

CHAPTER X

CONTESTS BEFORE THE CONTEST BOARD OF
THE WYOMING SCHOOL FOR THE DEAF

Section 1. Authority. These rules of practice are adopted as authorized by the Wyoming Administrative Procedure Act, Chapter 108, Session Laws of Wyoming 1965 (Sections 9-276.19 through 9-276.33, Wyoming Statutes 1957 as amended); Sections 151 through 164, Chapter 111 Session Laws of Wyoming 1969 (Sections 21.1-151 through 21.1-164 Wyoming Statutes 1957 as amended); and Section 61, Chapter 111, Session Laws of Wyoming 1969 (Section 21.1-61, Wyoming Statutes 1957 as amended); and Sections 287 and 288, Chapter 111, Session Laws of Wyoming 1969 (Sections 21.1-287 and 21.1-288 Wyoming Statutes 1957, as amended).

Section 2. Definitions. As used in these rules:

(a) "Board" means the Contest Board of the Wyoming School for the Deaf which shall be composed of the Director of the the Wyoming School for the Deaf, a person educated in sociology and/or psychology appointed by the Director, and a high school or junior high principal or assistant principal from within Natrona County, Wyoming, appointed by the Director.

(b) "Chairman" means the Director of the Wyoming School for the Deaf.

(c) "Director" means the chief administrative officer of the Wyoming School for the Deaf.

(d) "Contestant" means any teacher, pupil, or other person whose legal rights, duties, or privileges are required to be determined by the board in a hearing before the board.

(e) "Teacher" means any person employed under contract by the State Board of Education as a certified professional employee.

(f) "Initial Contract Teacher" means a teacher who has not been employed by the Wyoming School for the Deaf for a length of time sufficient to achieve continuing contract status.

(g) "Continuing Contract Teacher" means:

(i) Any initial contract teacher who has been employed by the Wyoming School for the Deaf for a period of three (3) consecutive school years and who has had his or her contract renewed for a fourth consecutive year; or

(ii) a teacher who has achieved continuing contract status in one school district and who has taught two (2) consecutive school years and has his or her contract renewed for a third consecutive year by the Wyoming School for the Deaf.

(h) "Dismissal" means the cancellation of a contract of employment by the State Board of Education of a teacher while said contract is in effect. In the case of a continuing contract teacher, dismissal shall mean cancellation of his or her contract at any time other than at the end of a school year where proper notice has been given.

(i) "Suspension" relating to teachers, means the removal of a teacher from his or her classroom during the school year without termination of salary.

(j) "Termination" means the failure of the State board of Education to re-employ a teacher at the end of the school year in any given year.

(k) "Pupil" means any person duly enrolled for instruction in the Wyoming School for the Deaf.

(l) "Suspension or expulsion" in reference to pupils means the removal from the school of a pupil for disciplinary reasons on the grounds enumerated in Section 62, Chapter 111, Session Laws of Wyoming, 1969.

(m) "School" means the Wyoming School for the Deaf.

Section 3. Promulgation, Amendment or Repeal of Rules. Any amendments to these rules shall become effective as provided by Chapter 108, Session Laws of Wyoming, 1965 (Sections 9-276.19 through 9-276.33, Wyoming Statutes, 1957, as amended.)

Section 4. Applicability of Rules.

(a) These rules shall apply to all hearings required by law to be held with respect to termination, dismissal, and suspension of teachers under the Wyoming Teachers Employment Law, and to all hearings required by law to be held with respect to the suspension or expulsion of any pupil from the Wyoming School for the Deaf.

(b) These rules may, in the discretion of the board, apply to any other hearing which may be held by the board.

(c) Informal or investigative hearings may be held by the board without compliance with these rules.

TERMINATION, SUSPENSION, OR DISMISSAL OF TEACHERS AND PUPILS

Section 5. Termination of Initial Contract Teachers. The contract of an initial contract teacher may be terminated by the State Board of Education upon notification in writing by the Director of such termination by registered or certified mail to the last known address of such initial contract teacher, no later than March 15 of each year. Proof of such written notice, together with the proof of mailing, shall be kept and retained in the records of the Wyoming School for the Deaf.

An initial contract teacher shall not be entitled to a hearing or the reasons for such termination.

Section 6. Termination of Continuing Contract Teachers. The contract of a continuing contract teacher may be terminated by the State Board of Education in the following manner:

(a) Written notice of a recommendation of termination together with written reasons therefor shall be submitted by the Director either by registered or certified mail to the last known address of any such continuing contract teacher, on or before March 15 of any year. Proof of such written notice, together with the proof of mailing, shall be kept and retained in the records of the Wyoming School for the Deaf.

(b) Any continuing contract teacher shall be entitled to a hearing before the board within 30 days after receipt of notice of recommendation of termination pursuant to the preceding subsection, provided that a written request for such hearing is made by the teacher to the Director within 10 days of receipt of said notice. Said hearing shall be conducted as provided in these rules.

Section 7. Dismissal and Suspension of Teachers. The suspension or dismissal of any teacher may be initiated by the Director, submitting to the teacher by registered or certified mail to the last known address of such teacher, a written notice of such dismissal or suspension together with the written reasons therefor. Any teacher who shall receive such notice shall be entitled to a hearing before the board within a period of thirty (30) days from and after receipt of such notice. Notice of time and place of such hearing shall be given in the same manner as the notice of dismissal or suspension within ten (10) days after receipt of the notice of suspension or dismissal. Said hearing may be waived in writing by the teacher. Proof of any notice required by this section, together with the proof of mailing, shall be kept and retained in the records of the school district.

Section 8. Suspension and Expulsion of Pupils.

(a) No pupil may be suspended or expelled from the Wyoming School for the Deaf unless oral notice is given by the Director immediately if possible, and written notice is given either personally or by certified or registered mail within a period of twenty-four (24) hours to the parents or guardians of the child affected, stating the reason for the suspension or expulsion.

(b) When the Director has determined to expel any pupil from school or to suspend any pupil for more than ten (10) days, the pupil shall be entitled to a hearing before the board within a period of thirty (30) days from and after receipt of such written notice if the pupil, through his parents, guardian, or custodian, requests such hearing in writing within ten (10) days after receipt of written notice of suspension or expulsion, together with the reasons therefor.

RULES OF PRACTICE GOVERNING HEARINGS

Section 9. Notice of Hearing. The Board shall cause written notice of any hearing held under these rules to be served upon each contestant at least ten (10) days prior to the date set for the hearing. Such notice shall include a statement of:

- (a) The time, place, and nature of the hearing.
- (b) The legal authority and jurisdiction under which the hearing is held.
- (c) Such other matters as may be required by the Wyoming Administrative Procedure Act.

Section 10. Service of Notice. Service may be made either personally or by certified or registered mail as follows:

(a) Personally: Said service, if made by a Sheriff, or other official, shall be made in the manner prescribed by the Wyoming Rules of Civil Procedure. Said service may be made by any person, not an officer, who is of lawful age, and not a party in interest. The return of said service shall be made by the certification of the officer who made such service, or if made by a person other than an officer, by his affidavit. Such return of service must be filed with the board prior to the commencement of the hearing.

