

**NOTICE OF
INFANT/TODDLER AND FAMILY
RIGHTS UNDER
WYOMING PART C EARLY INTERVENTION PROGRAM**



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Wyoming Department of Health
BEHAVIORAL HEALTH DIVISION
Early Intervention and Education Program Services

FOREWORD

The Notice of Infant/Toddler and Family Rights under the Wyoming Department of Health, Behavioral Health Division describes your child's and family's rights, as defined by Part C of the Individuals with Disabilities Education Act (IDEA).

IDEA is a federal law that includes provisions for early support and services for eligible children starting at birth. To support the implementation of these federal requirements, the Wyoming Early Intervention Part C Program has developed policies and procedures that meet these federal and state Part C requirements.

Because this document is an official notice of your rights under federal law and regulations, some terms may be unfamiliar to you. For this reason, some words are defined where they are used in the document and others are defined in the Glossary.

The family service coordinator working with your family can suggest additional materials to help you understand your rights. He/she can also suggest ways that you and other family members can be partners with community providers to help meet the developmental needs of your child.

The Lead Agency for the Infant and Toddlers with Disabilities Part C of IDEA in the State of Wyoming is the following:

Wyoming Department of Health, Behavioral Health Division
Early Intervention and Education Program
122 W 22nd St
Herschler 2 West, Suite B
Cheyenne, WY 82002

<https://health.wyo.gov/behavioralhealth/early-intervention-education-program-eiep/>

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FROM REFERRAL TO INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) DEVELOPMENT, KEY POINTS IN PROCESS

Referral -

Your child can be referred to the Wyoming Part C Program by you, or another individual (pediatrician, nurse, childcare provider, therapist, another parent, etc.). *Referrals* may be made by telephone, fax, in writing, or in person *to your local child development center*. To find your local center, please visit:

<https://health.wyo.gov/behavioralhealth/early-intervention-education-program-eiep/find-a-center/>

A **45-day timeline** begins on the day the referral is received by the Part C Program. If your child is eligible for services, his/her Individualized Family Service Plan (IFSP) must be developed prior to the end of that timeline.

Intake -

The *intake* meeting will be your first face-to-face contact with the Child Development Center program personnel. During this meeting, you will be asked about your child and his/ her developmental and medical history as well as your priorities as a family. You will also be provided with written prior notice and asked for your consent to evaluate your child. You may also be asked for your written consent to allow the Part C Program to request pertinent information about your child from his/her doctors and others involved in his/her life.

Parental Written Prior Notice -

Written prior notice must be given to parents/legal guardians in a reasonable time before the Part C Program proposes or refuses to initiate or change the identification, evaluation, or placement of your child or the provision of appropriate early supports and services to your child and family. You will be given prior notice before your child's evaluation, if he/she is found to be eligible for the Part C Program, you will also be given prior notice before his/her Individualized Family Service Plan (IFSP) is developed or modified. The prior notice will provide you with sufficient details to inform you about the action being proposed or refused and the reasons for taking the action. The prior notice will also provide you with information regarding all rights and safeguards afforded to you as the parent/legal guardian of a child eligible for Part C programs and services.

Parental Consent –

Consent means that you, as your child's parent/legal guardian, have been fully informed of all information about the activity for which you are asked to consent. Information must be provided to you in your native language or other mode of communication unless it is clearly not feasible to do so. You will be asked to

provide consent before each screening, evaluation and assessment is conducted and before early supports and services are provided. You will also be asked to give informed consent for disclosure of personally identifiable information (PII) (see page 8 of this document for additional information), and before the use of public benefits or insurance or private insurance is used if such consent is required.

Screening -

Screening involves the use of selected tools or procedures during the intake visit or other appropriate times to obtain additional developmental information to determine next steps. Screening may or may not be completed for your child and family. Should we decide to screen your child, your consent will be sought. Even if screening results indicate that your child appears to be age appropriate in all developmental areas, you have the right to request and consent to an evaluation at any time during the screening process to determine eligibility for Part C services. Please know that the screening process may not be used to delay an evaluation for appropriate early supports and services under Part C of the IDEA.

