

PROGRAMS FOR STUDENTS WITH IDENTIFIED DISABILITIES UNDER IDEA

In compliance with the Individuals with Disabilities Education Act (“IDEA”), Sweetwater County School District Number One (the District) provides a free appropriate public education (“FAPE”) to eligible children with disabilities and ensures special education and related services to those children.

Educational Opportunity Goal

The District offers full educational opportunities to all children with disabilities within the District. Our schools have available to all children with disabilities the variety of educational programs and services available to nondisabled children, including art, music, industrial arts, consumer and homemaking education and vocational education or any program or activity in which nondisabled children participate. The District provides supplementary aids and services determined as appropriate and necessary by the student’s Individualized Education Program (IEP) and IEP Team, to ensure that children with disabilities have an equal opportunity to participate in academic, nonacademic and extracurricular services and activities. 34 CFR §§ 300.107; 300.109; 300.110; 300.201.

The District shall work to provide an IEP for each eligible student. 34 CFR § 200.101(b). An eligible student under the IDEA is one who is between the ages of 3-21 and:

1. Has a disability that meets the definition of one of more of the 13 disabilities specifically listed in the IDEA at 24 CFR 300.8(c)(1)-(13) (“eligibility categories”), and
2. Needs special education and related services as a result of that disability.

34 CFR § 300.8(a).

Definitions

For the purpose of these policies, the following definitions apply:

“Assistive technology device” means any item, piece of equipment or product system that is used to increase, maintain or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device.

34 CFR § 300.5.

“Assistive technology service” means any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device, including all of the following:

- evaluating the needs of the child, including a functional evaluation of the child in the child’s customary environment;
- purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitative plans and programs;
- training or technical assistance for a child with a disability or, if appropriate, the child’s family; and
- training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers or other individuals who provide services to, employ or are otherwise substantially involved in the major life functions of that child.

34 CFR § 300.6.

“Education records” means the type of records covered under the definition of “education records” set forth in the regulations implementing the Family Educational Rights and Privacy Act of 1974. See Appendix.

34 CFR § 300.611(b).

“Child with a disability” means a child who, by reason of any of the following eligibility categories, needs special education and related services:

1. Autism
2. Deaf-Blindness
3. Deafness
4. Emotional Disturbance
5. Hearing Impairment
6. Intellectual Disability
7. Multiple Disabilities
8. Orthopedic Impairment
9. Other Health Impairment
10. Specific Learning Disability
11. Speech or Language Impairment
12. Traumatic Brain Injury
13. Visual Impairment, including Blindness.

Additionally, because of the difficulty of a diagnosis of certain mental or neurologic disabilities in very young children, districts may simply recognize children age three through nine who need special education and related services as experiencing “developmental delays”.

34 CFR 300.8(b); WDE Rules, Ch. 7, Sec. 4(d)(iv).

If the local educational agency determines through an appropriate evaluation that a child has one of the impairments listed above but only needs a related service and not special education, the child is not a child with a disability. “Child with a disability” may, at the discretion of the local educational agency and consistent with Department of Public Instruction rules, include a child who, by reason of his or her significant developmental delay, needs special education and related services.

34 CFR § 300.8.

“Consent” means:

the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent described that activity and lists the records (if any) that will be released and to whom; and

the parent also understands the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e. it does not negate any action that has occurred after the consent was given and before the consent was revoked).

34 CFR § 300.9.

“Education records” means the type of records covered under the definition of “education records” set forth in the regulations implementing the Family Educational Rights and Privacy Act of 1974. See Appendix.

34 CFR § 300.611(b).

“Equipment” means machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house the machinery, utilities, or equipment; and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials;

telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents; and other related materials.

34 CFR § 300.14.

“Evaluation” means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

34 CFR § 300.15.

“Extended school year services” means special education and related services that are provided to a child with a disability and meet the standards of the State of Wyoming. These services are provided beyond the normal school year of the local educational agency, in accordance with the individualized education program (IEP), and at no cost to the parent of the child.