(b) By certified or registered mail to the last known address of contestant.

Section 11. Motions. The board may at any time after three (3) days notice to all parties, hear orally or otherwise, any motion filed in connection with hearings under these rules.

Section 12. Docket. When a contestant is entitled to a hearing under these rules, a copy of the written notice of termination, suspension, dismissal, or expulsion shall be filed with the Director who shall then assign it a docket number and enter the proceeding with the date of its filing on a separate page of a docket provided for such purpose. The clerk shall establish a separate file for each docketed case in which shall be systematically placed all papers, pleadings, documents, transcripts and evidence pertaining thereto, and all such items shall have noted thereon the docket number assigned and the date of filing.

Section 13. Form of Pleadings. The form of pleadings or other papers filed in each docket case shall be substantial as follows:

BEFORE THE CONTEST BOARD
OF THE
WYOMING SCHOOL FOR THE DEAF
IN THE COUNTY OF NATRONA AND STATE OF WYOMING
IN THE MATTER OF

Docket No. _____

Contestant

(Body of Pleading or Motion)

(Signature)

Name (typed or printed)

Title

(Signature)

Name (typed or printed)

Address

Attorney

Section 14. Settlements. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent, order, or default.

Section 15. Continuances. For good cause shown, continuances and extensions of time may be granted or denied in the discretion of the board, provided that, except where both parties agree, no continuance shall be granted which shall extend the time for hearing beyond the time in which such hearing must be held as provided by law.

Section 16. Pre-Hearing Conference. At a time on or before the day of the hearing, the board may direct the attorneys for the parties to appear before the board to consider:

- (a) The simplification of the issues.
- (b) The necessity or desirability of amending the pleadings.
- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof.
- (d) Such other matters as may aid in the disposition of the case.

Such conferences shall be conducted informally. A memorandum will be prepared which recited the actions taken at the conference, amendments allowed, agreements of the parties and limitation of the issues to those undisposed of by admissions or agreements of counsel and the parties. The pre-hearing memorandum will control the course of the hearing unless modified by the board to prevent manifest injustice.

Section 17. Subpoenas. The Director, upon written application of any party or his attorney, shall issue a subpoena requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any books, papers, or other documents relevant or material to the inquiry, all subject to the provisions of Section 7, Chapter 108, Session Laws of Wyoming, 1965 (Sec. 9-276.25, Wyoming Statutes, 1957.)

Section 18. Order of Procedure at Hearing. As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:

(a) The chairman shall announce that the board is open to transact business and call by docket number and title the case to be heard.

(b) The Wyoming School for the Deaf will be allowed an opening statement to briefly explain its position to the board and outline the evidence it proposes to offer, together with the purpose thereof.

(c) The contestant will be allowed an opening statement.

(d) Any additional parties will be allowed an opening statement.

(e) The school's evidence will be heard. Witnesses may be cross-examined by the contestant or his attorney and by members of the board and legal counsel for the board. The district's offered exhibits will be marked by letters of the alphabet, beginning with "A".

(f) The evidence of the contestant will be heard, and exhibits of such contestant will be marked with numbers, beginning with "1". Each member of the board, the superintendent, and the attorney for the board shall have the right to cross-examine all witnesses presented on behalf of the contestant.

(g) The school may offer rebuttal evidence.

(h) The board may, in its discretion, allow evidence to be offered out of order, as herein prescribed.

(i) Closing Statements will be made in the following sequence:

- (i) School
- (ii) Contestant
- (iii) School in rebuttal

The time for oral argument may be limited by the chairman.

(j) The chairman may recess the hearing as required.

(k) After all interested parties have been offered an opportunity to be heard, the chairman shall declare the evidence closed and excuse all witnesses. The evidence of the case may be re-opened at a later date, for good cause shown, by order of the board upon motion of any party to the proceeding, the chairman, or the board itself.

(l) Parties may tender briefs, or the board may call for such briefs as may be desirable.

(m) The chairman may declare that the matter is taken under advisement and that the decision and order of the board will be announced at later date.

Section 19. Witnesses at Hearings to be Sworn. All persons testifying at any hearing before the board shall stand and be administered the following oath or affirmation by a member of the board:

"Do you swear (or affirm) to the truth, the whole truth, and nothing but the truth in the manner now before the board, so help you, God?"

No testimony will be received from a witness except under such oath or affirmation.

Section 20. Applicable Rules of Civil Procedure. The rules of practice and procedure contained in the Rule of Civil Procedure of the State of Wyoming, insofar as the same may be applicable and not inconsistent with the laws of the State of Wyoming, shall apply in all hearings before the board. For the application of such rules, the clerk is designated to be in the same relationship to the board as a clerk of court to a court.

Section 21. Attorneys. The filing of a pleading or other appearance by an attorney constitutes his appearance for the party for whom made. The board must be notified in writing of his withdrawal from any matter. Any person appearing before the board in a representative capacity shall be precluded from examining or cross-examining any witness, unless such person shall be an attorney licensed to practice law in the State of Wyoming, or a non-resident attorney associated with a Wyoming attorney. This rule shall not be construed to prohibit any person from representing himself before the board.

Section 22. Attorney for the Board. In all hearings before the board, the chairman shall request the attorney for the board, if there be one, to be present to assist and advise the board.

Section 23. Taking of Testimony - Reporter. In all hearings, the proceedings, including all testimony, shall be reported verbatim, stenographically or by any other appropriate means determined by the board or the officer presiding at the hearing.

Section 24. Decisions, Findings of Fact, Conclusions of Law, Orders. The board, following a full and complete hearing, shall make and enter a written decision and order containing findings of fact, and conclusions of law based upon the evidence, both testimonial and documentary, introduced and admitted during the course of the hearing. In addition, all matters which have been officially noticed by the board will be taken into consideration as a basis for making findings of fact and conclusions of law, separately stated. Such decisions, findings of fact, conclusions of law and order, shall be filed with the clerk and will, without further action, become the decision, findings of fact, conclusions of law and order based upon the hearing. The clerk shall, upon receipt of any decision and order send a copy to contestant and interested parties involved by certified mail, postage prepaid.

Section 25. Members of Board Present. No member of the board shall vote upon a decision of the board unless he shall have been present at the hearing or has read the transcript of the proceedings. The vote of the board shall be shown in its decision, i.e., 3-0; 2-1; 0-2; _____ not participating, etc.

Section 26. Appeals to District Court. Appeals to the District Court from decisions of the board may be taken in the manner prescribed by the Wyoming Administrative Procedure Act.

Section 27. Transcripts. Oral proceedings or any part thereof shall be transcribed on request of any party upon payment of the cost thereof. In case of an appeal to the District Court, the party appealing shall secure and file a transcript of the testimony and other evidence offered at the hearing with the board, which transcript shall be verified by the oath of the reporter or transcribed as a true and correct transcript of the testimony and other evidence in the hearing. The cost of making the transcript shall be paid by the party prosecuting such appeal. The complete record on appeal, including the transcript of testimony, shall be verified by the clerk.

