

WDE SPECIAL EDUCATION

DIRECTOR'S HANDBOOK



July 2023

Wyoming Department of Education

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Section 1: Introduction

Welcome

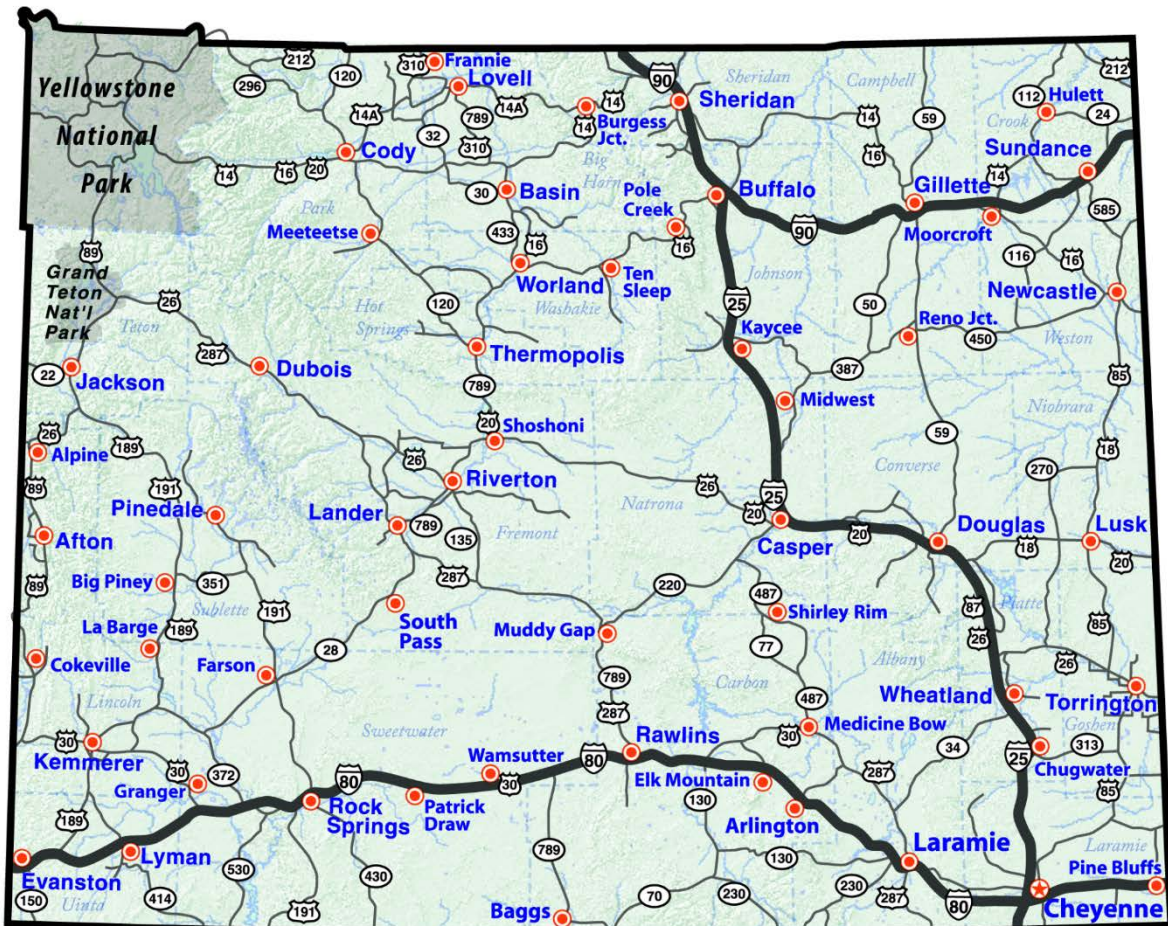
Dear Special Education Director,

Your position carries a unique opportunity to impact services and results for children and youth with disabilities in your district. The position of Special Education Director is difficult and challenging, yet it has the potential to be very rewarding as you bring about improved results for students with disabilities. This handbook is designed to give you some basic knowledge of the Wyoming Department of Education's (WDE's) components that guide Special Education.

Do not be overwhelmed—remember you have a great staff to assist you, so do not be afraid to delegate tasks. The WDE Special Education Division is willing and able to help. You are not alone in your new position; other new directors in your State will be eager to network with you for collaboration and advice.

As you move forward in your new position, remember to keep the students and their needs at the forefront of your decision-making processes.

State Map



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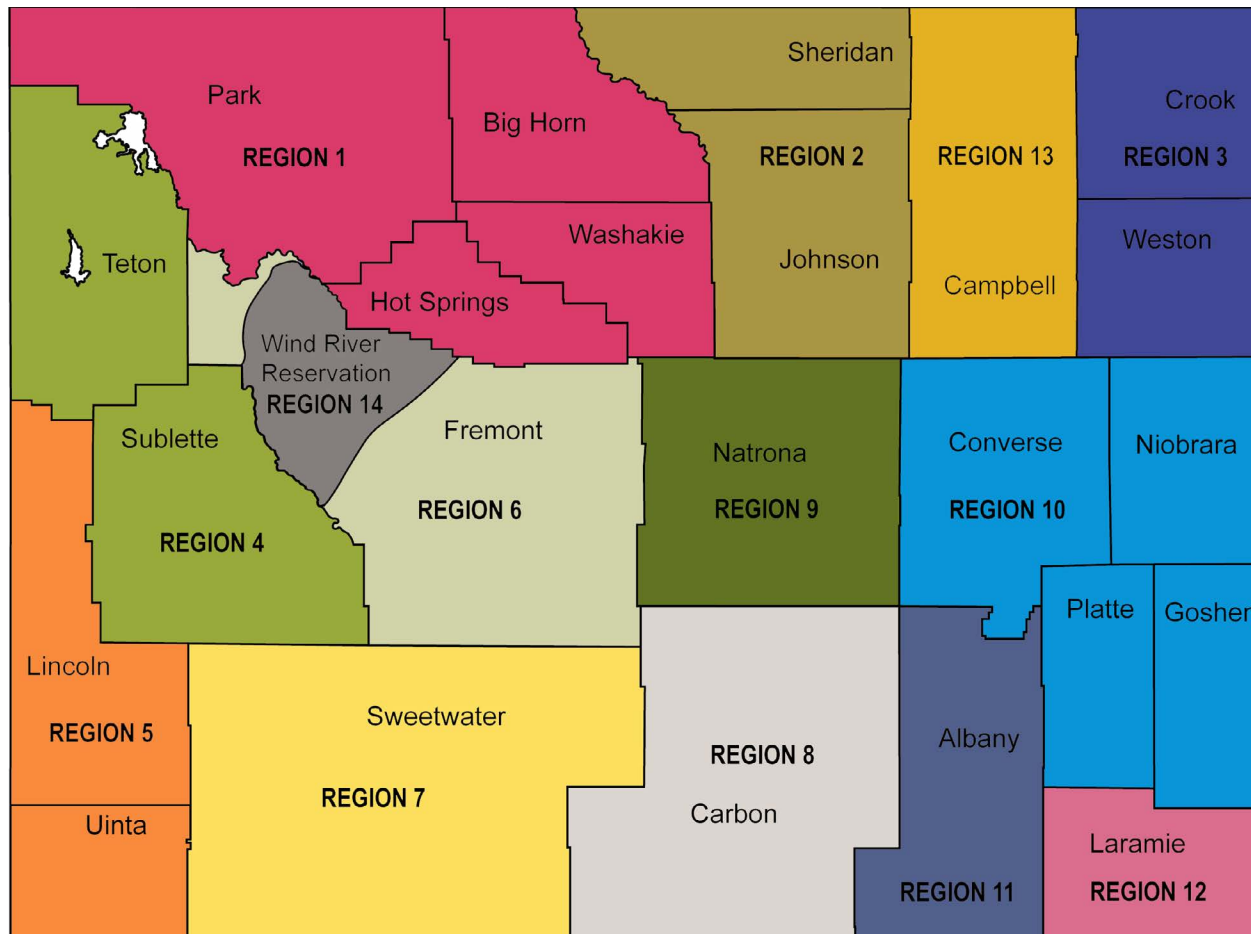
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Child Development Centers (CDC) and District Map