Evaluation & Assessments -

Evaluation means the use of diagnostic evaluation tools and procedures, by qualified professionals, to determine your child's initial and continuing eligibility for the Wyoming Early Intervention Program, Part C of the IDEA services.

Assessment means the ongoing use of evaluation tools and procedures by qualified professionals to identify your child's unique strengths, needs, and early intervention services appropriate to meet those needs. In addition, family-directed assessments will help to identify your family resources, priorities, and concerns, and the support and services necessary to enhance your family's capacity to meet the developmental needs of your infant or toddler with special needs.

Individualized Family Support Plan (IFSP) Development—

Part C of the IDEA law requires that each child's *Individualized Family Service Plan* (IFSP) must be developed within forty-five **(45) calendar days** of the Wyoming Part C Early Intervention Program's receipt of the referral.

When delays are requested or initiated by a family for any reason (illness, hospitalization, vacation, work schedules, etc.), the initiation of services for your child and family may be delayed.

INTRODUCTION

Part C of the IDEA, known in Wyoming as the Wyoming Part C Early Intervention Program, is designed to maximize family involvement and ensure parental consent in each step of the process from the determination of eligibility through service delivery.

Safeguards or rights have been established to protect parents and children. Parents must be informed about these rights or safeguards so they can have a leadership role in the provision of services to their children.

Participation in Wyoming Part C Early Intervention Program is voluntary.

Under the Wyoming Part C Early Intervention Program, as a parent, you have the following rights:

- The right to a timely multidisciplinary evaluation and assessment and the development of an Individualized Family Service Plan (IFSP) within forty-five (45) calendar days from receipt of the referral by the Part C Early Intervention Program;
- The opportunity to receive evaluation, assessment, IFSP development, service coordination, and procedural safeguards at public expense;
- If eligible under Part C, the opportunity to receive Early Intervention Services for your child and family as addressed in an IFSP. Early Support and Services are available at no cost to families, however if authorized by the parent, private and/or public insurance may be billed.

In Wyoming, “appropriate early supports and services” are determined through the IFSP process. The IFSP must contain a statement of the specific early supports and services necessary to meet the unique needs of your child and family to achieve the outcomes identified in the IFSP. Federal regulations define early supports and services as services that “are designed to meet the developmental needs of each child eligible under this part (Part C) and the needs of the family related to enhancing the child’s development.”

- The right to refuse evaluations, assessments, and services;
- The right to be invited to and participate in all IFSP meetings;
- The right to receive written prior notice in a reasonable time before a change is proposed or refused in the identification, evaluation, or placement of your child, or in the provision of services for your child or family;
- The right to receive services in your child’s natural environment to the maximum extent appropriate;

- The right to maintain the confidentiality of personally identifiable information;
- The right to review and, if appropriate, correct early supports and services records;
- The right to timely resolution of complaints by parents;
- The right of parents to use mediation to resolve disagreements and individual child complaints;
- The right to an impartial due process hearing to resolve parent/provider disagreements; and
- The right to file an administrative complaint.

In addition to the general rights listed above, you are entitled to be notified of specific procedural safeguards under the Wyoming Part C Early Intervention Program. These rights include: Parental Consent; Prior Notice; Examination of Records; Confidentiality of Information; Individual Child Complaints; Administrative Complaints; and Surrogate Parents. Each of these safeguards is described below.

PARENT CONSENT

Consent means that: (1) you have been fully informed of all information about the activity for which consent is sought, in your **native language**, or other mode of communication; (2) you understand and agree in writing to the carrying out of the activity for which your consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (3) you understand that the granting of consent is voluntary on your part and may be revoked at any time. Should you revoke your consent the revocation does not apply to any action taken before your consent was revoked.

Your written consent must be obtained before:

- (1) Evaluation(s) and assessment(s) of your child is conducted; and
- (2) Early support and services are provided.

If you **do not consent**, the Wyoming Part C Early Intervention Program shall make reasonable efforts to ensure that you:

- (1) Are fully aware of the nature of the evaluation and assessment or the services that would be available; and
- (2) Understand that your child will not be able to receive the evaluation and assessment or services unless consent is given.

