



# Wyoming Department of Education

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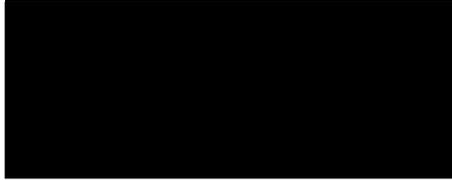
WYOMING DEPARTMENT OF EDUCATION  
SPECIAL PROGRAMS DIVISION  
SPECIAL EDUCATION COMPLAINT INVESTIGATION

Complainants:



Case #: 2010-8

Respondent:



**COMPLAINT DECISION**

Date of Decision: July 8, 2010

On [REDACTED] the Wyoming Department of Education (WDE) received a letter of complaint and supporting documentation filed by [REDACTED] and [REDACTED] (hereinafter "Complainants") alleging violations of special education law with respect to [REDACTED] [REDACTED] (hereinafter "Student"), by Respondent [REDACTED] County School District [REDACTED] (hereinafter "District").

Pursuant to 34 C.F.R. §§300.151 through 300.153 of the Federal Regulations implementing the Individuals With Disabilities Education Act (IDEA), WDE conducted an investigation into the allegations in the complaint. Consistent with the IDEA, Federal Regulations, and the Wyoming Department of Education Rules, Chapter 7 governing Services for Children With Disabilities WDE issues the following Findings of Fact, Conclusions, Decision, and Order for Corrective Action.

**Complaint Issue:**

Whether the District should have suspected the Student was a child with a disability and in need of special education triggering its child find obligation, and as a result, whether the District violated its child find responsibility by failing to evaluate the Student consistent with 34 C.F.R. §300.111.

**Investigatory Process:**

Review of records consisting of the following:

- Original letter of complaint and supporting documents.
- Documentation provided by the District, including the Student's special education records and Section 504 plans.

The District and Complainants were given the opportunity to submit additional information to WDE for consideration during the investigation of this complaint.

**Applicable Federal Regulations or State Rules:**

34 C.F.R. §300.111 Child Find

Wyoming Department of Education Rules, Chapter 7

**Relevant Time Period:**

Pursuant to 34 C.F.R. §300.153(c), WDE has the authority to investigate allegations of violations that occurred not more than one year from the date the Complaint was received. In light of this limitation, the investigation and any findings of noncompliance will be limited to the period commencing [REDACTED], [REDACTED] and ending [REDACTED], [REDACTED].

**Findings of Fact:**

1. The Student has a history of Generalized Anxiety Disorder, Attention Deficit Disorder, and Asperger's Syndrome. He was diagnosed by his private physician in [REDACTED].
2. In [REDACTED], the Student was evaluated for special education eligibility under the Individuals with Disabilities Education Act (IDEA). At that time, the Student's team determined that the Student was not eligible for services under the IDEA.
3. The District then considered whether the Student was eligible for services under Section 504 of the Rehabilitation Act of 1973 (Section 504 Plan). A Section 504 Plan was developed for the Student in [REDACTED].
4. At all times relevant to this Complaint, the Student was enrolled in the District. During the [REDACTED]-[REDACTED] school year, the Student was in [REDACTED] school.
5. During his [REDACTED] grade year at the [REDACTED] school, the Student's grades are reported below:

	First Semester	Second Semester
ROTC	A	C

US and WY Government	B	B
French 2	B	C
Algebra	B	B
English 1	B	B
Biology 1	C	C
Technology Education	C	No grade reported

6. After completing his [REDACTED] grade year at the [REDACTED] school, the Student matriculated to the [REDACTED] school in [REDACTED] as a [REDACTED] grade student.
7. On [REDACTED], [REDACTED], the District School Psychologist sent an email to the Complainants indicating that she had been informed of the Complainants' interest in having the Student evaluated for special education eligibility. The School Psychologist invited the Complainants to come to the school to discuss the evaluation in more detail.
8. The School Psychologist reported that the Complainants met with her on [REDACTED] and expressed concern that the Student was experiencing emotional and behavioral concerns, and that the Complainants were having difficulty with him at home.
9. The School Psychologist expressed concern to the Complainants regarding the Student's teachers "getting to know" him prior to evaluating the Student, advising that it would take 6 to 8 weeks for the social-emotional assessment instruments to be valid.
10. The District and Complainants agreed that interventions would be attempted during a six to eight week period permitting the Student's teachers to become familiar with him. Interventions included:
  - a. The Student would have an adult in the building to monitor his academic progress and assist him with organization;
  - b. The Student would have a safe place to go if he became agitated while at school; and
  - c. The Student's schedule was changed to provide a guided study hall where he could have assistance with school work and organization.
11. On [REDACTED], [REDACTED] the Student's guided study hall teacher sent an email to the Student's other teachers inquiring about his class responsibilities and how she can assist him in getting and staying organized. The teachers that responded indicated that the Student was on target for their respective classes.
12. The School Psychologist sent an email to the guided study hall teacher on [REDACTED], [REDACTED] inquiring about the Student's progress or concerns. The guided study hall teacher