Child Development Services

Birth through Age 5



Region 1

Cody, 307-587-1331

Region 2

Sheridan, 307-672-6610

Region 3

Newcastle, 307-746-4560

Region 4

Jackson, 307-733-1616

Region 5

Mountain View, 307-782-6602

Region 6

Lander, 307-332-5508

Region 7

Green River, 307-875-0268

Region 8

Rawlins, 307-324-9656

Region 9

Casper, 307-235-5097

Region 10

Guernsey, 307-836-2751

Region 11

Laramie, 307-742-3571

Region 12

Cheyenne, 307-632-2991

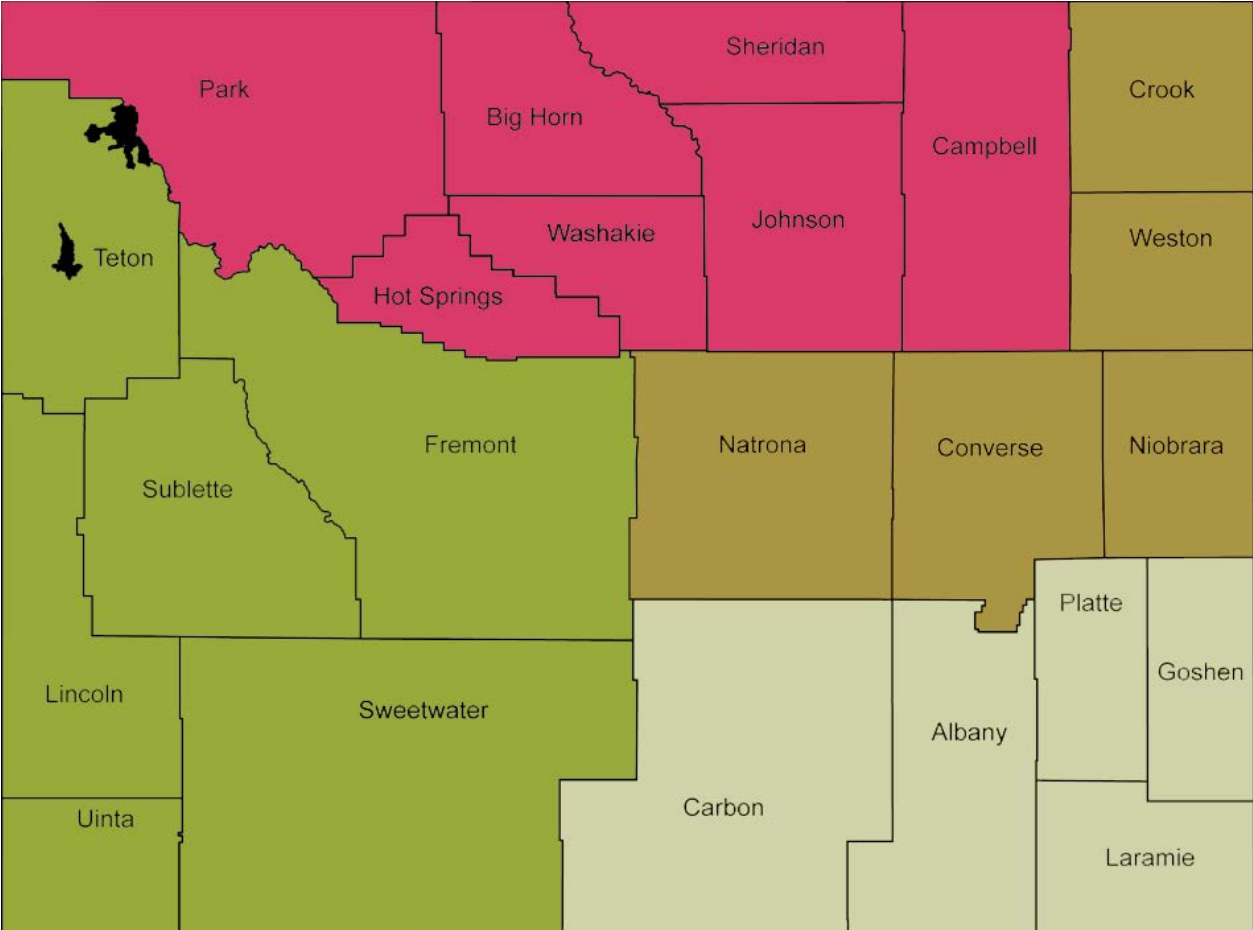
Region 13

Gillette, 307-682-2392

Region 14

Ft. Waskakie, 307-332-3516

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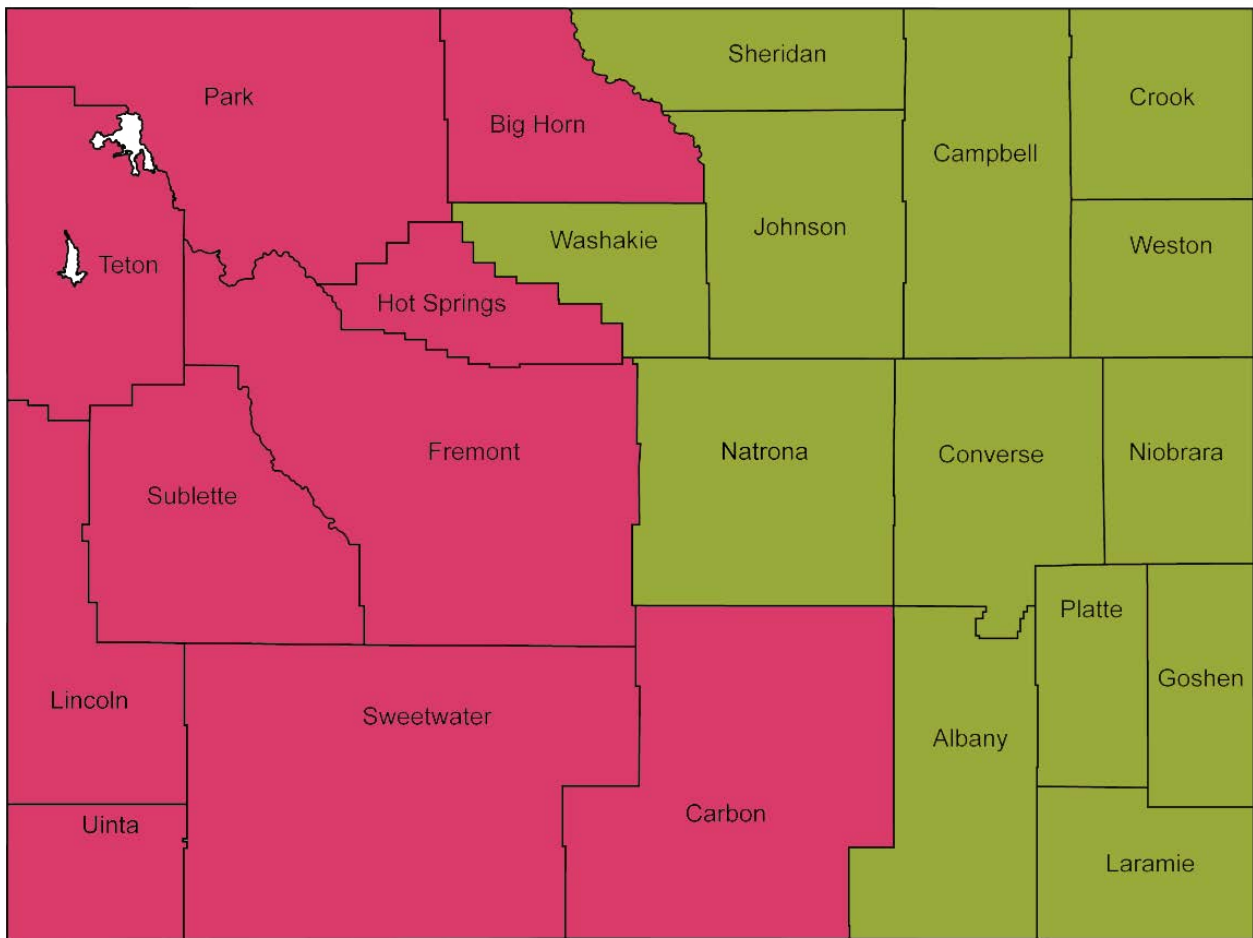
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Acronyms and Abbreviations