CHAPTER XI

INFORMATION PRACTICES FOR THE WYOMING STATE DEPARTMENT OF EDUCATION WYOMING SCHOOL FOR THE DEAF WYOMING OFFICES OF THE VISUALLY HANDICAPPED

Section 1. Authority. These rules and regulations are promulgated pursuant to the Wyoming Administrative Procedure Act (W.S. 9-4-101 through W.S. 9-4-115); The Wyoming Public Records Act (W.S. 9-9-101 through W.S. 9-9-105); Executive Order #1, March 7, 1975; The Family Educational Rights and Privacy Act of 1974 (P.L. 93-380); and the Privacy Act of 1974 (P.L. 93-579).

Section 2. Applicability. These rules and regulations pertain to the maintenance and accessibility of those records under the custodial care of the Wyoming State Department of Education, including those records maintained by the Wyoming School for the Deaf and the Wyoming Offices of the Visually Handicapped. With these rules and regulations, it is the intention of this agency to establish practices for the handling personal information entrusted to the Department and to establish procedures for inspection, correction and amendment of any confidential information maintained by the Department.

Section 3. Promulgation, Amendment or Repeal of Rules. Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. 9-4-101 through W.S. 9-4-115).

Section 4. Definitions

(a) Confidential Records: refers to the restricted status of certain personnel records or personally identifiable information as privileged or private, available only to the subject and/or certain authorized personnel or responsible authority.

(b) Custodian: refers to the person designated by the Superintendent of Public Instruction as responsible for the collection, use, dissemination of, and access to confidential records as kept by the Wyoming State Department of Education.

(c) Department: refers to the Wyoming State Department of Education and its affiliate field offices, i.e., School for the Deaf, Offices of the Visually Handicapped.

(d) Disclosures: refers to the process after the permission of access to or the release, transfer, or other communication of confidential records concerning the party in interest.

(e) Person in Interest: refers to the subject of any confidential records kept by the Wyoming State Department of Education and its affiliate field offices.

(f) Personnel Coordinators: refers to the custodians of the personnel records including the custodians in the Offices for the Visually Handicapped and the Wyoming School for the Deaf.

(g) Personally Identifiable: refers to information or data that includes the name of the party in interest; parents name or other family members; address of the party in interest; a personal identifier such as social security number, position number on state payroll, student number; lists of personal characteristics which would make the party in interest's identity easily traceable.

(h) Public Records: refers to records or information which is not considered confidential and is therefore open to the public.

(i) Records: refers to any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, film, microfilm and microfiche.

(j) Requester: refers to the person requesting access to or disclosure of confidential information.

(k) Surrogate Parents: refers to those who serve as an advocate of the student's rights when the student's parents or guardians are unknown, unavailable or when the student is a ward of the state.

COLLECTION, STORAGE AND DISCLOSURE

Section 5. Collection. The Wyoming State Department of Education, the Wyoming School for the Deaf, and the Wyoming Offices of the Visually Handicapped maintain two types of records, public and confidential. Public records include but are not limited to the professional staff list maintained by the Planning Services Unit, as well as all original vouchers, receipts, and other documents relating to the use and disposition of all public property and public funds from all sources whatsoever. Confidential records include but are not limited to personnel records, teacher placement and certification records maintained by the Accreditations Services, student records concerning migrant, deaf and blind children, and foster parent intake reference files.

Section 6. Storage.

(a) Public Records: All public records are maintained by persons responsible for their origin, receipt and maintenance.

(b) Confidential Records:

(i) Personnel Records: personnel records are maintained by the Director of Personnel, Wyoming State Department of Education, by the Administrator of the Wyoming School for the Deaf, and by the Director and Administrators of the Offices of the Visually Handicapped. Records are stored in locked filing cabinets in buildings which are locked at night.

(ii) Teacher Placement and Certification Records: teacher placement and certification records are maintained by the Director of the Accreditation Services Unit, Wyoming State Department of Education. Teacher placement records are stored in locked filing cabinets. Teacher certification records are stored in a locked Remington Rand Lektriever 100 (power file). Both types of records are stored in a building which is locked at night.

(iii) Student Records: student records are maintained by the Administrator of Wyoming School for the Deaf, the Director of the Wyoming Offices of the Visually Handicapped, and the Educational Consultant/Migrant Program. Records are stored in locked filing cabinets in a building which is locked at night.

(iv) Foster Parent Intake Reference Files: foster parent intake reference files are maintained by the Administrator of the Wyoming School for the Deaf, and stored in locked filing cabinets in a building which is lock at night.

(v) Maintenance and Storage: maintenance and storage of all confidential records are regulated through management security and only authorized office personnel shall have access to the filing cabinets and files.

Section 7. Disclosure.

(a) Records that are determined by the custodians to be public records shall be available for inspection to all inquirers without regard to intended use or purpose during normal business hours. Confidential records shall not be communicated to any person who is not the subject of the record without the written consent of the individual subject except under the following conditions and/or exceptions:

(i) Conditions: all exceptions will not be applicable to all confidential records due to the nature of those records, i.e., student records vs personnel records.

(ii) Exceptions:

(A) To officials, including teachers, within the State Department of Education or local educational agency who have been determined by the custodians to have legitimate educational interests.

(B) To officials of a school or school system in which the student seeks or intends to enroll.

(C) In connection with financial aid for which a student has applied or for which a student has received; provided, that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

(I) To determine the eligibility of the student for financial aid,

(II) To determine the amount of the financial aid,

(III) To determine the conditions which will be imposed regarding the financial aid, or

(IV) To enforce the terms or conditions of the financial aid.

(D) To state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1975. This sub-paragraph applies only to statutes which require that specific information be disclosed to state or local officials and does not apply to statutes which permit but do not require disclosure.

(E) To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive test, administering student aid programs, and improving instruction; provided, that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted.

(F) To accrediting organizations in order to carry out their accrediting functions.

(G) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.

(H) To comply with a judicial order or lawfully issued subpoena; provided, that a reasonable effort is made to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance.

(I) To appropriate parties in health or safety emergency.

(J) To other agencies or organizations who have a legitimate, statutorily authorized routine use of the record.

ACCESS

The custodians shall respond to requests for access to a record, public or confidential within a reasonable time period, specifying whether access will be granted and the time and place. When denying access to any record, the responsible authority will inform the requester in writing of the the statutory or regulatory basis for the denial.

Section 8. Public Records. The custodian shall respond to an individual's right to access to any records which are considered public or open to public inspection. Copies of public records may be obtained from the custodian.

Section 9. Confidential Records.

