



Wyoming Department of Education

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WYOMING DEPARTMENT OF EDUCATION
SPECIAL PROGRAMS DIVISION
SPECIAL EDUCATION COMPLAINT INVESTIGATION

Complainant:

Case #: C-0154-12

**COMPLAINT DECISION AND
ORDER FOR CORRECTIVE
ACTION**

Respondent:

Date of Decision: October 12, 2012

On August 15 2012 the Wyoming Department of Education (WDE) received a complaint and supporting documentation filed by _____ (hereinafter "Complainant") and _____ (hereinafter "Care Provider") alleging violations of special education law with respect to _____ (hereinafter "Student"), attending _____ during the 2011-2012 school year (hereinafter "District").

Pursuant to 34 C.F.R. §§300.151 through 300.153 of the Federal Regulations implementing the Individuals With Disabilities Education Act (IDEA), WDE conducted an investigation into the allegations raised in the complaint. Consistent with the IDEA, Federal Regulations, and the Wyoming Department of Education Chapter 7 Rules, WDE issues the following Findings of Fact, Conclusions, Decision and Order for Corrective Action.

Complaint Issue:

Whether the Parent was denied an opportunity to participate effectively in an IEP team meeting, in violation of 34 C.F.R. §§300.30, 300.322, and 300.327.

Investigatory Process:

- Review of records consisting of the following:
 - Original letter of complaint and supporting documents;
 - District’s response to the allegations; and
 - The Student’s special education records.
- The Complainant and Care Provider responded to a questionnaire provided by WDE.
- WDE gave the District, Complainant, and Care Provider the opportunity to submit additional information to WDE for consideration throughout the investigation of this complaint.

Applicable Federal Regulations or State Statutes or Rules:

34 C.F.R. §300.30 Parent

34 C.F.R. §300.22 Parent Participation

34 C.F.R. §300.327 Educational Placements

Wyoming Statutes Title 21

Wyoming Department of Education Rules, Chapter 7

Relevant Time Period:

Pursuant to 34 C.F.R. §300.153(c), WDE has the authority to investigate allegations of violations that occurred not more than one year prior to the date the complaint was received. In light of this limitation, any findings of noncompliance will be limited to the period commencing August 16, 2011 to August 15, 2012. However, the educational history beyond the one-year limitation determined relevant to the allegation was reviewed as a component of the investigation.

Findings of Fact:

1. The Complainant is the legal parent of the Student. The Complainant resides within the attendance boundaries of the school district the Student is currently attending.
2. During the time period relevant to the allegations in this complaint, the Student was attending the District named in the complaint.
3. The Student enrolled in the District in second grade during the 2010-2011 school year.
4. The Student resides in a licensed _____ with the Care Provider outside of the attendance boundaries of District.

5. The Complainant, as the parent, provided authorization for the Care Provider to make educational decisions on behalf of the Student. The Complainant's signature was dated August 16, 2010.
6. In a written response to this complaint, the District indicated that it considered the Complainant to be the legal parent for the Student, as she retained all of her parental rights and was involved in the Student's educational planning.
7. The Student entered the District identified as a learner with Multiple Disabilities. The District continued to serve the Student under the Multiple Disabilities eligibility category.
8. Special education records indicate that the Student was diagnosed in infancy with Agenesis of the Corpus Callosum (ACC), a disorder resulting in disruption of the typical growth sequence of the nerve fibers in a portion of the brain. This congenital brain malformation resulted in partial ACC in the Student's case.
9. An October 17, 2010 Neuropsychological Evaluation indicates that the Student displays significant behavioral, emotional, and cognitive dysfunction. The Student also suffers from a profound hearing loss. The evaluator reported that the Student becomes very aggressive, kicking and biting when he is upset.
10. The District conducted a reevaluation of the Student in March 2011. The Care Provider was interviewed as part of this evaluation. The report indicates that concern was expressed about communication, fine motor skills, behavioral issues, and lack of safety skills.
11. In March 2011, the team amended the Student's eligibility categories to include Hearing Impairment as the primary area of educational need and Other Health Impairment as a secondary category of eligibility under the IDEA.
12. The Complainant and the Care Provider participated in the team meeting on March 11, 2011 to review the evaluation results.
13. A Notice of Team Meeting dated September 1, 2011 indicates that an IEP team meeting was scheduled for September 12, 2011. The Care Provider participated in the meeting. It is unclear if the Complainant participated. This meeting resulted in an IEP amendment to provide for additional special education services. Prior Written Notice was provided in response to the amendment. However, it is unclear if the Prior Written Notice was provided to the Complainant, Care Provider, or both.
14. The Student's IEP team convened on October 5, 2011. The Notice of Team Meeting dated September 29, 2011 was signed and returned by the Care Provider. It is unclear who participated in this meeting. The purpose of the meeting was to address aggressive behavior. This meeting resulted in an IEP amendment to include special transportation in