30 CFR § 300.106(b).

“Free appropriate public education” means special education and related services that are provided at public expense and under public supervision and direction, and without charge, meet the standards of the Department of Public Instruction, include an appropriate preschool, elementary or secondary school education; and are provided in conformity with an IEP.

30 CFR § 300.17.

“General curriculum” means the same curriculum as for nondisabled children.

34 CFR § 300.320(a)(1)(i).

“Independent educational evaluation” means an evaluation conducted by a qualified examiner, who is not employed by the public agency responsible for the education of the child in question.

34 CFR § 300.502.

“Individualized education program” (IEP) means a written statement for a child with a disability that is developed, reviewed and revised in accordance with 34 CFR §§ 330.320 through 300.324.

34 CFR § 300.22.

“IEP Team” means a group of individuals that are responsible for evaluating the child to determine the child’s eligibility or continued eligibility for special education and related services and the educational needs of the child; developing, reviewing, or revising an IEP for the child; and determining the special education placement for the child.

34 CFR § 300.23.

“Nonacademic and extracurricular services and activities” may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities and employment by the public agency and assistance in making outside employment available.

34 CFR § 300.107.

“Personally identifiable” means information that includes the name of the child, the child’s parent or other family member; the address of the child; a personal identifier such as the child’s social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

34 CFR § 300.32.

“Related services” means transportation and such developmental, corrective and other supportive services (including speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; social work services; school health services; school nursing services designed to enable a child with a disability to receive a free appropriate public education as described in the child’s IEP; parent counseling and training; counseling services, including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluative purposes only; and the early identification and assessment of disabilities in children) as may be required to assist a child with a disability to benefit from special education. “Related services” does not include a medical device that is surgically implanted, the optimization of device functioning, maintenance of the device, or the replacement of such a device. Nothing in this definition limits the rights of a child with a surgically implanted device to receive related services as determined by the IEP Team to be necessary, limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, while the child is transported to and from

school or is at school; or prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

34 CFR § 300.34.

“School day” means any day, including a partial day, that children are in attendance at school for instructional purposes. The term “school day” has the same meaning for all children in school, including children with and without disabilities.

34 CFR § 300.11.

“Special education” means specially-designed instruction, regardless of where the instruction is conducted, that is provided at no cost to the child or the child’s parents, to meet the unique needs of a child with a disability, including:

- instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings;
- instruction in physical education;
- speech-language pathology services, or any other related service, if the service consists of specially-designed instruction and is considered special education rather than a related service under Wyoming standards;
- travel training; and
- vocational education.

The terms in the definition of special education are defined as follows:

“Physical education” means the development of:

- physical and motor fitness;
- fundamental motor skills and patterns; and
- skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adaptive physical education, movement education, and motor development.

“Specially-designed instruction” means adapting content, methodology or delivery of instruction:

- to address the unique needs of an eligible child that result from the child’s disability; and
- to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the local educational agency that apply to all children.

“Vocational education” means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

34 CFR § 300.39.

“Supplementary aids and services” mean aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings to enable a child with a disability to be educated with nondisabled children to the maximum extent appropriate.

34 CFR § 300.42.

Free Appropriate Public Education

All children with disabilities under the District’s responsibility have available to them a free appropriate public education under the IDEA. Children with disabilities entitled to FAPE are children age three, but not yet 21, who have not graduated from high school with a regular high school diploma and, for the duration of the school terms, persons who become 21 years old during that school term and who have not graduated from high school with a regular diploma. Special education and related services are provided to these children with disabilities, including as required by Federal regulation, children with disabilities who have been suspended or expelled from school. 20 CFR § 300.53(d). The child’s IEP determines when IEP services begin and the services to be provided. 34 CFR §§ 300.101(a); 102(a)(3)(iv); and 300.159.

