

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

Complaint Case: C-004-26

Public Agency: Albany County School District #1

Issues Investigated and Decision:

1. Whether the District ensured the Student was educated in the LRE by placing them in a more restrictive setting without parental consent upon their transition to middle school, by removing the Student from the general education setting for more than 200 minutes per week, contrary to 34 C.F.R. §§ 300.114 through 300.116.

WDE finds no violation. The Student was educated in the least restrictive environment by appropriately placing them in a more restrictive setting upon their transition to middle school, and by removing the Student from the general education setting for no more than 200 minutes per week, consistent with 34 C.F.R. §§ 300.114 through 300.116.

2. Whether the District implemented the Student's IEP according to 34 C.F.R. § 300.323 by:
 - a. Not providing the required service minutes in the special education environment;
 - b. Disregarding the Student's accommodations;
 - c. Not following the Student's behavior plan by not using the behavior chart or break cards and by not having a positive reward system in place; and
 - d. Denying the Student access to their assistive technology to complete homework.

WDE finds a procedural violation. The IEP Team deemed the assistive technology necessary for the Student to complete "daily work" and participate in their core content education. Denying its use for homework, a major component of daily work, is a procedural failure.

3. Whether the District denied the Complainants meaningful participation in the IEP process by disregarding the Complainants' concerns and by failing to provide a finalized IEP contrary to 34 C.F.R. §§ 300.322 and 300.501.

WDE finds no violation. The District provided the Complainants meaningful participation in the IEP process.

4. Whether the District developed an IEP according to 34 C.F.R. §§ 300.320 and 300.324 that lacked meaningful and achievable goals, services aligned with the Student's

educational needs, an appropriate justification statement, and a fidelity-check process. Additionally, whether the District completed key sections of the IEP, including:

- a. Special Factors;
- b. Data for ESY services;
- c. Supports for School Personnel to provide training for the implementation of the BIP;
- d. LRE checklist; and
- e. Dissemination.

WDE finds no violation. The District developed an IEP that included meaningful and achievable goals, services aligned with the Student's educational needs, an appropriate justification statement, and a fidelity-check process. Additionally, the District completed key sections of the IEP, including: Special Factors; Data for ESY services; Supports for School Personnel to provide training for the implementation of the BIP; LRE checklist; and Dissemination.

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.