A

ADA	Americans with Disabilities Act
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
APE	Adapted Physical Education
APR	Annual Performance Report
ASHA	American Speech-Language-Hearing Association
ASL	American Sign Language
AT	Assistive Technology
AU	Autism
ASD	Autism Spectrum Disorder

B

BA	Behavioral Assessment
BD	Behavior Disorders
BHD	Behavioral Health Division
BIA	Bureau of Indian Affairs
BIE	Bureau of Indian Education
BIP	Behavior Intervention Plan

C

CEC	Council for Exceptional Children
CEE	Comprehensive Educational Evaluation
CEIS	Coordinated Early Intervening Services
CFR	Code of Federal Regulations
CD	Cognitive Delay or Communicative Disorder
COTA	Certified Occupational Therapist Assistant
CP	Cerebral Palsy
CPIR	Center for Parent Information and Resources
CSPD	Comprehensive System of Personnel Development

D

DB	Deaf-Blindness
DD	Developmental Disability
DNR	Do Not Resuscitate
DOH	Department of Health

DPH Due Process Hearing
DPHO Due Process Hearing Officer
DSM-V Diagnostic and Statistical Manual V

E

ED Emotional Disturbance
EI Early Intervention
EIPA Educational Interpreter Performance Assessment
ESEA Elementary and Secondary Education Act
ESSA Every Student Succeeds Act
ESL English as a Second Language
ESY Extended School Year

F

FAPE Free Appropriate Public Education
FBA Functional Behavior Assessment
FERPA Family Educational Rights and Privacy Act
FY Fiscal Year

G

GT Gifted and Talented

H

HI Hearing Impairment
HIPAA Health Insurance Portability and Accountability Act
HS Head Start

I

IDEA Individuals with Disabilities Education Act
IEE Individual Education Evaluation
IEP Individual Education Program
IFSP Individual Family Service Plan
IHCP Individualized Health Care Plan
IQ Intelligence Quotient

L

LD Learning Disability
LEA Local Educational Agency
LEP Limited English Proficiency

LoD Level of Determination
LRE Least Restrictive Environment

M

MFS Maintenance of State Financial Support
MOE Maintenance of Effort
MTSS Multi-Tiered System of Support

N

NASDE National Association of State Directors of Special Education

O

OCR Office for Civil Rights
ODD Oppositional Defiant Disorder
OESE Office of Elementary and Secondary Education
OHI Other Health Impairment
OI Orthopedic Impairment
O&M Orientation and Mobility
OSEP Office of Special Education Programs
OSERS Office of Special Education and Rehabilitation Services
OT Occupational Therapy/Therapist

P

P&A Protection and Advocacy
PART B Special Education—School Aged Children ages 6-21 Year Old
Part B 619 Special Education—3–5 Years Old
PART C Special Education—Birth–Two Years Old
PDD Pervasive Developmental Disorder
PE Physical Education
PL Public Law (Federal)
PLAAFP Present Levels of Academic Achievement and Functional Performance
PT Physical Therapy/Therapist
PTAC Privacy Technical Assistance Center
PTI Parent Training and Information Center

R

RDA Results Driven Accountability
RTI Response to Intervention

S

SPED	Special Education
SEA	State Educational Agency
SiMR	State-identified Measurable Result
SL	Speech Language
SLD	Specific Learning Disability
SLP	Speech Language Pathologist
SPDG	State Personnel Development Grant
SPP	State Performance Plan
SSIP	State Systemic Improvement Plan
SW-PBIS	School-Wide Positive Behavioral Interventions and Supports

T

TBI	Traumatic Brain Injury
TDD/TTY	Telecommunications Device for the Deaf

U

USDE	United States Department of Education
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V

VI	Visual Impairment
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W

WAPSD	Wyoming Advisory Panel for Students with Disabilities
WDE	Wyoming Department of Education
WIOA	Workforce Innovation and Opportunity Act

Number

504	Protecting Students with Disabilities: Office of Civil Rights Section 504
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Website/Wyoming Instructional Network (WINWeb)

The WIN website is a project of the WDE, Division of Special Education Programs to provide information about special education resources, evidence-based instructional practices, professional development, and other events to educators, families, and other agencies.

<https://wyominginstructionalnetwork.com/>

Overview of General Supervision

As the special education director for a local educational agency (LEA), you will need to be aware of our State's activities under general supervision. In order for OSEP to monitor a State's system of general supervision, the State must collect data at the LEA level to determine if the requirements of the Individuals with Disabilities Education Act (IDEA) are being properly implemented. OSEP holds all

States accountable, and States hold all their LEAs accountable. The general supervision system employed by a State embodies this concept of accountability.

Federal Context

Under federal law, each State has the responsibility to design a system of general supervision that monitors the implementation of IDEA requirements in that State. The focus of the general supervision system is LEAs and how they implement the IDEA requirements. The general supervision system must be accountable for the implementation of IDEA's requirements, and this system must provide for continuous improvement among the State's LEAs.

Section 616 of the 2004 amendments to IDEA states, "The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on:

- Improving education results and functional outcomes for all children with disabilities.
- and
- Ensuring that States meet those requirements under this part, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities."

States will be held accountable when these implementations are not fulfilled. Under IDEA, States achieve accountability when their system of general supervision comprehensively monitors implementation of the law with a focus on improving results for children and youth with disabilities and their families. The mechanism by which States pursue accountability in their LEAs is monitoring. The monitoring process involves the systematic collection and analysis of LEA-level data to determine if a particular LEA is meeting the requirements of IDEA. State and federal monitoring systems have evolved to include results data in this determination process.

While having a system of general supervision is required by statute and regulation, SEAs have used the general supervision requirements to provide a foundation for many State processes such as monitoring, data collection, data analysis, data reporting, and fiscal policies and procedures. The general supervision system assists States with their organization structure, and it considers factors relevant to a State's accountability to its children and youth with disabilities and their families. The activities of a general supervision system allow a State to oversee programs providing the necessary services and supports in meeting the requirements of the law and achieving the expected results for students with disabilities.

At a minimum, three explicit expectations exist for an effective system of general supervision. The system must:

- Support practices that improve education results and functional outcomes for children and youth with disabilities.
- Use multiple methods for the identification and correction of noncompliance, and complete the corrections of noncompliance as soon as possible but no later than one year after the noncompliance has been identified.
- and

- Utilize mechanisms that encourage and support continuous improvement and that enforce compliance.

What is FAPE?

Free Appropriate Public Education (FAPE) under the IDEA {[CFR 300.17\(a\)\(b\)\(c\)\(d\)](#)} and as defined by SCOTUS rulings

- *Endrew: As a result of Endrew F., each child’s educational program must be appropriately ambitious in light of his or her circumstances, and every child should have to meet challenging objectives. School officials must, “be able to offer a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress appropriate in light of his or her circumstances”. (Endrew F.) The IEP must provide, “more than the minimum progress”. (Endrew F. v. Douglas County School District RE– 1, 580 U.S., 2017)
- Rowley: As a result of Rowley, the “Rowley Standard” is a two-part test to determine if an LEA has met its obligations to provide FAPE.
 - Part 1. Has the school complied with the procedures of the act?
 - Part 2. Is the IEP developed through the act’s procedures and reasonably calculated to bring about education benefit? (Board of Educ. V. Rowley, 458 U.S. 176, 1982)

Special education and related services that:

- Are provided at public expense, under public supervision and direction, and without charge.
 - Meet the standards of the SEA, including the requirements of this part.
 - Include an appropriate preschool, elementary school, or secondary school education in the State involved.
- and
- Are provided in conformity with an individual education program (IEP) that meets the requirements of [300.320](#) through [300.324](#).