(a) Student Records: The custodian will honor the parents, legal guardians, surrogate parents, or the eligible student's right to inspect and review the student's educational record. Letters of recommendation prior to January 1, 1975, are not open to review. Other persons may request to see a student's educational record upon written consent from those designated above except as otherwise permitted in these rules and regulations. The custodian shall request appropriate identification of the requester at the time of access. All access into the student's records except by the custodian shall be logged as to date, time, place, by whom records reviewed, requester's address, and for what purpose.

(b) Personnel Records: The custodian shall honor the right of access of a person in interest. Personnel records shall also be available to duly elected and appointed officials who supervise and employee's work. Responses to inquiries concerning past and present employees shall be limited to employment responsibilities and work performance. The gross annual salary of an employee may be given, but only in a manner that affirms or denies the salary information in the possession of the requester. Access shall be logged as in 9 (a) above.

Requests for recommendations of past employees shall be handled at the discretion of personnel coordinators. The personnel coordinators must be prepared to fully document and defend any negative recommendations.

(c) Certification and Placement Records: The custodian will honor the person in interest's right of access to inspect and review his records. Letters of recommendation prior to January 1, 1975, are not open to review. Other persons may request to see a certification or placement record upon written consent from the person in interest except as otherwise permitted in these rules and regulation. The custodian shall request appropriate identification of the requester at the time of access. Access shall be logged as in 9 (a) above.

Section 10. Amending Information. The person in interest has the right to bring to the attention of the custodian alleged erroneous, inaccurate, or misleading information that is contained in his record identifying the specific record to be corrected, the alleged erroneous portion of the record, and the proposed amendment. The custodian shall decide whether to amend the record within a reasonable period of time. If the custodian refuses to amend the record, the custodian will inform the individual in writing as to the reason for refusal. The formal refusal will include the reason for the refusal, the procedures

established to request a review of that refusal by the State Superintendent of Public Instruction or his designee, and the name and business address of that official. Correction or amendment may be by physical alteration of the record or by the inclusion of the individual's version of the disputed data to be included in all future use of the record.

Section 11. Right of Appeal. Permit the person in interest, who disagrees with the refusal of the custodian to amend his record, to request a review of such refusal and not later than thirty (30) working days from the date on which the person in interest requests such a review, complete the review and make a final determination. If, after the review by the State Superintendent of Public Instruction, the record is refused amendment, the person in interest may file in writing with the State Department of Education a statement setting forth the reasons for his disagreement with the refusal. The person in interest will then be notified of procedure for judicial review. Nothing in this section shall allow a person in interest access to any information compiled in reasonable anticipation of a civil action or proceeding.

Section 12. Restriction of Access. The custodian reserves the right to apply to the district court for an order permitting him to restrict access to a record whenever, in the custodian's judgement disclosure of the contents would do injury to the public interest or to the individual's personal privacy. The custodian may apply to the district court of the district in which such record is located for an order permitting him to restrict such disclosure.

MAINTENANCE OF RECORDS

Section 13. Notifications.

(a) When soliciting information from an individual, this agency shall give the following notifications on the form used to solicit the information or on a separate form:

(i) the statutory or administrative authority or federal regulations that allow this agency to solicit such information;

(ii) the purpose and uses for which the information is sought;

(iii) the public/confidential classification of the solicited information;

(iv) the voluntary/mandatory status of the questions asked of individuals and the effects, if any, of not providing all solicited information.

(b) This agency shall give the following annual notifications to the Office of Information Practices for each personal information system maintained:

(i) the title and location of the system;

- (ii) the major data elements and routine uses of the system;
- (iii) the statutory authority for the classification and collection of information;
- (iv) the title, business address, and phone number of the responsible authority for the system.

(c) In addition, this agency shall:

- (i) maintain any record that is used to make determinations about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual;
- (ii) not maintain any record on how an individual exercises his rights under the First Amendment to the U.S. Constitution;
- (iii) not maintain any system of records whose very existence is a secret from the public;
- (iv) establish physical safeguards and specific security policies for the protection of each system from burglary, misuse, or destruction;
- (v) give timely notice to the Office Information Practices when any new personal information system is added to this agency's operation or when there is any new routine use of an established system;
- (vi) maintain all systems of personal information in a manner that is conducive to public inspection and access;
- (vii) maintain only that information about an individual necessary to accomplish the agency's purposes as authorized by statute;
- (viii) collect information to the greatest extent possible directly from the individual who is the subject of the record.

MAILING LISTS

Requests for any names and addresses maintained by this agency will be refused unless the requester can prove to the satisfaction of the responsible authority that the release of the information will promote the health or safety of the citizens of Wyoming. All inquirers of mailing lists shall be notified in writing within an appropriate time period as to whether their request has been approved or denied. If approved, the requester shall be required to complete a Request for Information form identifying the organization or person making the request. A copy of any material to be mailed and a guarantee that the names and addresses furnished will be used only for the stated purpose

and will not be transferred to any other party or to a computerized data system. If the request for a mailing list is denied, this agency shall so inform the requester within an appropriate time period, stating the statutory authority for the refusal.

CHAPTER XII

PROGRAMS FOR THE EDUCATIONALLY DISADVANTAGED

GENERAL PROVISIONS

Section 1. Authority. W.S. 21-13-401, W.S. 21-2-202(a) i); P.L. 97 -35, Section 556(a) and (b) (20 USC, Sec. 3805)

Section 2. Applicability. These rules and regulations apply to Wyoming school districts who participate in and receive Chapter I funds to preserve the best educational interests and needs of educationally disadvantaged children, grades K-12. These regulations also apply to administrative, instructional, and support services staff.

Section 3. Definitions.

(a) "Add on project" means a Chapter I project in which instructional services are provided to participating children during regularly scheduled LEA holidays, weekends, before and after regular school hours, or during non-instructional time.

(b) "Chapter I" means Chapter I of P.L. 95-37 which refers to programs funded for the educationally disadvantaged. This law replaces Title I ESEA of P.L. 89-10 as amended.

(c) "Children" means persons who are entitled to a free public education in the State of Wyoming, and who have neither graduated from the twelfth (12) grade nor are above the age of twenty-one (21).

(d) "Department" means the Wyoming Department of Education.

(e) "Educationally deprived children" means children whose educational attainment is below the level that is appropriate for children of their age.

(f) "Eligible school attendance area" means a geographic area where children, normally served by a school, reside and which as a school or project area may participate in activities supported by Chapter I.

(g) "Excess costs" means funds in addition to funds that would have normally been used and not take the place of non-federal sources for the regular education of Chapter I eligible children.

(h) "Extended pull-out project" means a Chapter I project in which instructional services are provided to participating children in a different classroom setting or at a different time and exceeds twenty five (25) percent of the child's instructional time than they would be receiving if such Chapter I instructional services had not been provided.

(i) "High concentration" means a condition in which the district count of children from low income families in a given project area or project school exceeds the district wide average as determined by a uniformly applied percentage or numerical method.

(j) "In-class project" means a Chapter I project in which instructional services are provided to participating children in the same classroom setting and at the same time, if such Chapter I instructional services had not been provided.

