It can take the entire day to deescalate the situation." This staff member noted that because they are a small district, they did not have behavior experts to handle these crises and the psychologists are already stretched thin across the district.

In another small district, almost every focus group and interview participant noted that behavior was top of mind as a challenge. In this district, they added a behavior specialist and special education teachers, but still instructional coaches and school administrators were pulled in to handle behavioral crises. One staff member in this district said, "Our general education teachers are not equipped to

²⁶ Wyoming Special Education Expenditure Report

²⁷ Behavior Analyst Certification Board, BACB Certificant Registry.
(<https://www.bacb.com/services/o.php?page=100155>)



handle the intense needs, but we struggle to find qualified people who can provide the services or trainings.”

As noted in Figure 43, psychologists in small districts had many different tasks on their plate and spent only about 20% of their time directly counseling students and only about 4% of their time in crisis intervention. They generally spent a majority of their time in various support roles or IEP coordination. Psychologists are often the most trained to support students with more severe behavioral needs, but only spent 24% of their time in counseling and crisis support.

Figure 43. School psychologist time breakdown in small districts.

Activity	% of Time
Counseling (SPED & Gen Ed)	20.7%
Crisis Intervention	4.0%
IEP related responsibilities	24.7%
Teacher / School Support*	41.3%
Other**	9.3%

*Source: Schedule sharing data. *Teacher / School Support includes: Student observation, collaboration with colleagues, planning/materials preparation, attending meetings, parent communication, 504 responsibilities, paperwork, and agency coordination. **Other includes: Personal lunch, travel between schools/transition time, assigned school duties, and over/under reported time.*

Figure 44 shows that school counselors were doing more counseling with students than psychologists, with about 45% of their reported time. However, counselors may not be behavioral experts to provide intensive supports and interventions for students with severe behavior challenges.

Figure 44. School counselor time breakdown in small districts.

Activity	% of Time
Counseling (SPED & Gen Ed)	45.4%
Student Instruction	5.0%
Teacher / School Support*	48.1%
Other**	1.5%

*Source: Schedule sharing data. *Teacher / School Support includes: Student observation, collaboration with colleagues, planning/materials preparation, attending meetings, parent communication, IEP responsibilities, paperwork, and agency coordination. **Other includes: Personal lunch, travel between schools/transition time, assigned school duties, and over/under reported time.*

When small districts supported students with more intensive behavioral needs, these supports were often resource intensive, not provided from a behavioral expert, or were provided outside of the district. As demonstrated in Figure 42, small districts spent a higher portion of their special education budget on out of district costs.

How Can Districts Use a Regional Approach to Solve This Challenge?

One way of addressing this challenge is to create regional teams of behavior specialists that are partly funded by each school district or by the state to provide supports to schools and districts as needs arise. This Regional Behavior Response Team (RBRT) can be deployed to districts to handle the most challenging needs and guide school-based staff. These teams should include highly trained and specialized staff members who are deployed to districts to support students with severe needs. Some potential members could include: BCBA, Registered Behavior Technicians, school psychologists, or special education teachers with behavioral management expertise.

As noted earlier, one way of assembling and deploying these RBRTs is through BOCES. However, districts may find it easier to create smaller collaborative groups of districts to assemble RBRTs.

How is Taking a Regional Approach to Intensive Services in Small Districts Better for Students?

Serving students with more intensive needs in regional specialized programs and through RBRTs is beneficial for students for a few reasons:

- Students are more likely to access higher quality programs specifically designed for needs of students with similar needs at similar ages. This allows staff to be specialized and trained to best offer high quality supports to students.
- As opposed to out of district placements, students have access to inclusive settings when it is appropriate for them because these programs are hosted within the district and receive the benefits of partial inclusion with general education populations.
- Students can access behavioral expertise from highly trained, skilled, and qualified staff, especially in crisis situations.

How is Taking a Regional Approach to Intensive Services in Small Districts Better for Staff?

Right now, many special education staff members in small districts switch frequently between working in specialized programs and working with students with mild to moderate disabilities. By creating these specialized programs, special education teachers may benefit.

Special education teachers can specialize in specific programs or student needs and can receive more targeted and tailored training to become experts in that area. Teachers can specialize in behavior, functional life skills, intensive life skills, or postsecondary transition.

Additionally, staff in a number of different roles can benefit from the creation of RBRTs. Staff in small districts are already stretched thin with a number of different responsibilities on their plates. Dealing with behavioral challenges and crises only adds to the plates of these staff members and benefits staff in a number of different roles:

- General education staff have more support for handling students with challenging behaviors within their classrooms and schools.
- Administrators have clear protocols, procedures, and supports when a student exhibits a more serious behavior at their schools.

- For special educators and support staff, RBRTs can provide many of the supports that typically fall onto the role of the special educator or support staff, even if these staff don't have the training or expertise to provide these supports.
- Additionally, staff in all roles can receive some training and support from RBRT members to better handle challenges as they arise within the district.

Is Taking a Regional Approach to Intensive Services in Small Districts More Cost-Effective for Districts and the State?

Yes. Taking a regional approach to supporting students with more severe needs and intensive behavioral needs is more cost-effective for districts across Wyoming:

- Currently, small districts often have programs of three or fewer students. By taking a regional approach, these programs can grow to the cost-effective minimum of three to four students, without compromising the unique needs of students requiring these programs.
- With more programs across multiple districts in a region, districts may be able to reduce the number of students placed outside of the district and instead pay a lower tuition rate for a regional program in another district.
- While RBRTs may not immediately reduce costs for districts and the state, with better intensive behavior supports districts have potential opportunities to reduce high cost out of district placements.

Steps to expand regionalized services

As shared above, a number of challenges could well served and cost effectively served through a regional approach. By its very nature, a regional approach requires cooperation and coordination. To accelerate the adoption of a regional approach a number of potential next steps exist.

- Fund a multi-district task force to identify the services best met by a regional approach. The task force would include district representatives, WDE and an independent facilitator. The task force would identify

specific needs by district and address logistical challenges posed by the distances between districts.

- Provide seed money to new or existing entities to develop or expand regional services. It is recommended that funds cover just research and start up costs. Regional entities with entrepreneurial leaders and a funding system that requires voluntary district participation are most responsive and cost effective in the long run.
- Identify districts that wish to become a regional center supporting surrounding districts. This district could receive start up funds to develop services to serve more than just their own students. Start up funds could be provided to these districts.



3. Assessing Special Education Funding

3a. Overview, Strengths, and Challenges of the Current Funding Model

As provided in [Wyoming Statute 21-13-321](#), Wyoming has deployed a model for special education funding in which 100% of allowable district special education expenditures are reimbursed by the state. This means that all special education expenses incurred by a school district are reimbursed during the following fiscal year. Districts must report special education program expenditures, which are reviewed annually by WDE and required to be reported to the joint education interim committee about the services provided to students with disabilities by school districts. WDE is responsible for conducting audits of school districts to ensure compliance with state law and department rules and regulations.

There was a cap on the total amount reimbursed across the state of Wyoming, in which the total expenditures for the 2019-20 and 2020-21 school years would not exceed the statewide total amount reimbursed in the 2018-19 school year, plus \$2 million for out of district placement costs.²⁸ This was a new initiative and did not prevail in the years before 2018-19.

Below is an excerpt from Wyoming Statute describing the funding model for Wyoming:

“The amount provided for special education within the education resource block grant model pursuant to W.S. 21-13-309(m)(v)(E)(II) shall be equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services. The statewide total amount reimbursed under this section in school year 2019-2020 or 2020-2021 shall not exceed the statewide total amount reimbursed under this section in school year 2018-2019, notwithstanding any additional appropriation for that purpose by the legislature.”

Strengths of the Model:

1. Wyoming’s reimbursement model provides districts the freedom to provide services as the IEP team deems appropriate.

One of the greatest benefits of the reimbursement funding model for special education was the flexibility it allowed school districts. With this model, school

²⁸ 2018 Wyoming Session Laws, Chapter 37, Section 6. <https://wyoleg.gov/2018/SessionLaws.pdf#page=438>



districts could be adaptive and responsive to student needs without focusing heavily on tradeoffs within their resources. If a student had a specific need that they didn't already have programs or resources to address, the current funding model allowed the district to provide these services without needing to take away resources from other parts of the budget. School practitioners and district leaders made the best decisions for students based on their understanding of best practices.

Many districts were able to have more specialized programs, provide out of district placements when appropriate, and could provide technology, materials, and resources when needed. One administrator noted this across their district, "When a student needs a specific piece of technology or program, we're able to get those resources to meet that student's needs." This sentiment is very uncommon in most other states and districts across the country.

Another said, "When a student comes into our district with a specific need and no advanced notice our response is 'we're going to find you a program,' which wasn't always the case in prior funding models." This is especially important in smaller and more rural districts where a few students moving in or out of the district makes a large impact on the special education services and costs.

Many administrators and state officials noted that this flexibility in spending has reduced legal action taken against schools and districts by allowing them to provide adequate services to students with disabilities.

2. Decision making for spending lives closest to the students, at the district, principal, and practitioner level.

Districts noted that with the reimbursement model, decision making for spending was closest to the needs of the students. While the state provided guidance and oversight for school districts' special education models and services, districts and schools were able to make decisions for services and its related spending based on their perception of student need and understanding of best practices.

While district administrators often made large-scale decisions, principals and practitioners themselves could also make requests for funding related to student need which could be granted by the district because of the reimbursement model. "[The reimbursement model] empowers the IEP teams to do the right thing and make decisions about what's best for the students," one



administrator noted. Another said, “I have the resources I need to help support special education practices at the building level.” Again, this sense of having what students need is uncommon in most schools in other states.

This level of freedom to design supports works best when staff, schools, and districts are aware of and embrace research proven best practices. With this in mind, as outlined in the teaching and learning section of this report, services for students with special needs could be more closely aligned to best practices to better meet student needs at a lower cost. With this in mind, local educators would need to restructure thinking about the current use of co-teaching and paraprofessionals to provide academic extra help, and shift to extra time interventions with content expert teachers to provide extra academic support.

3. Wyoming culture, coupled with the cap on special education spending, has encouraged districts to be fiscally responsible with special education dollars. Because of this, school districts did not over-identify students with disabilities and did not substantially increase spending year-over-year.

Even with a 100% reimbursement model, district leaders felt a need and desire to be fiscally responsible with special education dollars. In many interviews, district administrators claimed to be good stewards of taxpayer dollars and sought to work to ensure that efficiency was also a priority for special education spending.

The cap on special education spending has encouraged school districts to be fiscally minded and has created a meaningful limit on overspending, while having limited impact on district budgets or services provided to students. Stakeholders from WDE and districts shared that since the cap has been placed on special education funding the maximum amount statewide that was exceeded was just over \$300,000 for amounts reimbursed during school year 2019-20. This was split among multiple districts, so the largest amount any one district was not reimbursed was about \$50,000. While stakeholders at districts expressed that the cap has put fiscal pressure and stress on districts in a negative way, the actual fiscal ramifications have been minimal.

Additionally, Wyoming districts have not identified more students with disabilities than other states around the country. A 100% reimbursement model could encourage overidentification, but it has not in Wyoming. One administrator made this point, “100% reimbursement is not an open checkbook. If it was, you would expect to see much higher identification rates from district.”

During the 2018-19 school year, Wyoming school districts identified 14.2% of students in the state as students with disabilities. In that same school year, the national identification rate was 14.0%, indicating that Wyoming was right in line with the national average (see Figure 1).

When compared to similar districts across the country and adjusted for enrollment, Wyoming districts generally had a similar number of special education teachers, one of the biggest drivers of costs. DMGroup compared ten representative Wyoming districts across against national benchmarks and found that these districts, on average, had the same number of special education teachers as the benchmark districts (see Figure 45).

Figure 45. District special education staffing levels compared to benchmark districts.

District Letter	District Number of Special Education Teachers per 1,000 Students	Benchmark Number of Special Education Teachers per 1,000 Students	Benchmark
A	13.9	12.9	1.1x
B	11.6	10.5	1.1x
C	13.4	10.8	1.3x
D	9.9	11.2	0.9x
E	10.3	16.0	0.6x
F	9.1	10.1	0.9x
G	15.3	10.7	1.4x
H	10.4	10.8	1.0x
I	10.6	9.9	1.1x
J	13.5	9.8	1.4x
Avg.	11.8	11.4	1.0x

Source: WDE special education expenditure report and DMGroup benchmarking. Similar districts are based on size, per pupil spending, and special education identification rates.

Challenges of the Model:

1. Wyoming's average additional per pupil expenditures for students with disabilities was higher than the national average, both in absolute terms and relative to general education spending, but has not led to above average outcomes.

Special education spending per student with a disability across Wyoming has plateaued at a relatively high level. Wyoming's average additional per pupil expenditures for students with disabilities was \$18,637 in the 2018-19 fiscal year, based on the Special Education Expenditure Report. However, this report only includes state funded expenditures for special education, federal funding adds \$2,005 per pupil. This increases the total estimated per pupil special education spending to \$20,641.

There is no definitive benchmark for what is an appropriate level of additional spending per student with a disability. Context such as size of school/district, general cost of living, cost of general education and mix of student needs all impact the question, "What is a reasonable level of spending?" Some good touch points are:

- In the most comprehensive study, Tammy Kolbe and Kieran Killeen reviewed the national average additional per pupil expenditures for students with disabilities calculated the extra cost to be between \$11,000 and \$14,000 per IEP.²⁹
- Another study by Kolbe (2019) noted that the average incremental cost of educating a student with an IEP is about 0.9 times the typical general education student.³⁰ Based on this formula, Wyoming's additional per pupil expenditures for students with disabilities should be about \$15,670 and it is significantly higher than that.³¹

Both of these benchmark studies include special education expenditures from all funding sources (local, state, and federal).

²⁹ Kolbe, T., Killeen, K.. Study of Vermont State Funding for Special Education.

³⁰ Kolbe, T. (2019). Funding Special Education: Charting a Path that Confronts Complexity and Crafts Coherence. Boulder, CO: National Education Policy Center. Retrieved from <http://nepc.colorado.edu/publication/special-ed> (page 18).

³¹ Wyoming CRERW report



Figure 46. Wyoming per pupil special education spending compared to benchmark studies.

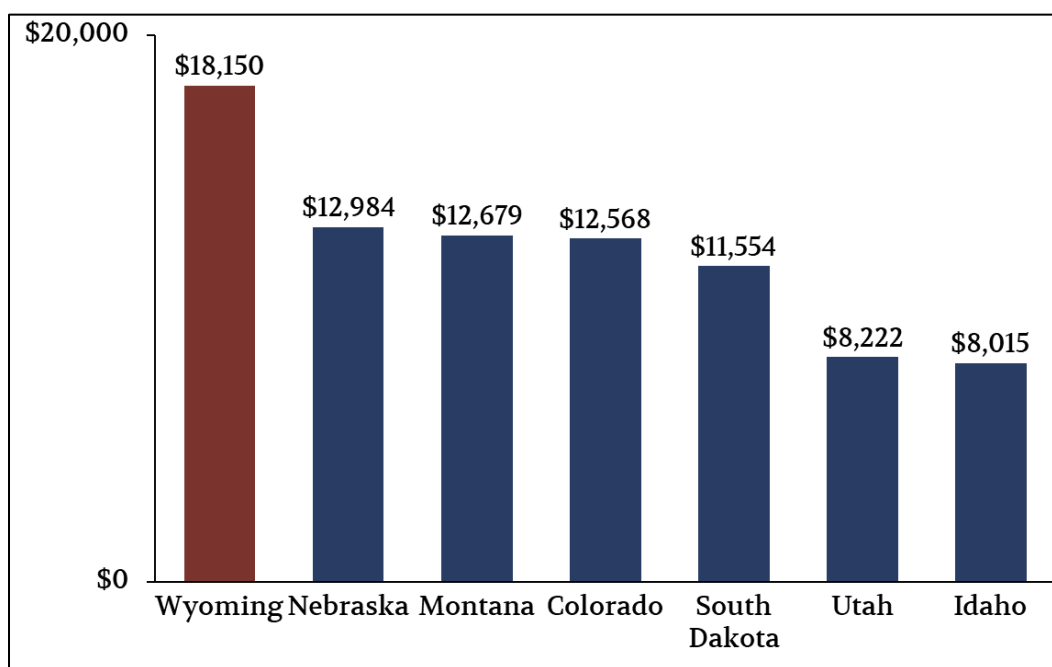
	Benchmark Study 1: Kolbe & Killeen		Benchmark Study 2: Kolbe (2019)	
Wyoming Per Pupil Spending	Additional Per Pupil Spending	Percent Difference from Wyoming	Additional Per Pupil Spending	Percent Difference from Wyoming
\$18,637 <i>(State dollars only)</i>	\$11,000 - \$14,000	33%	\$15,670	19%
\$20,641 <i>(State and estimated federal dollars)</i>	\$11,000 - \$14,000	48%	\$15,670	32%

SOURCE: WDE Special Education Expenditure Report; WDE CRERW Report; Wyoming MOE and CEIS Reporting Requirements (FY17); Benchmark studies by Kolbe & Killeen.