Section 2: Data in Special Education

SPP/APR

The Part B State Performance Plan (SPP) is composed of 17 indicators all States must set targets for and report data on in order to determine performance levels and develop improvement strategies. The State reports on data for the performance and outcomes of students with disabilities. The State collects data from LEAs and uses this data in annual reports on each indicator in the Annual Performance Report (APR).

17 Indicators in the SPP

Indicator 1 - Graduation.

Percentage of youth with IEPs graduating with regular diploma.

Indicator 2 - Dropout.

Percentage of youth with IEPs dropping out.

Indicator 3 - Assessment.

(A) Participation rate for children with IEPs, (B) Proficiency rate for children with IEPs against grade-level academic achievement standards, (C) Proficiency rate for children with IEPs against alternate academic achievement standards, (D) Gap in proficiency rates for children with IEPs and all students against grade-level academic achievement standards.

Indicator 4 - Suspension and Expulsion.

(A) Percentage of LEAs with significant discrepancy, (B) Percentage of LEAs with significant discrepancy by race/ethnicity.

Indicator 5 - Educational Environments.

Percentage of children with IEPs, age 5 and enrolled in kindergarten and ages 6–21, served (A) Inside regular class 80% or more of day; (B) Inside regular class less than 40% of day; (C) In separate schools, residential facilities, or homebound/ hospital placements.

Indicator 6 - Preschool Environments.

Percentage of children with IEPs, ages 3, 4, and 5 who are enrolled in a preschool program, (A) Receiving majority of special education and related services in regular early childhood program; (B) Attending separate special education class, separate school, or residential facility; (C) Receiving special education and related services in the home.

Indicator 7 - Preschool Outcomes.

Percentage of preschool children ages 3–5 with IEPs with improved (A) Positive social-emotional skills, (B) Acquisition and use of knowledge and skills, (C) Use of appropriate behaviors to meet their needs.

Indicator 8 - Parent Involvement.

Percentage of parents who report that the school facilitated parent involvement.

Indicator 9 - Disproportionate Representation.

Percentage of districts with disproportionate representation racial/ethnic groups due to inappropriate identification.

Indicator 10 - Disproportionate Representation in Specific Disability Categories.

Percentage of districts with disproportionate representation of racial /ethnic groups in specific disability categories due to inappropriate identification.

Indicator 11 - Child Find.

Percentage of children evaluated within 60 days of parental consent for initial evaluation or state time frame.

Indicator 12 - Early Childhood Transition.

Percentage of children found Part B eligible with IEP implemented by 3rd birthday.

Indicator 13 - Secondary Transition.

Percentage of youth ages 16+ with measurable, annually updated IEP goals and appropriate transition assessment, services, and courses.

Indicator 14 - Post-School Outcomes.

Percentage of youth with IEPs, no longer in school, (A) Enrolled in higher education; (B) Enrolled in higher education or competitively employed; (C) Enrolled in higher education, other postsecondary education, or training program or competitively employed or in some other employment, within one year of leaving high school.

Indicator 15 - Resolution Sessions.

Percentage of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

Indicator 16 - Mediation.

Percentage of mediations held resulting in mediation agreements.

Indicator 17 - State Systemic Improvement Plan.

SPP/APR includes comprehensive, ambitious, yet achievable multi-year SSIP, with stakeholder engagement in all phases, for improving results for children with disabilities.

Wyoming's Annual Performance Reports

Report Card: LEA and State Performance on Indicators

- Just as student report cards can provide a snapshot of a child's school performance, Special Education LEA Report Cards can show how school districts and child development centers across Wyoming are serving students with disabilities in a variety of areas. Special education performance by district is measured across 17 indicators, including graduation rates, WY-TOPP & WY-ALT participation and performance, disciplinary action, student environments, parent involvement, postsecondary transition planning, postsecondary outcomes, and more. In addition, performance by the child development centers is measured by child outcome summaries and other compliance data. [Wyoming Special Education State & District Report Cards](#)

Determination

- Four Determination Categories

In accordance with [34 CFR §300.600](#), the WDE is required to report annually on the performance of each LEA's compliance and performance on the Part B Indicators of the IDEA. This annual reporting requires the WDE to place all LEAs into one of four determination categories based on their performance on the aforementioned indicators. IDEA specifies the four determination categories as follows.

- Meets Requirements.
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

Data Dives

Several days are set aside for the Special Education Division to share State-level and LEA-level special education data with various LEA leaders and other stakeholders. Facilitated by data experts contracted with the WDE, these data share-outs provide opportunities for LEAs to analyze their own data but also to discuss State trends, issues, concerns, and strengths with colleagues. Data is presented in a variety of formats with activities to help leaders think more deeply about trends around graduation and dropout rates, attendance, disability categories, LRE, related services, and proficiency, among others. Participants are encouraged to ask questions about their own data and make connections between and among sub groups in order to walk away with some hypotheses about possible next steps in their own systems.

Statewide Data Drill-Down

The statewide data drill-down is an opportunity for LEA leaders and stakeholders to take a guided look at the status of Special Education across Wyoming as a whole. Through facilitated discussion and data analysis, participants will learn to identify trends, strengths, and concerns at a statewide level.

WDE Collections

- WDE 684A - The WDE684, WISE Certified Teacher-Course-Student (TCS) Enrollment Data Collection, requires the submission of student-level data and is the authoritative collection of student-level demographics and course information. This TCS Enrollment Data Collection is a comprehensive collection including all student-level demographic and registered schedule information up to October 1st. This collection is a first look at TCS enrollment data for the school year.
 - [WDE 684A - Guidebook](#)
- WDE 684B - The WDE 684B WISE Certified Teacher-Course-Student (TCS) Enrollment Data Collection requires the submission of student-level data and is the authoritative collection of student-level demographics and course information.
- This TCS Enrollment Data Collection is a comprehensive collection including all student-level demographic and schedule information for the 2021-22 school year up to, and including, March 1st.
 - [WDE 684B - Guidebook](#)
- WDE 684C - The WDE 684C, WISE End of Year Certified Teacher-Course- Student (TCS) Enrollment Data Collection, requires the submission of student-level data and is the authoritative collection of student-level demographics and course information. This TCS Enrollment Data Collection is a comprehensive collection including all student-level demographic and schedule information for the entire
- WDE 684C - The WDE 684C, WISE End of Year Certified Teacher-Course- Student (TCS) Enrollment Data Collection, requires the submission of student-level data and is the authoritative collection of student-level demographics and course information. This TCS Enrollment Data Collection is a comprehensive collection including all student-level demographic and schedule information for the entire school year up to, and including, the last day of school. This collection will yield comprehensive data covering the entire school year.
 - [WDE 684C - Guidebook](#)
- WDE 636 - A report of severe disciplinary actions and incidents of crime and violence on school grounds or at school sponsored events that occurred during the prior school year. This complete report is to be received at the WDE on or before the due date. The aggregated collection format, through the Excel Workbook software, is to be uploaded through the Data Collection Suite (DCS).
 - [WDE 636 - Guidebook](#)

Helpful Links

WYED PRO

- <https://portals.edu.wyoming.gov/wyedpro/pages/index.aspx>
- <https://edu.wyoming.gov/data/statisticalreportseries-2/>

WY SPED

- The WY SPED site was created by the WDE's Special Education Programs Division for special education staff from districts, regions, and the State to access special education collections, data, and reports.
 - Instruction to access Report Cards
 - Instruction to access Determination Report

Section 3: Monitoring

Monitoring Introduction & Process

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), Part B, Section [300.600\(a\)](#) of the Federal Regulations states:

- The State must monitor the implementation of this part; enforce this part in accordance with [§300.604 \(a\)\(1\)](#) and [\(a\)\(3\)](#), [\(b\)\(2\)\(i\)](#) and [\(b\)\(2\)\(v\)](#), and [\(c\)\(2\)](#); and annually report on performance under this part.
- The primary focus of the State’s monitoring activities must be on:
 - Improving educational results and functional outcomes for all children with disabilities.
 - and
 - Ensuring public agencies meet the program requirements under Part B of the IDEA with a particular emphasis on those requirements most closely related to improving educational results for children with disabilities.