responded, in relevant part, “[Student] is doing okay. He seems to be staying up. Most of the time he is on task. When I alert him to things he need to do he gets them done.”

13. On [REDACTED], [REDACTED], the School Psychologist contacted the Complainants to determine if they wanted the District to proceed with a special education evaluation.
14. The Complainants responded the same day indicating that they wanted the District to proceed with the special education evaluation.
15. A Notice of Evaluation dated [REDACTED] indicated that the District planned to conduct assessments in the areas of his classroom performance, academic performance, social/emotional functioning, career/vocational status, physical health or medical status, and vision and/or hearing.
16. The Complainants signed consent for the evaluation as proposed on [REDACTED].
17. The following table summarizes the Individual Assessment Reports:

Area Assessed	Summary of Results
Classroom Observation: Science	[Student] answered any question he was asked appropriately. On several occasions, he asked the teacher for help. He waited his turn and engaged appropriately with the teacher. He engaged more when there were only one or two other students around than when many students surrounded the teacher. Overall, [Student] displayed no problem behavior and worked well by himself and with others, although he did not engage as actively as some students.
Sensory	The profile showed [Student's] sensory process as similar to most people. Registration was slightly low because he occasionally had to ask people to repeat what they said. Sensory processing scores, [Student's] good grades, and [Student's] participation in school sports indicated that sensory processing was not having a negative impact on school function.
Parent Interview	<p>[Complainant] reports that [Student] has chores at home, but has a difficult time completing them due to his high level of distractibility. [Student] is said to be physically aggressive with his siblings at home. [Complainant] is concerned about how [Student] will fare as an adult as his social skills are said to be quite low.</p> <p>[Complainant] feels that [Student] perceives situations differently than most children, he is said to be very easily distracted and very unorganized.</p> <p>[Complainant] is very concerned about [Student's] grades and his lack of social skills in everyday life. She is worried about how he will obtain and maintain employment as an adult.</p> <p>[Complainant] reports that [Student] has been involved in counseling to address behavioral issues at home in the past. Furthermore, [Student] is said to refuse to take any medications to address his symptoms of ADHD or anxiety. [Complainant] feels that his behavior has worsened since the</p>

Area Assessed	Summary of Results
	discontinuation of meds.
School Nurse	[Student] is no longer taking prescription medication for ADHD or Asperger's/behavioral management conditions. (No other health concerns were noted.)
General Education: Math	<p>Organization is a weakness of [Student's]. He has shown great improvement in this area however and I look forward to his continued progress in this area because as far as the content is concerned he is doing well.</p> <p>[Student] is a social being and is a bit chatty, but refocuses with my prompting. He is capable to work in group situations with his peers without incident. [Student] is able to communicate with me successfully and in a respectful manner.</p>
General Education: Business	<p>(Student) had been in this class for only 10 days at the time of the report.)</p> <p>Lack of focus was identified as the Student's primary weakness. He has to be reminded what to do. He ignores most students.</p>
General Education: French	[Student] is easily distracted. Never comes prepared. Shows no interest in content. Poor study habits = no mastery of vocabulary, grammatical concepts. He gets along well with other students. Since he doesn't show any interest nor effort in French, I wonder why he's in the class.
General Education: Study Hall	[Student] sometimes is disengaged from class. His weakness is making effective use of his time. [Student] seems to want to be left alone.
General Education: (Unable to ascertain.)	[Student] uses class time efficiently. Accomplishes most tasks in class. Communication has gotten much better with me as the semester goes on – asks for make-up work, responds to humor, etc. He gets work done that is both prompt and high quality. I'm concerned with missed class time due to [Student's] being in ISS frequently.
General Education: Welding Technology	No problems. Peer and adult relationships are good. He may need more time to complete work.
General Education: Guided Study Hall	<p>I observe [Student] not doing much in GSH. Usually when I ask him if he has some work to do he says he has nothing to do.</p> <p>[Student] seems to have organizational issues.</p> <p>In the first month of the school year, [Student] kept very much to himself. In the past month, [Student] usually sits and converses with 3 or 4 other students at his GSH table. I like to see him interacting but it may be distracting him from being on task.</p>