Wyoming's per pupil special education spending was higher than the national average by about 20% when only including state funds, or about 30% when including estimated federal funds. This may have been in part due to the practices across the state, as noted throughout the teaching and learning section of this report, and may also have been in part due to the rural nature of Wyoming and the additional challenges of providing special education services in small schools and small districts. Stakeholders across Wyoming noted that the reimbursement model reduces litigation costs to districts and the state. There is no national benchmark of litigation costs associated with special education. While it may be true that litigation is reduced due to the reimbursement model, the reduction in litigation costs does not balance out the higher per pupil spending in Wyoming. Many states and districts with less generous special education funding have low spending on special education litigation, often just 1% or 2 of special education spending.

There is no national database of incremental special education per pupil expenditures, so it is impossible to directly compare Wyoming's per pupil special education expenditures to surrounding states. However, Wyoming's overall per pupil spending is higher than its neighboring states (see Figure 47).

Figure 47. Wyoming total per pupil expenditures compared to surrounding states (2018-19).



Source: National Education Association Ranking of the States 2019 and Estimate of School Statistics 2020. Public School Current Expenditures Per Student in Average Daily Attendance.

Another rural state, Vermont, spent even more than Wyoming per pupil on incremental special education costs; in FY2016, Vermont districts, on average spent over \$20,000.³² Vermont, however, has launched an aggressive effort to reduce special education costs by shifting more instruction to general education certified teachers, embracing the best practices recommended in this report and the EB model, and blending special education and general education funds when appropriate. The Vermont legislature recently adopted reforms aligned to the teaching and learning best practices of utilizing content strong staff, extra time for intervention, an emphasis on strong Tier 1 instruction, and a focus on social-emotional supports for students to improve outcomes for students. These changes are still a work in progress; reforms are being implemented slowly and

³² Kolbe, T., Killeen, K.. Study of Vermont State Funding for Special Education.

deliberately to ensure maintenance of effort is maintained at the state and local level and to give districts time to change their practices.

Moreover, Wyoming's higher spending has not led to higher outcomes for students. The state has been flagged by the US Department of Education for persistent achievement gaps for students with special needs and the WDE is equally concerned with the academic outcomes for students with disabilities. Changing how funds are spent will be instrumental in closing the achievement gap to implement best practices, like strong Tier 1 instruction, extra time for intervention from content experts, and preventative social-emotional supports. Fortunately, these best practices are also lower cost.

With this, it's important to note that spending across Wyoming on students with disabilities is not growing. While there is reason for concern regarding the total amount of incremental dollars spent on students with disabilities, unlike many other states, spending of state funded dollars has plateaued around a total of \$246,000,000, or \$18,600 per pupil (see Figures 4 and 5).

2. The reimbursement model has unintentionally discouraged general education support for students with disabilities, even though such support is a best practice for closing the achievement gap and fiscal efficiency.

(The Wyoming funding model includes multiple mechanisms that should mitigate this drawback, but unfortunately, they haven't had the desired effect.)

By nature, a model that reimburses expenses only tied to special education services can discourage general education supports for students with IEPs, given that this type of support might not be reimbursed, thus making it much more costly to the district, even if it less costly to the state and better for students. This can lead to students with similar needs being served in very different ways due to their IEP status.

In focus groups and interviews, DMGroup heard a few examples of how this plays out in schools and districts:

- In some districts there were separate systems/staff for counselors who support students with disabilities and students without disabilities. There may have been similar needs across these two groups of students, but who served them for mental health or behavioral needs is separate. This raises costs. Additionally, students may benefit from group counseling that includes students with and without IEPs in the same group; however, with

a reimbursement model, students may have been separated based on IEP status.

- In some districts with highly skilled interventionists and/or tutors, these staff members only supported general education students, while special education teachers and paraprofessionals supported students with disabilities. However, the interventionist may have been the content expert and better equipped to provide interventions to many students with disabilities than the special education teacher or paraprofessional.

For example, one elementary general education teacher in a district noted that during her class' intervention period students needing intervention without IEPs got support from the certified tutor and students with IEPs received supports from the special education teacher or a noncertified paraprofessional, neither of whom may be specifically trained in reading. The existence of an IEP may not be the best marker of which students should receive support from which staff members.

While there is a procedure available to get reimbursement for general education staff who work with students in both general education and special education, this procedure can be cumbersome for staff and districts and therefore was only used on very limited basis.

3. The reimbursement model creates short term financial challenges for districts when new students with severe, high cost needs, move into a district. While fund balances typically cover these costs until reimbursement is provided the following year, it creates some concern at the district level and creates a sense that special education spending is hard to manage tightly.

Because the Wyoming model reimburses special education costs in the following fiscal year, the movement of high cost, high needs students has added a financial burden on districts around the state in the year costs are first incurred. If just one or two students in residential placements or out of district programs moved into a school district, then the district was responsible for finding funds to cover the expenses associated with educating those students until the following fiscal year. For small districts, this can be challenging.

Interviews with district leaders articulated this challenge for their districts. In one large district, the business manager noted that their district has kept a “contingency fund” for the influx of students requiring out of district

placements, as “it’s unknown when drops or spikes will happen, even in the middle of the school year.” With this contingency fund, the district did not need to dip into their general fund dollars or reserves to cover the cost of these high needs students until the reimbursement comes through.

In smaller districts, however, it was much harder to set aside funds for high needs students that may move into the district. One business manager said, “We have to dip into our reserves if a student with severe needs moves into our district.” These districts were faced with short-term, but immediate fiscal challenges when only one student moves into their district because they had to wait a year for the reimbursement.

Perhaps the greatest drawback of the delayed reimbursement of high needs students isn’t financial, but psychological. The concern and reality that it is hard to budget for meeting the needs of students with severe needs leads to a sense that controlling special education spending at the district level is difficult, because a single new student can exceed the budget. This sense of hard to control spending is realistic for students with severe needs, but not so for the larger number of students with mild to moderate needs. Because both groups of students are funded together, the unpredictability of high needs students can lead to a broader sense of unpredictability for all of special education.

While reserves and contingency funds ultimately allowed districts to handle these challenges, the state may be able to consider different ways of handling high cost, high needs students in order to create a better context for managing all special education spending.

4. There are few to no incentives to encourage deploying resources towards more cost-effective best practices.

One strength of Wyoming’s reimbursement model is that it allows for flexibility of spending and decision making to live at the district, school, and practitioner level. However, there are very few pressures in place to encourage districts to deploy resources towards evidence-based best practices that cost less (and serve students better). In many districts in other states fiscal pressures have encouraged districts to more aggressively ask the question, “Can we do better for less?”

A few examples of where funding has not led to the implementation of best practices include:

- The co-teaching model used by many districts state-wide is one of the most expensive practices for serving students with special needs, but has not raised student achievement in national studies.³³ For more information on the challenges of co-teaching, see Teaching and Learning Opportunity #3. In states without 100% reimbursement models high cost practices are more likely to be reviewed for effectiveness.
- Many districts were quick to add paraprofessionals to support the academic needs of students, a practice that research has shown to be ineffective in many cases of students with mild to moderate disabilities, because paraprofessionals are not trained to address the academic needs of students. While they can effectively provide the health and safety related support, behavior support and many services to students with severe disabilities the addition of a paraprofessional alone does not increase the achievement of students with mild to moderate disabilities and often decreases student outcomes.

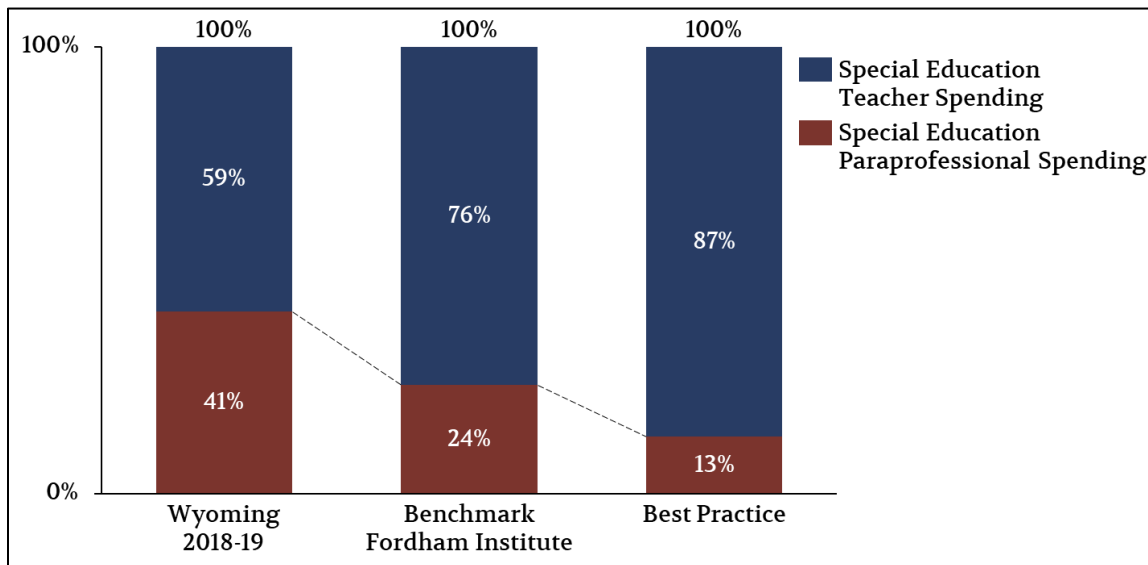
Wyoming districts spent a higher percent of their special education staffing budget on paraprofessionals than other districts across the country. When comparing the distribution of the proportion of dollars spent on special education teachers vs. special education paraprofessionals, Wyoming districts spent a higher proportion of their dollars on special education paraprofessionals than a national benchmark³⁴ by almost double and best practice by almost triple (see Figure 48).³⁵

³³ Jones, Nathan, Vaughn Sharon, Fuchs Lynn. Academic Supports for Students with Disabilities.

³⁴ Levenson, Nathan (2012). Boosting the Quality and Efficiency of Special Education. Thomas B. Fordham Institute.

³⁵ In a best practice model, not all teacher spending needs to be on special education certified teachers, but can also be on general education certified teachers.

Figure 48. Distribution of special education teacher vs. paraprofessional costs.



Source: WDE Special Education Expenditure Report. Special Education Teacher dollars include personnel assignments for Arts (XAR), Alternative Core Standards (includes Life Standards; XAS), Civics and Government (XCG), Case Manager (XCM), Economics (XEC), Elementary Grades (XEL), English (XEN), Foreign Language (XFL), Geography (XGE), History (XHI), Language Arts (XLA), Math (XMA), Reading (XRD), Science (XSC), Secondary (XSD), Behavior / Emotional / Cognitive / Learning Disability (XXB), Deaf/Hard of Hearing – Teacher not of record (XXD), Visual Disability – Teacher not of record (XXV), Core and/or Non-Core Subjects – Teacher not of record (XYN). Special Education Paraprofessional dollars include Special Education Aide (SEA) and Related Services Aide (RSA).

Additionally, when compared to similar districts across the country and adjusted for enrollment, Wyoming districts generally had more paraprofessionals than other districts. DMGroup compared ten representative districts across against national benchmarks and found that nine of the ten districts have more paraprofessionals than their benchmark districts, and, on average, Wyoming districts had 1.4 times the number of paraprofessionals than their benchmark districts (see Figure 49).

Figure 49. District special education paraprofessional staffing levels compared to benchmark districts.

District Letter	District Number of Special Education Paraprofessionals per 1,000 Students	Benchmark Number of Special Education Paraprofessionals per 1,000 Students	Benchmark
A	23.0	16.9	1.4x
B	19/5	13.7	1.4x
C	24.2	14.0	1.7x
D	13.4	14.6	0.9x
E	31.7	20.9	1.5x
F	14.7	13.2	1.1x
G	15.9	14.0	1.1x
H	15.6	14.1	1.1x
I	23.3	12.9	1.8x
J	23.4	12.8	1.8x
Avg.	20.5	14.7	1.4x

Source: WDE Special Education Expenditure Report and DMGroup benchmarking. Similar districts are based on size, per pupil spending, and special education identification rates. 90% of districts benchmarked had more paraprofessionals per 1,000 students than benchmark districts.

5. Wyoming's model provides few incentives to be fiscally or educationally creative, potentially leading to over-identification or over-spending in special education in the future.

Even though Wyoming did not overidentify students with disabilities, the funding model itself provided few incentives for districts to be cost effective or to limit overidentification and/or overspending on special education. While districts did not claim to view the reimbursement model as a “blank check,” there is little that could stop future administrators from acting that way. This could be more likely to happen if general education funding became tight.

Additionally, schools and districts have few incentives in the current model to be educationally creative in their solutions and services for students. Administrators who worked in other states with alternative models noted that

districts in these other states were forced to become more efficient with limited resources or were required to align services to best practices outlined by the state in order to receive funding. “I believe we provide better services for students here in Wyoming, but when I worked in another state, we were forced to be educationally and fiscally creative with our solutions for students,” said one administrator.

Summary

Overall, the current reimbursement model serves students well, in terms of ensuring resource limitations don't factor into IEP service decisions, but student achievement has not benefited from the higher spending. In fact, the reimbursement model has made it "easier" to adopt and maintain a number of costly and ineffective service practices that are not aligned with best practices or the EB model.

The financial incentives of higher spending of a 100% reimbursement have been mitigated both by the cap, despite its limited actual impact, and desire to be good fiscal stewards by district leaders.



3b. Overview of Alternative Special Education Funding Models

As part of the scope of this work, we compared alternative special education funding models. These alternatives are not suggested as better or worse, just different.

When the Individuals with Disabilities Education Act (IDEA) was signed into law in 1975, children with disabilities were guaranteed access to a “free and appropriate public education.” Despite this guarantee, no coherent policy framework or funding mechanism was established to ensure that sufficient resources were provided to local districts and schools to maintain high quality special education programming. In fact, no consensus was formed on what qualified as sufficient resources for special education programming.

Supplemental federal funding, appropriated through Part B of IDEA and loosely calculated based on identified student need, typically amounts to 15% of actual funding for special education services and varies in how states allocate appropriations to local districts. For the remaining needed resources, states and local districts are left to determine for themselves how to cover the costs of special education. Due to the absence of federal guidance, 50 states have developed 50 different and constantly evolving ways to determine how much funding should be provided for special education programming and how costs should be shared between the state and local districts.

Regardless of the specific funding model, states attempt to optimize three key variables related to providing and funding special education services. These variables are:

- ***Total Cost** - How can a state manage the total cost of its special education programming while ensuring adequate resources are provided to local districts?*

Through their funding models, states attempt to find an answer to the questions of how much funding is sufficient for special education programming and what is the responsibility of the local district or agency to share some portion of those costs. The different funding models take slightly different approaches, using top-down and bottoms-up calculations and obligations to establish appropriate funding levels for students. Once state obligations are set, the remaining expenses for special education programming are the responsibility of the local district.

As the funding models are explored in greater detail, it would be wise to consider the various strategies states use to calculate total need as well as the safeguards they institute to prevent runaway costs. Additionally, refined funding models note the variation in costs across student disabilities and needs. Considering the methods that various states use to monitor and cover the costs of intensive special education programs will help to create a more thoughtful and responsive statewide funding system.

- *Identification Rates for Students with Disabilities - How can a state discourage the over-identification of students with disabilities but not discourage identifying 100% of students who need and deserve an IEP?*

Inherent in a funding model that provides resources for a specific population of students is the risk of overidentification. For example, if a school were to receive more resources for a student identified as having a disability, an incentive exists wherein schools might over-identify students for special education services to boost funding. Students who struggle could be inappropriately designated as having a disability because of the potential for more funding.

Though schools may be well intentioned in their goal of providing more support to their students, mis-categorizing students as having disabilities who don't hurts their long term academic and lifetime success. Some believe that overidentification is harmless, perhaps even beneficial as an added boost. Research says otherwise. In a well-respected study in Massachusetts, for example, the authors found that students who might get an IEP in one district but not another (so called kids on the bubble) had worse outcomes when they received an IEP. This may be because of creating lower expectations by teachers, students and parents and reduced time in core instruction.³⁶

It is helpful to remember that while the process of identifying if a student has a disability is well established and utilizes many nationally normed assessments, in reality the determination is very subjective based on

³⁶ Thomas Hehir and Associates. (2012). Review of Special Education in the Commonwealth of Massachusetts. Commissioned by the Massachusetts Department of Elementary and Secondary Education. <http://www.doe.mass.edu/sped/hehir/2012-04sped.docx>

historic norms as well. Some states identify students at nearly twice the rate of others. Funding for education in general and special education in particular can influence what becomes common practice in determining who has a disability.

Creating a structure to monitor identification rates is therefore essential. As a point of reference, special education identification rates in Wyoming districts range between 10% and 23% of enrollment. The statewide identification rate is 14% of enrollment. Across the country identification rates at the state level range from 9.2% to 19.2%.³⁷

In general, states employ a few direct and indirect strategies to safeguard against overidentification. Many states will attempt to manage overidentification by capping funding based on a specific percentage of students enrolled in a district. Resources are guaranteed to a district for up to a certain percentage of students with disabilities. For example, Washington funds an additional amount for students with disabilities up to a maximum of 13.5% of the reported student population. If a district has a higher proportion of students with disabilities and needs additional resources, that district could apply for a waiver to access additional funding or fund it from their general operating budget.