(k) "Instructional staff" means persons employed by the LEA who provide instruction to children or who assist or supervise those staff providing the instruction. Such staff include teachers, principals, consultants, supervisors of instruction, librarians, guidance and psychological personnel, aides, clerical personnel and para-professionals in an assisting instructional role.

(l) "LEA" means local education agency.

(m) "Limited pull-out project" means a Chapter I project in which instructional services are provided to participating children in a different classroom setting or at a different time not to exceed twenty-five (25) percent of the child's instructional time than the child would be receiving if such Chapter I instructional services had not been provided.

(n) "Low-income family criteria" means the best available measure used by the LEA for determining low-income family status such as data on children from families receiving Aid to Families With Dependent Children or families whose children are eligible to receive free and reduced priced benefits under the National School Lunch Program. Regardless of the measure used, the LEA shall use the same measure for purposes of determining the eligibility of all its attendance areas and schools.

(o) "Performance report" means a portion of the annual Chapter I report to the Department which assesses the relevant project outcomes data as designated in the application and related to the projects stated goals and objectives.

(p) "Project area" means a school attendance area that is selected by the LEA as an area from which children are to be selected to participate in a Chapter I project because of a high concentration of children from low-income families.

(q) "Project school" means an eligible school selected by the LEA in which children are to be selected to participate in and receive services under a Chapter I project.

(r) "School attendance area" means a geographic area where children, normally served by a school, reside. If a child's school attendance area cannot be determined on a geographic basis, then the child is considered to be in the school attendance area to which the child is assigned by the LEA.

Section 4. Severability. If any provision of these rules and regulations or its application to any child or instructional staff person or circumstance is held invalid or in conflict with any other provision of these rules and regulations, the invalidity shall not affect other provisions or applications of the rules and regulations, which shall remain effective and to this end these rules and regulations are severable.

STANDARDS FOR ELIGIBILITY

Section 5. Identifying eligible school attendance areas. A LEA may use Chapter I funds only in school attendance areas that the LEA has identified, using low-income family criteria, as having sufficiently high concentrations of children from low-income families. In making the school attendance area determination one of the following methods will be used:

(a) Percentage method. The percentage of children from low-income families in the school attendance area is at least equal to the percentage of children from low-income families in the district as a whole.

(b) Numerical method. The number of children from low-income families in the school attendance area is at least equal to or above the average number of children from low-income families per school attendance area in the district as a whole. In applying this method to grade span grouping (Section II.A., below), the LEA shall determine an average number of children from low-income families for each grade span grouping identified per school attendance area in the district as a whole.

(c) Combination of percentage and numerical methods. LEA's may identify some school attendance areas by the percentage method and others by the numerical method. The total number of school attendance areas identified may not be more than the maximum number of school attendance areas, or school attendance areas plus schools, that the LEA would have identified when using either the percentage method or the numerical method.

(d) Small percentage variance. If there is a small variance in percentages of children from low-income families between eligible school attendance areas, the LEA may identify all of the school attendance areas in the district or in a grade span grouping as eligible to receive Chapter I assistance. When comparing low-income families in the highest concentrated school attendance area with the lowest concentrated school attendance area, the variation may not exceed five (5) percent of the district average, or one third (1/3) of the total percentage of low-income children in the LEA as a whole, whichever is greater.

Section 6. Grade Span Groupings.

(a) The LEA may also identify its eligible school attendance areas by grouping such attendance areas and schools according to grade spans. Such grade spans must be consistent with the grade spans served by the

schools within the LEA, so as to determine comparability, i.e., grades K-6, grades 7-9, grades 10-12. The LEA shall group all of its schools by corresponding grade levels up to three groupings. If a school serves grades in more than one grouping, the LEA shall include that school in the grouping which has the most grade levels in common.

(b) When an LEA has schools serving eight or more grades above kindergarten, the LEA may consider such schools to be a separate group extending the total number of groupings to four (4).

Section 7. Identifying eligible schools. A LEA may identify a school as an eligible school when such a school is located in an ineligible school attendance area or serves children from more than one school attendance area. If such an identified school meets one of the following conditions, that school shall be considered eligible:

(a) The percentage of children from low-income families in Average Daily Membership (ADM) is at least equal to the percentage of children from low-income families in the LEA as a whole.

(b) The number of children from low-income families in ADM at the school is equal to the average number of such children per school attendance area in the LEA as a whole.

Section 8. Allowable costs. The LEA shall expend from local Chapter I funds only those monies which can be identified with LEA application project activities and are defined as allowable under Chapter I of P.L. 97-35. Such expenditures shall be open to fiscal audit.

Section 9. Recordkeeping. The LEA shall preserve program and fiscal records for audit. Such records shall be kept in a manner so as to protect the confidentiality of children served by the LEA.

Section 10. Supplement/Not Supplant. Funds received by the LEA under Chapter I are to be used supplementally with local resources. In no case may such funds be used to supplant local or state resources. See Standards for Supplement/Supplant.

STANDARDS FOR SUPPLEMENT/SUPPLANT

The LEA must use Chapter I funds only in such a manner as to supplement resources from any other source and may not supplant such resources.

Section 11. Excess Costs. As one criteria in the determination of LEA supplemental costs, excess costs is related to the average per pupil costs directly attributable to a Chapter I project over and above an agency's average per pupil expenditure in the most recent school year expenditures reported. The excess cost test will be applied to the LEA to determine if such costs are applicable to the LEA's instructional and non-instructional project(s).

Section 12. Instructional project(s). An LEA satisfies the excess cost test when it provides services in:

(a) an in-class project, a limited pull-out project, an extended pull-out project or an add-on project if the project is particularly designed to meet special educational needs of the participants.

(b) an in-class project or limited pull-out project if the classroom teacher is responsible for and continues to perform those duties which that teacher would be required to perform in the absence of Chapter I, including planning the instructional program, providing the instruction, and evaluating student progress.

(c) a limited pull-out project if:

(i) Chapter I services are provided for a period of less than 25% of the instruction time by a teacher of required or elective subjects who is paid with non-Chapter I funds.

(ii) the classroom teacher who would be responsible for providing instructional services to participating children in the absence of Chapter I is responsible for and continues to perform those duties which that teacher would be required to perform in the absence of Chapter I funds, including planning the instructional program, providing the instruction and evaluating student progress.

(d) an extended pull-out project if:

(i) Chapter I services are provided for a period of more than 25% of the instruction time by a teacher of required or elective subjects who is paid with non-Chapter I funds.

(ii) an LEA allocates to the Chapter I project the full-time equivalent number of non-Chapter I staff that - in the absence of the Chapter I service - would have been used to provide the non-Chapter I funded instructional service that is replaced with the Chapter I funded service;

OR

the LEA allocates to the Chapter I project an amount of non-Chapter I funds required to provide the number of non-Chapter I staff referred to in (a) above.

(e) in an in-class project if the instructional staff paid by Chapter I funds work under the supervision of a classroom teacher.