Area Assessed	Summary of Results
	Too much time in GSH is not spent working.
Academics	Academically, [Student] is performing in the average range. [Student's] performance is average in basic reading skills, reading comprehension, math calculation skills, math reasoning, written language, and written expression.
Cognitive, Social/ Emotional	<p>[Student] is currently a [redacted] at [redacted] who is undergoing an initial evaluation for special education. According to his cognitive testing, [Student's] ability to acquire new information both verbally and visually is in the Average range. His working memory is also in the Average range and his processing speed is in the High Average range. According to the Behavior Assessment System for Children (BASC-2), [Student's] parents and three of his teachers perceive him as having difficulty with some adaptive skills. Deficits in the adaptive domain are typical of individuals who are diagnosed with Asperger's Disorder. The Gilliam Asperger's Disorder Scale (GADS) and Asperger Syndrome Diagnostic Scale (ASDS) were administered to specifically look at Asperger's criteria and although his parents' responses indicated that [Student] is on the spectrum, his teachers' responses did not. It would appear that although [Student] is diagnosed with Asperger's Disorder, he is likely high functioning compared to others who may carry the same diagnosis. According to [Student's] scores in the IVA+Plus, his BASC-2, his parents' BASC-2, and two of his teachers' BASC-2 results, it appears as though [Student] struggles with Attention-Deficit/Hyperactivity Disorder, Combined Type. The results from this assessment will be combined with the results of other multidisciplinary team members and an eligibility decision will be made at his IEP team meeting.</p> <p>His grades and classes are as follows: [redacted]  [redacted]  [redacted]</p>

18. On [redacted] [redacted] the long-term substitute [redacted] teacher sent the Complainants an email regarding the Student's disruptive behavior in class.
19. The following day, [redacted] [redacted] the Complainants confronted the Student with the concerns of the English teacher. The Student became enraged and was quoted as saying: "I hate her. I am done with her." He picked up a weapon and while looking for ammunition, stated "No one will listen to me so I will make them. I am going to find the bullets and take care of her myself." The Complainant took the gun from the Student, who then stated: "If I can't use a gun then I will just use a knife," at which point he took a knife from the kitchen, put it in his backpack, and left the Complainants' home.

20. The Student was admitted to [REDACTED] [REDACTED] [REDACTED] as a result of the incident.
21. The Complainants notified the District on [REDACTED] [REDACTED] [REDACTED] that the Student was a patient at [REDACTED]. The Complainants did not initially share the reasons for the hospitalization, but requested that the Student's records be faxed to [REDACTED] immediately.
22. A meeting was held with the District and Complainants the next day, [REDACTED] [REDACTED] [REDACTED], at which time the Complainants relayed the events leading up to the Student's hospitalization.
23. A Notice of IEP Team Meeting was issued on [REDACTED] [REDACTED] [REDACTED] for a team meeting to be held on [REDACTED] [REDACTED] [REDACTED] at 2:00 p.m.
24. On [REDACTED] [REDACTED] [REDACTED] the School Psychologist sent the following email to a District staff person: "We are going to go ahead with [Student's] meeting today at 2:00. We decided to qualify him, but he is at [REDACTED] so we will wait to write his IEP today."
25. The IEP team determined that the Student met the eligibility criteria under the disability category of Other Health Impairment by virtue of having been previously diagnosed with ADHD. The team also indicated that the Student was in need of special education.
26. No IEP was drafted at the IEP team meeting because the Student remained hospitalized at [REDACTED]. The Complainant signed the Parental Consent for Initial Placement on [REDACTED] [REDACTED] [REDACTED].
27. The Special Education Department Chair sent an email to the School Psychologist on [REDACTED] [REDACTED] [REDACTED] stating, in relevant part: "[Complainant] just called and they are releasing [Student] on Wednesday which means we have to have him ready to go at the PEP on Monday after [Thanksgiving]. WBI said he is totally unresponsive to their attempts at therapy so they are sending him home. . . ."
28. A Notice of IEP Team Meeting was issued on [REDACTED] [REDACTED] [REDACTED] convening the IEP Team on [REDACTED] [REDACTED] [REDACTED] at the [REDACTED] [REDACTED] [REDACTED] [REDACTED] Center within the District.
29. An IEP was drafted for the Student at the meeting on [REDACTED] [REDACTED] [REDACTED]. The following is a summary of salient components of the IEP:
  - a. Present Levels of Academic Achievement at Functional Performance – It was determined by the multidisciplinary assessment team that [Student's] ADHD does impact his educational performance even though he is currently passing all classes with Cs or better. [Student] would benefit from having assistance being organized as completing and turning in work are sometimes an issue. While [Student] earns average and above average grades, he would also benefit from having assistance processing behaviors and choices, as the behaviors and choices he makes frequently

