

**WYOMING DEPARTMENT OF EDUCATION**  
**SPECIAL PROGRAMS DIVISION**  
**POLICY AND PROCEDURE MANUAL FOR SPECIAL EDUCATION**

**TABLE OF CONTENTS**

**POLICIES**

<b>Child Find .....</b>	<b>1</b>
General .....	1
Child Find Activities.....	1
Child Find and Private School Students with Disabilities .....	2
Child Find and Home-Schooled Children with Disabilities .....	4
<b>Confidentiality .....</b>	<b>5</b>
Definitions .....	5
Confidentiality of Student Records.....	6
Annual Notification to All Parents and Adult Students .....	6
Access Rights .....	7
Record of Access.....	8
Prior Consent to Disclose Information .....	8
Exceptions to Consent to Disclose Personally Identifiable Information .....	9
Fees .....	11
Children’s Rights.....	11
Transfer of Student Education Records.....	11
Retention of Special Education Records .....	12
Destruction of Information .....	12
Amendment of Records at Parent Request .....	13
Student Records Hearing.....	13
Disclosure of Student Records to Judicial Authorities .....	14
Enforcement.....	15
<b>Disproportionality and Overidentification .....</b>	<b>16</b>
Disproportionality and Overidentification .....	16
Data Collection.....	16
Correction of Overidentification and Disproportionality .....	16
<b>Full Educational Opportunity Goal.....</b>	<b>18</b>
Full Educational Opportunity Goal .....	18
Explanation .....	18
<b>General Supervision, WDE Responsibility for .....</b>	<b>19</b>
General .....	19
Monitoring and Compliance .....	20
<b>Least Restrictive Environment (LRE).....</b>	<b>21</b>
Least Restrictive Environment .....	21
Continuum of Alternative Placements .....	21
Placement of the Student.....	21
Nonacademic Settings .....	22

Nonacademic Services .....	23
Children in Institutions.....	23
<b>Part C to B Transition .....</b>	<b>24</b>
General .....	24
Transition Process .....	24
Obligation to Make FAPE Available .....	25
<b>Personnel Qualifications .....</b>	<b>26</b>
Personnel Qualifications .....	26
Explanation .....	26
<b>Private Schools, Responsibility for Children in.....</b>	<b>27</b>
Introduction .....	27
Children Placed in Private School By the School District or Public Agency .....	27
Children Enrolled in Private School By their Parents When FAPE is at Issue .....	28
Requirements for Children Voluntarily Enrolled in Private Schools By Their Parents .....	29
Child Find for Parentally-Placed Private School Children With Disabilities .....	32
<b>RTI in SLD Eligibility Determinations.....</b>	<b>34</b>
Definitions .....	34
Components of RTI.....	36
The Decision-Making Process .....	37
Exclusions .....	37
Limitations .....	38

## PROCEDURES

<b>Dispute Resolution Procedures .....</b>	<b>39</b>
Authority .....	39
Mediation Procedures .....	39
State Complaint Procedures .....	41
Due Process Hearing Procedures .....	45



































































































- c. The decision shall include findings of fact, conclusions of law, and order, including any remedy if applicable.
  - d. The decision of the hearing officer shall be binding upon both parties unless the decision is appealed in accordance with 34 C.F.R. §300.516.
  - e. A decision of a hearing officer that contains findings documenting noncompliance with the IDEA, federal regulations, or Wyoming rules shall be assigned to WDE Compliance and Monitoring staff to ensure correction and implementation of the hearing officer decision.
7. **The record.** The record in the due process hearing shall include:
- a. The request for due process hearing and any amendments;
  - b. All pleadings, motions, and non-dispositive rulings;
  - c. A statement of all matters officially noticed, including admitted exhibits;
  - d. Offers of proof, objections, and rulings thereon;
  - e. Proposed findings of fact and conclusions of law, if any; and
  - f. Findings of Fact, Conclusions of Law, and Order issued by the hearing officer.
8. **Appeal.** An aggrieved party may appeal the decision of the hearing officer consistent with 34 C.F.R. §300.516.
9. **Attorneys' fees.** The prevailing party in a due process hearing may seek attorneys' fees from a court of competent jurisdiction. A court may award reasonable attorneys' fees subject to the limitations in 34 C.F.R. §300.517.
10. **Expedited hearings.** An expedited due process hearing may be initiated consistent with 34 C.F.R. §300.532 and the above due process hearing procedures in paragraph (c) of this section. The expedited hearing shall be conducted pursuant to 34 C.F.R. §300.532.
11. **Child's status during proceedings.** Except as provided in 34 C.F.R. §300.533 (regarding disciplinary removals), during the pendency of any administrative or judicial proceeding regarding a due process hearing, unless the State, school district or public agency, and the parents of the child agree otherwise, the child that is the subject of the dispute must remain in his or her current educational placement consistent with 34 C.F.R. §300.518.
- J. The decision in redacted form shall be transmitted to the Wyoming Advisory Panel for Students with Disabilities and posted on the WDE website at: <http://www.k12.wy.us/se.asp> consistent with 34 C.F.R. §300.514(c).
- K. Link to general supervision. Pursuant to its general supervisory responsibility, WDE shall ensure that all hearing officer findings of noncompliance are referred to the monitoring system for action consistent with WDE's general supervision procedures.