The District provides prior written notice of a change in placement consistent with the requirements of the Individuals with Disabilities Education Act (IDEA) when a student with a disability graduates from high school with a regular diploma. For those students who graduate from high school with a regular diploma and for students who exceed the age of eligibility, the District provides a summary of academic achievement and functional performance, including recommendations on how to assist the student in meeting postsecondary goals.

34 CFR §§ 300.102(a)(3)(iii); and 300.305(e)(3).

Physical education services, specially designed if necessary, are made available to every student with a disability unless the District does not provide physical education to students without disabilities in the same grades. Each student with a disability is afforded the opportunity to participate in regular physical education programs available to nondisabled children unless the student is enrolled full time in a separate facility, or the student needs specially designed physical education as written in the student’s IEP. If specially designed physical education is identified in a student’s IEP, the District provides the services directly or makes arrangements for those services to be provided through other public or private programs. 34 CFR § 300.108.

The District makes available assistive technology devices or assistive technology services, or both, to a child with a disability if required as part of the child's special education, related services, or supplementary aids and services. If a student's IEP Team determines that access to school-purchased assistive technology devices or services in the student's home or in other settings is necessary for the student to receive a free appropriate public education, the devices or services are provided. 34 CFR § 300.105.

The District provides timely instructional materials in accessible formats to students who are blind, students with print disabilities, or other students with disabilities as required by the student's IEP.

Extended School Year

The District provides extended school year service availability to each student with a disability as necessary to provide a free appropriate public education. Extended school year services are provided when a student's IEP Team determines, on an individual basis, that the services are necessary for the provision of a free appropriate education to the student. The District does not limit extended school year services to particular categories of disability, or unilaterally limit the type, amount, or duration of these services. 34 CFR § 300.106.

Participation in Assessments

Students with disabilities attending schools of the District are included in all state-wide and district-wide assessment programs with appropriate accommodations. Those children who cannot participate in state-wide or district-wide assessments participate in alternate assessments. Accommodations or alternate assessments are identified by the IEP Team specified in the student's IEP. 20 U.S.C. 1412(a)(16).

Public Information

The District regularly makes available to the public information about its special education procedures and services. The District makes available to any person, upon request, documents responsive to the District's eligibility for federal and state special education funds. 34 CFR § 300.212.

If the District receives a notice from the Department of Education that it is in noncompliance with respect to state or federal special education law and the Department of Education is proposing to reduce or withhold any further payments to the District until the Department of Education is satisfied that the District is complying with that requirement, the District gives public notice of the pending state actions. 34 CFR § 300.222(b).

Child Find

The District identifies, locates and evaluates all children with disabilities, regardless of the severity of their disability, who are in need of special education and related services, including children attending private schools, children being home schooled, children attending a charter or virtual school, children who are made a ward of the state, county, or child welfare agency, children who

are highly mobile, such as migrant and homeless children, children below the age of compulsory school attendance, children above the age of compulsory school attendance who have not graduated from high school with a regular diploma and have not completed the school year in which they reach their twenty-first birthday, and children who are suspected of being a child with a disability even though they may be advancing from grade to grade. 34 CFR §§ 300.111; and 300.131. Wyo. Stat. 21-2-502(b).

Child find activities may involve both local media and direct contact activities, such as presentations, to provide information about special education services in the District and the special education referral process. Presentations may include information about developmental and/or academic screening opportunities in the District. Before any major child find activity, the District will publish notices in newspapers and other media to inform parents.

The District will ensure that staff members are knowledgeable about the characteristics of students with disabilities and in need of special education, and the referral process for all children, including infants or preschool children, suspected of having disabilities.

The District shall also inform parents about the availability of special education and related services and provide information about initiating a referral for a special education evaluation. 34 CFR §§ 300.111; and 300.612; Wyoming Dept. of Ed. Rules, Chapter 7, Section 4(a).