If you do not give your consent for an initial evaluation, the Wyoming Part C Early Intervention Program may: (1) provide you with relevant literature or other materials; (2) offer you peer counseling to help your understanding of the value of early supports and services and to address your concerns about participation in the Part C Program; and (3) periodically renew contact with you, on an established time schedule, to see if you have changed your mind about participation in the Wyoming Part C Early Intervention Program.

In addition, as the parent of a child eligible under the Wyoming Part C Early Intervention Program, you may determine whether you, your child, or other family members will accept or refuse any early supports and service(s) under this program. You may also refuse such a service after first accepting it without jeopardizing other early supports and services under the Wyoming Part C Early Intervention Program.

Finally, you have the right to written prior notice of, and written consent to, the exchange of any **personally identifiable information** collected, used, or maintained under the Wyoming Part C Early Intervention Program before it is:

- (1) Disclosed to anyone *other* than authorized representatives, officials, or employees of participating agencies collecting, maintaining, or using the information; or
- (2) Used for any purpose *other* than meeting a requirement of Part C services.

(See section on Confidentiality of Information).

Native Language: Where used with reference to persons of limited English proficiency, means the language or mode of communication normally used by the parent of an eligible child.

Personally Identifiable Information (PII) includes:

- (1) the name of the child;
- (2) the address of the child;
- (3) a personal identifier, such as your child's or your social security number; or
- (4) a list of personal characteristics or other information that would make it possible to identify your child with reasonably certainty.

PRIOR NOTICE

Written Prior Notice must be given to you in a reasonable time before the Wyoming Part C Early Intervention Program proposes or refuses to initiate or change the identification, evaluation, or placement of your child, or the provision of early support and services for your child and your family. The notice must be sufficiently detailed to inform you about:

- (1) The action that is being proposed or refused;
- (2) The reasons for taking the action;
- (3) All procedural safeguards that are available under the Wyoming Part C Early Intervention Program; and
- (4) The Wyoming Part C Early Intervention Program complaint procedures, including a description of how to file a complaint and the timelines under these procedures. (See Resolution of Individual Child Complaints and Administrative Complaints).

The notice must be:

- (1) Written in language understandable to the general public and provided in your native language, unless it is clearly not feasible to do so.
- (2) If your native language or other mode of communication is not a written language, the Wyoming Part C Early Intervention Program shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to you in your native language or other mode of communication;
 - (b) You understand the notice; and
 - (c) There is written evidence that the requirements of this section have been met.
- (3) If you are deaf, blind, or have no written language, the mode of communication must be that which is normally used by you (such as sign language, Braille, or oral communication).

CONFIDENTIALITY OF INFORMATION

The Wyoming Part C Early Intervention Program gives you the opportunity to inspect and review any early supports and services records relating to your child that are collected, maintained, or used by the Wyoming Part C Early Intervention Program, including records related to screening, evaluations and assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with your child, and any other portion involving Wyoming Part E Early Intervention Program records about your child and your family. The Wyoming Part C Early Intervention Program complies with a request to inspect and review, without unnecessary delay, and before any meeting regarding an IFSP or hearing related to identification, evaluation, or

placement of your child, or provision of appropriate early supports and services, in no case, more than forty-five (45) calendar days after the request has been made.

The right to inspect and review **Wyoming Part C Early Intervention Program records** includes:

- (1) The right to a response from the Wyoming Part C Early Intervention Program to reasonable requests for explanations and interpretations of the early supports and services record;
- (2) The right to request that the Wyoming Part C Early Intervention Program provide copies of early support and services records containing the information, if failure to provide these copies would effectively prevent you from exercising the right to inspect and review the early supports and services records; and
- (3) The right to have someone who represents you review and inspect the early supports and services record.

The Wyoming Part C Early Intervention Program may presume that you have the authority to inspect and review early supports and services records relating to your child unless the Wyoming Part C Early Intervention Program has been advised that you do not have the authority under applicable state law or court order governing such matters as guardianship, separation, and/or divorce.

