

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

Complaint Case: C-017-26

Public Agency: Park County School District 6

Issues Investigated and Decision:

1. Whether the District implemented its child find procedures to ensure that a student who may be a student with a disability and who may need special education and related services was identified, located, and evaluated in conformity with § 34 C.F.R. § 300.111.

WDE finds the District in violation of its child find obligations when it improperly delayed the Student's special education evaluation despite a pattern of aggressive behavior, task avoidance, disciplinary removals including out-of-school and in-school suspensions, use of the isolation room, use of the SOAR room, consideration of an indefinite suspension pending a psychological evaluation, the need for a crisis plan, and clearly identified needs for occupational therapy.

2. Whether the District afforded meaningful parental participation, including providing a copy of IDEA procedural safeguards in conformity with 34 C.F.R. §§ 300.321, 300.322, 300.501, and 300.504.

The WDE finds that the District violated the IDEA's requirement to enable a parent to meaningfully participate when it failed to provide the Parent a copy of their procedural safeguards upon the Parent's request for a special education evaluation on October 7, 2025. The District further violated the Parent's ability to meaningfully participate in the special education process when it improperly deferred to the school psychologist's opinion that the Student was not eligible for special education and related services. An eligibility determination decision includes a group of qualified professionals and the parent.

3. Whether the District provided Parents PWN in conformity with 34 C.F.R. § 300.503.

WDE finds no violation. The District timely provided PWN to parents on October 15 and December 16, 2025, with all required components.

4. Whether the District considered the use of positive behavioral interventions and supports and other strategies to address the behavior of a child which impeded Student's learning or that of others in conformity with 34 C.F.R. § 300.324(a)(2)(i).

WDE finds no violation. The District was not required to consider the use of positive behavioral interventions and supports and other strategies pursuant to 34 C.F.R. § 300.324 to address the Student's behavior which impeded their learning because it had not referred the Student for special education evaluation and determined eligibility thus requiring the development of an IEP.

5. Whether the District imposed disciplinary actions on Student while having a basis of knowledge to suspect that Student was a student with a disability in conformity with 34 CFR § 300.534 (a-b).

WDE finds that the District violated the IDEA because it imposed disciplinary actions including out-of-school suspensions, in-school suspensions, and early-pick up on the Student while having a basis of knowledge to suspect that Student was a student with a disability and the Student was entitled to protections.

6. Whether the District, within ten (10) school days of a decision to change the placement of Student because of a violation of the code of student conduct held a manifestation determination meeting and complete an FBA if required and develop or revised a behavioral intervention plan in conformity with 34 C.F.R. § 300.530.

WDE finds that the District violated the IDEA because the District made disciplinary change of placement after imposing out-of-school suspensions for more than ten cumulative days despite a clear pattern without holding a manifestation determination review, and if appropriate, conducting an FBA or developing or revising a BIP.

7. Whether the District ensured that it assessed Student in all areas related to the suspected disability, that the evaluation included a variety of assessment tools and strategies to gather relevant functional, developmental, and academic

information about the child, including information provided by the Parent in conformity, and was sufficiently comprehensive to identify all of the Student's special education and related services needs in conformity with 34 C.F.R. § 300.304.

WDE finds that the District violated the IDEA because the District failed to assess the Student in any area related to suspected disability.

8. Whether the District ensured that eligibility decisions were made by a qualified group of professionals and parents, drawing upon information from a variety of sources including parental input in conformity with 34 C.F.R. § 300.306.

WDE finds that the District violated the IDEA because the District unilaterally determined that the Student did not meet the eligibility category of emotional disability or OHI based on the school psychologist's opinion that the Student's ADHD and ODD did not have an impact on the Student's access to education.

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, WDE will close the case.