States that do not use a cap on funding tied to special education identification rates often indirectly manage identification rates by tethering total funding to allocations from previous years. Connecting district funding back to a previous year has the dual function of controlling costs and removing the financial incentive for that district to over-identify students for special education. In Utah, the State Board of Education uses a district or charter school's average number of students with disabilities from the attendance records for the previous five years to determine funding. It should be noted that without an appeals or high-cost contingency reimbursement structure, such an approach could disadvantage schools or districts that experience an influx of students with disabilities. It also fails to consider the impact on districts with fast growing or fast shrinking enrollment.

³⁷ From "Special Education: Definition, Statistics, and Trends," by M. Riser-Kositsky, 2019, *Education Week*, <https://www.edweek.org/ew/issues/special-populations/index.html>.

- *Allowable Expenditures* - How can a state ensure that special education resources are put towards high-quality, effective programming?

Federal IDEA legislation outlines how special education funding can and should be used in support of students with disabilities. In most cases, states provide their own supplementary guidance for how special education funds can be used. Traditional special education funding structures reinforce the creation of separate educational structures and programming for students with disabilities, which frequently deprive them of strong general education academic supports.

Changes in IDEA legislation and shifting mindsets are calling for using special education funding to integrate programming with general education that would lead to better outcomes as well as more efficient uses of resources.

For example, consider a district attempting to support its students with disabilities who are struggling with literacy. A more siloed interpretation of IDEA might limit the district's spending of special education dollars to licensed special education teachers and paraprofessionals. While these positions are clearly in support of special education, they frequently lack the specific content expertise to support students with literacy. This limited interpretation of IDEA would prevent students with disabilities from receiving high-quality instruction tailored to their individual needs. Instead, the district might consider using special education dollars in tandem with general funds to cover the cost of a certified reading teacher, who supports students in both general and special education.

The same situation could be applied to a reading curriculum. A district with a siloed interpretation might purchase a separate reading curriculum for special education to comply with their understanding of excess cost restrictions, despite the fact that they already have a perfectly good curriculum. Though well-intentioned, a separate, parallel reading curriculum might be an ineffective use of resources that actually undercuts the reading instruction occurring in the general education setting. Students with disabilities would be taken through multiple disjointed curricula, which often use different strategies and framing for the same content and skills. Although both programs might be independently effective, the partial implementation of multiple programs

often leads to an incoherent approach that makes learning harder for students who are already coping with learning disabilities. State funding models can improve the effectiveness of programming by ensuring that allowable expenditures are consistent with educational best practices that will improve outcomes for students.

Although different in how they design their funding models, each state offers lessons for how different funding models can complicate, discourage, skew, or reinforce local provision of special education services. As Wyoming reflects on its approach to special education funding, considering the national landscape can provide useful context and guidance for how it might modify its funding model to optimize the key variables related to providing special education supports and to be more efficient and effective towards providing high-quality services for its students.

Funding Models

Although each state's approach to special education funding is unique, funding models fit into four general categories based on how funding levels are determined and the mechanisms by which funds are disbursed to specific districts. This framework for special education funding models draws on the work of Tammy Kolbe in her 2019 National Education Policy Center report. As Kolbe notes, no single model is the best—the unique needs and strategies of states drive the structure of their funding models, and each model has different benefits and drawbacks. However, lessons can be drawn from the various models to understand why strategies were employed and whether they were effective in producing desired outcomes elsewhere and what they might mean for Wyoming.

A summary of each of the four funding models is listed below.

A. Formula-based:

Formula-based funding is the most widely used funding model. At its core, funding is determined by taking the proportion of students with disabilities in a state or within individual districts and multiplying by an estimated additional cost per student for special education services. Oftentimes, states will attempt to refine their calculations based on factors such as disability type, educational settings, or the estimated resources (i.e. staff) needed to maintain programming.

Within formula-based models, states calculate the core of their allocations using three main mechanisms: single-weight, multiple-weight, and resource-based formulas.

- **Single-weight Formulas** - States assign a specific weight or flat grant amount based on the estimated additional cost to educate a student with disabilities.

For example, Oregon applies a multiplier of 2.0 for students with disabilities, meaning that for each reported student with a disability, a district will receive double the per-student base amount. Oregon caps the total amount of special education funding for a district at 11% of the total average daily membership (ADM) of schools as a disincentive for districts to overidentify students for disabilities.

For a district in Oregon with a total enrollment of 10,000 students reporting 1,000 students with disabilities, where the base per student funding is \$4,500, the state would allocate an additional \$4.5 million for special education services, given that the 1,000 students represented equal to or less than 11% of the ADM of the district.

Base Funding Allocation		\$4,500
Total Students with Disabilities	x	1,000
<hr/>		
Total Special Education Allocation		\$4,500,000

For comparison, consider an equally sized district in Oregon that reports 1,400 students with disabilities, representing 14% of their average daily membership. Because their identification rate exceeds the 11% cap, the state would provide funding for up to 11% of the ADM, or 1,100 students. Any requests for additional funding would need to be reviewed and approved by the Oregon Department of Education.

- **Multiple-weight Formulas** – States assign a set of specific weights or dollar amounts according to the type of disability a student may have or based on their required educational setting to create a more tailored funding allocation per district. The number and values of weights vary from state to state often based on the larger system for funding education. For instance, New Mexico uses four disability categories, which link to funding weights that increase for more resource intensive disabilities.

Arizona employs a more complex system, with over 12 different weights related to disability type.

In New Mexico, students with disabilities are classified into four categories based on the severity of the disability. Those categories are then assigned a resource weight consistent with estimated costs associated with providing services—the more severe the need, the more resources are provided. The allocation for a district is calculated by taking the total number of students within each category and multiplying by the corresponding weights, then taking the sum of the subtotals for each category.

Consider a district in New Mexico with 1,000 students with disabilities, distributed across the four disability categories in the following manner.

Category	Weight	Total Students
Category A – Mild	0.7	500
Category B – Moderate	0.7	300
Category C – Severe	1.0	150
Category D – Max Support	2.0	50

Given a program unit value of roughly \$4,000, the total amount of additional special education funding for this district would be \$3.24 million.

Category A	500 Students	x 0.7	= 350
Category B	300 Students	x 0.7	= 210
Category C	150 Students	x 1.0	= 150
Category D	50 Students	x 2.0	= 100
Total Program Units			810

Program Unit Value	\$4,000
Total Program Units	x 810
Total Special Education Allocation	\$3,240,000

- **Resource-based Formulas** – States determine the needed resources (i.e. staffing and materials) for a district using established staffing and resource ratios. States will then make allocations to districts based on their identified population of students with disabilities. Similar to the various weighted models, states take a varied approach in determining resource ratios, oftentimes incorporating the differing needs of disability types and educational settings. Resource-based models take a similar approach to the EB Model, linking resource allocation to research and best practices for providing adequate special education services.

Tennessee funds special education through its Basic Education Program (BEP) formula, which consists of 45 components that have been deemed necessary for a school district to provide a basic level of education, including special education. The total number of students with disabilities in a district is used to determine its total resource allocation based on pre-established resource requirements, shown below.

Resource	BEP Ratio
Teachers	10 options based on disability and severity, ranging from 91.0 – 8.5 Students: 1 Teacher
Supervisors	750 Students: 1 Supervisor
Assessment Personnel	600 Students: 1 Assessment Personnel
Assistants	60 Students: 1 Assistant
Materials	\$36.50 per Student
Equipment	\$17.25 per Student
Travel	\$17.25 per Student

Tennessee uses the total number of students with disabilities in a district and the various resource ratios to calculate a dollar amount, using an average salary for the personnel positions. Regardless of the calculated allocation, Tennessee will provide a base threshold of funding to districts for special education.

Analysis:

The advantages and drawbacks of formula-based funding models ultimately depend on the context of the state for which they were devised. Broadly, a commendation for this type of model is that it attempts to calculate the necessary resources for providing special education services by incorporating an estimation of the per pupil excess cost of special education services. There is a dearth of research, however, related to what constitutes an appropriate amount of funding for special education, and even less research on how much is spent on special education from all federal, state, and local governments. The broad variation between states in multipliers, weights, and per pupil flat grants speak to this lack of consistency.

In theory, formula-based models allow districts to receive resources commensurate with the needs of the students they serve. Additional student weights attempt to add more precision. In some cases, additional weights and metrics can lead to funding models becoming byzantine, overcomplicating how districts receive and ultimately utilize resources. Moreover, when improperly devised, formula-based funding models can create distorted incentives for local districts. For example, basing resources on the number of students identified for special education could lead to the overidentification of students for disabilities, since a financial incentive would exist for schools to use ambiguous identification standards to place students into special programs. Many states control for this challenge by capping the resources provided to a district based on a specific proportion of students with disabilities, similar to Oregon's approach with resources limited to 11% of ADM.

Staff and leaders (as well as parents) often feel that the weights are too low, that resources are limited, which in turn can lead to insufficient services provided. That said, it also leads to a focus on developing cost-effective strategies and reviewing costly approaches.

Because the weights are set by the state, this model, is easier for state leaders to control state level funding for special education. It does not, however, actually limit district level special education spending. Often districts cross subsidize special education funding with general education/general purpose funding from the state or local sources to cover any shortage. This pits special education funding against general education funding. Often general education services will be cut during economic down turns as a result.

What about advantages of the resource-based approaches; this provides a standard set of resources based on the best practices described in this report above, and which are incorporated into the Picus & Odden textbook approach

Comparison to Wyoming:

Formula-based approaches stand in contrast to the special education funding model utilized by Wyoming, which is entirely based on reimbursement. Rather than using complex formulas to determine a funding allocation, Wyoming opts to reimburse allowable special education costs incurred by its districts and schools. In that sense, Wyoming's reimbursement model shares the goal of formula-based models of funding districts in a manner proportionate to their identified student needs. While Wyoming does not cap district allocations based on special education identification rates, Wyoming Statute does require the state superintendent to monitor identification rates and statewide spending is capped.

B. Stipulated Appropriation:

Under this funding model, states will stipulate a specific funding appropriation for special education programming based on a variety of factors ranging from historical spending, projected need, or available funds. States will then disburse funds to districts and schools through several types of mechanisms that follow a similar pattern to formula-based models. The primary mechanisms used include flat grants, needs-based calculations, and census block grants. Though similar to formula-based models, stipulated appropriation models take a more top-down approach to determining the total funding obligation for the state.

- **Flat Grant & Needs-Based** – In Colorado, the state appropriated over \$195 million for special education services in Fiscal Year 2019-20. Resources were then distributed to local districts using a needs-based calculation. The Colorado Department of Education (CDE) provides a flat grant of \$1,250 for all students with disabilities, regardless of type. Then with the remaining funds, CDE calculates an additional funding allocation for students with more severe needs. This additional amount is capped at \$6,000 per student. The total allocation per district is the sum of these two allocations. A simplified example is given below.

For a district with 1,000 students with disabilities, of whom 200 have identified severe needs, the total allocation would be \$2.45 million.



Base Funding Allocation		\$1,250
Total Students with Disabilities	x	1,000
Core Special Education Allocation		\$1,250,000
Additional Funding Allocation		\$6,000
Students with Severe Disabilities	x	200
Total Additional Allocation		\$1,200,000
Core Special Education Allocation		\$1,250,000
Additional Allocation	+	\$1,200,000
Total Special Education Allocation		\$2,450,000

- **Census Block Grants** – Montana funds special education using a census-based system, which assumes that a standard proportion of the student population in a district will require special education services. The total funding obligation for special education is distributed through the following ratios:

Category	Ratio
Instructional Block Grant	52.5%
Related Services Block Grant	17.5%
Reimbursement of Local Districts	25%
Special Education Cooperatives and Joint Boards for Administration and Travel	5%

The specific funding allocation for a district is calculated by taking the district's adjusted enrollment count, locally known as Average Number Belonging (ANB). The state allocates \$151.16 per student for special education instruction and \$50.38 per student for special education related services. These allocations are based on the total ANB, not the specific number of students with disabilities. Once district allocations are determined, Montana requires its districts to raise \$1 of local funds for every \$3 in state funds provided through the instructional and related services block grants. If a district has allowable costs that exceed this combined funding amount, the state will partially reimburse costs up to a pre-established limit. Once this base allocation has been distributed, the

state will distribute the remainder of its obligated funds to specific program-based allocations.

California and Vermont also use variations on census-based models, which assume that a set percentage of students in each district will require special education services. States use a district's full enrollment count in conjunction with a resource-based cost calculation to determine the district's special education funding allocation.

Additionally, in the EB model, Picus Odden & Associates recommend incorporating the best practices outlined in this report into a census based approach to special education funding for students with mild to moderate disabilities.

Analysis:

One of the advantages of a stipulated appropriation model is that a state can clearly manage the total cost of its special education services. While state governments likely engage their constituents and use formulae to determine the most appropriate funding amount, they are ultimately capping their total funding obligation. Once the funding obligation is set, states utilize mechanisms similar to formula-based models to ensure that resources are provided to districts in an equitable fashion based roughly on level of student needs.

It should be noted that limiting the state's funding obligation can run the risk of under-supporting special education programming. Many states, including Montana and Colorado, will regularly conduct independent studies of the cost of providing an 'adequate' education, inclusive of special education, to ensure that their funding levels are appropriate. States will also augment their funding models with opportunities for reimbursement in the event that a district or school encounters a student with extraordinarily high needs.

Again, it's important to note that while a state can limit what is provided for special education spending a district cannot legally limit its special education spending. In fact, IEP teams are precluded from making cost or availability of funds a factor in their determination of what services to provide. When special education spending exceeds the funding from state and federal sources local dollars or general-purpose state dollars will be used.

In practical reality, three things tend to happen when available special education dollars do not meet the full cost of providing special education services. 1) general education services are reduced 2) IEP teams unconsciously set services roughly in line with available funding and 3) more cost-effective practices become the norm.

Comparison to Wyoming:

Wyoming's reimbursement model is similar to the stipulated appropriation model in that the state bases aggregate special education funding on historical expenditures. This cap helps to control escalating costs in special education; however, it does come with the risk of underfunding special education if funding adequacy studies are not conducted and incorporated. The Wyoming model differs from other stipulated appropriation models in its reimbursement mechanism for disbursing funds. Rather than proactively allocating resources to districts and schools, Wyoming reimburses based on a set of allowable expenditures.

Inherent in these models is an assumed approach to staffing and service delivery model. Since these formulas and assumptions tend to be complex, this type of funding model does not often drive districts to a particular set of practices but does tend to limit special education spending in aggregate. It creates pressure to live within a set budget.

C. Cost Reimbursement:

Under a reimbursement model, as is used in Wyoming, states will reimburse some percentage of the total special education costs in accordance with pre-established allowable expenditures. Oftentimes, states will set a limit on the total statewide funding obligation based on historical spending or some other calculation. Reimbursement rates vary across the nation, from 26.79% of local spending in Wisconsin to up to 100% of local spending in Wyoming. In many cases, states will provide a contingency reimbursement fund in the event that a student with extraordinarily high needs moves into a district.

- **Partial-Reimbursement** - Nebraska uses a typical partial-reimbursement model for funding special education in which the state department of education reimburses 57.5% of allowable costs associated with special education programming. For example, if a district's special education

costs totaled \$2 million, the state would reimburse that district \$1.15 million in the subsequent school year.

The state does not establish any aggregate statewide funding cap, nor does it institute a cap on funding tied to the identification rate of students with disabilities.

Analysis:

Reimbursement models are fairly straightforward in how they disburse resources to districts in support of special education programming. The rate at which a state will reimburse districts varies considerably between states, and ultimately impacts the amount the local district would be responsible for covering. One key assumption of reimbursement models is that special education costs will remain relatively consistent from one year to the next. This assumption is largely fair; however, it does disadvantage small districts in which small changes in special education enrollment can have enormous impact on the special education budget.

Comparison to Wyoming:

There are several considerations for Wyoming as it compares itself to similar reimbursement models from other states. First, there is the question of the percentage at which the state will reimburse districts. Wyoming's commitment to 100% reimbursement makes it one of the more generous models and not surprisingly makes it popular among districts and schools. The lack of cost sharing with districts does create the possibility of higher spending. This is mitigated in Wyoming by the time-limited statewide cap and an inherent fiscal stewardship by district leaders.

Wyoming does not currently utilize a contingency fund to support with districts that experience extraordinarily high costs during a school year, which may create challenges for districts that are asked to support students with severe needs but may lack the resources in that school year.

D. Contingency or High Cost Reimbursement:

The other model for special education funding is a contingency or high-cost reimbursement model in which states will cover up to 100% of the educational costs for students with extraordinarily high or "excessive" costs, typically



designated as a certain percentage above the average per-student cost. Most states use this model in conjunction with one of the other three models to protect individual schools and districts from overly burdensome costs in a given school year. Generally speaking, 1-3% of all students (10-15% of students with disabilities) have more significant needs. Not all of these high needs students might have needs that hit the high cost threshold. While outliers, a small number of high needs students can cost over \$100,000 a year to serve. In more extreme, but no unheard-of cases, a single family can move into a district and require \$250,000 or more of services each year.

