

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

**Complaint Case:** C-012-24

**Public Agency:** Unita County School District #4

**Issues Investigated and Decision:**

1. Whether the District provided the Student FAPE in conformity with 34 C.F.R. § 300.17 and 300.101. Specifically,
  - a. Whether the District developed and implemented an IEP and/or BIP reasonably calculated to enable the Student to make progress appropriate in light of their circumstances, pursuant to 34 C.F.R. § 300.324(a)(2).

**WDE finds no violation. Without parental consent for the initial provision of services, the District was under no obligation to develop an IEP or BIP for the Student.**

2. Whether the District complied with the procedural requirements of the IDEA. Specifically,
  - a. Whether the District denied the Complainant meaningful input in the development of the Student's IEP and/or BIP, specifically by determining a provision of FAPE outside of an IEP meeting, pursuant to 34 C.F.R. §§ 300.321; 300.322; and 300.501.

**WDE finds no violation. The Complainant was not denied the opportunity to meaningfully participate in the development of the Student's IEP or BIP nor was a provision of FAPE determined outside of an IEP meeting.**

- b. Whether the District provided the Complainant with access to Student's education records within 45 days of Complainant's request, in violation of 34 C.F.R. § 300.613.

**WDE finds a violation. The District has not provided the Complainant access to all of the Student's education records.**

- c. Whether the District properly implemented the Student's IEP and BIP according to its terms, specifically the "check n' connect" sheet, pursuant to 34 C.F.R. § 300.320(a).

**WDE finds no violation. Without parental consent for the initial provision of services, the District was under no obligation to implement an IEP or BIP for the Student.**

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.