the Student's IEP. Prior Written Notice was provided in response to the amendment. However, it is not clear if the Prior Written Notice was sent to the Complainant, Care Provider, or both.

15. A Notice of Team Meeting dated September 1, 2011 (presumed to be a date error) indicates that an IEP team meeting was scheduled for October 13, 2011. Notes taken during the meeting confirm that the Complainant and the Care Provider participated in the meeting, as well as an advocate on their behalf.
16. A Notice of Team Meeting dated November 9, 2011 indicates that an IEP team meeting was scheduled for November 10, 2011. The Notice was signed and returned by the Care Provider indicating she would attend the meeting as scheduled. A handwritten note at the bottom of the form indicates that no response was received from the Complainant, but that she agreed to the time via a phone conversation.
17. The Student participated in the Wyoming Department of Education Next Step Assessment Clinic in November 2011. The Student was referred for evaluation due to concerns regarding an increase in aggressive behavior. The District requested assistance with developing sensory strategies that could assist the Student with regulation.
18. As a component of the Next Step evaluation, a psychological evaluation was attempted. The evaluator reports that the Student was only marginally cooperative. An interview was conducted with the assistance of a sign language interpreter and the Care Provider. The report states:

He engaged his foster mother in a battle wherein he refused to comply and she threatened various consequences, which occurred through the consultation. At the end of the session, [Student] was informed that he would not be provided with McDonalds, which capitulated a behavioral meltdown. At home, his fits were reported to last 5 to 60 minutes.
19. The Next Step evaluator also reported that the Student's behavioral difficulties increased after visiting with his mother or other family members.
20. A Notice of Team Meeting dated December 15, 2011 indicates that an IEP team meeting was scheduled for December 21, 2011. The Notice was signed and returned by the Care Provider indicating she would attend the meeting as scheduled. A handwritten note at the bottom of the form indicates that no response was received from the Complainant.
21. At an annual IEP team meeting convened on January 11, 2012, the team amended the Student's eligibility category to Multiple Disabilities. The Complainant and the Care Provider participated in this meeting, although both indicate that they did not necessarily agree with

all of the decisions made. An advocate also attended this meeting on behalf of the Complainant and Care Provider.

22. In the Present Levels of Academic Achievement and Functional Performance section of the IEP, the Student's current functioning was described, in relevant part, as follows:

At this point the most pressing concern to the IEP team members is behavior. [Student's] aggressive behavior is escalating and if it continues to progress at the current rate the team will have to meet again and consider different options. [Student] was seen by his neurologist and is having his medication adjusted. The team hopes that will help his behavior.