The Wyoming Part C Early Intervention Program shall keep a record of parties obtaining access to early supports and services records collected, maintained, or used under the Wyoming Part C Early Intervention Program (except access by parents and authorized employees of the **participating agency**), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the early supports and services record.

If any early support and services record includes information on more than one child, you have the right to inspect and review only the information relating to your child, or to be informed of that specific information.

The Wyoming Part C Early Intervention Program shall provide you, upon request, a list of the types and locations of early supports and services records collected, maintained, or used by the agency.

The Wyoming Part C Early Intervention Program may charge a fee for copies of records that are made for parents under Part C if the fee does not effectively prevent you from exercising your right to inspect and review those early supports and services records. The Wyoming Part C Early Intervention Program may not charge a fee to search for or to retrieve information under the Wyoming Part C Early Intervention Program.

If you believe that information in early support and services records collected, maintained, or used under the Wyoming Part C Early Intervention Program is inaccurate

or misleading, or violates the privacy or other rights of your child or family, you may request that the Wyoming Part C Early Intervention Program amend the information.

Following your request to amend the information in the early intervention records,

- (1) The agency decides whether to amend the information in accordance with the request, within a reasonable period of time after receiving the request.
- (2) If the agency refuses to amend the information as you requested, you will be informed of the refusal and be advised of the right to a hearing.

The Wyoming Part C Early Intervention Program, on request, provides an opportunity for a hearing to challenge information in early supports and services records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. A hearing held under this section must be conducted according to the procedures under the Family Education Rights & Privacy Act (FERPA), which is found in statute at 20 U.S. C. §1232g, and in regulations at 34 CFR Part 99.

Following the hearing,

- (1) If, as a result of the hearing, it is determined that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the Wyoming Part C Early Intervention Program will amend the information accordingly and will inform you in writing.
- (2) If, as a result of the hearing, it is determined that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, you will be informed of your right to place in the early supports and services records of the child a statement commenting on the information and setting forth any reasons for disagreeing with the hearing decision.

Any explanation placed in the early supports and services records of the child under this section must:

- (1) be maintained by the Wyoming Part C Early Intervention Program as part of the early supports and services records of the child, as long as the early supports and services record or contested portion (that part of the record with which you disagree) is maintained by such agency; and
- (2) if the early support and services records of the child or the contested portion are disclosed by such agency to any party, the explanation must also be disclosed to that party.

Parental consent must be obtained before personally identifiable information is

- (1) disclosed to anyone other than officials of participating agencies collecting or using information under the Wyoming Part C Early Intervention Program, subject to the next paragraph of this section; or
- (2) used for any purpose other than meeting a requirement under the Wyoming Part C Early Intervention Program.

Information from your child's early supports and services record cannot be released to participating agencies without your consent *unless* the agency participating in the Wyoming Part C Early Intervention Program is authorized to do so under FERPA.

The following safeguards must be in place to ensure confidentiality of records:

- Each Wyoming Part C Early Intervention Program protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages;
- An official of each Wyoming Part C Early Intervention Program is responsible for insuring the confidentiality of all personally identifiable information;
- All persons collecting or using personally identifiable information receive training or instruction regarding the Wyoming Part C Early Intervention Program policies and procedures which comply with IDEA and FERPA;
- Each Wyoming Part C Early Intervention Program maintains, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information;
- The Wyoming Part C Early Intervention Program informs parents when personally identifiable information collected, maintained, or used under the Early Support Services (ESS) program is no longer needed to provide services to the child; and
- At the request of the parent(s), the ESS program information is **destroyed**. Permanent early support and services records of the child's name, address, phone number, and dates of early support and services shall be maintained.

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| <ol style="list-style-type: none">(1) Destroyed/Destruction means physical destruction or removal of personal identifiers from information so that it is no longer personally identifiable;(2) Early Supports and Services Records means the records covered by Family Education Rights and Privacy Act (FERPA); and(3) Participating Agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under this part. |
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RESOLUTION OF INDIVIDUAL CHILD COMPLAINTS

Wyoming Part C Early Intervention Program has procedures in place to allow parties in disagreement to resolve disputes involving any matter, including matters that arise before filing an individual child complaint, related to the identification, evaluation, or placement of your child, or provision of appropriate early supports and services. When a parent has a disagreement or has filed an individual child complaint, the Wyoming Part C Early Intervention Program provides procedures to allow the parties involved in the dispute to resolve the matter through mediation.

