

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

Complaint Case: C-002-26

Public Agency: Laramie County School District #1

Issues Investigated and Decision:

1. Whether the District provided the Student a FAPE pursuant to 34 C.F.R. §§ 300.17 and 300.101 when ESY services were unilaterally modified to virtual services after the IEP team determined the amount and type of services that were reasonably calculated to result in educational benefit in light of the Student's unique educational needs consistent with 34 C.F.R. §§ 300.320 and 300.324.

WDE finds no violation. Although the District made a unilateral decision to provide virtual occupational therapy services in place of in-person therapy, this did not result in a denial of FAPE.

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

- a. Whether the District provided extended school year services consistent with the student's IEP as required by 34 C.F.R. §§ 300.17(d) and 300.320.

WDE finds no violation. The Student received all services outlined in the IEP.

- b. Whether the District provided the Complainant with the opportunity for meaningful participation in IEP team meetings when determining ESY services, including consideration of medical information provided by the parent, necessary to provide FAPE to the Student consistent with 34 C.F.R. § 300.501.

WDE finds a violation. The Complainant was denied the opportunity to express concerns and have them considered when the IEP team determined the Student's ESY services, specifically the delivery of occupational therapy.

- c. Whether the District provided the Parent with prior written notice regarding ESY decisions consistent with 34 C.F.R. § 300.503.

WDE finds a violation. In two instances, the District provided PWN as required when responding to the Complainant's requests. However, the District should have also issued PWN when it made the initial change in the delivery of the Student's occupational therapy services during ESY.

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.