- **High-cost & Single Student Weight** - In Oregon, the state will provide additional funding through a partial reimbursement model for students with disabilities whose approved special education costs exceed \$30,000. This mechanism exists to ensure that districts are not unfairly encumbered as students with less common, extreme needs emerge within a district.
- **High-cost & Census-based** - Massachusetts will provide reimbursement for highly cost-intensive students of up to 75% of special education costs in excess of four times the state per-pupil foundation budget. Massachusetts created additional conditions that must be satisfied in order for a district to be able to access resources, noting that additional funds are a part of an 'extraordinary relief' program that supports districts whose special education expenses see at least a 25% annual increase. Similarly, Vermont will reimburse districts for students with costs exceeding \$60,000 per fiscal year.

The EB model's special education funding formula is based on a census-based and high-cost model, with a census-based approach to funding for students with mild to moderate disabilities, incorporating the best practices outlined in this report, and a separation of the funding for high-cost students with disabilities into a reimbursement model for these students with costs that are harder to predict and manage.

- **High-cost** - Connecticut only provides reimbursement for its high-cost students with disabilities, leaving the remainder of special education funding to come from other sources. The state provides funding if the costs for a student exceed 4.5 times the average per-pupil expenditure,

provided that available appropriations allow for the disbursement of funds.

Analysis:

How a state integrates a high-cost or contingency funding model is largely based on the context of its other funding mechanisms. In general, contingency funding models are an appropriate method to address the uneven distribution of high-need students across districts. In some situations, extraordinarily high costs can place districts in financial risk if they are not prepared to support such students. Contingency funding models are a relatively fair method in dispersing the inordinate costs of high-need students across a state. Funding is not unlimited however, and many states will impose restrictions on how much they will reimburse either by setting specific caps or creating an application process so that the state department of education can methodically distribute resources to districts in need.

Considerations for Wyoming:

Wyoming does not currently utilize a high-cost contingency funding model. Its 100% reimbursement model in theory covers these added costs, but there is a delay for districts in accessing those resources, as reimbursements are distributed based on the previous year's expenditures. Some version of a contingency fund could support Wyoming districts in real time, as new extraordinarily high cost students are enrolled.

The availability of reserve funds at the district level also impacts the need for real time support of high need/high cost students. If districts have sizable reserves, they are better able to carry the costs until reimbursement comes in future years.

3c. Recommendations for the Wyoming Funding Model

Wyoming's current reimbursement model for funding special education meets many of its intended goals, and many of the potential drawbacks have been avoided such as rapidly increased spending and over identification. However, the model has reduced pressure on districts to assess and innovate how they serve students with special needs. This has unintentionally encouraged a number of low impact but high cost practices to become common practices. Students, staff and the budget would all benefit from a system that encourages wider adoption of best practices. This can be done with minor adjustments to the current funding model coupled with sharing of best practices, technical assistance and nudges to adopt best practices. It is important to note that changes to funding must move in concert with changes in practice, but not faster than changes in practice.

Looking to the future, the state may wish to protect against spending practices that haven't been evident to date but might arise if overall district budgets get tight.

Recommendation #1. Place greater emphasis on how dollars are spent rather than just how much funding is provided to special education.

Under the current Wyoming reimbursement model, little emphasis is placed on how dollars are used to develop highly effective special education programming. Provided that expenditures satisfy a preapproved set of special education related costs; little guidance is given to schools and local education agencies on how to ensure expenditures are evidence-based and driving towards improved results for students. This phenomenon ultimately leads to several of the challenges identified in the earlier portion of this review related to Wyoming's funding model including having a high statewide average for per pupil costs as well as a lack of incentives nudging districts towards funding special education best practices.

While it is not the recommendation of this report that the state abandons its reimbursement model, Wyoming might consider providing greater structure and guidance for how dollars are being expended, similar to the EB model. A greater use of targeted funding for instructional coaches, interventionists and high-quality tutors is one such nudge towards cost effective best practices. In fact, by fully funding Tier 1 and Tier 2 supports in the EB model, Wyoming would be nudging districts towards an improved and more cost-effective special



education system. Fully implementing the EB model would allow resources to be shifted from special education reimbursements. While districts and the state must carefully navigate the Maintenance of Fiscal Support (state requirement) and Maintenance of Effort (local district requirement) or Supplement not Supplant provisions, the U.S. Department of Ed encourages such shifts and current Maintenance of Effort flexibilities would allow a gradual shift in spending.

Additional guidance on special education reimbursements could include ensuring all special education expenditures are aligned with educational best practices, discouraging the use of common, but ineffective supports, and encouraging the braiding of funds with other funding sources to create high-quality and integrated special education programming.

By shifting emphasis away from total amount expended to how funds are expended, the state would be encouraging an improved deployment of resources. Such changes would ultimately make special education programming more cost effective and less costly while at the same time increasing student achievement.

Why aren't best practices already being widely adopted?

When districts across the state embrace practices such as co-teaching, paraprofessionals for academic support, and very small groups, it's not because the reimbursement model allowed for these high cost practices. All three of these practices are utilized in Wyoming because there is the belief that they are the best practices to help students achieve. In fact these practices become common place across the country, including states that have much less generous funding models, including models with very tight caps on funding. Districts utilized these strategies because they want to help kids achieve at high levels. For many years common wisdom was that these were "best practices". Because achievement was low for students with disabilities, there was pressure to add more of these services.

In states that have funding models that create fiscal pressure on districts, the districts were quicker to assess the impact of these presumed best practices, to consult gold standard research such as John Hattie and the What works Clearing House, and more quickly change from past practice to best practice.

If more districts in Wyoming understand and accept research based best practices, they are likely to adopt them, which will increase learning and reduce costs.

Recommendation #2. Consider encouraging the use of general education staff to support students with disabilities through the reimbursement model.

Students and budgets would be well served if students with special needs received more services from general education teachers as well as special education staff. While it is prudent that the 100% reimbursement model apply only to services for students with special needs, there need not be a requirement that these incremental services are provided by staff with special education certification, if a general education teacher or interventionist is well qualified to provide them.

Consider the case of an elementary school that is designing an intervention program for its students who struggle to read. Under the current interpretation of the Wyoming funding model, a school might develop two parallel reading intervention programs for struggling students, one for students with identified disabilities and another for students who struggle, but who do not have an identified disability. Despite having similar needs these student groups would likely be served in separate programs due to a district or school's belief that special education funding can only reimburse costs within the special education department. Students with disabilities might be further dis-served, for the school would likely assign a special education teacher or paraprofessional to provide the service, rather than an interventionist specifically trained in reading and early literacy. Special education staff provide important supports to students with disabilities; however, their broad range of responsibilities often make their providing specific interventions, such as in literacy, a challenge. Some special educators are very well trained and skilled at providing intervention, but not all. Far fewer paraprofessionals are highly skilled interventionists and teachers of reading.

To encourage a more effective deployment of staff and resources for special education programming, the state might consider offering specific guidance for how districts and schools can share staff and programs between special education and general education. Two example methods for determining the share of costs are given below.

Per Pupil Allocation – Districts could apportion the costs of a general education instructor who is providing intervention supports to students with disabilities by taking the proportion of students with disabilities from the total number of students served by that teacher.

Ex. For a reading interventionist with general education certifications who supports 40 students, 15 in special education 25 in general education, the district could cover 37.5% of their salary and benefits with special education resources, covering the remaining costs with other funding sources.

Students Served	No.	Pct.
Students in Special Education	15	37.5%
Students in General Education	25	62.5%
Total Students	40	100%

Time Allocation – Districts could alternatively share the costs of an instructor by recording how that individual spends their time serving specific student groups and splitting costs accordingly.

Ex. Consider a high school math teacher who teaches one section of intervention math for students with disabilities. Assuming this teacher has five course sections in total, 20% of their time would be devoted to special education services. The district could therefore cover 20% of this teacher’s salary and benefits with special education resources.

Courses Provided	No.	Pct.
General Education	4	80%
Special Education	1	20%
Total Courses	5	100%

In a siloed funding model, the district might have staffed this math intervention with a special education teacher, who despite having full credentials in special education, often would not have the necessary background to provide strong intervention in secondary math. In contrast, the above example shows how districts can adjust their approach to funding to ensure that students with disabilities are given access to the same high-quality, content-strong teachers and interventionists who are provided for students in the general population. Over time, there is a significant opportunity to shift resources from special education to general education, eventually reducing the special education

spending. This must be done slowly and deliberately to maintain compliance with Maintenance of Effort requirements and to give districts time to adjust their practices. (see Appendix F).

Recommendation #3. Consider establishing checks and balance to limit the financial incentive of over-identification of students with disabilities.

As noted in the commendations, districts in the state do not over identify students with disabilities. If, however, school budgets get tighter in the future there is an incentive to unconsciously begin to overidentify students with disabilities. It is important to consider that while many nationally normed assessments are used to determine if a student has a disability, there is actually great latitude and personal judgement in making the determination. In fact, some districts and states identify twice as many students as others, even if they have nearly identical students.

While Wyoming currently monitors the percentage of students in a district who are identified for special education, the state might consider setting checks or funding limitations that are tied to the proportion of students with disabilities in a district. A financial incentive could exist for a district to over-identify students for special education services to increase their total resources. While not currently reported in Wyoming, this trend has been reported in other states with similar funding models. Though motives for identifying students may be good, inappropriately identifying a student for special education can lead to extremely negative outcomes for that child over the long term. Any reduction in general education funding could make this challenge more likely.

Wyoming might consider monitoring the allocations that are distributed to school districts in the context of their special education identification rates. Any district above the given threshold for identification would trigger a review by the department of education to ensure that resources are being utilized effectively and that students are being identified and placed appropriately. This check would prevent the reimbursement model from creating a financial incentive to over-identify students for special education, while still allowing for increased spending when appropriate and necessary.

Recommendation #4. Separate high need, high cost students into their own reimbursement plan with a different cap and process for more timely reimbursement.



On average, a small proportion of students with disabilities, somewhere between 1 and 3% of all students, have more significant needs. While not all students with high needs require intensive and high cost support, there are instances where a single student's moving into a district can require added costs of \$35,000 to upwards of \$250,000. Such added costs can create challenges for districts, especially in the first year.

These students, defined often as “Level 4” or “high cost, high need” are separated out in many other models of special education funding. Other states define these students by a few different metrics:

Above a specific dollar amount: students with needs that cost above a specified amount. For example, students with needs that cost more than \$30,000.

- In Vermont, high cost students are defined as students with needs that exceed \$50,000.
- In West Virginia, high cost students are defined as students with needs that exceed \$33,824.
- In Wisconsin, high cost students are defined as students with needs that exceed \$30,000.

Above a set proportion or ratio: students with needs that cost above a specified proportion of per pupil spending. For example, students with needs that cost greater than four times the base per pupil allocation.

- In Connecticut, high cost students are defined as student with needs that exceed 4.5 times the average per-pupil expenditure.
- In Massachusetts, high cost students are defined as students with needs that exceed four times the average foundational budget.
- In New Hampshire, high cost students are defined as students with needs that exceed ten times the state average expenditure.
- In Rhode Island, high cost students are defined as students with needs that exceed five times the core foundational amount.

By specific disability: students with specific disabilities are defined as high need, high cost. This is typically associated with multiple student weight funding models. For example, students with Orthopedic Impairments receive six times the base allocation and students with Multiple Disabilities Severe Sensory Impairment receive seven times the base allocation.

- In Florida and Arizona, students with specific disabilities receive higher funding based on their disability.

In Wyoming, in the current reimbursement model, high cost supports for a small number of students with high needs may obscure or distort how the remaining funds are used to provide programming for students with mild to moderate needs. For example, a district that has quickly increasing special education costs may attribute all the increase to a handful of new high needs students. If that is the case, then the district has been a good steward of funds. If half the increase, however, was driven by expanding low impact services for students with mild to moderate disabilities, then they have not been as prudent a steward. Current funding and reporting systems make it difficult to determine which is the case.

Moreover, the great variability in district level spending for these students makes it hard for district leaders to either embrace more broad efforts to manage special education spending or to accept a cap as fair and reasonable. It is easier for districts to manage special education spending for students without severe needs.

Wyoming might consider separating out the costs associated for students with high needs from their reimbursement model, creating instead a separate contingency fund for such high-needs students. As outlined above, the state could set a threshold amount (typically between \$30,000 and \$50,000) or identify a set of disabilities that would qualify a student's costs as being eligible for reimbursement through the contingency fund. This would allow districts and the state to more closely monitor and manage the remaining special education spending. Since disability categories are not cleanly defined in practice, the dollar threshold is likely a better measure.

The separate funding mechanism for students with high need disabilities could readily be called on to reimburse high costs above that preidentified threshold. Beyond deploying necessary funding for programming in a timelier fashion, separating resources for high cost students into a separate fund would help the state monitor more clearly how its resources are being distributed across districts, schools, and programs. Creating a high cost contingency fund is consistent with the approach taken by over 14 states as well as many others that use separate funding weights for more resource intensive disabilities.

This approach would also allow the state in the future to more accurately forecast what is a reasonable level of spending for students with mild to moderate special needs by a district using an EB model approach similar to general education spending.

If the state set a high needs cap, it could also, in time set a separate cap for mild to moderate needs as well. Setting the mild to moderate needs cap is an involved process and shouldn't be done lightly or quickly. Students and taxpayers would only benefit if the cap is paired with support for districts to change their practices. If districts adopted the changes in practice outlined in this report, the mild to moderate needs cap could be lower than current spending and students would be better served. If the cap is set lower than current spending without associated changes in teaching and learning practices, students would likely be worse off. While many of the changes are common sense, they are not common practice and reflect a high level of change for many districts in the state. Time and support will be required to help facilitate the shift in practice, staffing and IEPs. Making specific recommendations on the details of a mild to moderate cap go beyond the scope of this contract, but could be provided in the future.

Recommendation #5. Consider establishing greater checks & balances for costs associated with non-high needs students in the reimbursement model.

With the separate contingency fund for students with extraordinarily high needs, programming for students with mild to moderate disabilities can be monitored with greater clarity. In general, the needs of students with mild to moderate disabilities are more predictable, more aligned to total enrollment and more within the control of individual districts. Wyoming might consider strengthening its system of checks and balances on special education funding for students with mild to moderate special needs. A number of potential checks and balances are provided for consideration. With implementing any of these checks and balances, Maintenance of Effort is an important requirement to be conscious of. There is however an opportunity over time to reduce special education spending and maintain compliance with Maintenance of Effort requirements. For more information on this, see Appendix K on Maintenance of Effort.

A). A system of checks and balances might be as simple as maintaining 100% reimbursement but also calculating "reasonable" levels of spending per district for students with mild to moderate special needs. This would

provide a guidepost for districts, who sincerely wish to be good financial stewards and an indication to the state if spending in a district should be reviewed.

Such a target would create incentives for districts to seek cost effective strategies for providing services, while still giving districts and schools the necessary flexibility to write IEPs and meet the individual needs of students.

Wyoming might consider using a census or resource-based model to estimate what is reasonable spending for mild to moderate special education funding. These cost estimates would be based on best practice supports and staffing configurations.

B). The state might additionally pursue regular reviews of the key drivers of special education costs, ensuring that expenditures remain consistent with best practice. Included with such reviews would be regular special education staff caseload benchmarking to state and nationwide averages, especially examining the role and staffing of paraprofessionals, ensuring that caseloads remain within an appropriate range.

C). The state might also consider conducting academic return on investment analyses on its highest cost and potentially highest impact programs to ensure that all programs are yielding the best possible results.

D). The state could utilize the calculation for reasonable levels of spending for students with mild to moderate special needs in establishing the mild to moderate needs statewide cap. This would bring special education funding more in line with how general education funding is determined, while also providing districts protection from hard to plan for high needs students.

Wyoming might consider setting the cap for special education spending for students with mild to moderate special needs based on a census-based, EB model to determine a practical and sufficient level of spending statewide, while also taking into account past spending trends. However, this cap would only be sufficient if other elements of the EB model are fully funded, including instructional coaches, interventionists, and general education supports. Any reduction in the statewide cap would

need to be made slowly and deliberately in pace with districts changing how they serve students with mild to moderate disabilities, to ensure compliance with Maintenance of Effort (see Appendix K) and to ensure services are not reduced for students. Any cap should take into account both inflation and desired shifting of practice.

An enhanced system of checks and balances would ensure a cost-effective statewide special education system that encourages delivering the highest quality services to students with disabilities.



4. Reviewing Special Education Guidance and Practice

Introduction - IDEA State Level Policy & Practice

The federal government sets the rules under which special education operates and is funded, but states can add to these requirements, and often do, through their own state guidance. State guidance frequently shapes how the federal rules are interpreted and implemented on the local level. To understand Wyoming's interpretation and implementation of federal IDEA, Part B's spending (the primary source of federal special education funds) and related fiscal rules, DMGroup engaged and consulted with Federal Education Group (FEG). FEG is a law and consulting firm that helps states, school districts, and other educational organizations understand federal law. FEG's co-founders Melissa Junge and Sheara Krvaric are published national leaders in the topic of federal education law, and have helped numerous states and districts understand, interpret, and implement federal law, including IDEA.