Child find includes locating, identifying and evaluating all children with disabilities, including those enrolled in private, religious elementary or secondary schools located within the boundaries of the District. District personnel consult with appropriate representatives of private schools and parents of private school children to determine how best to conduct child find activities. If the parents of a child voluntarily placed in private school do not consent to an initial evaluation or fail to respond to a request to provide consent, the District is not required to consider the child as eligible for special education services. Disagreements regarding child find activities for students placed in private school shall be subject to due process procedures in the IDEA and state complaint procedures.

The District must direct child find activities to any home schooled child in the same manner as a private school student. 34 CFR § 200.131; Wyo. Stat. § 21-4-101(a)(iii); Wyoming Dept. of Ed. Rules, Chapter 7, Section 4(a).

IEP Team

The District establishes an IEP Team for each student referred for special education services. The IEP Teams consist of all of the following:

- the parents of the child;
- at least one regular education teacher of the child, if the child is in school;
- at least one special education teacher with recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child;

- a representative of the District qualified to provide or supervise the provision of special education, knowledgeable about the general education curriculum and knowledgeable and able to commit the available resources of the District;
- an individual who can interpret the instructional implications of the evaluation results;
- whenever appropriate, the child, and;
- other individuals with knowledge or special expertise regarding the child, such as:
 - a parent may invite a friend or relative who knows the child, a professional with special expertise about the child, and others such as a vocational educator who has been working with the child;
 - the District may invite one or more individuals who can offer special expertise or knowledge about the child, such as related services professions, paraprofessionals, or other classified staff.

34 CFR § 300.321.

IEP Team Attendance

An IEP Team member is not required to attend an IEP meeting, in whole or in part, if the parent and the District agree, in writing, the attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed.

An IEP Team member may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services, if the parent and the District consent, in writing, to the excusal and the member submits in writing to the parent and the IEP Team input into the IEP development prior to the meeting.

34 CFR § 300.321.

Parent Participation on IEP Team

The District attempts to have both parents of a student with a disability present at IEP Team meetings by notifying parents of the meeting and scheduling the meeting at a mutually agreed on time and place. The meeting notice shall indicate the purpose, time, and location of the meeting and who will attend, including information on persons on the IEP Team who have knowledge or special expertise about the student. If neither parent can attend, the District uses other methods to seek parent participation, including individual or conference calls. The District may conduct an IEP meeting without a parent if the District is unable to convince the parents that they should attend and the District maintains a record of the attempts to arrange a meeting. The District also takes whatever action is needed to ensure that the parent understands the proceedings, including arranging for an interpreter, if needed. Upon request, the District shall also provide a copy of the most recent evaluation report to the parents at any meeting of the IEP Team. The District provides a copy of the student's IEP to the parent at no cost to the parent.

34 CFR § 300.322.

IEP Team Duties

The IEP Team's duties include evaluating the student to determine the student's eligibility or continued eligibility for special education and related services, and the educational needs of the student; the IEP Team also develops an IEP for the student and determines the special education placement of the student.

34 CFR § 300.324(a).

IEP Team Determination of Eligibility

After review of evaluation data and assessments, the IEP Team determines whether a student is or continues to be a student with a disability. A student who does not meet eligibility criteria under Wyoming law is not otherwise eligible, because the student has received inappropriate instruction in reading or mathematics or because the student has limited proficiency in English.

34 CFR § 300.306.

Developing, Reviewing and Revising IEPs

The IEP is in effect before special education and related services are provided and is implemented as soon as possible after the IEP is developed. In developing an IEP, the IEP Team considers the strengths of the student evaluations, and the academic, developmental, and functional needs of the student.

The IEP Team reviews a student's IEP at least once a year to determine whether annual goals are being achieved and revises the IEP as appropriate to address lack of progress, anticipated needs of the student, evaluation results and information about the student provided by the parents.

In making amendments to a student's IEP, it may be made either by the entire IEP Team at a meeting or by written amendment agreed to by the parent and the District.