(f) an in-class project, a limited pull-out project, or an add-on project if the instructional staff paid by Chapter I funds is in consultation on a regular basis with the participant's regular classroom teacher to insure that the Chapter I instruction is coordinated with the child's regular classroom instruction.

Section 13. Non-instructional project(s). A LEA satisfies the excess cost test when it provides non-instructional services which would not, in the absence of Chapter I, be available to children at the grade level or levels of children participating in its Chapter I project. Non-instructional services include supplies, equipment, or other services which are not instructional as defined in excess costs and instructional services.

REPORTS TO THE DEPARTMENT

Section 14. Annual reports to the department. Each LEA conducting a program under Chapter I shall submit to the department annually:

(a) The results of its program evaluation (see PROGRAM EVALUATION).

(b) A performance report which shall include:

(i) the number of participants and the type of services rendered,

(ii) the number of participants by grade, who attended public school,

(iii) the number of participants by grade who attend non-public schools,

(iv) number of staff members funded under this Chapter.

Section 15. Other required reports. Other required reports the LEA shall submit to the department are:

(a) Consolidated Monthly Cash Reconciliation and Estimated Requirement Report, monthly;

(b) Project ledger (to be accompanied by WDE-122), quarterly;

(c) Cumulative Report (must accompany the WDE-106), quarterly;

PROGRAM EVALUATION

A LEA that receives Chapter I assistance shall be required to evaluate the Chapter I program using one of the following evaluation alternatives:

Section 16. Norm-referenced model. A norm-referenced model in the form prescribed in the User's Guide Title I Evaluation and Reporting System Volume I, 1981, U.S. Department of Education and which includes all items in Section II.

Section 17. Alternative evaluation model. A department approved alternative evaluation model which assures:

- (a) the proper administration of the evaluation instruments,
- (b) the accurate scoring and transcription of data that is collected,
- (c) the use of analysis procedures which provides evaluation assumptions which are appropriate to the data collected,
- (d) student achievement gains are measured in reading, language arts, and mathematics programs.

CHAPTER XV

RULES AND REGULATIONS ON ALTERNATIVE EDUCATION SERVICES

Section 1. Authority. These rules and regulations are promulgated by the State Board of Education pursuant to the authority granted by Section 21-2-304 and Chapter 124, Session Laws of Wyoming, 1986, as amended by Chapter 237, Session Laws of Wyoming, 1987.

Section 2. Applicability. These rules and regulations pertain to alternative educational services provided on or after July 1, 1987.

Section 3. Promulgation, Amendment, or Repeal of Rules. Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. 16-3-101 through 16-3-115).

Section 4. Definitions.

(a) "Alternative Education Services" are those educational services needed by school age children living on Wyoming Indian Reservations which cannot be provided by the existing public school districts. This definition excludes extracurricular activities and capital construction.

(b) "Qualified provider" is an individual, organization, or agency which meets the State accreditation and certification standards for providing unified and sequential K-12 education programs and is so recognized by the State Department of Education. The qualified provider shall offer the program through the regular school curriculum and shall not subcontract to provide these educational opportunities except as allowed by W.S. 21-13-309(e).

Section 5. Application for Funding.

(a) A Wyoming school district requesting funds for alternative educational services must apply to the State Board of Education, Hathaway Building, Cheyenne, Wyoming 82002.

(b) The following information is required with the district's application:

(i) A description of the services which are needed including: the nature of the educational program, the names of the students to be served, their grade levels and special needs, and the reasons alternative programs are needed to enhance their education.

(ii) The name, address and telephone number of the proposed provider, a copy of the proposed contract, and evidence that the provider meets the standards for a qualified provider.

(iii) Certification from the Chairman of the Board of the applicant school district that the district is unable to provide the proposed alternative educational services.

Section 6. Approval. The State Board of Education, after reviewing the application, will authorize or deny the funding through the State Superintendent of Public Instruction.

CHAPTER XII

PROGRAMS FOR THE EDUCATIONALLY DISADVANTAGED

GENERAL PROVISIONS

Section 1. Authority. W.S. 21-13-401, W.S. 21-2-202(a) i); P.L. 97 -35, Section 556(a) and (b) (20 USC, Sec. 3805)

Section 2. Applicability. These rules and regulations apply to Wyoming school districts who participate in and receive Chapter I funds to preserve the best educational interests and needs of educationally disadvantaged children, grades K-12. These regulations also apply to administrative, instructional, and support services staff.

Section 3. Definitions.

(a) "Add on project" means a Chapter I project in which instructional services are provided to participating children during regularly scheduled LEA holidays, weekends, before and after regular school hours, or during non-instructional time.

(b) "Chapter I" means Chapter I of P.L. 95-37 which refers to programs funded for the educationally disadvantaged. This law replaces Title I ESEA of P.L. 89-10 as amended.

(c) "Children" means persons who are entitled to a free public education in the State of Wyoming, and who have neither graduated from the twelfth (12) grade nor are above the age of twenty-one (21).

(d) "Department" means the Wyoming Department of Education.

(e) "Educationally deprived children" means children whose educational attainment is below the level that is appropriate for children of their age.

(f) "Eligible school attendance area" means a geographic area where children, normally served by a school, reside and which as a school or project area may participate in activities supported by Chapter I.

(g) "Excess costs" means funds in addition to funds that would have normally been used and not take the place of non-federal sources for the regular education of Chapter I eligible children.

(h) "Extended pull-out project" means a Chapter I project in which instructional services are provided to participating children in a different classroom setting or at a different time and exceeds twenty five (25) percent of the child's instructional time than they would be receiving if such Chapter I instructional services had not been provided.

(i) "High concentration" means a condition in which the district count of children from low income families in a given project area or project school exceeds the district wide average as determined by a uniformly applied percentage or numerical method.

(j) "In-class project" means a Chapter I project in which instructional services are provided to participating children in the same classroom setting and at the same time, if such Chapter I instructional services had not been provided.

(k) "Instructional staff" means persons employed by the LEA who provide instruction to children or who assist or supervise those staff providing the instruction. Such staff include teachers, principals, consultants, supervisors of instruction, librarians, guidance and psychological personnel, aides, clerical personnel and para-professionals in an assisting instructional role.

(l) "LEA" means local education agency.

(m) "Limited pull-out project" means a Chapter I project in which instructional services are provided to participating children in a different classroom setting or at a different time not to exceed twenty-five (25) percent of the child's instructional time than the child would be receiving if such Chapter I instructional services had not been provided.

(n) "Low-income family criteria" means the best available measure used by the LEA for determining low-income family status such as data on children from families receiving Aid to Families With Dependent Children or families whose children are eligible to receive free and reduced priced benefits under the National School Lunch Program. Regardless of the measure used, the LEA shall use the same measure for purposes of determining the eligibility of all its attendance areas and schools.

(o) "Performance report" means a portion of the annual Chapter I report to the Department which assesses the relevant project outcomes data as designated in the application and related to the projects stated goals and objectives.

(p) "Project area" means a school attendance area that is selected by the LEA as an area from which children are to be selected to participate in a Chapter I project because of a high concentration of children from low-income families.

