**WDE’s Legal Duty to Enforce Special Education Law**

**(34 C.F.R. § 300.149)**

# What Does the Law Say?

Federal IDEA regulations require that each State Education Agency (SEA) — in Wyoming, that is the Wyoming Department of Education (WDE) — is legally responsible for making sure every student with a disability receives the services and protections guaranteed under IDEA.

# Key Points of the Law

**General Supervision:** WDE must oversee all special education programs in Wyoming — not just those in local school districts, but also programs run by other public agencies or private institutions that serve students with disabilities.

**Accountability:** WDE must monitor, enforce, and correct violations of IDEA.
If a school district is not following the law, WDE is the agency responsible for taking action.

**Non-Delegable Duty:** WDE cannot shift this responsibility to school districts or other agencies.
\*\*The State itself is ultimately accountable under federal law.

# Why This Matters for Parents

If your school district is not providing your child with the services, qualified teachers, or evidence-based programs guaranteed under IDEA, the WDE has a duty to step in.

Families can — and should — hold the WDE accountable for enforcing compliance with federal and state special education law.

**NOTE:** 34 C.F.R. § 300.149 is part of the **Individuals with Disabilities Education Act (IDEA) implementing regulations**. It sets out the **responsibility of each State Education Agency (SEA)**—in Wyoming, that is the Wyoming Department of Education (WDE).

**Here is what it says in substance:**

**34 C.F.R. § 300.149 — State Responsibility for General Supervision**

* Each State must ensure that the requirements of Part B of IDEA are carried out.
* The SEA (WDE) is **responsible for ensuring** that:
	1. **All educational programs for children with disabilities** in the state—whether provided by local school districts (LEAs), other state agencies, or public/private institutions—**meet IDEA requirements**.
	2. The SEA has **general supervision** over all these programs.
	3. The SEA carries out **monitoring, enforcement, and corrective action** to guarantee compliance with IDEA.
* This responsibility cannot be **delegated away** to school districts or other agencies—the SEA is ultimately accountable.

**WDE must monitor, enforce, and ensure that every public program for students with disabilities in Wyoming complies with IDEA.**

**\*\*Bottom Line:** Wyoming law explicitly tasks the WDE with monitoring, enforcing, and correcting violations of special education law. Parents do not have to “fight alone” at the district level — the State is legally responsible for ensuring your child’s rights.

Specific related State and Federal Statutes defined - available upon parent request.