Just as each LEA will be annually monitored for compliance and results by the SEA, each LEA Special Education Director should mirror this accountability requirement through activities that address compliance in the special education process and that enhance results for students with disabilities. Understanding our State’s monitoring protocol is a must, as well as making your staff aware of the monitoring requirements and approaching them as a team. Services for Children with Disabilities (rules which govern the operation of all special education programs and services provided to children with disabilities) is the name of [Chapter 7](#) in Wyoming’s State Superintendent of Public Instruction manual.

Monitoring is defined as, “activities or actions conducted to determine the functioning of a program or services compared to what is required by a regulation or requirement for the purpose of accountability.” In 2016, OSEP began providing what is known as Differentiated Monitoring Support (DMS) as part of its Result Driven Accountability (RDA) system. This system differentiates its approach for each State based on each State’s unique strengths, accomplishments, challenges, and needs. Differentiation is based on an annual Organizational Assessment of Risk Factors by OSEP, leading to supports in areas such as:

- Ensuring improved outcomes for infants, toddlers, children, and youth with disabilities.
- Complying with the IDEA programmatic requirements.
- Complying with fiscal requirements.
- Collecting and reporting valid data.
- Ensuring implementation of the State Systemic Improvement Plan (SSIP).

States are required to implement monitoring activities that should be integrated across all components of the general supervision system. At present, many States are revising their monitoring practices by reflecting on the monitoring model established by OSEP to make determinations for States under RDA. As such, it’s important for our State to work on developing systems that include a greater focus on results and risk factors while maintaining, or improving, the level of compliance already achieved. Such systems will focus on local data, on results, and on local

processes that analyze data and implement improvement efforts.

States with successful monitoring are States that work on devoting resources to guide their LEAs which have the greatest need for improvement through a process of differentiating districts based on need. The SEA, based on data included in the State Performance Plan/Annual Performance Report (SPP/APR), prioritizes monitoring activities. Indicator 17, the State Systemic Improvement Plan (SSIP), will identify State priorities that target results data. Multiple data sources shall be employed to monitor the performance of LEAs in the areas of results and compliance.

Definitions

EdFacts - The data management system for submitting data to OSEP.

Risk Ratio - The ratio between the risk of a specific outcome for a certain racial or ethnic group in an LEA and the risk of that same specific outcome for all other children in the LEA.

SPP/APR - Indicators that measure child and family outcomes and other indicators that measure compliance with IDEA requirements.

Significant Disproportionality (SigDispro) - Students in a specific racial or ethnic group being identified for special education at higher rates than their peers in other racial or ethnic groups.

Behavioral Health Division (BHD) - Unique to Wyoming is the 619 program being administered by the BHD rather than by the WDE.

Welligent - The IEP data system used by the BHD.

Risk-Based Assessment Monitoring

Through completing a set of activities (self-assessment, data review, desk audits, training, etc.) known as the Risk-Based Assessment (RBA), the WDE conducts additional monitoring activities in select districts based on a district's performance on the select indicators of 3A, 5C, 6C, 9, 10, 11, and 12. The WDE Continuous Improvement Focused Monitoring Procedural Manual requires all LEA's to participate in the Risk-Based Assessment. This assessment process allows for a tiered leveling of the LEAs which determines each LEA's level of support based on their tier.

Indicator Monitoring - Timeline and Resources

Data Share Outs and Data Drill-Downs

Data share outs and data drill-downs are an interactive part of the monitoring process in which district leaders can ask questions and gain a better understanding of state-level and district-level special education data. These interactive, professional development sessions allow district staff to learn how to access, interpret, and use their data to develop systemic improvement goals and activities. More information about data share outs and data drill-downs can be found in Section 2 of this handbook (Data in Special Education).

RBA Indicators

For a more in-depth look at how data is used to measure indicator compliance, formulas for each indicator can be found in the table below.

Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table (Expires October 31, 2023). LEA self-assessment submissions can be completed in [WYSPED](#).

Indicator	Submission How Are They Submitted? What Info is Submitted?	Corrective Action Requirements for Corrective Action
Indicator 3A: Assessment - Proficiency rate for children with IEPs against grade level academic standards.	Data Source: Same data as the data used for reporting to the Department under Title I of the ESEA, using ED. The State reports data on the performance of students with disabilities file specifications C175 and 178. Submission: Comes from the WDE assessment team. No action is required from LEA.	The district is asked to explain why certain students with disabilities in WYTOPP test-taking grades reportedly did not participate in one or more assessment subtests.
Indicator 4: Suspension and Expulsion.	Data Source: WDE636, the Section 7 IDEA Suspensions and Expulsions file. Submission: End of year WDE 636 submitted by the LEA.	When a district's performance on Indicator 4 results in a significant discrepancy in the rate of suspension and expulsion for students of any particular race or ethnicity, the WDE requests the files of students who comprise the group(s) flagged, and the WDE requests discipline policies to review the equitable application of disciplinary action. WDE monitoring team members then review the IEP and district discipline policies used in each student's case to determine if each student's disciplinary removals were made in accordance with IDEA requirements.

Indicator	Submission How Are They Submitted? What Info is Submitted?	Corrective Action Requirements for Corrective Action
Indicator 5C: Education Environments (School Age) - In separate schools, residential facilities, or homebound/hospital placements.	Data Source: Same data as the data used for reporting to the Department under section 618 of the IDEA, using the definitions in ED Facts file specification C002. Submission: End of year WDE684 report submitted by the LEA.	Submission through the self assessment portal to justify students who are in SS (separate school), HH (hospital homebound), CP (court placed), and RF (residential facility).
Indicator 6C: Preschool Environments - Receiving special education and related services in the home.	Data Source: Same data as the data used for reporting to the Department under section 618 of the IDEA, using the definitions in ED Facts file specification C089.	Submission through the self assessment portal to justify students who are in a D1 (home) or D2 (therapeutic) environment.
Indicator 9: Disproportionate Representation.	Data Source: State's analysis, based on the State's Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification. Submission: End of year WDE648 submitted by the LEA.	When a district's performance on Indicators 9 and/or 10 results in an Alternate Risk Ratio of $gt; 3.00$ or $lt; 0.25$, the WDE requests the files of students who comprise the group(s) flagged for possibly inappropriate identification. WDE monitoring team members then review the evaluation procedures and district policies used in each student's case to determine if evaluations and eligibility determinations were made in accordance with IDEA requirements.

Indicator	Submission How Are They Submitted? What Info is Submitted?	Corrective Action Requirements for Corrective Action
Indicator 10: Disproportionate Representation in Specific Disability Categories.	Data Source: State’s analysis, based on the State’s Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification. Submission: End of year WDE684 submitted by the LEA.	When a district’s performance on Indicators 9 and/or 10 results in an Alternate Risk Ratio of > 3.00 or < 0.25, the WDE requests the files of students who comprise the group(s) flagged for possibly inappropriate identification. WDE monitoring team members then review the evaluation procedures and district policies used in each student’s case to determine if evaluations and eligibility determinations were made in accordance with IDEA requirements.
Indicator 11: Child Find.	Data Source: 684 file. Fields: Evaluation, Complete Date, and Initial Consent Date. Submission: End of year WDE 684 submitted by the LEA.	The district, or IEU, is asked to explain the circumstances behind its failure to meet the 60-day timeframe for an initial evaluation. Depending on the LEA’s RBA response, the WDE may ask for additional information or require the district to implement activities designed to prevent poor future performance. Any failure to meet the 60-day timeframe for an initial evaluation is considered a finding of noncompliance, and districts are immediately notified as such.

