

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

Complaint Case: C-007-26

Public Agency: Behavioral Health Division, Early Intervention and Education Program

Issues Investigated and Decision:

1. Whether the BHD, through the Center, provided FAPE to the Student when transitioning from Part C early intervention programs to the Center, ensuring that the Student had an IEP based on his unique educational needs in place by his third birthday as required by 34 C.F.R. §§ 300.111, 300.124(b), and Wyoming Department of Education Chapter 7 Rules, Section 5(a).

WDE finds a violation. The BHD failed to seek parental consent in a timely manner or consider already existing Part C data required for compliance with Part C to B transition requirements.

2. Whether the BHD provided the Complainants the opportunity to participate in the transition process and decisions about IEP services when scheduling a meeting without consulting with the Complainants to determine a mutually agreed upon time consistent with 34 C.F.R. § 300.322.

WDE finds a violation. The BHD unilaterally determined the November 4th date for the eligibility meeting without parental input contrary to the requirements of IDEA.

3. Whether the BHD appropriately responded to the Complainant's request for an IEE by either granting the request without unnecessary delay or filing a due process complaint to prove that its evaluation of the Student was appropriate as required by 34 C.F.R. § 300.502.

WDE finds a violation. The BHD failed to appropriately and timely respond to the Complainant's request for an IEE.

The BHD 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.