

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

Complaint Case: C-019-21

Decision Date: August 16, 2021 Student-specific Investigation
August 31, 2021 Systemic Investigation

Public Agency: Behavioral Health Division
Wyoming Department of Health
122 West 25th Street
200 West Suite B
Cheyenne, Wyoming 82002

Student-specific Issues Investigated and Decision:

1. Whether the Center developed and proposed an IEP reasonably calculated to meet the Student's unique needs as required by 34 C.F.R. § 300.17.

WDE finds the BHD in violation. The Center failed to develop the IEP based on the Student's unique educational needs.

2. Whether the Center properly convened the Student's IEP team consistent with 34 C.F.R. § 300.321.

WDE finds no violation.

Systemic Issues Investigated and Decision:

1. Whether the BHD, through the Center, denied the students a Free Appropriate Public Education (FAPE) in violation of 34 C.F.R. §§ 300.17 and 300.101. Specifically,
 - a. Whether the Center placed students in the least restrictive environment in which their educational and behavioral needs could be met providing students the opportunity to be educated with nondisabled peers to the maximum extent appropriate consistent with 34 C.F.R. §§ 300.114 through 300.117.

WDE finds the BHD to be in violation of providing services consistent with the Least Restrictive Environment provisions of IDEA.

- b. Whether the Center proposed and provided placements without cost to the parents of students attending the Center.

WDE finds the BHD in violation. The Center does not pay any tuition for students served in community preschool environments.

- 2. Whether the BHD, through the Center, failed to provide students with the procedural protections required by IDEA, including,
 - a. Whether the Center comprehensively evaluated students in order to identify all educational and behavioral needs as required by 34 C.F.R. §§ 300.301 through 300.311, including the use of appropriate assessments and qualified evaluators.

WDE finds the BHD in violation. In most evaluations, the BDI-2 was the only measure used to determine eligibility.

- b. Whether the Center provided special education services and supports, including the inclusion provider, in conformity with the students' IEPs as required by 34 C.F.R. § 300.320.

WDE finds the BHD in violation. There are no records to support a conclusion that services listed as “as needed” were delivered to students.

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.