Indicator	Submission How Are They Submitted? What Info is Submitted?	Corrective Action Requirements for Corrective Action
Indicator 12: Early Childhood Transition.	Data Source: Welligent - Two ad hoc reports run by the Behavioral Health Division (BHD) are used to get the necessary data fields for this calculation. Submission: End of the year WDE 457 submitted by the LEA.	The IEU is asked to explain the circumstances behind its failure to meet the transition timeframe. Depending on the LEA's RBA response, the WDE may ask for additional information or require the district to implement activities designed to prevent poor future performance. Any failure to meet the transition timeframe is considered a finding of noncompliance, and LEAs are immediately notified as such.
Indicator 13: Secondary Transition.	Data Source: Sample of transition age student files and prior written notice forms. Submission: LEAs provide the WDE access to selected files for review.	Submit additional files, including several new student files, as well as several files that were out of compliance during the initial review.

Focused Monitoring Indicators

The indicators in the table below are used as part of the statewide data drill-down to determine future monitoring focuses. If your district data does not meet the targets, your district will be considered for on-site monitoring activities.

Indicator 1: Graduation.

Data Source: The fields used in the WDE 684 for the calculation are the Exit Reason Code and Birthdate.

Submission: End of year 684 submitted by the LEA.

Indicator 2: Dropout.

Data Source: The fields used in the WDE 684 for the calculation are the Exit Reason Code and Birthdate.

Submission: End of year 684 submitted by the LEA.

Indicator 3C: Assessment - Proficiency rate for children with IEPs against alternate academic achievement standards.

Data Source: Same data as the data used for reporting to the Department under Title I of the ESEA, using ED Facts file specifications C175 and 178.

Submission: Comes from the assessment team - No action required from the LEA.

Indicator 8: Parent Involvement.

Data Source: Parent survey - Each district is responsible for administering their own parent surveys. Administration of this parent survey begins annually on August 15th running through June 30th of the following year.

Submission: Surveys (paper and electronic) are submitted by the LEA to Data Driven Enterprises (DDE) (found in WYSPED).

Indicator 14: Post School Outcomes.

Data Source: Data provided by the district, in WYSPED-Link, based on LEA interviews and inquiries.

Submission: Districts are responsible for administering their own surveys to exiting students.

Corrective Actions

Coaching Model

Coaching is a form of direct support provided to districts primarily as they are working through a Corrective Action Plan (CAP) or Compliance Agreement. Coaching may also be provided to districts working to correct a Tier 3 placement (see next section) related to an indicator. In the coaching model, WDE consultants, or contracted consultants, work directly with district leadership to facilitate conversations and decision making on procedural and substantive changes in special education processes and procedures. This work may also include locating training opportunities, facilitating work groups, and offering guidance and ongoing file review for feedback. Coaching involves a system of ongoing, regular support to help a district make improvements in their system and deepen their own understanding to build internal capacity for sustained change.

- Continuous Improvement Focused Monitoring (CIFM) system. Consistent with the requirements established in [34 CFR §§300.600](#) through [300.604](#), the WDE employs a CIFM system that focuses on the elements of information and data that most directly relate to, or influence, student performance, educational results, and functional outcomes for children with disabilities. The CIFM system is a major component of the State's overall general supervision structure and includes four major components:

- Stable Assessment
- District Self-Assessment
- Annual Internal Compliance Review
- Risk-Based Assessment
- Onsite Focused Monitoring
- Onsite Special Monitoring

[Continuous Improvement Focused Monitoring Procedure Manual](#)

Tiered Support on Indicators

Tier 1 - Universal

LEA demonstrates a clear understanding of the focus area. Universal training will be available to the district to use at their discretion. This training may include webinars, technical assistance calls, Q&A documents, and other guidance documents.

Tier 2 - Targeted

LEA demonstrates a need for further clarification of the focus area. Targeted training will be provided, and districts may be required to submit an assurance that the appropriate staff have been trained on the discrete issue.

Tier 3 - Focused

LEA demonstrates a need for sustained and in-depth training on the focus area. Intensive training will be provided and file review activities may be required. Activities will differ based on the focus area and the level of engagement.

One Percent Threshold and WY ALT Participation Determination

Under IDEA and ESSA, all students, including those students identified as ones with a disability, are required to participate in State assessments. Statute also defines a 1% threshold (the percentage of total test takers per grade) for the statewide participation in the Wyoming Alternate Assessment of Academic Standards (WY-ALT). Districts are not capped at 1% of the WY-ALT participation, because the decision is made individually by each student's IEP team. SEAs are, however, required to seek a waiver if they anticipate exceeding the 1% threshold statewide.

With this in mind, districts are asked to carefully consider the determination of student participation in the WY-ALT. Only students with the most "significant cognitive disability" may take the WY-ALT. IEP teams are encouraged to use the WDE's published guidance documents when making these decisions.

The WDE will monitor these percentages annually by analyzing demographics, trends, subgroups, and population size. Districts will then be placed within the tiering system. Tier 1 districts are found to be under the 1% threshold, and they may access any available training.

Districts placed in Tier 2 are those exceeding 1% of their students taking the WY-ALT and/or those districts with an upward trend, or possible concerns, after a subgroup analysis including small population size. These districts will be asked to provide assurances of staff training and an understanding of WY-ALT guidance documents. Available training will be suggested to these districts.

Districts at Tier 3 have been found to be exceeding the 1% threshold, and they show a significant upward trend and/or concerns after subgroup analysis. These districts will be required to engage in training and/or policy review, assistance with data analysis, and coaching. Other activities may be used if a district remains at Tier 3 for multiple years.

Resources

[WY SPED](#)

- The SPED-Link site was created by the WDE's Special Education Programs Division for special education staff from districts, regions, and the State to access special education collections, data, and reports.
 - [Instruction to access Report Cards](#)
 - [Instruction to access Determination Report](#)

Section 4: Regulations, Policies, and Procedures

Services for Children with Disabilities (Chapter 7)

The Chapter 7 rules govern the operation of all special education programs and services provided to children with disabilities ages three (3) through the completion of the school year in which the child turns twenty-one (21). These rules are pursuant to Wyoming law, by a school district, by state and local juvenile and adult correctional facilities, and by other public agencies within the state of Wyoming.

Topics Covered by Chapter 7 Include the Following List

Authority - Provides citations of relevant legal statutes and outlines the appropriate application of Chapter 7 rules.

Scope - Outlines general information on education agency obligations to students under Chapter 7.

Definitions - Defines terms commonly referenced in federal laws and regulations. These definitions include eligibility categories and various educational environments.

Identification, Evaluation, and Eligibility Determinations - Includes an overview of Child Find laws and practice as well as an overview of eligibility requirements and eligibility categories.

Special Education Process - Provides an overview of relevant legal statutes, common terms, and processes required for the implementation of special education. This topic also includes information on FAPE, LRE, court-ordered placement, ESY, evaluations, etc.

Procedural Safeguards - Gives a general overview of creating and distributing procedural safeguards.

Dispute Resolution - Reviews methods of dispute resolution and SEA obligations concerning dispute resolution.

Special Education Funding - Provides an overview of part B funding expectations and relevant legal statutes.

General Supervision - Lists and explains SEA obligations on general supervision under the IDEA. This topic also establishes the purposes of monitoring, explains determinations, and outlines determination ramifications.

Wyoming Severe Discrepancy Formula (Appendix) - Explains the discrepancy model and its intended use, and it provides a table to determine the correlation coefficient between ability and achievement test scores.

Current Policy and Procedure Manual for Special Education

The WDE has created a revised policy and procedure manual for special education that provides legal and statutory information regarding several important special education topics.

Topics covered by the [Policy and Procedure Manual for Special Education](#) include the following 10 policies.

Child Find - General information on Child Find activities for students in public, private, and homeschool settings.