23. The following goals and benchmarks were included in the January 2012 IEP:

GOAL	BENCHMARKS
1. Life Skills Math: Currently, [Student] can add and subtract one digit numbers while using a number line with 80% accuracy. [Student] will add and subtract two-digit numbers using manipulatives including place value blocks with 80% accuracy during five consecutive trials as documented by student worksheets.	1. [Student] will construct numbers using place value blocks. 2. [Student] will add two numbers using place value blocks and accurately exchange ones for tens. 3. [Student] will subtract two numbers using place value blocks and accurately exchange tens for ones.
2. Life Math Skills: [Student] currently only refers to money as "dollars." [Student] will identify and give values for: Penny, nickel, dime, quarter, and 50 cent piece with 100% accuracy during five consecutive trials as documented by teacher observation.	1. [Student] will distinguish that coins are different and separate them. 2. [Student] will identify coins by name, spoken and signed. 3. [Student] will give the values of coins, spoken and signed.
3. Life Skills Math: Currently, [Student] cannot skip count. [Student] will skip count by 2, 5, and 10 with 80% accuracy during 5 consecutive trials as documented by teacher observation.	1. [Student] will identify every other number on a number line. 2. [Student] will skip count by 2. 3. [Student] will skip count by 5. 4. [Student] will skip count by 10.
4. Vocabulary: [Student] will increase his vocabulary by at least 100 words to include at least 20 of each: nouns, verbs, adjectives, either by a picture, sign or written word with 80% accuracy over 5 consecutive trials as documented by teacher observation.	1. [Student] will identify new words by identifying a picture representing that word with a sign. 2. [Student] will sort words by function, including words that name things, action words and describing words.
5. Reading: [Student] will read simple stories and identify the beginning, middle and end with 80% accuracy over 5 consecutive trials as documented by teacher observation.	1. [Student] will read a simple story with a beginning, middle, and end. 2. [Student] will identify the beginning, middle, and end of a story.
6. Reading: [Student] will use pictures	1. [Student] will identify words that he does

GOAL	BENCHMARKS
and context cues to help identify unknown words in sentences 80% of the time as documented by teacher observation.	not know. 2. [Student] will use pictures and other context cues to help identify unknown words.
7. Writing: [Student] will write N1 +V (be) + Adjective sentences and variations of the sentence structure with 80% accuracy during 5 consecutive trials as documented by student writing and curriculum evaluations.	1. [Student] will create N1 + V (be) + Adjective sentences using a small set of word choices. 2. [Student] will create N1 + V (be) + Adjective sentences independently. 3. [Student] will create variations of N1 + V (be) + Adjective sentences, such as questions, independently.
8. Writing: [Student] will write N1 + V (be) + Where sentences and variations of the sentence structure with 80% accuracy during 5 consecutive trials as documented by student writing and curriculum evaluations.	1. [Student] will create N1 + V (be) + Where sentences using a small set of words. 2. [Student] will create N1 + V (be) + Where sentences independently. 3. [Student] will create variations of N1 + V (be) + Where sentences, such as questions, independently.
9. Writing: [Student] will complete sentences about his own experiences by independently selecting the accurate words for a blank in 5 sentences with 80% accuracy over 5 trials as documented by student performance.	1. [Student] will complete sentences about his upcoming day using daily schedule as support. 2. [Student] will complete sentences about recent events. 3. [Student] will complete sentences about events that will occur in the near future.
10. Writing: [Student] will write his personal information (including his name, address, phone number and the name of the adult he is with) when asked verbally, with sign language or through writing with 100% accuracy over 5 trials as documented by student work.	1. [Student] will write his personal information when request to do so in sign language. 2. [student] will write his personal information when requested to do so verbally. 3. [Student] will write his personal information when requested to do so in writing.
11. Spoken/Signed Language: [Student] will correctly answer who, what, when, and where questions about his own experiences asked using total communication with 80% accuracy during 5 consecutive trials as documented by teacher observation.	1. [Student] will answer questions about his own experiences with visual supports. 2. [Student] will answer questions about his own experiences without visual supports.
12. Spoken/Signed Language: [Student] will talk about his own experiences, at least three events, using speech and/or sign language correctly using words to identify time (i.e. yesterday,	1. [Student] will talk about his own recent experiences with visual support. 2. [Student] will talk about his own experiences without visual support.