FEG conducted an in-depth review of the existing WDE IDEA, Part B guidance and practice with two primary goals in mind: understanding 1) the extent to which the state's guidance materials are consistent with federal spending and fiscal requirements and 2) the extent to which materials reflect available federal flexibilities and support cost effective best practices. Their full report is included in Appendix F.

IDEA, Part B funds are additional, separate funds provided to districts to support students with disabilities. These funds are separate from the state reimbursement funds to districts. Districts submit expenditure reports both for IDEA, Part B expenditures and state reimbursement expenditures. The 100% reimbursement model excludes expenditures funded through IDEA, Part B, thus no expense if funded by both sources.



4a. Review of Wyoming Guidance for Implementation of IDEA, Part B

In general, WDE adheres to federal requirements related to educating students with disabilities by prioritizing the provision of services in the least restrictive environment possible. The state agency also understands the broad array of allowable expenditures for IDEA, Part B funds.

In the words of the U.S. Department of Education, “IDEA, Part B funds can be used for a wide variety of strategies to improve student outcomes.”³⁸ These funds are governed by three fiscal rules, each of which is intended to ensure that districts or Local Education Agencies (LEAs) use their allocated funds to expand services for students with disabilities rather than replace the state and local money that they would otherwise spend to support such students.

An overview of the three fiscal rules is given below:

1. **Maintenance of effort (MOE)**, which requires LEAs to budget and spend at least as much local (or state and local) money on special education as they did the year before,
2. **Excess cost**, which requires LEAs to spend, on average, the same amount of non-IDEA money on children with disabilities as they spend on children in the LEA as a whole,
3. **Supplement, not supplant**, which prohibits LEAs from using IDEA, Part B funds to replace the state, local, and other federal funds they would otherwise spend on special education if they did not participate in IDEA.

Despite the clear understanding at the state level regarding the allowable uses of IDEA funds, there are misunderstandings at the local level, which inadvertently create more restrictive, less cost effective and less effective learning experiences for students.

³⁸ U.S. Department of Education, *Non-Regulatory Guidance on Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement*, (2009), p. 4, available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>. Please note ED developed this guidance to help districts spend the additional IDEA, Part B funds appropriated through the American Recovery and Reinvestment Act, but it applies to regular IDEA, Part B funds as well. The guidance will be referred to as 2009 IDEA Reform Guidance from now on.



These misunderstandings perhaps stem from WDE guidance on two fiscal rules in IDEA, Part B: 1) excess cost, and 2) supplement, not supplant. WDE guidance on these two rules seem to add restrictions to specific kinds of spending for special education programming that do not exist in federal law. While WDE's guidance is not necessarily incorrect and did not intend to restrict spending uses, it allows for an interpretation of IDEA, Part B that narrows the allowable uses of funds for districts, making it more challenging for district and school leaders to design high-quality supports for their students with disabilities in an efficient and effective manner. With this, all available federal dollars are currently received and utilized, but their impact may not be maximized.

Broadly, WDE guidance allows for an interpretation of IDEA, Part B fiscal rules that reduces the impact of federal dollars by restricting or discouraging the use of various best practice supports. Specifically, Wyoming guidance appears to many in the field to prohibit districts and LEAs from using IDEA, Part B funds on services that may also be provided to students without disabilities. Though seemingly innocuous, this guidance minimizes the impact of federal dollars and prevents school districts from developing effective and cost-effective supports and interventions for students with disabilities that are integrated with general education materials, services and staff.

Wyoming guidance on the excess cost and supplement, not supplant rules for IDEA, Part B creates additional provisions for districts and LEAs to conduct fiscal checks that go above and beyond federal requirements on the services provided by these dollars. Specifically, Wyoming guidance assesses excess costs at the individual expense line item level rather than in the aggregate, and outlines criteria for determining excess costs through a set of questions on each specific expense.

In particular, WDE uses an excess cost verification manual that describes three criteria that each cost supported with IDEA, Part B funds must satisfy to be considered an excess cost. The three criteria are given below:

When determining whether an expenditure is an excess cost, consider these guiding questions:

- 1. In the absence of special education and related services, would this cost exist?**

If the answer is...

- **No** – it is an excess cost.

- **Yes** – it is not considered an excess cost and is not allowed.

2. Is this expenditure also generated by students without disabilities?

If the answer is...

- **No** – then the expenditure is an excess cost.
- **Yes** – then the expenditure is not an excess cost and is not allowed.

3. If it is a child specific service, is the service documented in the student's IEP?

If the answer is...

- **Yes** – then the expenditure is an excess cost.
- **No** – then the expenditure is not an excess cost and is not allowed.³⁹

These three criteria do not come from federal law or guidance but are a common misperception of how to test for excess cost compliance. The criteria do not satisfy IDEA, Part B excess cost requirements and restrict IDEA Part, B spending and service options.

Similarly, WDE guidance requires districts to test if individual expenses meet supplement, not supplant requirements through two presumptions about each expense, meaning there are two situations in which WDE will presume supplanting occurred:

1. If an LEA uses IDEA, Part B funds to provide services it is required to make available under other federal, State, or local laws or policy.
2. If an LEA uses IDEA, Part B funds to provide services for students with disabilities that the LEA also provides for non-disabled students.

According to the U.S. Department of Education however, determining compliance with both excess cost and supplement, not supplant does not require looking at individual expenses, but rather just the aggregate IDEA, Part B

³⁹ See, for example, Wyoming Department of Education, *Reference Guide: LEA Spending of IDEA Funds*, available at <https://1ddlxrt2jowkvs672myo6z14-wpengine.netdna-ssl.com/wordpress/wp-content/uploads/2015/11/Guidance-re-LEA-Spending-of-IDEA-Funds.pdf>.



spending, which allows for a more holistic approach to special education programming.

WDE's guidance on IDEA, Part B spending creates pressure for districts and LEAs to separate or silo special education services, materials, and staff from general education. While not the intent of WDE, this separation may reduce the impact of federal funds and inadvertently shape special education programming such that the system is made more siloed and complex and the quality of services for students is diminished. Guidance that functionally creates silos between special education and general education programs inherently restricts collaboration and alignment between programs and staff and can have the undesired effect of undermining effective inclusion and reducing education best practices, which embrace a more active and integrated role for general education staff, materials and curriculum.

Below are three examples that highlight how a district's limited understanding of the law could create less effective programming for students with disabilities.

Ex. 1 –

Consider a district that wants to build a strong reading intervention program for their students with disabilities who have identified needs for literacy supports. Based on their understanding of Wyoming's guidance on IDEA, Part B funds, this district might restrict its hiring to only staff who have special education certifications and work exclusively with students with disabilities. Rather than hiring a content-expert reading teacher, trained to provide literacy interventions for all students, the district might instead hire a special education teacher, or if none were available as there is a shortage of special education teachers in Wyoming, a paraprofessional aide.

While special education staff are knowledgeable in special education and provide invaluable services to students, they often do not have the specific content training needed to provide targeted instruction and interventions. In sum, rather than hiring a literacy content expert, this district likely would hire a special education teacher or paraprofessional with limited experience or knowledge of literacy to support their students with disabilities, all because of their misinterpretation of the allowable uses of IDEA, Part B funds.

Ex. 2 –

Consider a district that plans to use its IDEA, Part B funds on professional development on various strategies to support students with mild to moderate disabilities. Based on district understanding of Wyoming's IDEA, Part B guidance, districts may limit this training to special education staff, which would reduce its reach and impact. General education staff who also work with students with disabilities and would stand to benefit from such a training might be prevented from attending because they are not considered special education staff.

Ex. 3 –

Consider a school that wants to use IDEA, Part B funds to purchase technology or materials, perhaps a secondary math intervention program. Wyoming's guidance on IDEA, Part B funds could inadvertently lead this school to restrict the new technology to students with disabilities, even though it may be effective for all students. Moreover, the school would likely create a separate set of interventions or supports for students who struggle but do not have identified disabilities. This approach would create duplicative work for staff and may create an additional challenge for students with disabilities who might receive competing strategies or supports in their general and special education settings. Because of perceived funding restrictions, the school would be in effect creating a separate program for students with disabilities rather than leveraging resources to create the strongest supports possible for all students. Attempting to provide intentional supports for students with disabilities, the school might inadvertently create less effective programming.

Federal law permits school districts and LEAs to spend IDEA, Part B funds on a broader range of activities than is reflected in the Wyoming's guidance. In fact, the U.S. Department of Education encourages districts to use IDEA, Part B funds on initiatives that meet the needs of all students, both students with and without disabilities, provided that IDEA, Part B funds are blended appropriately with other funding sources. Such approaches to special education programming lead to improved outcomes for all students both with and without disabilities.



4b. Recommendations:

Recommendation #1. Revise state guidance on IDEA, Part B excess cost and supplement not supplant requirements to reflect the full flexibility intended by the federal regulations.

The state should revise their **excess costs** and **supplement not, supplant** guidance to encourage school districts to use the same effective services for students with and without disabilities. In particular, Wyoming should consider eliminating the three guiding questions as criteria for determining excess costs and the two presumptions of supplanting. By eliminating these provisions, more effective services can be provided to more students, as these funds can be used to purchase professional development, materials, and staff that can impact students with and without disabilities, maximizing the effectiveness and efficiency of these funds.

Given how deeply many district leaders hold as truth their overly restrictive understanding of allowable uses, WDE will need to regularly, forcefully and clearly communicate the change in understanding and behavior they wish to encourage for use if IDEA part B funds.

Recommendation #2. Update State monitoring tools to reflect the new guidance.

Currently, Wyoming uses a consolidated grant monitoring process to oversee local compliance with several U.S. Department of Education grant programs including IDEA, Part B. If the state updates its excess cost, supplement, not supplant and spending guidance, as suggested above, it would need to update its monitoring system as well.

5. Conclusion & Next Steps

The opportunities and recommendations identified in this report are intended to raise achievement for students with disabilities, to make the work easier for staff, and to do both of these in a cost-effective manner. This information can help facilitate discussions and guide the direction for WDE and the Legislature as they make decisions on any changes or updates to guidance and funding for school districts.

Overall, DMGroup's findings for Wyoming special education can be summarized as follows:

Academic Achievement

- To raise achievement for students with special needs, changing how dollars are spent will be more important than focusing how many dollars are spent.
- To improve outcomes for students with disabilities, improving general education core instruction, general education provided intervention, and classroom based social-emotional practices are key. General education and effective inclusion are more than half the solution.

Spending and Funding

- These practices – core instruction, extra help for struggling students and social/emotional supports – are fully funded in the EB model, can be provided before a student is identified as having a disability, and are more cost-effective than current approaches to providing special education services.
- The additional spending for students with disabilities is higher in Wyoming than the national average, both in absolute terms and in comparison to general education spending. This higher spending has not led to higher levels of achievement. The higher spending is driven both by factors that contribute to higher general education spending: the small, rural nature of many districts and higher than national average staff salaries, and by an embrace of some high cost, but less effective strategies.
- Overall, Wyoming's reimbursement model for special education is ensuring students with disabilities receive the services schools and



districts believe are appropriate. Despite incentives that could increase the number of students identified for a disability and the possibility of rapid increases in spending year over year, district leaders have balanced the needs of students with fiscal responsibility, based on their understanding of best practices. However, updates to this model can ensure that most dollars are used for best practices and in a cost-effective manner. This would raise achievement and reduce costs over time.

- There is a misunderstanding concerning the acceptable uses of Individuals with Disabilities Act (IDEA), Part B dollars that may unintentionally discourage cost effective best practices for serving students with disabilities.

Small District Challenges

- Small, rural schools and districts face unique challenges to serving students with special needs and would benefit from creating regional approaches to these challenges which could both provide better services for students and at a lower cost.
- Improving the recruitment, retention, and training of special educators as well as content expert teachers with special education training will help schools and districts improve services and reduce the long-term costs. The national shortage of special educators has led to an over reliance on paraprofessionals, which is not optimal for students or the budget. This is true in all districts, but more acute in small districts.

There is a practical and proven path to better outcomes at more moderate costs, but much conversation and planning is still required through a structured and inclusive process. Not all consideration discussed in this report can be addressed at once. If the state chooses to pursue any of these areas further, it will typically take a year or two of careful planning, research, communication, coordination, and roll-out to successfully make changes for districts, schools, staff, and students.

Over the next several months, the legislature and WDE leaders should consider the changes they would like to see in practice and establish short and long term measurable goals and action steps to make any desired changes.

Given that current practices have been in place for decades and widely embraced, it is likely that an independent, trusted third party will be helpful to facilitate changes that will benefit students, staff and the budget. Key steps include:

- Sharing the findings and best practices broadly across the state
- Creating safe spaces for candid discussion of best practices and current practices
- Identifying levels in guidance, support, and funding that will accelerate adoption of cost-effective best practices.
- Providing direct technical assistance to interested pilot districts to work closely with teachers, administrators, and parents to revise services, staffing patterns, schedules and services.
- Create expanded regional services either through existing or new entities.
- Develop clear and practical strategies to address the special education teacher shortage.

A modest investment in planning and implementation can drive significant gains for students and staff and reduce costs.

6. Appendices

6a. Appendix A - DMGroup Sample Interview Questions

State Leaders:

Special Education Funding & Spending:

1. Give me some background about how special education funds are currently allocated in the state.
2. Tell me about the history of how special education funding has changed.
3. What are the strengths of this system?
4. What are the challenges you see to this system?
5. Would you change the reimbursement system? Why or why not?
6. In your view, how efficient is Wyoming's spending on special education? Why?
7. In what areas do you believe that there is overspending in Wyoming? Why?

Special Education Services:

1. Stepping back from spending, what is working well with special education in the state?
2. What frustrates you about special education in the state?
3. What could the state do to raise the student achievement of students with special needs?
4. What are the greatest areas of consistency in special education across the state? Inconsistency?
 - a) How likely is it that a given student would get the same IEP if tested in each school in the district?
5. Do you think there is a problem of over-identification in the state? Why?
6. Does the state do a good job of inclusion?
7. Are there guidelines provided by the state on special education staffing or services for districts? If so, what are these?



8. Are there areas that you think we're going to find special education services are better or worse across the state (e.g. districts, locations, service models, supports for specific disabilities)?
9. When you envision a future state of special education for the state, what are the changes you'd like to see?
10. If you could change one thing in the state to better serve students with disabilities, what would you do?

District Leaders:

1. What is working well in terms of special education in the district?
2. What are the greatest challenges your district has been facing over the last few years when it comes to special education?
3. What frustrates you regarding special education in the district?
4. What are some things the district could do to raise the student achievement of students with disabilities?
5. What are some things the state could do to raise the achievement of students with disabilities?
6. What are the supports available to students with disabilities in your district? How is it determined which students receive which supports?
7. What is the process in which you receive funding for students with IEPs from the state?
8. How do you use IDEA, Part B funds and how is this different from 401 funds?
9. What works best about the reimbursement system from your perspective?
10. What are the challenges with the reimbursement system?
11. How do you allocate staff and dollars to schools, especially in regard to students with disabilities?

School Practitioners:

1. What is working well with special education in the district (academically and behaviorally)?
2. What frustrates you about special education in the district?
3. What is your role in providing supports to students with IEPs? What is our role in providing supports to students without IEPs?



4. What is the main service delivery model you use (co-teaching, pull-out. Push, in, etc.)?
 - a) Is this approach working? How do you know?
 - b) What subjects do you teach?
5. In what ways do general education and special education teachers align instructional and behavioral needs of students?
6. What is the role of a paraprofessional in your school? How effective is this?
7. Walk me through the supports available for a student with an IEP with academic goals.
8. Walk me through the supports available for a student with an IEP with behavioral goals.
9. If I'm a 3rd grader in your class struggling to read, what is the process you would follow to getting me additional supports?
10. What supports are available for students with an IEP?
11. What supports are available for students without an IEP?
12. If you had a magic wand and could change one thing in your district to improve special education services, what would you change? Why?