have accompanying consequences. Due to emotional concerns, [Student's] participation in counseling with the school psychologist could provide [Student] with a resource to help him process decisions and behaviors. [Student's] parents feel strongly that [Student] uses In-School-Suspension to avoid certain classes and thus, alternative consequences may be beneficial to [Student].

- b. Strengths of the Student – [Student] is strong and performing at or above grade level in the areas of reading, writing and math. He also seems to have developed appropriate peer relationships at school.
  - c. The Team indicated the Student's behavior impeded his learning or that of others, stating "[Student] will complete fall semester receiving services at the [REDACTED] [REDACTED]"
30. The IEP contained two Annual Goals, each with Short-term Objectives/Benchmarks as follows:
- a. At school, by [REDACTED], [REDACTED] [Student] will respond to anger and frustration in a manner which does not put him in violation of school rules at all times.
    - i. [Student] will report to the special education office to avoid the escalation of negative situations. Once there he can process the incident with an adult and return to class. If deemed necessary by the adult he processes with, [Student] may spend a 'cooling off' period in the special ed. office.
    - ii. [Student] will learn to connect what he thinks and does with how he feels.
    - iii. When an adult removes [Student] from class, he will leave without incident and report directly to the special education office.
  - b. [Student] will maintain grades of C or better in all classes by the end of each grading period.
    - i. [Student] will spend ten minutes per day organizing his materials and composing a prioritized 'to-do' list.
    - ii. [Student] will ask for assistance with organization and prioritizing tasks that he needs to complete.
31. The IEP team determined that the Student would receive the following Special Education and Related Services: Counseling two times per week for 30 minutes, pull-out from general education at the [REDACTED] [REDACTED]
32. The team indicated that the placement was not in the public school closest to the Student's home and the school the Student would attend if not disabled, explaining: "[Student] is currently placed at the [REDACTED] [REDACTED] for 45 days."

33. The Proposed Educational Environment was a full day at other District facility "for a disciplinary issue."
34. A Notice of Team Meeting dated [REDACTED] [REDACTED] indicated the team would convene on [REDACTED] [REDACTED] for the purpose of considering a change of educational placement.
35. The Team Meeting Summary on [REDACTED] [REDACTED] recommended that the Student return to his regular high school within the District. The team also recommended: "If [Student] had an issue at [REDACTED] he will go to the Sp. Ed. Room."
36. The Student's IEP was amended to reflect this change. The IEP Team determined the Student would receive the following special education and related service: Counseling one time per week for 45 minutes, pull-out from general education in the Psychologist's room. The placement was changed to the public school closest to the Student's home and the one he would attend if not disabled.
37. On [REDACTED] [REDACTED] a Notice of IEP Team Meeting was issued convening the team on [REDACTED] [REDACTED] for the purpose of development, review, or revision of the Student's IEP.
38. A Functional Behavioral Assessment/Behavior Intervention Plan was completed on [REDACTED] [REDACTED]. Several interventions were suggested.
39. The Team Meeting Summary on [REDACTED] [REDACTED] recommended, in relevant part, a behavior plan, which included lunch detention. The Student was noted to have more problems with people he doesn't cope well with. "Instead of ISS, which [Student] used to get out of class, we are using the tally marks to track tardies, with three marks he will get OSS. We don't want lunch detention to escalate problems. Having a lot of rules, and confinement is something [Student] doesn't like. [Student] is honest. He can makeup his work if he gets OSS. We will use this unless it becomes a problem, or a reward. If more than 3 days OSS, this will be revisited. Reinforcement was addressed, but [Student] didn't come up with any." Further, make-up work was to be emailed to the Complainants.
40. The Student's IEP was amended at the [REDACTED] [REDACTED] meeting. An additional Short-Term Objective/Benchmark was added to the goal of maintaining grades of a C or better in all classes as follows: "Teachers will provide [Student] with a written list of steps necessary to complete multi-step assignments."
41. The Special Education and Related Services were amended to reflect the following:

Special Education and Related Service	Frequency per Week	Minutes per Week	Location
Counseling	One time per week	45 minutes	School-wide

Academic Assistance	Two times per week	30 minutes consultation	School-wide
Academic Instruction Language Arts	4 times per week	225 minutes collaboration in general education	General education classroom

42. On [REDACTED] [REDACTED] the District reported progress on the goal of managing anger and frustration, indicating that the Student had made "expected" progress, commenting that "[Student] is doing well. [Student] did go on one occasion to the Sp. Ed. Office when he was upset over the seating chart. Doesn't always use his time to complete work in class. Overall, he has been following the classroom rules well." No progress was reported on the second goal of maintaining a C or better in all classes.
43. A Notice of IEP Team Meeting dated [REDACTED] [REDACTED] indicated a meeting would be held the same day for the purpose of considering a change of educational placement. The Notice indicated that the Complainants agreed to the short notice as "[Student] is struggling at home and they are hoping this may bring some resolution."
44. The [REDACTED] [REDACTED] Team Meeting Summary recommended that the Student take [REDACTED] [REDACTED] [REDACTED] and [REDACTED] at the [REDACTED] [REDACTED]. The Student would return to his [REDACTED] [REDACTED] for periods 5 through 8. He would have his counseling at both locations.
45. The Student completed his [REDACTED] [REDACTED] year with the following grades in his core classes:
- |            |            |
|------------|------------|
| [REDACTED] | [REDACTED] |
46. Complainants filed this special education complaint, which was received by WDE on [REDACTED] [REDACTED].

**Conclusions:**

1. The Complainants make the argument in their complaint that the District should have identified the Student as eligible for special education sooner, making the District responsible for funding the costs of hospitalization at [REDACTED] or other residential placement.
2. In order to be eligible for special education services under the IDEA, a child must be evaluated in accordance with the Federal Regulations as having one of the IDEA disabilities,

who, by reason thereof, needs special education and related services. See 34 C.F.R. §300.8. It is a two-prong test, and both elements must be satisfied. A child must have an IDEA disability, and the disability must adversely impact the child's educational performance resulting in a need for special education.

3. Once eligible under the IDEA, children are entitled to receive a free appropriate public education (FAPE) in the least restrictive environment. FAPE means special education and related services that are provided at public expense, under public supervision and direction, meet the standards of WDE, and are provided in conformity with an individualized education plan (IEP) that meets federal requirements. See 34 C.F.R. §300.17.
4. The Student was found ineligible for special education under the IDEA after an evaluation in [REDACTED]. Therefore, the Student did not have the right to receive FAPE under the IDEA until and unless he was determined to be IDEA eligible in the future.
5. The District then determined the Student eligible for services under Section 504 of the Rehabilitation Act, which is a similar but distinct law designed to protect individuals with disabilities from discrimination. The District developed a Section 504 plan.
6. Complainants continued to experience greater behavioral difficulties with the Student in the home environment while the Student continued to progress educationally, successfully matriculating from [REDACTED] to [REDACTED] [REDACTED] with average and above grades. Complainants had long-standing concerns regarding the Student's mental health, including his refusal to comply with prescribed medications.
7. The record demonstrates that the District communicated regularly with the Complainant regarding the Student's needs and concerns.
8. The record also demonstrates that the Complainants agreed to permit time for [REDACTED] [REDACTED] staff to get to know the Student prior to pursuing the special education evaluation while other interventions were implemented.
9. Throughout the time period relevant to this complaint, the Student continued to be successful in school, achieving average and above grades in core classes, demonstrating improved and/or appropriate peer relationships, and successfully participating in team sports.
10. The Complainants renewed their request for a special education evaluation in late [REDACTED] [REDACTED] and the District commenced the evaluation process.
11. While the special education evaluation was in progress, the Student demonstrated defiant behavior with a long-term substitute teacher. The teacher handled the matter by communicating with the Complainants.