GOAL	BENCHMARKS
tomorrow, next week, last month, etc.) with 80% accuracy over 5 consecutive trials as documented by teacher observation.	
13. Behavior: [Student] will transition between activities and locations without incident 100% of the time over a 2 week period as documented by teacher observation.	<ol style="list-style-type: none"> 1. [Student] will transition between activities without incident. 2. [Student] will transition between locations without incident.
14. Behavior: [Student] will not be physically aggressive to staff or students 100% of the time over a one month period as documented by teacher observation.	<ol style="list-style-type: none"> 1. [Student] will not be physically aggressive to staff for one week at a time.
15. Speech/Language: [Student] will answer and ask "wh" questions (who, what, where, when) about a presented situation or story 8/10 trials over three sessions.	
16. Speech/Language: [Student] will improve his vocabulary skills by explaining why similar items go together 8/10 trials over three sessions.	
17. Speech/Language: [Student] will identify and use time concepts such as today, yesterday, tomorrow, evening and seasons, 4/5 trials over three sessions.	
18. Speech/Language: [Student] will increase his use of adjectives and prepositions in his sentences to 10 adjectives or prepositions in a 15-minute or 50-utterance language sample.	
19. Speech/Language: [Student] will maintain a simple conversation both with a peer and an adult through three communicative exchanges.	
20. Occupational Therapy: [Student] will be able to consistently identify and write all upper and lower case letters with correct placement on the lines and directions at least 90% of the time as reported by teacher and as demonstrated in therapy.	<ol style="list-style-type: none"> 1. Using proper body mechanics, [Student] will be able to color inside the lines of a picture approximately 2x2 with no more than 3 breaches on the line on 2 separate occasions. 2. Using proper body mechanics, [Student] will be able to color inside the lines of a picture approximately 2x2 with no more than one breach outside the line on 2 separate occasions.

GOAL	BENCHMARKS
	<ol style="list-style-type: none"> 3. Using proper body mechanics, [Student] will copy a simple picture he selects and include half of the detail on 2 separate occasions. 4. Using proper body mechanics, [Student] will copy a simple picture he selects and obviously complete three-fourths of the detail on 2 separate occasions. 5. [Student] will be able to dribble a tennis ball using alternating hands 7 times without error on 2 separate occasions. 6. [Student] will be able to dribble a tennis ball using alternate hands 10 times without error on 2 separate occasions. 7. When given an option, [Student] will select preferred modality to successfully modulate affect as reported by the teacher on 4 out of 5 school days. 8. [Student] will independently select preferred modality to successfully modulate affect as reported by the teacher on 3 out of 5 school days.
<p>21. Physical Therapy: [Student] will improve his ability to kick and throw so that he may tolerate up to 20 minutes of appropriate play with his peers while on the playground in 3/3 sessions as determined by school staff.</p>	<ol style="list-style-type: none"> 1. [Student] will participate in sensory activities as directed by himself as needed throughout the day. 2. [Student] will participate in a game of kickball lasting 5 minutes in which he will follow all the rules independently.

24. The Case Manager reported that the Student's behavior was significantly worse after the holiday break. The Student was biting, kicking, and attacking the case manager a couple of days each week.
25. On January 17, 2012 the Student was physically aggressive against the Case Manager, reportedly attacking her, kicking, scratching, hitting, biting, and pulling out large handfuls of hair. After separating, the Student pursued the Case Manager again, continuing to kick, bite, hit and scratch.
26. The District notes indicate that the Care Provider reported taking the Student to the doctor to discuss his escalating behavior problems. While at the appointment, the Student reportedly bit the Care Provider severely enough to draw blood.
27. An undated letter from the Student's Pediatrician states the following:

This young man is having significant behavioral problems in the classroom and I think it is reasonable to have him have homebound instruction until the family can investigate a residential educational opportunities for hearing impaired. Mother has relayed she is looking at a program in Start date: January 25, 2012.