6b. Appendix B – DMGroup Schedule of Meetings with WDE, LSO and Wyoming K-12 Education Associations

January 22, 2020

8:00 AM Introduction and Organization; LSO, Picus Odden & Associates, District Leadership Solutions and District Management Group

9:00 AM Jillian Balow, Superintendent of Public Instruction

11:00 AM WDE's Continued Review of Educational Resources in Wyoming Report

Trent Carroll, Chief Operations Officer, WDE

Kim Morrow, Director of Finance, WDE

Leslie Zimmerschied, School Foundation Program Supervisor, WDE

1:00 PM Wyoming Association of Special Education Administrators

Dallas Myers, Fremont County School District #25 (by telephone)

JP Denning, Laramie County School District #1

Steve Slyman, Albany County School District #1



January 23, 2020

8:00 AM WDE Special Education Programs

Trent Carroll, Chief Operations Officer, WDE

Kim Morrow, Director of Finance, WDE

Leslie Zimmerschied, School Foundation Program Supervisor, WDE

Shelley Hamel, Chief Academic Officer, WDE

Margee Robertson, Division Director of Special Education Programs, WDE

Deb Montoya, Federal Budget Analyst, WDE

Susan Shipley, Continuous Improvement Supervisor, WDE

Jennifer Krause, Supervisor – General Supervision, WDE

3:15 PM Wyoming School Boards Association (via Zoom)

Brian Farmer, Executive Director

Ken Decaria, Government Relations Director

Greg Borchert, President (Park County School District #1, Powell, WY)

Nichole Weyer, President-Elect (Hot Springs County School District #1, Thermopolis, WY)

Bruce Jolley, Vice President (Big Horn County School District #2, Lovell, WY)

Janine Bay-Teske, Past President (Teton County School District #1, Jackson, WY)

4:15 PM Wyoming Education Association

Kathy Vetter, President

Tate Mullen, Government Relations Director



6c. Appendix C - Sample Schedule for Large District Visit

Day 1:

Time	Participants	
	DMGroup Interviewer 1	DMGroup Interviewer 2
8 - 8:45am	Superintendent	
8:45 - 9:30am	Chief Academic Officer	Other Academic Leadership
9:30 - 10:15am	Business Manager	Other Business Leaders (e.g. Grants Manager)
10:15 - 11am	Director of Special Education	Other Special Education Leadership
11 - 11:45am	Principals (Elementary)	Principals (Secondary)
11:45am - 12:30pm	Lunch	Lunch
12:30 - 1:15pm	Special Education Teachers (Elementary, Mild to moderate)	Special Education Teachers (Elementary, Severe needs)
1:15 - 2pm	Special Education Teachers (Secondary, Mild to moderate)	Special Education Teachers (Secondary, Severe needs)
2 - 2:45pm	General Education Teachers (Elementary)	General Education Teachers (Secondary)
2:45 - 3:30pm	Psychologists	Social Workers
3:30 - 4:15pm	Speech Pathologists, Occupational Therapists, Physical Therapists	Paraprofessionals (Elementary)
4:15 - 5pm	Interventionists	Paraprofessionals (Secondary)

Day 2:

Time	DMGroup Interviewer 1	DMGroup Interviewer 2
8 - 9am	Elementary School Visit 1	Elementary School Visit 2
9:30 - 10:30am	Elementary School Visit 3	Elementary School Visit 4
11am - 12pm	Middle School Visit 1	Middle School Visit 2
12 - 1pm	Lunch	Lunch
1 - 2pm	Middle School Visit 3	High School Visit 1
2:30 - 3:30pm	High School Visit 2	High School Visit 3



6d. Appendix D – Sample Schedule for Small District Visit

DMGroup Interviewer 1 Schedule:

Time	District Participants
8 - 8:45am	Superintendent
8:45 - 9:30am	Academic Leadership
9:30 - 10:15am	Business Manager
10:15 - 11am	Director of Special Education
11 - 11:45am	Principals
11:45am - 12:30pm	Lunch
12:30 - 1:15pm	Special Education Teachers (Elementary)
1:15 - 2pm	Special Education Teachers (Secondary)
2 - 2:45pm	General Education Teachers (Elementary)
2:45 - 3:30pm	General Education Teachers (Secondary)
3:30 - 4:15pm	Psychologists & Social Workers



DMGroup Interviewer 2 Schedule:

Time	District Participants
8 - 9am	Elementary School Visit
9:30 - 10:30am	Middle School Visit
11am - 12pm	High School Visit
12 - 1pm	Lunch
1 - 1:45pm	Paraprofessionals (Elementary)
1:45 - 2:30pm	Paraprofessionals (Secondary)
2:30 - 3:15pm	Interventionists / specialists
3:15 - 4pm	Speech Pathologists, Occupational Therapists, Physical Therapists



6e. Appendix E - WDE Special Education Data Request

Below is a table outlining the data DMGroup requested from WDE. Two items (out of district placements and teacher turnover rates) were unavailable for collection.

Data Title/ Type	Brief Description
Existing models for distributing funds to districts	The most up-to-date versions of Wyoming's existing funding models for distributing funds, especially special education funds, to districts.
All special education & funding policies and statutes	All state statutes and policies that dictate special education spending, funding, reimbursement, and services.
Special education revenues & expenditures	3-5 years of special education revenue sources and amounts and expenditures by district.
Enrollment	3-5 years of enrollment information (general education and special education) by subgroup (below): <ul style="list-style-type: none">• District• School• Grade• Race/Ethnicity• Socio-economic status (FRL)• ELL status
Student achievement data	2 years of WY-TOPP and WY-ALT student achievement data for all students and students with disabilities, by district, grade, and subject.
Student attendance data	3-5 years of student attendance rates by district, broken out by student subgroup if possible.
Discipline Information	3-5 years of information on student in-school suspensions, out of school suspensions, and expulsions by district, broken out by student subgroup if possible.

Data Title/ Type	Brief Description
Special education staffing	<p>3-5 years of FTEs of special education staff by district including</p> <ul style="list-style-type: none"> • Special education teachers • Special education paraprofessionals • Adaptive PE • Speech and language pathologists • Occupational therapists • Physical therapists • Psychologists • Counselors • Social worker
Special education staff on exception authorizations	3-5 years of FTEs of special education teachers and general education teachers on exception authorizations by district and school level.
<i>Special education staff turnover rates</i>	<i>3-5 years of turnover rates by district for special education teachers, special education paraprofessionals, social workers, psychologists, and related services staff employed by the district (OT, PT, and SLPs)</i>
Special education identification rates	3-5 years of special education identification rates by district. For each district, breakdown the number of students identified by subgroup.
<i>Out of district placements & costs</i>	<i>3-5 years (including 2019-2020) of the number of out of district placements by district and OOD placements as a percentage of the district's special education population. For each OOD, include where students are attending, their disability, and the cost per year for tuition and transportation.</i>
Avg. salary and benefits for staff positions	<p>The average salary and benefits for all special education roles in the district including</p> <ul style="list-style-type: none"> • Special education teachers • Special education paraprofessionals • Adaptive PE • Speech and language pathologists • Occupational therapists • Physical therapists • Psychologists

Data Title/ Type	Brief Description
	<ul style="list-style-type: none"> • Counselors • Social worker



6f. Appendix F - Federal Education Group Report on IDEA, Part B Spending and Related Fiscal Rules Implementation in the State of Wyoming

**REPORT ON IDEA, PART B
SPENDING AND RELATED FISCAL
RULES IMPLEMENTATION IN THE
STATE OF WYOMING**

Federal
Education
Group, PLLC

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Introduction

The District Management Group (DMG) engaged Federal Education Group, PLLC to review materials related to the Wyoming Department of Education's (WDE) implementation of IDEA, Part B's spending and related fiscal rules and report on:

- The extent to which the materials are consistent with federal spending and fiscal requirements, and
- The extent to which the materials reflect available federal flexibilities.

In general, we observed that, consistent with federal requirements, Wyoming State Rules place a high priority on educating students with disabilities in the least restrictive environment.⁴⁰ For example, State Rules require modifications to the general curriculum where feasible over removing students with disabilities from their regular classrooms.⁴¹

WDE's approach to IDEA, Part B spending rules, however, potentially limits support for students with disabilities in general education settings. Specifically:

- State guidance on two IDEA, Part B fiscal rules – supplement not supplant and excess cost – are inconsistent with federal law in ways that restrict spending and services, and
- Federal law permits school districts and other local educational agencies (LEAs) to spend IDEA, Part B funds on a broader range of activities than is reflected in the State's materials.

Based on these observations we recommend the State:

- Revise State guidance on IDEA, Part B excess cost and supplement not supplant requirements,
- Revise State spending guidance to reflect expanded spending options, and
- Update State monitoring tools to reflect the new guidance.

Each of these recommendations is discussed in more detail below.

Importantly, we recognize circumstances have changed significantly since we were first engaged for this project. The United States is now in a state of emergency due to the COVID-19 pandemic. Schools across the country have closed, which significantly affects all students, but particularly students with disabilities. This report, to the extent possible, takes this into account and identifies ways the State and its LEAs can use IDEA, Part B funds to meet the needs of students with disabilities in this new environment.

⁴⁰ Wyoming Administrative Rules, Chapter 7, Section 5(b).

⁴¹ Wyoming Administrative Rules, Chapter 7, Section 5(b)(vii).



I. **Revise State Guidance on IDEA, Part B Supplement not Supplant and Excess Cost Requirements**

IDEA, Part B is governed by three fiscal rules, each of which is intended to ensure LEAs use IDEA, Part B funds to expand services for students with disabilities rather than replace the state and local money they would otherwise spend on such students:

- 1. Maintenance of effort (MOE)**, which requires LEAs to budget and spend at least as much local (or state and local) money on special education as they did the year before,
- 2. Excess cost**, which requires LEAs to spend, on average, the same amount of non-IDEA II money on children with disabilities as they spend on children in the LEA as a whole, and
- 3. Supplement not supplant**, which prohibits LEAs from using IDEA, Part B funds to replace the state, local, and other federal funds they would otherwise spend on special education if they did not participate in IDEA.

While WDE’s approach to MOE appears to be consistent with federal rules,⁴² its guidance on excess cost and supplement not supplant is inconsistent with federal requirements.

A. **Excess Cost**

LEAs must use IDEA, Part B funds⁴³ to pay for the “excess cost” of providing special education and related services to eligible students with disabilities.⁴⁴ This is the cost above and beyond what an LEA spends, on average, to educate students generally.⁴⁵ In other words, LEAs spend a certain amount of money to provide services to all students. Students with disabilities need extra supports that generate additional costs for LEAs. IDEA is meant to help defray these additional costs, not the entire cost of educating a student with a disability.⁴⁶

⁴² Please note we did not review the State’s MOE guidance for legal sufficiency. Our review was limited to determining whether the State’s approach, in general, is consistent with federal guidelines.

⁴³ IDEA, Part B includes two grant programs that help school districts provide a free appropriate public education to students with disabilities: (1) the Grants to States for Education of Children with Disabilities program (authorized under Section 611 of IDEA) to support students with disabilities ages 3 to 21, and (2) the Preschool Grants for Children with Disabilities program (authorized under Section 619 of IDEA) to support students with disabilities ages 3 to 5.

⁴⁴ 34 CFR § 300.202(a)(2).

⁴⁵ 34 CFR § 300.16.

⁴⁶ The excess cost requirement does not prevent a district from using IDEA, Part B funds to pay for the entire cost of educating a child with a disability aged 3-5 or 18-21 if the district does not use state and/or local funds to provide services to non-disabled students in those age ranges. 34 CFR § 300.202(b)(1)(ii). In

Determining excess cost is done through a process that looks at a district's *aggregate* spending.⁴⁷ It is not done by looking at individual expenses; yet some WDE guidance describes it that way.

Federal Excess Cost Requirements

To meet IDEA's excess cost requirement, LEAs must determine how much, on average, they spent per student in the last school year,⁴⁸ after deducting:

- Capital outlay and debt services,
- Costs paid with IDEA, Part B, Title I, Part A, and Title III, Part A funds,
- Costs paid with state and local funds for programs under Title I, Part A, Title III, Part A, and
- Costs paid with state and local funds for children with disabilities.⁴⁹

The resulting amount represents the minimum an LEA must spend in the next school year with non-IDEA funds (that is, state, local and/or other federal funds).

For example, if an LEA with 100 elementary school students spent, on average, \$7,362 per elementary student in 2019-2020, it must spend at least \$736,200 in non-IDEA funds in 2020-2021.⁵⁰ There is no requirement to link an LEA's allowable use of IDEA funds to any individual "excess cost."

Please note LEAs do not have to prove they spent the minimum amount *before* spending IDEA, Part B funds. Instead, LEAs must show they spent the minimum amount by the end of the year.⁵¹ For instance, in the example above, the LEA can begin spending IDEA, Part B funds at the start of the 2020-2021 school year as long as the State approves the LEA's application for funds. By the end of that year, the LEA must show it also spent at least \$736,200 in non-IDEA funds.

other words, if the district does not normally serve students in those age ranges, but serves a student with disabilities solely because of the district's responsibilities under IDEA, Part B, the district may use IDEA, Part B funds to pay for the entire cost of educating a student in that age range.

⁴⁷ 2 CFR § 300.16, 2 CFR § 300.202(b)(2).

⁴⁸ Districts must separately calculate the per-student amount for elementary school students and the per-student amount for secondary school students.

⁴⁹ 34 CFR § 300.16.

⁵⁰ 2 CFR Part 300, Appendix A.

⁵¹ U.S. Department of Education, *PowerPoint Presentation on Excess Cost*, (2012), available at <https://osep.grads360.org/#communities/pdc/documents/4882>, at slide 6.



Wyoming's Approach to Excess Cost

WDE has an excess cost verification manual that appears to be based on the federal requirements described above. Several other WDE guidance documents, however, describe three criteria each cost supported with IDEA, Part B funds must satisfy to be considered an excess cost as follows:

When determining whether an expenditure is an excess cost, consider these guiding questions:

In the absence of special education and related services, would this cost exist?

If the answer is...

- No, it is an excess cost.
- Yes, it is not considered an excess cost and is not allowed.

Is this expenditure also generated by students without disabilities?

If the answer is...

- No, then the expenditure is an excess cost.
- Yes, then the expenditure is not an excess cost and is not allowed.

If it is a child specific service, is the service documented in the student's IEP?

If the answer is...

- Yes, then the expenditure is an excess cost.
- No, then the expenditure is not an excess cost and is not allowed.⁵²

These three criteria do not come from federal law or guidance but are a common misperception of how to test for excess cost compliance. To the best of our knowledge, these criteria were developed (incorrectly) by one state and then widely referenced by others. We recommend Wyoming move away from these three criteria for two reasons.

First, the criteria do not satisfy IDEA, Part B excess cost requirements. For example, ED determined a state failed to comply with excess cost rules even though it applied the same three criteria to IDEA, Part B spending.⁵³ In response to the finding, that state developed new

⁵² See, for example, Wyoming Department of Education, *Reference Guide: LEA Spending of IDEA Funds*, available at <https://1ddlxtt2jowkvs672myo6z14-wpengine.netdna-ssl.com/wordpress/wp-content/uploads/2015/11/Guidance-re.-LEA-Spending-of-IDEA-Funds.pdf>.

⁵³ A copy of OSEP's monitoring report is available at <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/fy12-osep-fm-letter.pdf>.



procedures and a technical assistance manual that make clear the excess cost rule “looks at an LEA’s program broadly rather than at individual costs.”⁵⁴

Second, as described in more detail below, the three criteria restrict IDEA Part, B spending and service options.

Effect of Wyoming’s Excess Cost Approach on Spending and Services

As discussed in more detail in Section II of this report, ED guidance says, “IDEA, Part B funds can be used for a wide variety of strategies to improve student outcomes.”⁵⁵ In some cases, an LEA might choose to use Part B funds “to exclusively support the unique special education and related services needs of students with disabilities.”⁵⁶ In other cases, an LEA might choose to coordinate Part B with other funding sources “to improve outcomes for all students, including students with disabilities.”⁵⁷

For example, an LEA could use a combination of IDEA, Part B and Title II, Part A to train all its teachers on effective strategies for supporting struggling readers. IDEA, Part B could pay the share of costs related to special education teachers and Title II, Part A could pay the rest. This might be particularly important for LEAs that have transitioned to remote learning as a result of COVID-19 whose teachers need supports to help struggling learners in new environments. It could be relevant when school resumes and an LEA needs to respond to learning loss for struggling readers.

It does not appear, however, that Wyoming would permit this type of spending since it is not unique to students with disabilities which would theoretically violate criteria one and two of the State’s excess cost test. This not only limits spending, but also shapes how LEAs deliver services to students.

For example, the three criteria might discourage LEAs from using the same effective services for students with and without disabilities since they appear to prohibit an LEA from using IDEA, Part B funds on a service if the same service is also provided to nondisabled students. This is not required by federal law and runs counter to ED guidance that recognizes students with and

⁵⁴ <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/excess-cost-calculation-guide.pdf> and <https://dpi.wi.gov/sped/educators/fiscal/excess-cost>.

⁵⁵ U.S. Department of Education, *Non-Regulatory Guidance on Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement*, (2009), p. 4, available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>. Please note ED developed this guidance to help districts spend the additional IDEA, Part B funds appropriated through the American Recovery and Reinvestment Act, but it applies to regular IDEA, Part B funds as well. The guidance will be referred to as *2009 IDEA Reform Guidance* from now on.

⁵⁶ *2009 IDEA Reform Guidance*, p. 2.