If you disagree with the Wyoming Part C Early Intervention Program on the (1) identification, (2) evaluation, or (3) placement of your child, or (4) provision of appropriate early supports and services for your child or family, you have the right to a timely administrative resolution of your concerns through mediation and/or an impartial due process hearing.

As a parent(s), you may initiate an individual child complaint by notifying the Wyoming Part C Early Intervention Program, in writing, of the request for an impartial due process hearing or you may request mediation to resolve your concern. How to file mediation or a request for an impartial due process hearing is outlined below. If you choose to file an individual child complaint, the complaint must include a statement identifying the specific point(s) of disagreement related to the identification, evaluation, or placement of your child, or provision of appropriate early support and services for your child or family. You must sign the complaint. For assistance in completing an individual child complaint, you can call the Wyoming Department of Health's Behavioral Health Division at 307-777-7148

MEDIATION

The Wyoming Part C Early Intervention Program provides an opportunity for parents and providers to resolve their disagreements in a non-adversarial, informal manner through mediation. The Wyoming Part C Early Intervention Program ensures that the parties to a dispute have the opportunity to resolve any disagreement through mediation at any time, including disagreements that arise prior to filing a complaint related to the identification, evaluation, or placement of your child, or the provision of early supports and services.

Mediation may not be used to deny or delay parents' right to an impartial due process hearing under the Wyoming Part C Early Intervention Program or any other rights under Part C of IDEA. Mediation is voluntary and freely agreed to by both parties. Any party in the disagreement may request mediation; however, parents and providers are not required to use it.

Mediation must be completed in a timely manner, within thirty (30) calendar days of the receipt by the Wyoming Department of Health, Behavioral Health Division of a request for mediation. Upon receipt by the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program of a request for mediation, the Wyoming Early Intervention and Education Program Manager will contact all parties relevant to the dispute to review the complaint, the mediation process and to schedule a time and location for the mediation. Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute. A qualified and impartial mediator who is trained in effective mediation techniques will meet with both parties to help them find a solution to the complaint in an informal, non-adversarial atmosphere. Please notify the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program if you wish mediation to resolve your disagreement.

The Wyoming Part C Early Intervention Program maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services, including early intervention. Impartial mediators are selected on a random, rotational basis and are provided at no cost to the parent. The individual who serves as an impartial mediator may not be an employee of the lead agency or an Early Intervention provider that is involved in providing services to your child, and they may not have personal or professional interest that conflicts with their objectivity in the matter. Please keep in mind that a person who is otherwise qualified as a mediator is not considered an employee of the lead agency or an early intervention provider solely because he or she is paid by the agency or provider to serve as a mediator.

If resolution is reached during mediation, the parties must execute a written agreement that will be legally binding and enforceable in a state court of competent jurisdiction or in a U.S. District court. The mediation agreement must be to the satisfaction of all parties to the dispute and must not conflict with state or federal law or policy of the Wyoming Part C Early Intervention Program. The written agreement states that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding and is signed by both the parent and a representative of the agency who has the authority to bind such agency. All parties must be given a copy of the written agreement at the end of the mediation. Discussions that occur during the mediation process must be held confidentially and the parties to the mediation process may be required to sign a confidentiality pledge prior to the beginning of the process.

The Wyoming Part C Early Intervention Program is responsible for any costs that are associated with the mediation process. There is no cost to the parent(s).

You may simultaneously file a request for mediation and for an impartial due process hearing, described in the next section. If an agreement is reached in mediation, the hearing is canceled.

