

WYOMING DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS DIVISION  
SPECIAL EDUCATION COMPLAINT INVESTIGATION

**Complaint Case:** C-004-20

**Decision Date:** June 1, 2020

**Public Agency:** Behavioral Health Division  
Wyoming Department of Health  
6101 Yellowstone Road, Suite 220  
Cheyenne, Wyoming 82002

**Issues Investigated and Decision:**

1. Whether the Center denied the Student a Free Appropriate Public Education (FAPE) consistent with to 34 C.F.R. §§ 300.17 and 300.101. Specifically,

- a. Whether the Center developed and implemented an IEP to address the Student's unique educational needs, including Extended School Year Services (ESY) to enable the Student to be involved in and make progress in the general curriculum as required by 34 C.F.R. § 300.320, and consistent with 34 C.F.R § 300.106; and

**Violation. The Center failed to develop an IEP to address the Student's behavioral needs.**

- b. Whether the Center reviewed and amended the Student's IEP to address the lack of progress consistent with 34 C.F.R. § 300.324(b).

**Violation. The Center did convene the IEP team to review the Student's IEP. However, the resulting amendment didn't address the Student's lack of progress as agreed upon by the IEP team.**

2. Whether the Center complied with the IDEA's procedural requirements. Specifically,

- a. Whether the Center provided the Parent the opportunity to participate in the IEP process and IEP team decisions consistent with 34 C.F.R. §§ 300.322, 300.324(a), and 300.327;

**Violation. The Center denied the Parent the opportunity to participate in the IEP process by overriding the IEP teams decision to provide additional ESY.**

- b. Whether the Center provided appropriate Prior Written Notice (PWN) to the Parent consistent with 34 C.F.R. § 300.503; and

**Violation. The Center failed to consistently issue Prior Written Notice that met the requirements.**

- c. Whether the Center complied with the IDEA's requirements regarding confidentiality of special education information in accordance with 34 C.F.R. §§ 300.610 through 300.627.

**WDE finds no Violation. The Center did not breach confidentiality during its discussion with the local school district.**

The district is required to correct the identified violations via a corrective action plan. The WDE will monitor and document compliance with the corrective action order. Once all corrective action is complete, the WDE will close the case.