



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR - 3 2011

Honorable Cindy Hill
State Superintendent
Wyoming Department of Education
2300 Capital Avenue
Hathaway Building 2nd Floor
Cheyenne, Wyoming 82002-0050

Dear Superintendent Hill:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Wyoming Department of Education (WDE) during the week of September 27, 2010. As indicated in our letter to you dated July 22, 2010, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under Part B of the Individuals with Disabilities Education Act (IDEA).¹ Section 616 of the IDEA requires the Department to monitor States with a focus on: (1) improving early intervention and educational results and functional outcomes for infants, toddlers, children, and youth with disabilities; and (2) ensuring that States meet the program requirements, particularly those most closely related to improving early intervention and educational results for children and youth with disabilities.

The purpose of the verification visit is to review the State's systems for general supervision, collection of State-reported data, and fiscal management, as well as the State's systems for improving child and family outcomes and protecting child and family rights. OSEP developed critical elements that were used to guide its evaluation of Wyoming's general supervision, data, and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems and briefly outlines relevant statutory and regulatory requirements for each critical element. Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on the State's Web site in Wyoming's State Performance Plan. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the verification visit, are provided in the Enclosure to this letter.

As you know, Wyoming has designated the Division of Development Disabilities (DDD), within the Wyoming Department of Health, as responsible for ensuring that children with disabilities ages three through four, and five-year old children not enrolled in kindergarten, are provided special education and related services. However, the status of the DDD as the State agency responsible for preschool special education programs does not alter or diminish the WDE's responsibility to exercise general supervision over the DDD and the preschool programs for children with disabilities operated by the DDD. Under 34 CFR §300.149, the State educational agency (SEA) is responsible for ensuring the requirements of Part B are carried out and that each educational program for children with disabilities administered within the State, including each

¹ During the week of September 27, 2010, OSEP also conducted its Part C verification visit to the Wyoming Department of Health.

program administered by any other State or local agency, is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA and meets the educational standards of the SEA (including the requirements of Part B). OSEP has serious concerns about WDE's exercise of its general supervisory responsibility over DDD with respect to the implementation of the State's special education preschool program. These concerns are detailed in the attached Enclosure.

OSEP found noncompliance, and has required corrective action in the following areas: (1) Identification of all instances of noncompliance regardless of the amount of noncompliance, as required by IDEA sections 616, 635(a)(10)(A) and 642 and 34 CFR §§303.500 and 303.501; (2) Correction of identified noncompliance in a timely manner as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E); (3) Annual reporting to the public on the performance of each LEA against the State's SPP/APR targets as required by section 616 of the IDEA and 34 CFR §300.600(a); (4) Annual determination for each LEA as required by IDEA section 616(a) and 34 CFR §300.600(a); (5) Collecting and reporting valid and reliable data in a timely manner, as required by IDEA sections 616 and 618, and 34 CFR §300.601(b) and §§300.640 through 300.646; and (6) Implementing procedures that ensure appropriate use of IDEA funds as required by the General Education Provisions Act (GEPA), the Education Department General Administrative Regulations (EDGAR), and the Office of Management and Budget (OMB) Circulars A-87 and A-133, and applicable provisions in Part B of the IDEA.

OSEP would like to recognize several improvement initiatives being implemented in the State that are designed to improve results for children and youth with disabilities. The WDE collects data on its 48 local educational agencies (LEAs) through a variety of mechanisms. The WDE uses those data at the State level for making general supervision decisions regarding compliance and also requires LEAs to use those data in the completion of their grant applications, to direct and target funds for the purpose of improving performance and outcomes for school age children with disabilities. The WDE provides effective technical assistance and, as appropriate, takes necessary enforcement action when LEAs are unable to timely correct identified noncompliance. The WDE includes both compliance and outcomes indicators in making annual determinations of its LEAs, making these determinations an effective tool in improving local educational systems. In this way, WDE is able to use its determination process to leverage both improved compliance and outcomes for students with disabilities.

Additionally, OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Wyoming Parent Information Center (PIC) and parents of children and youth with disabilities in providing feedback and input on the State's systems for special education.

We look forward to collaborating with all stakeholders and actively working with the State to improve results for children and youth with disabilities and their families. If you have any

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questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Ellen Safranek, at 202-245-7515.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosure

cc: Peg Brown-Clark

State Director of Special Education