⁵⁷ *2009 IDEA Reform Guidance*, p. 2.



without disabilities often benefit from the same interventions and encourages alignment to the extent possible.⁵⁸

The test might also discourage LEAs from delivering supports to students with disabilities inside regular education classrooms if they are perceived to relate to “regular education” rather than special education. As ED has made clear, however:

The fact that some [special education] services may also be considered “best teaching practices” or “part of the district’s regular education program” does not preclude those services from meeting the definition of “special education” . . . and being included in the child’s IEP. The [LEA] must provide a child with a disability specially designed instruction that addresses the unique needs of the child that result from the child’s disability, and ensures access by the child to the general curriculum, even if that type of instruction is being provided to other children, with or without disabilities, in the child’s classroom, grade, or building.⁵⁹

For example, a student with dyslexia might need additional supports to access the school’s reading curriculum. Depending on the student’s needs, those supports could include (among many others): training the student’s classroom teacher on how to modify instruction for the student, providing the student with adapted materials in class, providing the student with appropriate accommodations, or more intensive interventions delivered outside of the general classroom. Any of those supports would be a special education service under federal law and could be supported with IDEA, Part B funds, even those delivered in class by the classroom teacher.⁶⁰

Last, the three criteria might incentivize districts to spend IDEA, Part B funds only on discrete services required by a student’s individualized education plan instead of more comprehensive approaches to improving outcomes for students with disabilities. While LEAs can choose to spend IDEA, Part B on discrete services, they can also spend on broader strategies to improve schools for students with disabilities.⁶¹ (See Section II and the Appendix for examples.)

⁵⁸ 2009 IDEA Reform Guidance. OSEP even permits non-disabled students to participate in an IDEA, Part B funded intervention when it does not increase the cost for the Part B program. U.S. Department of Education, *Letter to Couillard*, (2013), available at <http://www2.ed.gov/policy/speced/guid/idea/letters/2013-1/couillard03072013useoffunds1q2013.doc>.

⁵⁹ U.S. Department of Education, *Letter to Chambers*, (2012), available at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/11-026517r-ma-chambers-definitions-5-4-12.doc>.

⁶⁰ See, for example, 2009 IDEA Reform Guidance at pp. 2-4.

⁶¹ See, for example, 2009 IDEA Reform Guidance at p. 2.

B. Supplement not Supplant

LEAs must use IDEA, Part B funds to supplement State, local, and other federal funds and not to supplant those funds.⁶² In general, this means IDEA, Part B funds must add to the state, local, and other federal funds districts spend for special education, and not to replace those funds. Like excess cost, compliance with IDEA, Part B's supplement not supplant requirement is not based on testing individual expenses; yet, the State has described it that way.

Federal Supplement not Supplant Requirement for Local Spending under IDEA, Part B

LEAs comply with IDEA, Part B's supplement not supplant requirement by meeting their MOE obligations.⁶³ In other words, an LEA that satisfies MOE satisfies supplement not supplant as well. There is no separate supplement not supplant test for IDEA, Part B at the local level.⁶⁴

Wyoming's Approach to Supplement not Supplant at the Local Level in IDEA, Part B

When describing how to test supplement not supplant compliance at the local level, WDE describes two "presumptions" of supplanting, meaning there are two situations in which WDE will presume supplanting occurred:

1. If an LEA uses IDEA, Part B funds to provide services it is required to make available under other federal, State, or local laws or policy.
2. If an LEA uses IDEA, Part B funds to provide services for students with disabilities that the LEA also provides for non-disabled students.⁶⁵

These presumptions do not apply to IDEA, Part B funds.

⁶² 34 CFR § 300.202(a)(3).

⁶³ See U.S. Department of Education, *Non-Regulatory Guidance on Funds for Part B of the Individuals with Disabilities Education Act Made Available Under The American Recovery and Reinvestment Act of 2009* (2010), <http://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-revised-910.pdf>, at p. 13, Q&A C-6. Please note ED developed this guidance to help districts spend the additional IDEA, Part B funds appropriated through the American Recovery and Reinvestment Act, but it applies to regular IDEA, Part B funds as well. The guidance will be referred to as *2009 IDEA Guidance* from now on.

⁶⁴ Note that the federal OMB Compliance Supplement, which is the guide that auditors use when conducting annual Single Audits, states that supplement not supplant is "not applicable" to local level IDEA, Part B spending: https://www.whitehouse.gov/wp-content/uploads/2019/07/2-CFR_Part-200_Appendix-XI_Compliance-Supplement_2019_FINAL_07.01.19.pdf, at p. 4-84.027-10.

⁶⁵ WDE email to Converse County (Aug. 8, 2019).



Supplement not supplant is tested differently in different federal education programs. While some ED programs use presumptions to test compliance with supplement not supplant,⁶⁶ ED does not use them for IDEA funds. As ED guidance explains:

Prior to 1992, the Part B regulations also included a “particular cost test” for determining whether supplanting occurred. This requirement meant, for example, that if an LEA spent Part B funds to pay for a teacher’s salary that was previously paid for with state or local funds, a supplanting violation would occur, even though the total amount of state and local funds spent on special education is greater than the amount spent the previous year. At that time, an LEA could maintain effort but still violate the supplement/not supplant provision. The “particular cost test” removed from the regulations by an amendment published in the Federal Register on August 19, 1992 (37 FR 37652) and that became effective on October 3, 1992. *Therefore, no requirement currently exists related to supplanting “particular costs and if an LEA maintains local, or state and local, effort, it will not violate the supplement/not supplant requirements of the IDEA.*⁶⁷ (Emphasis added.)

In other words, compliance with IDEA, Part B’s supplement not supplant requirement is not tested by looking at individual costs.

This is important for spending and services because, as described above and in Section II below, federal law allows LEAs to spend IDEA, Part B funds to provide services for students with disabilities that the LEA also provides to non-disabled students.

II. Revise State Spending Guidance to Reflect Expanded Spending Options

WDE advises “only cost items that are specially designed to meet the unique needs of students with disabilities may be funded with IDEA, Part B funds.”⁶⁸ This is not consistent with ED guidance.

First, ED recognizes that students with and without disabilities often benefit from the same services. For example, ED guidance describes ways IDEA, Part B can support small group instruction that includes both students with and without disabilities.⁶⁹ ED guidance also describes ways IDEA-funded staff can participate in co-teaching models where students with and without disabilities are instructed in the same classes through the same lesson plans.⁷⁰

⁶⁶ For example, Title II, Part A, Title III, Part A, and Title IV, Part A of ESEA use two presumptions of supplanting to test for compliance with supplement not supplant.

⁶⁷ 2009 IDEA Guidance at footnote 1, p. 13.

⁶⁸ WDE email to Converse County (Aug. 8 2019).

⁶⁹ Letter to Couillard.

⁷⁰ Letter to Couillard.

Ultimately, ED “encourages States and LEAs to use a variety of service delivery models to meet their responsibilities to educate children with disabilities in the least restrictive environment, provided all requirements of Part B are met.”⁷¹

Second, ED guidance permits, and even encourages, LEAs to spend IDEA, Part B funds on initiatives that meet the needs of all students including students with disabilities.⁷² IDEA, Part B could not pay the entire share of such an initiative, but ED suggests a variety of ways LEAs could apportion costs among several funding sources consistent with federal cost principles and other spending rules.⁷³

For example, an LEA can use IDEA, Part B funds to:

- Increase teacher effectiveness and address inequities in the distribution of effective teachers, such as dual certification, induction and mentoring, using technology for instruction, and assistive technology,
- Adopt college and career-ready standards and high-quality assessments, such as universal design for learning, response to intervention, literacy, math, and behavior interventions, social and emotional supports, and transition services, and
- Establish data systems and use data for improvement, such as student progress monitoring, web-based IEPs, and data systems.⁷⁴

A detailed list of activities that can be paid for with IDEA, Part B funds is available in the Appendix.

In short, ED’s guidance clarifies that LEAs can coordinate IDEA, Part B with other funding sources to improve general education settings so they better serve students with disabilities as long as students with disabilities benefit and IDEA pays its fair share of the cost.

The ability to coordinate IDEA, Part B with other funding sources may be particularly important now in light of COVID-19. For example, LEAs might want to explore ways they can contribute IDEA, Part B funds to:

⁷¹ *Letter to Couillard*.

⁷² *2009 IDEA Reform Guidance*, p. 2.

⁷³ For example, U.S. Department of Education, *Letter to Hokenson*, (2013), available at <https://www2.ed.gov/policy/speced/guid/idea/letters/2013-1/hokenson01302013leamoe1q2013.pdf>; U.S. Department of Education, *Letter to DeTemple*, (2009), available at <https://www2.ed.gov/policy/speced/guid/idea/letters/2009-1/detemple011509stateactivities112009.pdf>; *2009 IDEA Reform Guidance*.

⁷⁴ *2009 IDEA Reform Guidance*, pp. 6-37.



- Training efforts to help classroom teachers support students with different needs, including students with disabilities, during online learning,
- Developing behavior support systems appropriate for online learning,
- Deploying social and emotional supports virtually,
- Adapting online curricula and instructional materials to support students with different needs, including students with disabilities,
- Acquiring devices for students with disabilities so they can access online learning, and
- Academic and career counseling for high school students whose needs and postgraduation plans have changed given COVID-19.

To help LEAs understand their spending options – whether specific to COVID-19 or more generally – Wyoming could revise and expand its spending guidance. Currently, State guidance provides a list of budget items and describes whether they are or are not allowed under IDEA, Part B.⁷⁵ Instead, the State might consider guidance that helps to connect allowable IDEA, Part B spending to effective practices.

For example, [this guidance](#) from the Mississippi Department of Education gives examples of ways LEAs can use IDEA, Part B funds to support effective literacy practices (including response to intervention, effective teaching, and data systems). [This guidance](#) from the Tennessee Department of Education goes further and gives examples of ways LEAs can coordinate Title I, Part A, Title II, Part A and IDEA, Part B funds to support response to intervention activities.⁷⁶

III. Update State Monitoring Tools to Reflect the New Guidance

Wyoming uses a consolidated grant monitoring process to oversee local compliance with several ED grant programs including IDEA, Part B. If the State updates its excess cost, supplement not supplant, and spending guidance as suggested above, it would need to update its monitoring tools as well.

For example, the State’s current monitoring instrument suggests supplement not supplant is tested by looking at individual expenses charged to IDEA, Part B.⁷⁷ As described in Section I.B

⁷⁵ *WDE Reference Guide: LEA Spending of IDEA Funds.*

⁷⁶ Please note this guidance was developed under the No Child Left Behind Act, so some aspects of the guidance as they relate to Title I and Title II are out of date. This guidance is included only as an example of a type of guidance the State might consider.

⁷⁷ Wyoming Department of Education, *ESSA/Perkins/IDEA/McKinney-Vento Consolidated Grant Monitoring Requirements* (2019), available at <https://1ddlxtt2jowkvs672myo6z14-wpengine.netdna-ssl.com/wp-content/uploads/2019/11/Federal-Programs-Monitoring-Protocol-2019-2020-11.15.2019.pdf>.



above, this is not how local compliance with IDEA’s supplement not supplant requirement is tested. LEAs that satisfy MOE requirements satisfy supplement not supplant as well.

The State’s monitoring instrument also includes a review of costs charged to IDEA, Part B. While the instrument does not describe how monitoring staff will determine whether costs were allowable, the criteria applied should be consistent with State guidance on the allowable use of IDEA, Part B funds and ideally would reflect the full range of costs permitted federal law.

Finally, although beyond the scope of our engagement, we note there are opportunities to refine the State’s monitoring instrument to enhance consistency and minimize burdens. For example, it appears each program reviews time and effort and inventory management compliance separately. The same time and effort and inventory management rules apply to all programs, so this could be monitored jointly. Also, the monitoring instrument presumes LEAs use employee certifications (semi-annual certifications and personnel activity reports) to comply with time and effort requirements. This is one way LEAs can comply, but federal regulations permit other options as well.⁷⁸ The State may wish to consider expanding the instrument to reflect those additional options.

⁷⁸ Employee certifications are the most common way of documenting time and effort. Before 2014, federal regulations required such certifications. Certifications for employees who worked on one cost objective were called “semi-annual certifications” and had to be signed every six months by either the employee or a supervisor with first-hand knowledge of the work performed. Certifications for employees who worked on multiple cost objectives were called “personnel activity reports” and had to be signed by the employee monthly. Now, federal regulations permit other kinds of time and effort records as well if they meet criteria listed in 2 CFR § 200.431(i)(1)(i)-(vii).



6g. Appendix G - Chart of Activities Districts Can Support with IDEA, Part B Funds

Based on the U.S. Department of Education's Non-Regulatory Guidance on Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement. Available at:

<https://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>

Strategy to Support SWDs	Cost that Could be Paid for with IDEA, Part B Funds to Implement the Strategy
Access to effective teachers	<ul style="list-style-type: none"> • Hiring effective, dually certified special education teachers, • Paying for teachers to participate in high-quality certification programs that increase teacher effectiveness in improving outcomes for students with disabilities, • Providing site-based, job-embedded professional development for special education teachers that leads to certification in content areas through partnerships with an institution of higher education (IHE) and/or a recognized alternative certification program, • Providing site-based, job-embedded professional development for general education teachers that leads to certification in special education through partnerships with an IHE and/or a recognized alternative certification program, • Induction programs that use evidence-based practices such as creating ongoing support and opportunities for interaction between novice and experienced special education teachers (e.g., classroom observations, advising, group meetings for grade-level teams, and networking within and outside of the school), • Teacher mentoring programs, including the cost of hiring substitute teachers to provide release time for special education teacher mentors, and • Training mentors in adult development and learning, conferencing skills, and relationship and communication skills to work with special education teachers.

Strategy to Support SWDs	Cost that Could be Paid for with IDEA, Part B Funds to Implement the Strategy
Use of technology	<ul style="list-style-type: none"> • Paying for staff time outside the school day and for substitute teachers for release time during the school day, so special education staff can engage in a technology self-assessment and strategic planning, • Purchasing technology hardware and software consistent with the district's established technology integration plan to improve achievement for students with disabilities and to increase their access to the curriculum, • Providing professional development and technical assistance to special education staff on the purchase and use of instructional technology, and • Promoting the effective use of technology to improve instruction for students with disabilities by providing professional development and technical assistance and developing teacher mentor programs and communities of practice.
Assistive technology (AT)	<ul style="list-style-type: none"> • Purchasing AT devices and services for students with disabilities and providing training for teachers and other service providers, administrators, parents, and children, • Establishing AT labs or lending libraries with a collection of AT devices and materials for use in AT evaluations and training, and • Providing training on how to conduct a systematic analysis of the child's specific needs and abilities, the environments in which the child must function, the tasks the child must perform, and the AT devices that may benefit the child.
Universal Design for Learning	<ul style="list-style-type: none"> • Purchasing assessments that utilize UDL approaches to ensure that assessments of students with unique learning needs are valid measures of their knowledge, • Providing professional development related to UDL approaches and strategies for supporting emergent literacy, reading and math instruction, learners with disabilities in K-12, and the use of new technologies with evidence-based strategies for improved outcomes,

Strategy to Support SWDs	Cost that Could be Paid for with IDEA, Part B Funds to Implement the Strategy
	<ul style="list-style-type: none"> • Providing professional development related to the implementation of embedded assessments intended to inform the development of improved teaching and learning strategies, • Purchasing consultant services to plan and implement new learning environments supportive of all learners within inclusive settings, • Providing professional development related to the implementation of appropriate accommodations for children with disabilities on large scale assessments, • Providing professional development related to the acquisition and use of specialized formats to support students with disabilities within the least restrictive environment, and • Acquiring and implementing technologies and specialized formats for students with print disabilities who qualify for National Instructional Materials Accessibility Standard derived textbooks in accordance with the Library of Congress National Library Service guidelines and for other students with disabilities who may not qualify under the four categories supported by the Chafee Amendment to Copyright Law.
Response to Intervention (RTI)	<ul style="list-style-type: none"> • Providing any special education and related services that is in a child's IEP, regardless of the tier the child is in, • Developing a district strategy for implementing an RTI framework that provides guidance on tiers of instruction and the instructional approaches and programs appropriate for each tier, appropriate use of assessment data, supports needed for implementation, and evaluation of effectiveness of approach, • Purchasing curriculum-based screening and progress monitoring and formative assessment measurement instruments, and curriculum materials for intensive instruction,

Strategy to Support SWDs	Cost that Could be Paid for with IDEA, Part B Funds to Implement the Strategy
	<ul style="list-style-type: none"> • Providing professional development for school or district staff to appropriately and effectively use the progress monitoring and formative assessment measurement instruments, and • Providing professional development for school or district staff to appropriately and effectively implement evidence-based instructional and positive behavior practices.
Literacy Interventions	<ul style="list-style-type: none"> • Purchasing evidence-based reading programs, • Purchasing progress monitoring tools, • Providing professional development for school staff across content areas in the implementation of effective instruction for students with disabilities who are struggling readers, and • Employing and training literacy coaches to provide ongoing training and support to teachers.
Math Intervention	<ul style="list-style-type: none"> • Purchasing evidence-based math screening instruments and intervention materials, • Purchasing technical assistance and training in implementing math strategies, • Employing staff to provide technical assistance and training in implementing math, and • Supporting dual certification initiatives to ensure teachers can effectively work with students with disabilities who are struggling with math.
Positive Behavior Intervention and Support	<ul style="list-style-type: none"> • Providing technical assistance and professional development for teachers, service providers, and school staff for training needed to initially implement and maintain a positive behavioral intervention and support system (PBIS), • Providing technical assistance and professional development for teachers, service providers, and school staff for training needed to initially implement and maintain a PBIS program, including the funding for substitutes for staff release time, • Employing and training for behavior coaches who would support the implementation of the PBIS program and train additional staff coaches to sustain the program,