(q) "Project school" means an eligible school selected by the LEA in which children are to be selected to participate in and receive services under a Chapter I project.

(r) "School attendance area" means a geographic area where children, normally served by a school, reside. If a child's school attendance area cannot be determined on a geographic basis, then the child is considered to be in the school attendance area to which the child is assigned by the LEA.

Section 4. Severability. If any provision of these rules and regulations or its application to any child or instructional staff person or circumstance is held invalid or in conflict with any other provision of these rules and regulations, the invalidity shall not affect other provisions or applications of the rules and regulations, which shall remain effective and to this end these rules and regulations are severable.

STANDARDS FOR ELIGIBILITY

Section 5. Identifying eligible school attendance areas. A LEA may use Chapter I funds only in school attendance areas that the LEA has identified, using low-income family criteria, as having sufficiently high concentrations of children from low-income families. In making the school attendance area determination one of the following methods will be used:

(a) Percentage method. The percentage of children from low-income families in the school attendance area is at least equal to the percentage of children from low-income families in the district as a whole.

(b) Numerical method. The number of children from low-income families in the school attendance area is at least equal to or above the average number of children from low-income families per school attendance area in the district as a whole. In applying this method to grade span grouping (Section II.A., below), the LEA shall determine an average number of children from low-income families for each grade span grouping identified per school attendance area in the district as a whole.

(c) Combination of percentage and numerical methods. LEA's may identify some school attendance areas by the percentage method and others by the numerical method. The total number of school attendance areas identified may not be more than the maximum number of school attendance areas, or school attendance areas plus schools, that the LEA would have identified when using either the percentage method or the numerical method.

(d) Small percentage variance. If there is a small variance in percentages of children from low-income families between eligible school attendance areas, the LEA may identify all of the school attendance areas in the district or in a grade span grouping as eligible to receive Chapter I assistance. When comparing low-income families in the highest concentrated school attendance area with the lowest concentrated school attendance area, the variation may not exceed five (5) percent of the district average, or one third (1/3) of the total percentage of low-income children in the LEA as a whole, whichever is greater.

Section 6. Grade Span Groupings.

(a) The LEA may also identify its eligible school attendance areas by grouping such attendance areas and schools according to grade spans. Such grade spans must be consistent with the grade spans served by the

schools within the LEA, so as to determine comparability, i.e., grades K-6, grades 7-9, grades 10-12. The LEA shall group all of its schools by corresponding grade levels up to three groupings. If a school serves grades in more than one grouping, the LEA shall include that school in the grouping which has the most grade levels in common.

(b) When an LEA has schools serving eight or more grades above kindergarten, the LEA may consider such schools to be a separate group extending the total number of groupings to four (4).

Section 7. Identifying eligible schools. A LEA may identify a school as an eligible school when such a school is located in an ineligible school attendance area or serves children from more than one school attendance area. If such an identified school meets one of the following conditions, that school shall be considered eligible:

(a) The percentage of children from low-income families in Average Daily Membership (ADM) is at least equal to the percentage of children from low-income families in the LEA as a whole.

(b) The number of children from low-income families in ADM at the school is equal to the average number of such children per school attendance area in the LEA as a whole.

Section 8. Allowable costs. The LEA shall expend from local Chapter I funds only those monies which can be identified with LEA application project activities and are defined as allowable under Chapter I of P.L. 97-35. Such expenditures shall be open to fiscal audit.

Section 9. Recordkeeping. The LEA shall preserve program and fiscal records for audit. Such records shall be kept in a manner so as to protect the confidentiality of children served by the LEA.

Section 10. Supplement/Not Supplant. Funds received by the LEA under Chapter I are to be used supplementally with local resources. In no case may such funds be used to supplant local or state resources. See Standards for Supplement/Supplant.

STANDARDS FOR SUPPLEMENT/SUPLANT

The LEA must use Chapter I funds only in such a manner as to supplement resources from any other source and may not supplant such resources.

Section 11. Excess Costs. As one criteria in the determination of LEA supplemental costs, excess costs is related to the average per pupil costs directly attributable to a Chapter I project over and above an agency's average per pupil expenditure in the most recent school year expenditures reported. The excess cost test will be applied to the LEA to determine if such costs are applicable to the LEA's instructional and non-instructional project(s).

Section 12. Instructional project(s). An LEA satisfies the excess cost test when it provides services in:

(a) an in-class project, a limited pull-out project, an extended pull-out project or an add-on project if the project is particularly designed to meet special educational needs of the participants.

(b) an in-class project or limited pull-out project if the classroom teacher is responsible for and continues to perform those duties which that teacher would be required to perform in the absence of Chapter I, including planning the instructional program, providing the instruction, and evaluating student progress.

(c) a limited pull-out project if:

(i) Chapter I services are provided for a period of less than 25% of the instruction time by a teacher of required or elective subjects who is paid with non-Chapter I funds.

(ii) the classroom teacher who would be responsible for providing instructional services to participating children in the absence of Chapter I is responsible for and continues to perform those duties which that teacher would be required to perform in the absence of Chapter I funds, including planning the instructional program, providing the instruction and evaluating student progress.

(d) an extended pull-out project if:

(i) Chapter I services are provided for a period of more than 25% of the instruction time by a teacher of required or elective subjects who is paid with non-Chapter I funds.

(ii) an LEA allocates to the Chapter I project the full-time equivalent number of non-Chapter I staff that - in the absence of the Chapter I service - would have been used to provide the non-Chapter I funded instructional service that is replaced with the Chapter I funded service;

OR

the LEA allocates to the Chapter I project an amount of non-Chapter I funds required to provide the number of non-Chapter I staff referred to in (a) above.

(e) in an in-class project if the instructional staff paid by Chapter I funds work under the supervision of a classroom teacher.

(f) an in-class project, a limited pull-out project, or an add-on project if the instructional staff paid by Chapter I funds is in consultation on a regular basis with the participant's regular classroom teacher to insure that the Chapter I instruction is coordinated with the child's regular classroom instruction.

Section 13. Non-instructional project(s). A LEA satisfies the excess cost test when it provides non-instructional services which would not, in the absence of Chapter I, be available to children at the grade level or levels of children participating in its Chapter I project. Non-instructional services include supplies, equipment, or other services which are not instructional as defined in excess costs and instructional services.

REPORTS TO THE DEPARTMENT

Section 14. Annual reports to the department. Each LEA conducting a program under Chapter I shall submit to the department annually:

(a) The results of its program evaluation (see PROGRAM EVALUATION).

(b) A performance report which shall include:

(i) the number of participants and the type of services rendered,

(ii) the number of participants by grade, who attended public school,

(iii) the number of participants by grade who attend non-public schools,

(iv) number of staff members funded under this Chapter.