28. The Care Provider delivered the letter from the Pediatrician to the District.
29. The District developed a homebound service plan to amend the IEP. The Case Manager drove to the Care Provider's home on January 24, 2012 to discuss the plan and ask for her agreement.
30. The Student's IEP was amended on January 25, 2012. A summary of the changes indicates, in relevant part:

Due to escalating behavior, a majority of the IEP team members agreed that at this time [Student] will begin a homebound education program. District documentation indicates [Student's] behavior is significantly limiting his ability to demonstrate academic progress in the school setting. His aggressive behavior is also a safety risk to himself and others. Parents report that [student's] aggressive behavior is also escalating at home and [Student's] pediatrician and neurologist are making medication adjustments. Although [Student] is staying home this week, at parent request, homebound services will not begin until Monday, January 30th.

This homebound program is temporary and will be reassessed after 2 weeks of service.

31. A Prior Written Notice accompanied the IEP Amendment form. Copies were provided to the "parent" on January 25, 2012. It is unclear whether the District provided the IEP Amendment to the Complainant, Care Provider, or both.
32. Service logs provided by the District document that the homebound service was provided to the Student pursuant to the IEP amendment.
33. The Student's IEP was subsequently amended on February 8, 2012. The summary of changes states, in relevant part:

On 2/13/2012, [Student] will return to school on an adjusted daily schedule. He will arrive each day at 9:00 a.m. and his school day will conclude at 1:00 each afternoon, with special transportation being provided by the school. Observations indicate that [Student's] medication is not fully in effect until approximately 9:00 a.m. He is also showing signs of fatigue in the afternoons that contribute to personal frustrations/agitation.

34. A Prior Written Notice accompanied the IEP Amendment. Copies of both were provided to the "parent" on February 8, 2012. It is unclear whether the District provided the IEP Amendment to the Complainant, Care Provider, or both.

35. A March 7, 2012 email from the Case Manager to the team reports that the Student was successful with the modified schedule, and had demonstrated no incidents of aggressive behavior.
36. In response to a questionnaire provided by WDE, the Care Provider acknowledges participation in the January 11, 2012 IEP meeting, and receipt of the January and February 2012 IEP amendments. Although she disputes the fact that she agreed with the amendments, and indicates that she did not sign them as a result.
37. The Care Provider reports that the Student made progress “despite being on homebound and following the homebound placement. The Student did not have any behavioral issues after being on homebound for the rest of the year.”
38. The Complainant provided verbal responses to the WDE questionnaire. She reports participating in the January 11, 2012 IEP meeting on behalf of the Student. Regarding the January 25, 2012 IEP Amendment, the Complainant couldn’t recall whether she received a copy of the Amendment and Prior Written Notice. “I probably did, but I don’t know where it is at. [Care Provider] has all the copies.” The Complainant believes the Student made educational progress prior to the end of the 2011-2012 school year.
39. The Complainant emphatically indicated that she never gave up her rights as a parent. She states, “I speak for myself.”
40. The Complainant also provided authorization for WDE to communicate and share information directly with the Care Provider by execution of a Release of Confidential Information on September 6, 2012.

Conclusions:

1. The Student is identified as a learner with a disability under the IDEA.
2. The Student is a learner with severe and complex multiple disabilities, including, at times, aggressive and out of control behavior with the potential for staff or student injury.
3. The District must take steps to ensure that the parent of a child with a disability is present at each IEP team meeting or are afforded the opportunity to participate. See 34 C.F.R. §300.322.
4. The District must ensure that the parent of a child with a disability is a member of any group that makes decisions on the educational placement of their child. See 34 C.F.R. §300.327.
5. The obligation of the District to provide the IDEA parent with the opportunity to participate meaningfully in the IEP process was hampered by the confusion regarding whether the Care Provider or the Complainant was the individual acting as the IDEA parent.