Confidentiality - In-depth information regarding student's records, access to information, fees, the keeping and destruction of records, etc.

Disproportionality and Overidentification - Overview of disproportionality, data collection, and correction of disproportionality once identified.

Full Educational Opportunity Goal - Brief explanation of the Full Educational Opportunity Goal and the assurance given by the WDE to the U.S. DOE.

General Supervision, WDE Responsibility in - Statute on the SEA's responsibility for General Supervision under IDEA and a brief overview of monitoring and compliance.

Least Restrictive Environment (LRE) - Explanation of LRE and the continuum of alternative placements along with general information on student placement, nonacademic settings, nonacademic services, and children in institutions.

Part C to Part B Transition - IDEA statute on the WDE's obligation under IDEA regarding the part C to part B transition process and obligations regarding FAPE.

Personnel Qualifications - Obligations of licensing requirements under the Wyoming Professional Teaching Standards Board (PTSB). This section does not include any detailed information on personnel qualifications.

Private Schools, Responsibility for Children in - Detailed information on children placed in private school by the school district or public agency, children enrolled in private school by their parents when FAPE is at issue, requirements for children voluntarily enrolled in private schools by their parents, and Child Find for children with disabilities parentally- placed in private school.

Response to Intervention (RTI) in Specific Learning Disability (SLD) Eligibility Determinations - Deeply detailed overview of RTI and SLD determination definitions, components of RTI, the identification decision making process, exclusions, and limitations.

Topics in the [Policy and Procedure Manual for Special Education](#) also include the one procedure section listed below.

Dispute Resolution Procedures - In-depth overview of dispute resolution procedures (found in Section 5 of this handbook).

Fiscal Policies and Procedures

The Special Programs Division of the WDE has developed its own Fiscal Policy Guidebook that is available to all LEAs and Special Education Directors. Please contact the Special Education Fiscal Analyst for access and information.

Seclusion and Restraint in Schools (Chapter 42)

Schools must include their seclusion and restraint policies within their district/school handbooks, and handbooks should be posted on the district website where they are accessible to both the WDE and the public. The State Superintendent shall review the seclusion and restraint policy of each school district for compliance with the State statute governing seclusion and restraint in schools. The State Superintendent will approve these seclusion and restraint policies only after determining that compliance has been achieved.

Chapter 42 defines relevant terms related to seclusion and restraint, reviews policy and data requirements, and covers the enforcement of those required policies. Chapter 42 also provides in-depth coverage of policy information around seclusion and restraint in schools. Topics Covered by the Seclusion and Restraint in Schools Chapter (Chapter 42) include the following seven topics listed below.

Authority - Provides citations of relevant legal statutes and outlines the appropriate application of Chapter 42 rules.

Scope - Outlines general information about education agency obligations to students under Chapter 42.

Definitions - Defines terms commonly referenced in discussing seclusion, restraint, and behavioral interventions. These definitions are vital in understanding discussions around seclusion and restraint, and they provide clarification on some of the more subjective terms such as “escort” or “imminent risk”.

Policy Requirements - Details the expectations for LEA policy and training surrounding seclusion and restraint.

Enforcement of Policy - Outlines LEA requirements pertaining to dispute resolution in cases of seclusion and restraint.

Publication of Policy - Discusses expectations on posting an LEA policy and the accessibility of such a policy.

Data Collection Requirements - Defines data collection and reporting requirements for LEAs.

Grant Applications & Grants Management System (GMS)

Grants Management System (GMS)

People in Wyoming must apply for grants using the Grants Management System (GMS). GMS houses and organizes each step of the grant process including the announcement of opportunities along with the application, awarding, execution, and reporting steps. When a grant opportunity arises, it is posted to the WDE GMS system and may be applied for using that system.

WDE Guidance and Policy Documents

WDE provides Technical Assistance Resources and Guidance documents on a variety of topics. These documents are updated as needed and provide the most current guidance.

WDE Technical Assistance Resources and Guidance Documents Include:

- [Developmental Delay Eligibility Guidance](#)
- Emotional Disability (ED) [Child Find Eligibility Guidance](#)
- Extended School Year (ESY) [Reference Guide](#)
- [Evaluation Reference Guide](#)
- [LRE Reference Guide](#)
- [Reference Guide – Out of District Placements](#)
- [Reference Guide – Out of District Placements Appendix A](#)
- [Parental Placements in Private Schools/Homeschools SPED Guidance](#)
- [Residential Placements Reference Guide](#)
- [Special Education Staffing Guidelines](#)
- [WY-TOPP/WY-ALT Accommodations Guide](#)

IDEA and SPED Resources

- [Wyoming State Model Forms](#)
- General Forms
- Evaluation Forms
- IEP Forms
- [Dispute Resolution Forms](#)
- Miscellaneous (Emergency Model Form I-4 Services and NIMAC Eligibility Form)
- IDEA Regs: <https://sites.ed.gov/idea/regs/b>

Section 5: Dispute Resolution

Overview of Dispute Resolution

The United States Department of Education, Office of Special Education and Rehabilitative Services issued a memorandum introducing a question and answer document providing clarification to SEAs on the implementation of the IDEA Part B Dispute Resolution Procedures. This document's purpose was not only for assisting SEAs but to encourage, "...parents and local educational agencies (LEAs) to work collaboratively, in the best interests of children, to resolve the disagreements that may occur when working to provide a positive educational experience for all children, including children with disabilities." ([OSEP: Dispute Resolution Procedures under Part B of the Individuals with Disabilities Education Act](#)).

The WDE is deeply committed to utilizing the dispute resolution process to improve outcomes for children with disabilities. The State director fully supports LEAs and parents engaging in the process together when necessary. Moreover, parents should feel free to engage in the dispute resolution process without fear of retaliation, and parents should not be discouraged from engaging in dispute resolution for any reason. Dispute resolution gives parents the opportunity to feel heard and to participate in their child's education.

Legal Context and Definitions

The WDE has adopted the IDEA's dispute resolution procedures as described in the Act, and these procedures are further defined in the code of federal regulations (CFR), specifically, [34 C.F.R. §300.151](#), [300.506](#), and [300.508](#). The SEA has provided additional clarification for LEAs concerning mediation, complaint investigation, and due process procedures in Chapter 7, Section 7 of the Wyoming Rules Governing Children with Disabilities (Chapter 7 Rules). The definitions of terms often used in dispute resolution are listed below.

Complaint Investigation - A formal process for resolving allegations stating an LEA/public agency has violated the IDEA or Wyoming Chapter 7 Rules. A complaint may be filed on behalf of an individual student or a group of students.

Complaint Investigator - An impartial individual with expertise in special education issues and law whose primary purpose is to independently review the relevant facts and weigh the evidence of a complaint investigation and then recommend findings and corrections.

Dispute Resolution - A continuum of informal, to highly formal, processes for resolving disagreements between parents and school districts concerning special education issues.

Due Process Hearing - A highly formal process for resolving disagreements or allegations of violation to the IDEA or Wyoming Chapter 7 Rules relating to the identification, evaluation, educational placement, or provision of FAPE to a child.

Due Process Hearing Officer - A licensed attorney who oversees a due process hearing.

Mediation - A process in which a neutral party, a mediator, facilitates communication between the parents and the school district to find a mutually agreed-upon resolution of a dispute at no cost to the parties involved.

Mediation Settlement Agreement - A legally binding written agreement signed by both parties that describes what each party will or will not do in order to resolve the dispute.

Mediator - An individual specifically trained in special education matters whose role is to facilitate communication between the parties of a dispute resolution. The mediator is a neutral party and does not make decisions or enforce any action.

Resolution Session - A mandatory procedure, required of all parties, to discuss the potential settlement of a due process dispute within the 30-calendar day period that begins on the LEA/public agency's receipt of a due process complaint filed by the parent.

Levels of Dispute Resolution Options

Prevention - Building strong relationships with parents and communicating effectively can reduce the need for dispute resolution procedures.

- Family Engagement
- Parent Partnerships
- Resources
 - University of Michigan - [Useful Questions for Dialogue Facilitation](#).
 - The Fact Finder - [The Art of Asking Good Questions](#).
 - CADRE - [Capacity Building and Prevention](#) (Family Engagement, Participant & Stakeholder Training, Stakeholder Council, & Collaborative Rule Making).
 - CADRE - [Working Together Series](#) (IEP Meetings and Beyond, Listening and Responding Skills, Managing and Responding to Emotions, and Focusing on Interests to Reach Agreement).

Local-Level Options - The least formal option.

- Usually begins with a disagreement, misunderstanding, or miscommunication.
- Options (all are bulleted below to show no specific order is required.)
 - Request an IEP Team Meeting to discuss concerns/issues.
 - Direct the parent/guardian to the Notice of Procedural Safeguards for contact information at the Parent Information Center (PIC). The PIC provides a variety of services to parents and districts such as IEP facilitation.
 - WDE Dispute Resolution Technical Assistance.
- Positives of Pursuing Local-Level Dispute Resolution Options.
 - The parent and IEP team have more authority over the outcome via IEP Team Meeting(s).
 - Stronger parent/school relationships are built through local level resolution.
 - Resolved faster than State-level dispute resolution options.

State-Level Options – From the least to most formal options.

- Mediation
 - Either party may request mediation to resolve a special education dispute.
 - Positives for mediation:
 - Voluntary.
 - No cost to the parent or district.
 - Resolved faster than a State complaint investigation and due process hearing.
 - The parent and LEA have more authority over the outcome.
 - An opportunity for all parties involved to learn and apply conflict resolution skills through working with a mediator.
- State Complaint Investigation
 - A parent or third party may request a State complaint investigation if/s/he suspects the LEA violated the IDEA or Chapter 7 Rules.
 - Positives for a State complaint investigation:
 - May reach a resolution sooner than the 60-day timeline through informal, local-level resolution options and mediation.
 - Less intimidating than a due process hearing.
 - No cost to the parties.
 - A helpful remedy if federal and State regulations were violated.
 - Even though a State complaint has been filed, a student's individualized education program (IEP) will continue.
 - Additionally, the LEA/public agency is encouraged to engage in a local-level resolution to resolve the issues identified in a State complaint as quickly as possible upon receipt of a request for investigation.
- Due Process Hearing
 - A parent or LEA/public agency may request a due process hearing.
 - Positives for due process hearing:
 - Early resolution options are available to reach a resolution sooner than the 75-day timeline.
 - A very formal legal process.
 - Offers a remedy if applicable.

Dispute Resolution Methods

The dispute resolution procedures set out in the Part B regulations are mediation, State complaint investigation, and due process hearing. Each method of dispute resolution differs in formality, timeline, initiating party, and issues that may be addressed by the process. These methods may be used simultaneously or separately, and they are not required to be used in any particular order. The simultaneous use of methods may not be used as an excuse to delay the timeline for either method unless otherwise agreed upon by both parties. For example, a parent may file a State complaint and then file a mediation request halfway through the State complaint investigation. Unless the parent and LEA agree, the additional request for mediation may not delay the timeline for the decision on the State complaint. See the following table comparing each State-level dispute resolution method.

Question	Mediation	State Complaint Investigation	Due Process Hearing
What issues can be resolved?	Any issues related to special education.	Any alleged violation of IDEA or Wyoming Chapter 7 rules.	Any matter relating to the identification, evaluation, educational placement, or provision of a Free Appropriate Public Education (FAPE).
What is the timeline for resolving the issue(s)?	Mediation meetings must be scheduled in a timely manner.	60 calendar days.	75 calendar days. The LEA must convene a resolution meeting within 15 days of receiving a parents' due process hearing request, and the resolution meetings may continue for up to 30 days. If no resolution can be achieved from these meetings, the due process hearing must proceed and a decision must be issued within 45 days of the 30-day resolution period.
What are some examples?	Staffing issues such as wanting your child to work with a different teacher or paraeducator. Program preferences such as wanting your child to use one Dyslexia program over another.	Procedural violations such as not receiving prior written notice for a change in placement or a scheduled IEP meeting.	Reimbursement for tuition or for an independent evaluation.

Question	Mediation	State Complaint Investigation	Due Process Hearing
Who determines the outcome?	Both parties.	State education agency.	Due process hearing officer.
What is the potential outcome?	A full settlement agreement that must be signed by all parties involved to be enforceable in a court of law.	A written decision including findings of fact and conclusions. If an IDEA violation occurred, corrective action will be ordered.	A written decision that orders remedial action if the due process hearing officer determines the IDEA violations require remedies.
Is an appeal process available?	Allegations of a settlement being breached may be addressed in any State or federal court of competent jurisdiction to enforce its terms.	The State complaint investigation decision is final, but either party may request a due process hearing on issues relating to identification, evaluation, educational placement, or the provision of FAPE.	A due process hearing officer's decision may be appealed in State or federal court within 90 days of the date of the decision.
What are some resources I can reference for additional information about dispute resolution procedures?	OSEP FAQ Mediation (pgs. 1-14)	OSEP FAQ State Complaint (pgs. 15-33)	OSEP FAQ Due Process Complaints and Hearing Procedures (pgs. 34-48) OSEP FAQ Resolution Process (pgs. 49-59)
	WDE Policy and	WDE Policy and	WDE Policy and Procedure Manual for for Special Education (pgs. 45-50)

Complaint Investigation: District Expectations

Receipt of Request for Complaint Investigation

- The district will receive a copy of the request for an investigation.
- Upon receipt, the district must send a copy of the Procedural Safeguards to the complainant.
- The district may continue to work with the complainant to resolve the issues. Mediation is an available option for resolving the complaint.
- The WDE will notify both parties of the date of receipt, and the 60-day timeline to issue a decision will begin.
- The WDE will have 10 days to determine if the alleged violations fall within the parameters of the IDEA and can be investigated.
- If the allegations do not fall within the parameters of the IDEA or Chapter 7 Rules, a formal letter closing the case will be issued to both parties.
- If the issues fall within the parameters of the IDEA, an opening investigation letter will be sent to both parties via a secure email. This letter will identify the issues to be investigated as well as important due dates, and ask the district for documentation related to the allegations.
- The district will have at least 10 days to submit the requested documentation. A folder for uploading documentation will be shared with the district as one way to submit the required documentation; however, the district may send the documentation via secure email or postal mail. Documentation sent by postal mail must be delivered no later than the due date.
- The investigator will contact the district for additional information and to conduct staff interviews, if applicable.
- The WDE will have 60 days, from the date of receipt of request, to conduct the investigation and issue a decision.

Finding of Noncompliance

- The district will receive a decision letter detailing the finding of facts, conclusion, and determination that a violation of the IDEA and/or Chapter 7 Rules occurred.
- The district will be ordered to correct the violation(s) through a corrective action plan (CAP). The district will work with the dispute resolution coordinator to ensure all items identified in the CAP are completed.
- Once all corrective action is complete, the WDE will close the case. A formal letter will be submitted to both parties.

No Finding of Noncompliance

- No response will be required of the district.
- The case is considered closed upon receipt of a decision that the district did not violate the IDEA or Chapter 7 Rules.

Additional Resources

The Center for Appropriate Dispute Resolution in Special Education (CADRE)

[CADRE Continuum of Dispute Resolution Processes & Practices](#): CADRE organizes dispute resolution into five Stages of Conflict on a continuum. Each stage identifies the five levels of intervention and their available options. These five Levels of Intervention are:

- Prevention
- Disagreement
- Conflict
- Procedural Safeguards
- Legal Review

[CADRE Literature Articles](#): This searchable database contains bibliographic information for literature (research-based and policy/practice) relating to dispute resolution in special education.

[CADRE Trainers and Consultants](#): CADRE's national directory of trainers and consultants is a searchable database of individuals highly experienced in policy and practice within special education, conflict prevention, and dispute resolution.