12. Complainants report that an altercation with the Student in the home that ultimately resulted in his hospitalization for psychiatric and safety reasons.
13. "If a placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including **non-medical care** and room and board, must be at no cost to the parents of the child." (Emphasis added.) 34 C.F.R. §300.108.
14. The determination of whether a residential or hospital placement is necessary in order for the child to receive FAPE has been frequently litigated across the country, resulting in a body of case law that distinguishes between placements made for educational reasons and those made for noneducational, medical or psychiatric reasons.
15. The Ninth Circuit Court of Appeals has recently ruled that placements made for medical, including psychiatric, reasons are noneducational, and therefore, the costs of care are NOT the responsibility of a school district. The Ninth Circuit identified the focus of the court's analysis as follows: "Our analysis must focus on whether [the residential] placement may be considered necessary for educational purposes, or whether the placement is in response to medical, social or emotional problems that are quite apart from the learning process." *Ashland Sch. Dist. v. E.H.*, 53 IDELR 177 (9<sup>th</sup> Cir. 2009), citing *Clovis Unified Sch. Dist. v. Cal. Office of Admin. Hearings*, 16 IDELR 944 (9<sup>th</sup> Cir. 1990). In the *Ashland* case, the student was hospitalized by his parents for psychiatric reasons. The district court concluded, and the Court of Appeals affirmed, that the student's medical care was unrelated to his educational needs.
16. In a similar case also from the Ninth Circuit Court of Appeals and the Ashland School District, the Court ruled that a residential placement resulted from the student's out-of-school behaviors. Therefore, the residential placement was not educationally necessary. The record showed that the parents enrolled the student in a residential facility because of "risky" and "defiant" behaviors at home. Because the residential placement in this case was not necessary for the student to receive FAPE, the Ninth Circuit held that the parents were not entitled to reimbursement. *Ashland Sch. Dist. v. R.J.*, 53 IDELR 176 (9<sup>th</sup> Cir. 2009).
17. The Fourth Circuit Court of Appeals held that if medical needs are segregable from educational needs, then a school district is not responsible for funding a residential placement. In this case, the student had a history of severe emotional impairments and suicide attempts, but the Court held she did not require a residential placement in order to receive FAPE. The student's safety, mental health and medical issues were distinct from her educational needs. The Court noted that a residential placement is required only if

residential care is essential for the child to make any educational progress. *Shaw v. Shoemaker*, 53 IDELR 313 (4<sup>th</sup> Cir. 2010).

18. In a ruling denying reimbursement for a residential placement, the Second Circuit Court of Appeals reasoned “the central inquiry is whether the student’s conduct outside of the school building and outside the normal hours of the school day is such that it impedes [the] ability to derive an academic benefit from a day program.” As a general rule, a residential placement is not required under the IDEA unless there is objective evidence that the student is not progressing educationally. *M.H. v. Monroe-Woodbury Central Sch. Dist.*, 51 IDELR 91 (2<sup>nd</sup> Cir. 2008).
19. In a case on remand from the United States Supreme Court after a holding that prior receipt of special education is not necessary in order to be entitled to tuition reimbursement, the District Court of Oregon held that the noneducational nature of the placement precluded reimbursement. In that case, the underlying reason for the residential placement was the student’s out-of-school drug abuse and problem behaviors. *Forest Grove Sch. Dist. v. T.A.*, 53 IDELR 213 (D. Or. 2009).
20. As applied to this complaint, although the Student was ultimately identified as eligible for special education services under the IDEA, qualifying as a student with Other Health Impairment based on his ADHD diagnosis and in need of special education by virtue of his organizational difficulties stemming from the ADHD, there is no evidence in the Student’s record that he needed any type of hospital or residential placement in order to receive FAPE. The incidents that resulted in his hospitalization were noneducational in nature.
21. Further, in light of the educational success achieved by the Student in the school environment prior to his eligibility under the IDEA, the District did not unreasonably delay the special education evaluation or determination of eligibility.

**Decision:**

**Issue**

Whether the District should have suspected the Student was a child with a disability and in need of special education triggering its child find obligation, and as a result, whether the District violated its child find responsibility by failing to evaluate the Student consistent with 34 C.F.R. §300.111.

**WDE determines that the District appropriately and timely evaluated the Student to determine special education eligibility. No violation.**

Pursuant to WDE's general supervisory authority, and its responsibility to address the appropriate future provision of services for all children with disabilities, this Complaint Decision, in redacted form, will be posted on the WDE website for public viewing. See 34 C.F.R. §300.151(b). Procedural issues identified in the complaint investigation beyond the scope of the general supervision system will be forwarded to the monitoring team.

Please direct questions regarding this complaint investigation to the Wyoming Department of Education, Special Programs Division at 307-857-9285 or 800-228-6194.

Sincerely,



Peg Brown-Clark  
State Director of Special Education  
Special Programs Division Director

cc:

██████████ Superintendent  
██████████ Board Chair  
Dr. James McBride, Superintendent of Public Instruction  
Tania Hytrek, WDE Legal Counsel