6. In certain, limited circumstances, it is possible for someone other than the biological or adoptive parent to be designated to act in place of the parent. 34 C.F.R. §300.30(a)(4) states: *Parent* means an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare.
7. It is possible that the Care Provider could have been designated as the IDEA parent under the authority of the IDEA. However, that did not happen in this case based on the application of another provision under the IDEA definition of parent (in relevant part):

The biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under paragraph (a) of the section to act as a parent, must be presumed to be the parent for the purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. 34 C.F.R. §300.30(b).
8. *Attempting to act as a parent* is generally meant to refer to situations in which an individual attempts to assume the responsibilities of a parent under the IDEA. An individual may attempt to act as a parent in many situations, for example, by providing consent for an evaluation or attending IEP team meetings. See 71 Federal Register 46567.
9. Reading the regulatory provisions in harmony as required by the IDEA dictates a conclusion that the legal parent, or in this case, the Complainant, continued to act as the parent as evidenced by her interactions with District, her participation in IEP team meetings, and her stated intention to "not give up her rights."
10. The Complainant's grant of limited educational decision making to the Care Provider was not sufficient to divest her of the authority to act as the IDEA parent because the Complainant continued to act as the IDEA parent. Under the law, the Complainant must be presumed to be the parent for the purposes of IDEA decision-making.
11. As the IDEA parent, it was necessary to afford the Complainant the opportunity to participate in the IEP process and placement decisions.
12. However, participation does not mean that school districts must acquiesce to a parent's wishes. The IDEA does not require districts "simply to accede to parents' demands without considering any suitable alternatives." *Blackmon v. Springfield R-XII Sch. Dist.*, 31 IDELR 132 (8th Cir. 1999), rehearing denied, 110 LRP 65933 (8th Cir. 2000).
13. Districts should consider the parents' suggestions and, to the extent appropriate, incorporate them into the IEP. See *Deal v. Hamilton County Bd. of Educ.*, 42 IDELR 109 (6th Cir. 2004), cert denied, 110 LRP 46999 (2005); and *Fuhrmann v. East Hanover Bd. of Educ.*, 19 IDELR

1065 (3rd Cir. 1993). (Although the district did not agree to provide the programming and placement advocated by the parents, the parents had an opportunity to participate in the IEP formulation process in a meaningful way, where the IEP team considered parent suggestions and incorporated some of them, resulting in changes to the draft IEP.)

14. Courts have ruled that being an equal participant does not necessarily involve parents having a "vote" equal to that of the school personnel who are the other members of the IEP team. *Buser v. Corpus Christi Indep. Sch. Dist.*, 20 IDELR 981 (S.D. Tex. 1994), *aff'd*, 22 IDELR 626 (5th Cir. 1995), *rehearing denied*, 110 LRP 66342 (5th Cir. 1995), *cert. denied*, 110 LRP 66347 (1995) (rejecting the parents' "equal vote" interpretation of the IDEA and holding that equal participation does not mean equal voting power; to adopt the parent's argument would in effect allow parents to prevent the implementation of an IEP anytime there is a disagreement, contrary to the IDEA's intent). Parents have an equal vote at IEP meetings only in the sense that their disagreement can trigger due process. Ultimately, parents have no veto power over IEP team decisions. *See also Nickerson-Reti v. Lexington Pub. Schs.*, 112 LRP 48080 (D. Mass. 2012); *Rachel v. State of Hawaii, Dep't. of Ed.*, 112 LRP 47510 (D. Haw. 2012); and *Luo v. Baldwin Union Free Sch. Dist.*, 58 IDELR 158 (E.D.N.Y. 2012).
15. The Complainant and the Care Provider meaningfully participated in the January 2012 IEP team meeting, which culminated in the development of an IEP containing 21 annual goals and determination of the Student's special education service and placement. In the event that the Complainant disagreed with the contents of the IEP drafted in culmination of the IEP team meeting, the Complainant had the opportunity to formally dispute the contents of the IEP through the dispute resolution process.
16. The Student's IEP was amended after the annual IEP meeting through use of the IEP amendment process. The Federal Regulations permit the IEP to be amended without a meeting after the annual IEP if the parent and the school agree to the amendment. *See 34 C.F.R. §300.324(a)*.
17. A parent and student's rights are protected during the amendment process through issuance of a Prior Written Notice consistent with 34 C.F.R. §300.503 before implementing the changes specified in an amendment. Receipt of Prior Written Notice triggers a parent's right to formally object by filing a due process hearing request, thereby halting the implementation of the change until a hearing officer decision. Other dispute resolution procedures can be utilized to address disagreements without halting the implementation of the proposed amendment. *34 C.F.R. §300.503*.