34 CFR §§ 300.323 and 324.

IEP Content

The student's IEP includes information about the student's academic achievement and functional performance, measurable annual goals, including academic and functional goals, information on special education, related services and supplementary aids, any individual accommodations needed for academic achievement and functional performance, projected dates for beginning services or modifications to services, and a description of how the student's progress toward annual goals will be measured.

34 CFR § 300.320.

Least Restrictive Environment

In determining the least restrictive environment for placement, consideration is given to a student's individual needs. To the maximum extent appropriate, students with a disability are educated with children who are not disabled. Special classes, separate schooling, or other removal of a student from a regular education environment occurs when the nature or severity of the student's disability is such that education in regular classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily. A child with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. 34 CFR § 300.116(e). A district may consider the impact of a student's behavior on the other students in the educational environment in considering whether a removal from the regular education environment is appropriate. If the child needs a more restrictive placement to benefit from the educational program, then the child is entitled to placement in that program.

The District provides for nonacademic and extracurricular services and activities, including meals and recess, so children with disabilities may, to the maximum extent appropriate, participate in nonacademic settings.

34 CFR §§ 300.114-117.

Parent Revocation of Consent

A parent, subsequent to the start of special education and related services, may revoke consent for such services in writing. If consent is revoked, the District will stop providing services after providing the parent with prior written notice, and will not use special education dispute resolution procedures, including mediation or due process to obtain a ruling that the services may be provided. After revocation, the District is not in violation of FAPE because of the failure to provide services, the District is not required to convene an IEP meeting for further provision of services, and the District is not required to amend educational records to remove references to the student's former receipt of services.

34 CFR §§ 300.300 and 503.

Due Process Procedures

In accord with confidentiality policies, the parents of a student with a disability are given an opportunity to inspect and review educational records pertaining to the identification, evaluation, and placement of the student and the provision of FAPE. Parents are also able to participate in IEP team meetings. Parents are provided with prior written notice a reasonable time before the District proposes to initiate a change or refuses to initiate or change the identification, evaluation, or educational placement of a student. Parents are provided with a procedural safeguards notice one time a school year to include a full explanation of the procedural safeguards available under special education law.

34 CFR §§ 300.503 and 504.

Discipline

A student with a disability, who violates the Code of Student Conduct or other District policy, may be removed from his current placement to an appropriate interim alternative educational setting, another setting, or suspension for not more than 10 consecutive school days, provided the same change of placement would be made in the case of a student without a disability.

34 CFR § 300.530(b).

A child with a disability who is removed from the child's current placement for disciplinary reasons (a change in placement exceeding 10 consecutive school days or placement in an interim alternative educational setting for special circumstances) will continue to receive educational services as provided in 34 CFR § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP, and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

34 CFR § 300.530(d)(1).

Within 10 school days of any disciplinary change of the placement of a child with a disability, the parent and relevant members of the child's IEP Team (as determined by the parent and the District) will review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine: (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP. If it is determined that the conduct was a manifestation of the child's disability, the IEP Team will either conduct a functional behavioral assessment, or if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and except in certain limited circumstance provided by law, return the child to the placement from which the child was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

Confidentiality

The District notifies parents before any major child identification, location or evaluation activity. Notice is published in newspapers or announced in other media, or both. Notice includes a description of the rights of parents and students regarding the educational records of the student, including rights under the Family Educational Rights and Privacy Act of 1974 (FERPA), and implementing regulations. The District permits parents to inspect educational records relating to their children maintained under IDEA.

34 CFR §§ 300.612 and 613.

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LEGAL REF:

Individuals with Disabilities Education Act 20 U.S.C § 1400, et seq.

34 CFR § 300, et seq.

Wyo. Stat. §§ 21-2-501 and 502

Wyoming Department of Education Special Programs Division

Policy and Procedure Manual for Special Education

Wyoming Department of Education Rules, Chapter 7

Sweetwater County School District Number One

Special Education Policy and Procedure Manual

Model Local Educational Agency Special Education Policies and Procedures-Wisconsin