IMPARTIAL DUE PROCESS HEARING

An impartial due process hearing is a formal procedure to ensure the timely resolution of an individual child complaint and is conducted by an impartial hearing officer. Families seeking an impartial due process hearing must submit their request directly to the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program. Your individual child complaint for due process hearing must include the following:

- (1) The child's name, home address and early support and services program (provider) serving the child.
- (2) A statement identifying the points of disagreement related to the identification, evaluation, or placement of your child, or provision of appropriate early support and services to you or your family.
- (3) The identified points of disagreement can only address issues that are not more than two (2) years before the parent knew or should have known about the alleged actions that formed the basis of the due process complaint.
- (4) A proposed resolution (what you think will solve the disagreement).
- (5) The signature of the person submitting the complaint, and the date of the complaint.

For assistance in filing a due process complaint, please call the Wyoming Department of Health, Behavioral Health Division, Early Intervention and Education Program Manager at (307) 777-7148. Upon filing an individual child complaint, you will be offered mediation to resolve the complaint. You may refuse or accept mediation; however, mediation will not delay due process procedures.

A Hearing Officer will be assigned by the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program. A Hearing Officer is an impartial person appointed to conduct the due process hearing. The hearing officer must:

- (1) Have knowledge about the provisions of Part C of the IDEA and Wyoming Part C Early Intervention Program and the needs of, and services available for, eligible children and their families; and
- (2) Perform the following duties:
 - Listen to the presentation of relevant views about the complaint/disagreement;
 - Examine all information related to the issues;

- Seek to reach a timely resolution of the disagreement; and
- Provide a record of the proceedings, including a written decision.

Hearing Officers used in an impartial due process hearing must be “impartial”. ***Impartial*** refers to the person appointed to serve as the hearing officer of the impartial due process proceeding. The appointed hearing officer shall at a minimum:

- (1) Not be an employee of the State educational agency or the local educational agency involved in the education or care of the child or a person having a personal or professional interest that conflicts with the person's objectivity in the hearing;
- (2) possess knowledge of, and the ability to understand, the provisions of this title, Federal and State regulations pertaining to this title, and legal interpretations of this title by Federal and State courts; standard legal practice; possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
- (3) possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

Under the Wyoming Part C Early Intervention Program, you are given the rights listed below in any impartial due process hearing carried out under this section.

- (1) To be accompanied by and advised by a lawyer (at your expense) and individuals with special knowledge or training about early support and services for children under the Wyoming Part C Early Intervention Program;
- (2) To present evidence and confront, cross examine, and to compel the attendance of witness;
- (3) To prohibit the introduction of any evidence at the proceedings that has not been disclosed to you at least five (5) calendar days before the proceeding;
- (4) To obtain a written or electronic verbatim (word by word) transcription of the proceeding at no cost to you; and
- (5) To obtain written findings of fact and decisions at no cost to you..

Any proceedings for implementing the impartial due process hearing must be carried out at a time and place that is reasonably convenient to you.

No later than thirty (30) calendar days after receipt, by the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program of your disagreement (complaint), the impartial due process hearing required under this section

must be completed and a written decision must be mailed to each of the parties. Any party not satisfied with the findings and decision of the impartial due process hearing has the right to bring civil action in state or federal court. A decision made at the impartial due process hearing shall be final, except that any party may bring a civil action in state or federal court.

A decision made by the hearing officer at the due process hearing shall be final, and:

- (1) Shall be made available to the public consistent with the requirements of IDEA relating to the confidentiality of data, information, and records; and
- (2) Shall be transmitted to the Governor's Early Intervention Council.

During the time period pending of any proceeding involving a parent/provider disagreement (complaint), unless the Wyoming Part C Early Intervention Program and you, otherwise agree, your child and family will continue to receive the appropriate early support and services currently being provided. If the disagreement (complaint) involves an application for initial services, your child and family must receive those services that are not in dispute.

ADMINISTRATIVE COMPLAINTS

In addition to the Individual Child Complaints process (discussed in the previous section) an individual or organization, including an individual or organization from another state, may file a written signed complaint that any public agency or private service provider participating in the Wyoming Part C Early Intervention Program is violating a requirement of the Part C program.