18. The record supports a conclusion that the Care Provider was provided a copy of each IEP Amendment and Prior Written Notice document. The District was not required to seek informed consent prior to implementation of the amendments pursuant to 34 C.F.R. §300.324(a).
19. The record is less clear whether the Complainant, who was at all times relevant to this complaint the IDEA parent, was provided a copy of the IEP amendments and Prior Written Notice documents.
20. As the urgency of the Student's behavior escalated, the District interacted most frequently and directly with the Care Provider, as evidenced by the Case Manager proceeding to the Care Provider's home to explain the proposed IEP amendment, and other communication regarding the Pediatrician's recommendations.
21. This increased communication with the Care Provider resulted in the Complainant's exclusion from the IEP process. The Complainant was not provided an opportunity to meaningfully participate in all placement decisions regarding the Student, resulting in a denial of the Complainant's procedural safeguards under the IDEA.
22. This denial of the Complainant's procedural safeguards is attributable, in large part, to the confusion over the Student residing with the Care Provider, to whom the Complainant delegated the responsibility for educational decision-making, coupled with the fact that the Complainant continued to act as the IDEA parent which dictated that she be treated as the IDEA parent for all IEP process issues.
23. The denial of the Complainant's procedural safeguards does not rise to the level of a substantive denial of FAPE, as it did not result in harm to the Student. Both the Complainant and the Care Provider agreed that the Student's IEP as amended resulted in educational progress during the school year.

Decision:

Whether the Parent was denied an opportunity to effectively participate in an IEP team meeting, in violation of 34 C.F.R. §§300.30, 300.322, and 300.327.

WDE finds that District is in violation of its duty to provide the Complainant, as the IDEA parent, a meaningful opportunity to participate in the IEP process by not providing the Complainant with the opportunity to agree to IEP amendments prior to implementation of the amendment. However, WDE finds that this violation does not rise to the level of a substantive denial of FAPE. Therefore, no Student-specific corrective action is ordered

Corrective Action Plan:

1. The District shall provide at least four (4) hours of inservice training to the special education administrator and all special education staff with case management duties regarding the identification of the IDEA parent and the provision of procedural safeguards to the parent. The inservice training shall be completed within sixty (60) days of the date of this decision.
2. The District shall provide WDE with the following documentation:
 - a. The date, time, location, agenda and presenter(s) within thirty (30) days of the date of this decision; and
 - b. Copies of any materials or handouts used, in addition to sign-in sheets documenting the attendance of special education staff within ten (10) days of completion of the mandatory inservice training.

All required submissions must be sent to WDE to the attention of Diana Currah, with a copy to the Complainant. Please direct questions regarding this complaint investigation to the Wyoming Department of Education, Special Programs Division at 307-857-9285 or 800-228-6194.

Sincerely,



Tiffany Dobler
Director of Special Education
Special Programs Division

cc: Superintendent
School Board Chair
Cindy Hill, Superintendent of Public Instruction
Samuel Shumway, WDE Legal Counsel