

## **Park County School District #1 - Special Services**

**140 North Ferris - 307-754-0901**

Park County School District # 1 takes great pride in helping all students meet their educational goals. The education of any child in today's school can seem quite challenging. This is especially true for those students who qualify for services in the area of Special Education. The Special Services Office oversees state and federal programs for students including students with special needs. Of the 1,600 students enrolled in the district nearly 12% receive some type of special programming. All of the district's teachers meet the federal regulations of *Highly Qualified* and the district also has a number of other certified professionals on staff to offer our students quality educational programming.

District programming includes:

- Special Education Instruction
- Speech Language Therapy
- Occupational Therapy
- Physical Therapy
- Adaptive Physical Education
- Psychological Testing
- Counseling

Special Education in today's schools finds its roots in federal legislation, PL 94-142. The current federal law, The Individuals with Disabilities Education Improvement Act (IDEIA,2004), entitles each child to a free and appropriate public education, an education in the least restrictive environment and ensures there are procedural safeguards in place to protect the rights of students. Park County School District #1 complies with these federal regulations.

We at Park County School District #1 recognize the importance parents play in the education process. If you have any questions regarding your child or parental rights as well as any other areas feel free to call or stop by the Special Education Office at the Shoshone Learning Center.

### **Explanation of Procedural Safeguards Available to Parents of Children with Disabilities**

#### **Prior notice to parents**

The public agency must provide prior written notice to the parents of a child with disabilities each time it proposes or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child.

The notice must include:

1. A full explanation of all the procedural safeguards available to the parents;
2. a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and
4. a description of any other factors which are relevant to the agency's proposal or refusal.

The notice must be written in language understandable to the general public, and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the public agency shall take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; that the parent understands the content of the notice, and that there is written evident that these requirements have been met.

## **Parent consent**

The public agency must obtain written parental consent before conducting a pre-placement evaluation or initial placement of a child with disabilities in a program providing special education and related services. The public agency may use the federal procedures for due process hearing to determine if the child may be evaluated or initially provided special education and related services without parental consent. If the hearing officer upholds the agency, the agency may evaluate or initially provide special education and related services to the child without the parent's consent, subject to the parent's rights to appeal the decision and to have the child remain in his or her present educational placement during the pendency of any administrative or judicial proceeding.

Except for pre-placement evaluation and initial placement, written consent may not be required as a condition of any benefit to the parent or the child.

## **Independent educational evaluation**

As explained here, the parents of a child with disabilities have the right to obtain an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a due process hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the public agency in any decision made with respect to the provision of a free appropriate public education to the child, and may be presented as evidence at a due process hearing regarding the child.

If a hearing officer requests an independent educational evaluation as part of a hearing the cost of the evaluation must be a public expense.

Each public agency shall provide to parents, on request, information

about where an independent educational evaluation may be obtained.

Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

## **Impartial due process hearing**

A parent of a public education agency may initiate a hearing regarding the public agency's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

The hearing will be conducted by an independent hearing officer appointed by the Wyoming Department of Education.

The public agency shall inform the parent of free or low-cost legal or other relevant services available in the area if the parent requests the information or the parent or the agency initiates a due process hearing.

## **Impartial hearing officer**

A hearing may not be conducted by a person who is an employee of a public agency which is involved in the education or care of the child, or by any person having a personal or professional interest which would conflict with his or her objectivity in the hearing. (a person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.)

Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualification of each of those persons.

The public agency shall ensure that a final hearing decision is reached and mailed to the parties within 45 days after the receipt of a request for a hearing, unless the hearing officer grants a specific extension at the request of either party.

The decision made in a due process hearing is final, unless a party to the hearing appeals the decision under the procedures for civil action described below.

#### Due process hearing rights

Any party to hearing has the right to:

1. Be accompanied and advised by counsel and by individual with special knowledge or training with respect to the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed at the party at least five (5) days before the hearing;
4. Obtain a written or electronic verbatim record of the hearing;
5. Obtain written findings of fact and decisions. (after deleting any personally identifiable information, the public agency shall transmit those findings and decisions to the state advisory panel and make the available to the public.)

Parents involved in hearings must be given the right to have the child who is the subject of the hearing present, and to open the hearing to the public.

Each hearing must be conducted at the time and place which is reasonably convenient to the parents and child involved.