Section 15. Other required reports. Other required reports the LEA shall submit to the department are:

(a) Consolidated Monthly Cash Reconciliation and Estimated Requirement Report, monthly;

(b) Project ledger (to be accompanied by WDE-122), quarterly;

(c) Cumulative Report (must accompany the WDE-106), quarterly;

PROGRAM EVALUATION

A LEA that receives Chapter I assistance shall be required to evaluate the Chapter I program using one of the following evaluation alternatives:

Section 16. Norm-referenced model. A norm-referenced model in the form prescribed in the User's Guide Title I Evaluation and Reporting System Volume I, 1981, U.S. Department of Education and which includes all items in Section II.

Section 17. Alternative evaluation model. A department approved alternative evaluation model which assures:

- (a) the proper administration of the evaluation instruments,
- (b) the accurate scoring and transcription of data that is collected,
- (c) the use of analysis procedures which provides evaluation assumptions which are appropriate to the data collected,
- (d) student achievement gains are measured in reading, language arts, and mathematics programs.

Chapter XXVIII

Wyoming School for the Deaf Regulations

Note: The following regulations identified as "subsections" are specific to the Wyoming School for the Deaf. These requirements are in addition to the requirements of the State Board of Education Rules and Regulations for Serving Children with Disabilities. Each subsection corresponds to the identified section of the state rules.

Section 1. Subsection 1. Authority.

(a) **Purpose.** The Wyoming School for the Deaf (WSD) is established by W.S. 21-2-202, 25-1-201 and 25-12-101 as an institution for school aged deaf or hearing impaired children. The objective of WSD is the education of children whose primary handicap is a hearing disability.

(b) **Applicability.** WSD complies with the Wyoming Rules and Regulations Governing Services for Children with Disabilities, (1992) and as amended.

(c) **Equal Opportunity.** The WSD is an equal opportunity employer and does not discriminate with regard to race, color, religion, disability, sex, marital status, or national origin in the educational programs or activities which it operates either in the employment of personnel or admission and education of children.

Section 8. Subsection 1. Interagency Agreements.

(a) WSD staff abide by all WDE interagency agreements.

(b) WDE enters into an annual agreement with Natrona County School District #1 in order to make optimum use of existing facilities and resources.

Section 9. Subsection 1. Agency Policies and Procedures.

(a) **Filing of Rules.** WSD files these rules with the Secretary of State and the County Clerk of Natrona County and makes them available for review.

(b) **Graduation.** Graduation criteria are determined by the IEP Team. The IEP Team considers Natrona County School District graduation criteria as appropriate. The student exits WSD when he/she has met the requirements for graduation as established in the IEP. The IEP Team determines the appropriate district to issue the graduation diploma.

(c) **FAPE.** WSD provides a free appropriate public education (FAPE) to students it serves. WSD cooperates with school districts, state institutions, state agencies, or other organizations and/or individuals in order to provide FAPE.

(d) **Accreditation.** In order to be accredited, WSD adheres to the institution accreditation standards adopted by the State Board of Education.

(e) **Length of School Year.** As an institution, WSD provides services as needed during twelve months of the year. For students, the school calendar for the regular school year follows Natrona County School District's calendar.

(f) **Staff Qualifications.** All staff at WSD are appropriately qualified as outlined in State Statute W.S. 25-12-101 and in Section 30 of these rules.

(g) **Emergency Policies.** WSD takes every possible precaution for the safety of students and employees. WSD complies with all state and local health, safety and fire standards.

Section 13. Subsection 1. Referral for Multidisciplinary Evaluation.

(a) **Team Referral.** Each school district determines a student's eligibility for special education services before making a referral to WSD. A written request for WSD to consider serving a student from any LEA is considered a referral. Eligibility, assessment, and education progress information is considered by WSD at an IEP meeting including a WSD and/or WDE representative. The IEP Team determines if further evaluations are needed before making a placement decision for a student.

Section 14. Subsection 1. Multidisciplinary Evaluation Procedures.

(a) **Multidisciplinary Evaluation Plans.** When evaluations are needed for a student, WSD and the appropriate school district cooperate to ensure that the necessary evaluations are completed. When outside evaluations are deemed appropriate, the placing school district bears the cost.

Section 19. Subsection 1. Individual Education Program (IEP).

(a) **Determining Placement.** An IEP Team determines that a child should attend WSD when:

(i) the student has a hearing disability as defined in Wyoming Rules and Regulations for Children with Disabilities; (WSD may determine that students with hearing impairments should not be admitted into the program when additional handicapping conditions take precedence as the primary handicap or when students exhibit behavior and/or medical condition(s) which are injurious to themselves or to others.)

(ii) the student is at least 5 years of age and enrolled in a school district and less than 21 years of age;

(iii) the Parent(s) or guardian(s) is a legal resident of the state of Wyoming; and

(iv) it is the least restrictive and most appropriate placement for the student.

Section 26. Subsection 1. Program Coordination.

(a) Implementation of Program Coordination.

(i) Upon admission to WSD, the IEP Team will review goals and objectives, review the need for a co-home, consider medical concerns, and establish a weekend home visitation schedule. Weekend transportation costs are the responsibility of the placing school district.

(ii) Co-homes are homes in Natrona County provided by the State Department of Education for the care of out of district students attending WSD. Such support includes, but is not limited to, lodging, meals, access to preventive health care, toilet articles, inclusion in family activities, recreation and clothing maintenance. It is expected that co-home parents are supportive of a child's well-being, school work and non-school activities.

(iii) Upon admission to WSD each school district (or the preschool developmental center, when appropriate) is responsible for the transfer of student records to the WSD, including:

(A) a letter of referral from the school district (in conjunction with the preschool developmental center when appropriate),

(B) proof of state residency,

(C) social history,

(D) medical history and immunization certification,

(E) recommendations of the school district (in conjunction with the preschool developmental center when appropriate) IEP Team,

(F) previous school records, including copies of all testing information which documents the disability and the current IEP,

(G) birth certificate or proof of birth, and

(H) social security number.

(iv) Upon exiting WSD, WSD is responsible for the transfer of the student's records to the appropriate school district. A student exits WSD when:

(A) the student's parents or guardians move from the State,

(B) the IEP Team determines that attendance elsewhere is more appropriate.

(C) the student graduates; or

(D) the student reaches his/her twenty-first birthday.

Section 30. Subsection 1. Paraprofessionals.

(a) Qualifications and Duties.

(i) Paraprofessional staff comply with any applicable licensure requirements of the State of Wyoming regarding qualifications and duties.

(ii) Interpreters complete an interpreter preparation program or hold equivalent experience. An Associate degree and/or certification by the Registry of Interpreters for the Deaf is preferred. Interpreters demonstrate an ability to interpret/transliterate (expressive and voice) at a normal conversational rate in American Sign Language and/or Signing Exact English.

Section 42. Subsection 1. Confidentiality.

(a) **Confidentiality of Information.** Student records are maintained in locked files in a secure area. Access logs are included in student records. Student information is confidential between the appropriate school district and WSD. Training in confidentiality of student records is conducted annually.

(b) **Destruction and Retention of Educational Records.** When a student exits WSD, the student's records are transferred to the appropriate district for disposition, if necessary.