Strategy to Support SWDs	Cost that Could be Paid for with IDEA, Part B Funds to Implement the Strategy
	<ul style="list-style-type: none"> • A schoolwide data system that measures school climate in a rigorous way so that progress can be assessed and measured, and • Providing the specific positive behavioral interventions and supports that are included in the IEPs of children with disabilities including the professional development of personnel (both special education and regular education) involved in providing those interventions.
Social and emotional development	<ul style="list-style-type: none"> • Collaborating with other local early care and education programs to coordinate funds consistent with regulatory requirements, to provide professional development and fund the hiring and training of trainers and coaches to implement a multi-tiered framework for promoting social development and addressing challenging behavior in young children, • Providing technical assistance to build the capacity of their community or district to develop the infrastructure needed to implement a multi-tiered model for promoting social development, including the training of trainers and coaches and the development of model demonstration sites using coordinated funds, and • Hiring coaches to provide classroom and program support.
Transition services	<ul style="list-style-type: none"> • Hiring transition personnel who possess the knowledge and skills to work with teachers, businesses, employers, community colleges, technical schools, and IHEs to create an effective interagency transition system for students with disabilities that fosters interagency coordination between the school, the community, and the post-school adult service system, • Purchasing transition-curriculum and career assessment, exploration, and development tools for students with disabilities, • Providing technical assistance and professional development to enhance the knowledge and skills of special educators regarding transition strategies, including how to effectively

Strategy to Support SWDs	Cost that Could be Paid for with IDEA, Part B Funds to Implement the Strategy
	<p>use transition-curriculum and career assessment, exploration, and development tools,</p> <ul style="list-style-type: none"> • Employing staff to provide technical assistance and professional development to enhance the knowledge and skills of special educators regarding transition strategies, including how to effectively use transition-curriculum and career assessment, exploration, and development tools, and • Hiring consultants to integrate data regarding the provision of transition services to students with disabilities into other data collection systems to better support and track student outcomes.
Data systems	<ul style="list-style-type: none"> • Progress monitoring tools, • Web-based IEPs, • Purchasing hardware and software to enhance current data systems or purchase new data systems, • Hiring consultants to address data challenges, including privacy concerns and cross-departmental technical and legal data transferability issues, • Training personnel on how to use data for improving student outcomes, • Building a local longitudinal data system that is interoperable with any existing statewide longitudinal data system, and • Merging separate special education data systems into existing elementary, secondary, post-secondary, and workforce systems.

6h. Appendix H - Resources on the use of IDEA, Part B Funds from Delaware Department of Education

A link to this appendix can be found here:

https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/domain/232/performance%20mgmt/idea/Guidance_IDEA_Funds_4-1-17.pdf



6i. Appendix I - Resources on the use of IDEA, Part B Funds from Mississippi Department of Education

A link to this appendix can be found here:

https://www.mdek12.org/sites/default/files/documents/idea-supporting-early-literacy-fiscal-guidance-4-15-16_20160505125408_154638.pdf



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6k. Appendix K – Maintenance of Effort (MOE) for IDEA Funds

Maintenance of Effort (MOE) for IDEA Funds

Demystifying Required Special Education Spending Levels

Updated September 2020

Any effort to manage costs in special education must ensure that the district remains in compliance with the requirements of IDEA funding for “Maintenance of Effort”. While the concept is simple, the actual calculation is quite involved.

A common misconception is that federal or state laws do not allow a district to reduce spending in special education. This is not the case. The law is much more complex, and includes four different tests, allows for five exemptions, and has a provision to shift some special education funds to certain general education programs. For the vast majority of districts, a well conceived, student centered, effective program of special education cost containment will meet the Maintenance of Effort requirements. At its heart, the Maintenance of Effort provision is intended to ensure that current students with disabilities are well served, but it is not intended to forestall prudent management of special education budgets. Of course, the district must always meet the requirements of all IEPs and provide a Free Appropriate Public Education (FAPE).

The full text of the relevant regulations are at the end of this section.

1. There are two tests:

Maintenance of Effort regulations break down into two tests. The tests are:

1. Eligibility test: This is done before an LEA receives funds, and looks at whether an LEA budgeted to spend at least as much local, or state and local, money on the education of children with disabilities as it spent in the most recent year for which final expenditure information is available.
2. Compliance test – which is done after-the-fact, and an LEA must demonstrate it actually spent at least as much local, or state and local, money on the education of children with disabilities as it spent in the year before.

Each test is satisfied by meeting one of four measures:



A district must pass only one of the four Maintenance of Effort tests, after applying all the allowable exemptions. The tests are:

1. Total local spending for special education in a given year (after adding back the allowable exemptions) cannot be less than the prior year's total local special education spending.

Or

2. Per student local spending for special education in a given year (after adding back the allowable exemptions) cannot be less than the prior year's per student local special education spending.

Or

3. Total local plus state spending for special education in a given year (after adding back the allowable exemptions) cannot be less than the prior year's total local plus total state special education spending.

Or

4. Per student local plus state spending for special education in a given year (after adding back the allowable exemptions) cannot be less than the prior year's per student local plus state special education spending.

Local spending includes funds from the operating budget, reserve funds, and all other sources, except for funds received from the state or federal government. Spending for special education teachers, administrators, other personnel, supplies, transportation, out-of-district placements, subcontracted services, health insurance, pensions, and other fringe benefits are included.

State spending includes any state grants or state provided funding, such as excess out-of-district cost reimbursement or general aide used for any special education costs.

2. Exemptions that reduce required Maintenance of Effort spending levels.

The statute provides for a number of modifications to the calculations that allow a district to reduce spending on special education. The actual language states:

§ 300.204 Exception to maintenance of effort.⁷⁹

Notwithstanding the restriction in §300.203(b), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

- (a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
- (b) A decrease in the enrollment of children with disabilities.
- (c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child—
 - (1) Has left the jurisdiction of the agency;
 - (2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - (3) No longer needs the program of special education.
- (d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.
- (e) The assumption of cost by the high cost fund operated by the SEA under §300.704(c).

(Approved by the Office of Management and Budget under control number 1820-0600)

Examples of allowable decreases in special education spending or services

⁷⁹ Source: Electronic Code of Federal Regulations: https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=0177098e646de15cbeac6209b7bcaa09&ty=HTML&h=L&mc=true&r=SECTION&n=se34.2.300_1204. Center for IDEA Fiscal Reporting.



Staff turnover and attrition: If special education teachers, administrators, service providers or paraprofessionals leave the district voluntarily, (not laid off) then the district's special education spending may decrease by the amount of their salaries plus fringe benefits. If staff leave and are replaced by less expensive personnel, Maintenance of Effort can be decreased by the difference in salaries and benefits. This includes staff funded by state and federal grants.

Fewer students on IEPs: If a district has fewer students receiving special education services, due to, better general education interventions, more accurate criteria, lower overall student enrollment or any other reason, then special education spending can be reduced proportionately. This is calculated on the absolute number of students, not the percentage of students in special education.

Students in “exceptionally costly” programs leave the district: If a student in a costly program leaves the district, graduates, ages out, or shifts to a program that is not “exceptionally costly”, then spending may be reduced by the cost of the program plus related transportation expenses. Each state sets the threshold for defining an “exceptionally costly” program. It may be an absolute cost such as \$30,000 or a multiple of a typical student cost, such as 4 times the required per student spending.

Students in “exceptionally costly” programs move to less costly programs, such as moving from an out-of-district to an in-district program: If a student in a costly program can transfer to a program that is not “exceptionally costly”, then spending may be reduced by the cost of the original program plus related transportation costs.

3. The ability to shift funds to some non-special education uses.

Up to 15% of IDEA part B funds (both K-12 and preschool grants) can be used for remediation and intervention efforts (“Early Intervening Services”) for students not on IEPs. These general education programs and staff, however, count towards the district's special education Maintenance of Effort calculation. This



allows the district to reduce special education spending, while adding reading programs, counseling, drug and alcohol support, whole school behavior programs, social workers, RTI or SRBI services.

If these programs don't exist, had been cut/reduced, or would be cut/reduced without the use of IDEA funds, then any savings from greater efficiency in special education can be used to support these valuable general education efforts.

4. If IDEA funding increases in a given year, then local special education spending can be reduced.

If a district's IDEA funding increases over the previous year, then the district may reduce its spending on special education from its local budget by 50% of the amount of the increase in IDEA funds. Given the large ARRA increases in IDEA funding, many districts are in this situation.

There are three caveats.

- 1) A more complex formula comes into play if the district also uses some of IDEA funds for non-special education "Early Intervening Services."
- 2) The district must be classified by the state as "Meet Requirements" in special education, which is different from AYP to be eligible for the 50% reduction.
- 3) The district can't be classified by the state as having "significant disproportionality", otherwise the 50% reduction option is not available.

5. Reductions in staffing isn't protected, only spending

Often districts believe that MoE prevents reducing special education staff even during tight budgets. This is not typically the case.

The requirement, subject to all the nuances listed above, controls spending not staffing. Staffing and spending differ when staff receive wage increases year over year. For example if staff received a 3% wage increase (including benefits), then staffing levels could be reduced by 3% and still meet MoE.

Similarly, if inflation drives up costs of purchased services, then the quantity of such services can be reduced by the rate of inflation.

Note:

The information contained in summary is for general guidance only. The application and impact of laws can vary widely based on the specific facts involved. Accordingly, this information is provided with the understanding that the authors and publishers are not herein engaged in rendering legal, accounting, tax, or other professional advice and services. As such, it should not be used as a substitute for consultation with professional accounting, tax, legal or other competent advisers.

What does this all mean for a typical district?

The first conclusion is that the conventional wisdom that “You can’t reduce special education spending” is a myth. The reality is much more complex.

For many districts simply having zero increase in special education spending would be helpful. In nearly all cases a district will meet Maintenance of Effort if special education costs, including fringe benefits and transportation, are held flat year over year. A common misconception is that Maintenance of Effort rules require a district to maintain the same services, staffing patterns, and programs year to year. They incorrectly assume that effort means staff and programs; it only means spending- and with many exceptions.

Most districts experience some of the conditions that allow it to apply exemptions to their Maintenance of Effort calculations, such as staff leaving, total enrollment increasing, or benefit costs increasing.

By implementing programs that reduce the number of students that need special education services, a district can further reduce special education spending in two ways. Some IDEA funds can be used to support general education intervention and still count as special education spending and because as the number of students on IEPs decreases, so does the Maintenance of Effort requirement.



To help gauge how big an impact applying the rules and exemptions are to a typical school district, a hypothetical example is provided on the next page. It assumes that the district has effectively implemented steps to raise student achievement and control costs. For the purposes of this example it is assumed that out-of-district placements meet the state definition of “exceptionally costly” and in-district programs do not. While this is true in many states and most situations, it will not be the case for every district and every child.

The hypothetical district can reduce spending on special education by over 20% and remain in compliance with Maintenance of Effort regulations.



Special Education Maintenance of Effort Sample Calculations⁸⁰

<u>District Profile</u>	Year 1	Year 2	Change
Enrollment	1,000	1,100	1.0%
Total budget (all sources)	\$15,000,000	\$15,450,000	3.0%
Special education spending (including transportation, benefits, programs and staff)	\$3,750,000	\$3,975,000	6.0%

Data Required for MOE Calculations

IDEA funds	\$425,000	\$437,750	3.0%
State support for special education	\$500,000	\$515,000	3.0%
% students on IEPs	10.0%	9.5%	-5.0%
Students on IEPs	100	96	-4.1%
Staff turnover/retirement rate	5%		
Salaries and benefits of special education staff leaving district	\$80,000		
Students out-of-district	7	5	
Out-of-district students who graduate, age out, or move		1	
Students at out-of-district placements who return to in-district programs		1	
Average cost of out of-district-program, including transportation	\$60,000	\$60,000	
IDEA funds for general education remediation, intervention, reading and counseling	\$0	\$65,662	

⁸⁰ This example is for a hypothetical sample district. It is not specific to Wyoming.



Maintenance of Effort Calculations

Myth - You can't cut spending or services

Required special education spending		\$3,975,000	100.0%
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Per the regulations

Prior year spending		\$3,750,000	94.3%
Less reduction due to increased enrollment		(\$33,750)	-0.9%
Less reduction due to increased state support		(\$15,000)	-0.4%
Less reduction due to fewer students on IEPs		(\$142,500)	-3.8%
Less reduction due to special education staff turnover		(\$80,000)	-2.1%
Less reduction due to out-of-district students graduating, aging out, or moving		(\$60,000)	-1.6%
Less reduction due to students returning from out-of-district placements		(\$60,000)	-1.6%
Less IDEA funds for general education remediation, intervention, reading and counseling		(\$65,662)	-1.8%
Total allowable reductions		(\$456,912)	-12.2%
Required Maintenance of Effort spending		\$3,293,088	82.8%
Variance from Myth		\$681,912	-17.2 %

Relevant Portions of Federal Regulations⁸¹

Title 34: Education

PART 300—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES

Subpart C—Local Educational Agency Eligibility

§300.203 Maintenance of effort.

(a) *Eligibility standard.* (1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

- (i) Local funds only;
- (ii) The combination of State and local funds;
- (iii) Local funds only on a per capita basis; or
- (iv) The combination of State and local funds on a per capita basis.

(2) When determining the amount of funds that the LEA must budget to meet the requirement in paragraph (a)(1) of this section, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§300.204 and 300.205 that the LEA:

(i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and

⁸¹ Source: Electronic Code of Federal Regulations: https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=0177098e646de15cbeac6209b7bcaa09&h=L&mc=true&n=sp34.2.300.c&r=SUBPART&ty=HTML#se34.2.300_1203.



(ii) Reasonably expects to take in the fiscal year for which the LEA is budgeting.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraph (a)(1) of this section.

(b) *Compliance standard.* (1) Except as provided in §§300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

(2) An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§300.204 and 300.205:

- (i) Local funds only;
- (ii) The combination of State and local funds;
- (iii) Local funds only on a per capita basis; or
- (iv) The combination of State and local funds on a per capita basis.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraphs (b)(1) and (2) of this section.

(c) *Subsequent years.* (1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, an LEA fails to meet the requirements of §300.203 in effect at that time, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the LEA's reduced level of expenditures.

(2) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the LEA is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the LEA's reduced level of expenditures.

(3) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the LEA is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the LEA's reduced level of expenditures.

(d) *Consequence of failure to maintain effort.* If an LEA fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which the LEA failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(2)(A), Pub. L. 113-76, 128 Stat. 5, 394 (2014), Pub. L. 113-235, 128 Stat. 2130, 2499 (2014))

[80 FR 23666, Apr. 28, 2015]

§300.204 Exception to maintenance of effort.

Notwithstanding the restriction in §300.203(b), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:



(a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.

(b) A decrease in the enrollment of children with disabilities.

(c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child—

(1) Has left the jurisdiction of the agency;

(2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or

(3) No longer needs the program of special education.

(d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

(e) The assumption of cost by the high cost fund operated by the SEA under §300.704(c).

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(2)(B))

[71 FR 46753, Aug. 14, 2006, as amended at 80 FR 23667, Apr. 28, 2015]

§300.205 Adjustment to local fiscal efforts in certain fiscal years.

(a) *Amounts in excess.* Notwithstanding §300.202(a)(2) and (b) and §300.203(b), and except as provided in paragraph (d) of this section and §300.230(e)(2), for any fiscal year for which the allocation received by an LEA under §300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by §300.203(b) by not more than 50 percent of the amount of that excess.

(b) *Use of amounts to carry out activities under ESEA.* If an LEA exercises the authority under paragraph (a) of this section, the LEA must use an amount of

local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA regardless of whether the LEA is using funds under the ESEA for those activities.

(c) *State prohibition.* Notwithstanding paragraph (a) of this section, if an SEA determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the LEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.

(d) *Special rule.* The amount of funds expended by an LEA for early intervening services under §300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(2)(C))

[71 FR 46753, Aug. 14, 2006, as amended at 80 FR 23667, Apr. 28, 2015]

§300.226 Early intervening services.

(a) *General.* An LEA may not use more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA pursuant to §300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. (See appendix D for examples of how §300.205(d), regarding local maintenance of effort, and §300.226(a) affect one another.)

(b) *Activities.* In implementing coordinated, early intervening services under this section, an LEA may carry out activities that include—

(1) Professional development (which may be provided by entities other than LEAs) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including

scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and

(2) Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

(c) *Construction.* Nothing in this section shall be construed to either limit or create a right to FAPE under Part B of the Act or to delay appropriate evaluation of a child suspected of having a disability.

(d) *Reporting.* Each LEA that develops and maintains coordinated, early intervening services under this section must annually report to the SEA on—

(1) The number of children served under this section who received early intervening services; and

(2) The number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period.

(e) *Coordination with ESEA.* Funds made available to carry out this section may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(f))