The complaint must include:

- (1) A statement that a requirement of Part C has been violated by the Wyoming Part C Early Intervention Program;
- (2) The facts on which the complaint is based,
- (3) The signature and contact information of the person submitting the complaint; and
- (4) If the alleged violations are with respect to a specific child, the complaint must include:
 - (a) The name and address of the residence of the child;
 - (b) The name of the EIS provider serving the child;
 - (c) A description of the nature of the problem of the child, including facts relating to the problem; and

- (d) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

Complaints must be mailed to the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program Unit Manager at:

122 W 22nd St
Herschler 2 West, Suite B
Cheyenne, WY 82002

The complaint must be filed with the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program within one (1) year of the alleged violation.

Under certain circumstances, the period for filing the complaint may be longer:

- (1) If the violation is still occurring for that child or other children;
- (2) If the person filing the complaint is requesting reimbursement or corrective action for a violation that occurred within three (3) years of filing the complaint.

Once the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program has received the complaint, the Wyoming Part C Early Intervention Program has sixty (60) calendar days (unless program exceptional circumstances exist with respect to a particular complaint) to investigate the complaint and issue a written decision that contains the facts and conclusions that address each allegation in the complaint, and the reasons for the final decision.

The Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program will make a determination if an independent on-site investigation is necessary and will conduct such investigation, on-site if necessary.

The Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program will also review all relevant information and make an independent determination as to whether the public agency is violating a requirement under Part C. The individual or organization filing the complaint has the opportunity to submit additional information, either orally or in writing, about the complaint.

Following the investigation, the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Programs will issue a written decision to the person who initiated the complaint. The decision will address each allegation in the complaint and contain the findings of facts and conclusions, and the reasons for the final decision.

If the final decision indicates that appropriate services were/are not being provided, the Wyoming Department of Health, Behavioral Health Division's Early Intervention and

Education Program must address how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action. If needed, the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program will ensure effective implementation of the lead agency's final decision, including (1) technical assistance activities, (2) negotiations, and (3) corrective actions to achieve compliance. Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program must also address appropriate future provisions of services for all infants and toddlers with disabilities and their families. For more information about these complaint procedures, contact the Early Intervention and Education Program Manager at (307) 777-7148.

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues, of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved within the sixty (60) calendar day timeline using the complaint procedures described in this document.

If an issue is raised in an administrative complaint that has been previously decided in a due process hearing involving the same parties -

- (1) The hearing decision is binding; and
- (2) Wyoming Part C Early Intervention Program must inform the complainant to that effect.

A complaint alleging a public agency's or private service provider's failure to implement a due process decision must be resolved by the Wyoming Department of Health, Behavioral Health Division's Early Intervention and Education Program.

SURROGATE PARENTS

The rights of children eligible under the Wyoming Part C Early Intervention Program are protected even if:

- (1) No parent can be identified;
- (2) The Wyoming Part C Early Intervention Program, after reasonable efforts, cannot discover the whereabouts of a parent; or
- (3) The child is a ward of the state under the laws of Wyoming.

An individual will be assigned to act as a "surrogate" for the parent according to the procedures that follow, within thirty (30) days after it is determined the child needs a surrogate parent assigned. The procedures include a method for determining whether a child needs a surrogate parent and assigning a surrogate to the child. The following criteria are employed when selecting surrogates:

- (1) Surrogate parents are selected in the manner authorized by state law.
- (2) A person selected as a surrogate parent:

- (a) Has no personal or professional interest that conflicts with the interest of the child he or she represents;
- (b) Has knowledge and skills that ensure adequate representation of the child;
- (c) Is not an employee of any state agency or a person or an employee of a person providing early support and services. A person who otherwise qualifies to be a surrogate parent under this section is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent; and
- (d) Resides in the same general geographic area as the child, whenever possible.

A surrogate parent may represent the child in all matters relating to:

- (1) The evaluation and assessment of the child;
- (2) Development and implementation of the child's IFSPs, including annual evaluations and periodic reviews;
- (3) The ongoing provision of early support and services for the child; and
- (4) Any other rights established under the Wyoming Part C Early Intervention Program.

GLOSSARY

All citations contained in this glossary are references to 34 Code of Federal Regulations (CFR) Part 303.

Assessment: The ongoing procedures used by appropriate, qualified personnel throughout the period of a child's eligibility under the Wyoming Part C Early Intervention Program to identify:

- (1) The child's unique strengths and needs and the services appropriate to meet those needs;
- (2) The resources, priorities, and concerns of the family, and the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability; and
- (3) The nature and extent of early support and services that are needed by the child and the child's family to meet the needs in (1) and (2) above.

Disclosure: To permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party. Disclosure may be by multiple means, including oral, written, or electronic means.

Evaluation: The procedures used by appropriate, qualified personnel to determine a child's initial and continuing eligibility under the Wyoming Part C Early Intervention Program. The procedures used must be consistent with the definition of "infants and

toddlers with disabilities” in 34 CFR 303.16, including determining the status of the child in each of the developmental areas.

Family Assessment: Identification of the family’s resources, priorities, and concerns, and the identification of the support and services necessary to enhance the family’s capacity to meet the developmental needs of the child.

Individualized Family Service Plan (IFSP): A written plan for providing early support and services for eligible children/ families that:

- (1) Is developed jointly by the family and appropriate, qualified personnel providing early support and services;
- (2) Is based on the multidisciplinary evaluation and assessment of the child and the assessment of the strengths and needs of the child’s family, as determined by the family and as required in 34 CFR 303.322;
- (3) Includes developmental outcomes, strategies, and activities; and
- (4) Includes services necessary to enhance the development of the child and the capacity of the family to meet the special needs of the child.

Mediation: Mediation is a process that helps parents and the Wyoming Department of Health, Behavioral Health Division’s Early Intervention and Education Program providers resolve disagreements in an informal, non-adversarial atmosphere. Mediation is voluntary and both parties must freely agree to participate. It is quicker than going to a hearing or court. Both parties participate in putting an agreement together and must approve the agreement. Mediation may not be used to deny or delay your right to an impartial hearing.

Multidisciplinary: The involvement of two or more disciplines or professionals in the provision of integrated and coordinated services, including evaluation and assessment activities in § 303.322 and development of the IFSP in § 303.342.

Natural Environments: Settings that is natural for children who are your child’s age and who do not have a disability.

Parent: “Parent” means a natural, adoptive parent(s), or foster parent of a child, a guardian (but not the State if the child is a ward of the State) a person acting in the place of a natural or adoptive parent, such as a grandparent, stepparent or other relative with whom the child lives, or a person who is legally responsible for the child’s welfare, or an individual assigned to be a surrogate parent, in accordance § 303.406.

State Lead Agency: Refers to the Department of Health, Behavioral Health Division, as the appointed lead agency for Part C of IDEA in the state of Wyoming.

Local Lead Agency: Refers to the 14 Regional Child Development Centers across the State.

Ward of the State: The term 'ward of the State' means a child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency. Exception: The term does not include a foster child who has a foster parent who meets the definition of a parent.

LOCAL AREA AGENCY EARLY INTERVENTION PROGRAMS

Region 1

Children's Resource Center
Park, Big Horn, Hot Springs &
Washakie Counties
(307) 587-1331

Region 8

Project Reach
Carbon County
(307) 324-9656

Region 2

Bighorn Development Center
Sheridan & Johnson Counties
(307) 672-6610

Region 9

Child Development Center of Natrona County
Natrona County
(307) 235-5097

Region 3

Weston County Children's Center
Region III Developmental Services
Crook & Weston Counties
(307) 746-3541

Region 10

Wyoming Child and Family Development
Converse, Niobrara, Platte, & Goshen Counties
(307) 836-2751

Region 4

Children's Learning Center
Teton & Sublette Counties
(307) 733-3791

Region 11

Developmental Preschool & Day
Care Center
Albany County
(307) 742-3571

Region 5

L.U.C.D.A.
Lincoln & Uinta Counties
(307) 782-6602

Region 12

STRIDE Learning Center
Laramie County
(307) 632-2991

Region 6

Child Development Services of Fremont
County
Fremont County
(307) 332-5508

Region 13

Children's Developmental Services of Campbell
County
Campbell County
(307) 682-2392

Region 7

Sweetwater County CDC
Sweetwater County
(307) 872-3290

Region 14

Early Intervention Program
Wind River Reservation
(307) 332-3516

NOTES: