

Colorado Department of Education
Decision of the State Complaints Officer
Under the Individuals with Disabilities Education Act (IDEA)

**State-Level Complaint 2023:533
Sheridan School District**

DECISION

INTRODUCTION

On April 6, 2023, a student (“Student”) identified as a child with a disability under the Individuals with Disabilities Education Act (“IDEA”)¹ filed a state-level complaint (“Complaint”) against Sheridan School District (“District”). The State Complaints Officer (“SCO”) determined that the Complaint identified one allegation subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153. Therefore, the SCO has jurisdiction to resolve the Complaint.

RELEVANT TIME PERIOD

Pursuant to 34 C.F.R. § 300.153(c), the Colorado Department of Education (the “CDE”) has the authority to investigate alleged violations that occurred not more than one year from the date the original complaint was filed. Accordingly, this investigation will be limited to the period of time from April 6, 2022 through the present for the purpose of determining if a violation of IDEA occurred. Additional information beyond this time period may be considered to fully investigate all allegations. Findings of noncompliance, if any, shall be limited to one year prior to the date of the complaint.

SUMMARY OF COMPLAINT ALLEGATIONS

Whether the District denied Student a Free Appropriate Public Education (“FAPE”) because the District:

1. Failed to implement Student’s IEP from February 1, 2023 to present, in violation of 34 C.F.R. § 300.323, specifically by:
 - a. Failing to provide Student with the specialized instruction and related services required by her IEP.

FINDINGS OF FACT

¹ The IDEA is codified at 20 U.S.C. § 1400, *et seq.* The corresponding IDEA regulations are found at 34 C.F.R. § 300.1, *et seq.* The Exceptional Children’s Education Act (“ECEA”) governs IDEA implementation in Colorado.

After thorough and careful analysis of the entire Record,² the SCO makes the following FINDINGS:

A. Background

1. During the 2022-2023 school year, Student attended a District high school (“School”). *Interview with Director of Student Services (“Director”).*
2. Student is eligible for special education and related services under the disability category of Specific Learning Disability (“SLD”). *Exhibit A*, pp. 1, 16. An evaluation in March 2022 confirmed Student’s eligibility under SLD in the areas of reading comprehension, mathematical calculation, and mathematical problem solving. *Id.* at p. 34.
3. Though Student filed this Complaint, Student refused to participate in this investigation despite repeated attempts by the SCO.

B. Student’s IEP

4. Student’s IEP dated March 8, 2022 (“IEP”) was in effect at the beginning of the 2022-2023 school year. *Id.* at pp. 1-14.
5. The IEP reviewed Student’s present levels of performance, noting that on recent AIMSweb assessments, Student scored in the 4th percentile for math and the 5th percentile for reading. *Id.* at pp. 4-5. Though Student had not met either of her existing annual IEP goals, she had made significant progress on both goals. *Id.* at p. 4. The IEP acknowledged Student’s attendance struggles but indicated that her overall attendance rate had improved. *Id.* at p. 3.
6. Due to Student’s SLD, she needed additional time to process new information and opportunities for clarification or re-teaching. *Id.* at p. 6.
7. The IEP contained a post-secondary transition plan to help Student work towards her goal of attending cosmetology school. *Id.* at pp. 7-8.
8. The two annual goals in Student’s IEP targeted math and reading. *Id.* at pp. 9-10.
9. The IEP included nine accommodations, such as extended time on assignments and assessments, breaking directions down into steps, and reminding Student to focus. *Id.* at p. 10.
10. Under the IEP, Student received the following specialized instruction:

² The appendix, attached and incorporated by reference, details the entire Record.

- 150 minutes per week of direct specialized instruction provided by a special education teacher or paraprofessional inside the general education classroom, split between math and language arts, and
- 30 minutes per week of direct specialized instruction provided by a special education teacher or paraprofessional outside the general education classroom targeting Student’s transition plan.

Id. at p. 12.

11. Per the IEP, Student spent at least 80% of her time in the general education classroom. *Id.* at p. 13.

C. First Semester of 2022-2023 School Year

12. Student began her senior year at School on August 16, 2022. *CDE Exhibit 1*, p. 1. School’s Case Manager provided a snapshot of Student’s IEP to Student’s teachers. *Interview with Case Manager.*

13. During the fall semester, Student struggled to stay engaged with School. *Id.* Student had poor attendance and was not completing her work when she was at School. *Id.* According to Case Manager, Student had faced similar struggles off and on throughout high school. *Id.*

14. On January 12, 2023—one day before first semester ended—the District held a meeting in person with Student’s mother (“Mother”). *Response*, p. 2; *Interviews with School Principal and Case Manager.* School Principal, Social Worker, and Case Manager attended the meeting. *Response*, p. 2. The attendees discussed Student’s poor attendance and low grades, as well as the risk of Student not being able to graduate. *Interviews with School Principal and Case Manager.* If Student’s engagement did not improve during second semester, she would need to attend Alternative School to have a chance of graduating on time. *Id.*

15. During the meeting, School staff identified strategies designed to increase Student’s engagement during second semester. *Interview with Case Manager.* These strategies included moving Student to a first period study hall lead by special education staff. *Id.*

D. Student’s Transfer to Alternative School

16. Dean of Students shared these concerns with Student’s father (“Father”) (collectively with Mother, “Parents”) during a meeting on January 24, 2023. *Response*, p. 2; *Interview with Dean of Students.* At that point, Student had failed her first semester language arts class, which was one of the classes she needed to graduate. *Id.* Dean of Students also mentioned Alternative School as a possibility. *Interview with Dean of*

Students. Father indicated he wanted Student to graduate, regardless of where she graduated from. *Id.*

17. Meanwhile, Student remained disengaged from School. *Interview with Case Manager*. Student was not attending the first period study hall and was refusing her specialized instruction in language arts and math. *Id.*
18. On February 8, the District convened a meeting to discuss available options to help Student graduate on time. *Interviews with Case Manager and School Principal*. Case Manager, Counselor, Dean of Students, Ethnic Studies Teacher, Language Arts Teacher, and School Principal attended the meeting. *Response*, p. 2. Though Father and Student were invited to attend, neither was present for the meeting. *Id.*
19. School staff agreed that Student would not be able to graduate on time if she remained at School. *Id.*; *Interview with Case Manager*. There was not enough time left for Student to complete the credits needed for graduation. *Interview with Case Manager*. However, Alternative School had an expedited credit recovery program which would allow Student to complete the required credits in time for graduation in May 2023. *Id.*
20. Alternative School offered truncated classes on a quarterly basis, allowing students to complete a semester of work in half the time. *Interview with Alternative School Principal*. Students at Alternative School could complete classes online or attend school in person. *Id.*
21. During this meeting, District staff made the decision to transfer Student to Alternative School. *Interview with School Principal*. No reevaluation was conducted or considered prior to moving Student to Alternative School. *Id.*; *Interview with Case Manager*. After the meeting, School staff called Father and Mother to notify them of the decision. *Interview with School Principal*.
22. The meeting was not scheduled as an IEP Team meeting. *Interviews with Case Manager and Director*. In hindsight, Case Manager could not recall why it was not scheduled as an IEP Team meeting. *Interview with Case Manager*. No prior written notice (“PWN”) was provided to Parents regarding Student’s move to Alternative School. See *Exhibit D*, pp. 1-7.

E. Student Begins Attending Alternative School

23. Student and Father attended an entry meeting at Alternative School on February 15, and Student began at Alternative School on February 16. *Interview with Alternative School Principal*. Alternative School Case Manager was aware of Student’s IEP from the outset. *Id.*
24. Because Student started in the middle of a quarter, she was enrolled in online credit recovery courses. *Id.* The online courses are self-paced and have no interaction with peers. *Id.* Alternative School planned to transition Student to its in-person program at

the beginning of the next quarter. *Id.* In the interim, Alternative School intended to offer Student's specialized instruction in person. *Exhibit C*, p. 6.

25. In its online courses, Alternative School utilizes an outside proctor to monitor for cheating. *Interview with Alternative School Principal.* In her first days at Alternative School, Student's work was flagged for plagiarism. *Id.* Alternative School Principal met with Student to discuss the incident and ensure Student understood what constituted plagiarism. *Id.*
26. Unfortunately, the outside proctor identified another instance of plagiarism immediately thereafter. *Id.* On February 21, 2023, Alternative School removed Student from her online language arts class and indicated she would have to resume in-person classes in fourth quarter. *Id.* Student continued to have one online course. *Exhibit H*, pp. 3-4. Alternative School Principal scheduled an in-person meeting with Father and Student regarding the cheating, but neither came to the meeting. *Interview with Alternative School Principal.*
27. Student attended Alternative School in person for one day at the beginning of fourth quarter but otherwise has not attended school since February 21. *Id.* If Student had attended Alternative School and completed her coursework, she would have graduated in May 2023. *Interviews with Alternative School Principal and Case Manager.* Because Student did not attend Alternative School, she was unable to graduate. *Id.*
28. In her Complaint, Student alleged that the District failed to provide her required specialized instruction once she transferred to Alternative School. *Complaint*, p. 4. Based on her attendance, this allegation is limited to the three school days between February 16 and February 21. *Interview with Alternative School Principal.*
29. The District has not produced any documents indicating that Student received specialized instruction between February 16 and February 21. *See Exhibit C*, pp. 1-8. When asked about Student's specialized instruction, Alternative School Principal indicated Student "always had access" to Alternative School's two special education teachers. *Interview with Alternative School Principal.* He could not, however, provide any information on how Student received that instruction. *Id.*

F. Annual IEP Review

30. Student's annual IEP review was due in March 2023. *Exhibit A*, p. 1. As early as February 24, 2023, Alternative School staff reached out to Mother to schedule an IEP Team meeting. *Exhibit H*, p. 3.
31. Despite several reminders from Alternative School's Student Engagement Coordinator ("Coordinator"), Student did not complete her i-Ready testing before a scheduled IEP Team meeting. *Id.* As a result, Coordinator rescheduled the IEP Team

meeting for March 14. *Id.* Twice, Mother asked the District to reschedule IEP Team meetings and then failed to attend the rescheduled meetings. *Id.* at pp. 2-3.

32. On March 28, 2023, District staff reviewed Student's existing IEP and drafted a new IEP dated March 28, 2023 ("2023 IEP"). *Exhibit A*, pp. 16-27. The 2023 IEP indicated Student's placement was more than 80% of the time in a general education classroom and identified Alternative School as her school of attendance. *Id.* at pp. 16, 26.

CONCLUSIONS OF LAW

Based on the Findings of Fact above, the SCO enters the following CONCLUSIONS OF LAW:

Conclusion to Allegation No. 1: The District failed to implement Student's IEP between February 16 and February 21, 2023, in violation of 34 C.F.R. § 300.323(c). Additionally, the District changed Student's placement outside of an IEP Team meeting and without considering a reevaluation, in violation of ECEA Rule 4.03(8)(b)(ii)(B). The District also determined Student's placement without including Parents in the decision-making process, in violation of 34 C.F.R. § 300.116 and ECEA Rule 4.03(8)(a). Finally, the District failed to issue prior written notice regarding Student's change of placement, in violation of 34 C.F.R. § 300.503. No denial of FAPE occurred.

Student's Complaint alleges that the District failed to provide Student with the specialized instruction required by her IEP once the District transferred her to Alternative School.

A. Legal Requirements for IEP Implementation

The IDEA seeks to ensure that all children with disabilities receive a FAPE through individually designed special education and related services pursuant to an IEP. 34 C.F.R. § 300.17; ECEA Rule 2.19. The IEP is "the centerpiece of the statute's education delivery system for disabled children . . . [and] the means by which special education and related services are 'tailored to the unique needs' of a particular child." *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 994 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Ed. v. Rowley*, 458 U.S. 176, 181 (1982)). A student's IEP must be implemented in its entirety. 34 C.F.R. § 300.323(c)(2).

A school district must ensure that "as soon as possible following the development of the IEP, special education and related services are made available to a child in accordance with the child's IEP." *Id.* § 300.323(c)(2). To satisfy this obligation, a school district must ensure that each teacher and related services provider is informed of "his or her specific responsibilities related to implementing the child's IEP," as well as the specific

“accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.” *Id.* § 300.323(d).

B. Accessibility of Student’s IEP to Teachers

The SCO must first determine whether the District satisfied its obligation under 34 C.F.R. § 300.323(d). Here, the Findings of Fact demonstrate that Alternative School Case Manager was aware of the responsibilities under Student’s IEP as soon as Student transferred to Alternative School. (FF # 23.) As a result, the SCO finds and concludes that the District complied with 34 C.F.R. § 300.323(d).

C. Specialized Instruction

Student’s existing IEP required Alternative School to provide Student with 150 minutes per week of combined specialized reading and math instruction inside the general education classroom and 30 minutes per week of direct specialized instruction targeting her transition plan. (FF # 10.) Because Student enrolled at Alternative School in the middle of a quarter, she was placed in online credit recovery classes and offered in-person specialized instruction. (FF # 24.)

Within her first three school days at Alternative School, Student had been caught cheating twice in her online courses. (FF #s 25-26.) Alternative School responded by removing Student from that online course and requiring her to attend classes in person during fourth quarter. (FF # 26.) Aside from one day in fourth quarter, Student did not attend Alternative School after February 21. (FF # 27.)

The Record does not demonstrate that Student received any specialized instruction between February 16 and February 21. (FF # 29.) Indeed, Alternative School Principal indicated Student would “always have access to” Alternative School’s special education teachers but could not indicate how specialized instruction was offered or provided to Student. (*Id.*)

The IDEA contains provisions which specify when an IEP must be in effect for students who either transfer from another state or transfer to another school district in the same state, but those provisions do not apply to students who transfer to another school within the same school district. *See id.* § 300.323(e)-(f). Because Student’s IEP was developed in March 2022, the District needed to implement Student’s IEP as soon as she transferred to Alternative School. Student enrolled at Alternative School on February 15 and started her online courses on February 16. (FF # 23.) The District failed to provide Student’s specialized instruction during her first three days at Alternative School. (*Id.*) Thus the SCO

finds and concludes that this delay in implementing Student’s IEP resulted in a violation of the IDEA.

D. Materiality of Failure to Implement

The failure to implement a “material”, “essential”, or “significant” provision of a student’s IEP amounts to a denial of a FAPE. See, e.g., *Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J*, 502 F.3d 811, 822 (9th Cir. 2007) (concluding consistent with “sister courts . . . that a material failure to implement an IEP violates the IDEA”); *Neosho R-V Sch. Dist. v. Clark*, 315 F.3d 1022, 1027 (8th Cir. 2003) (holding that failure to implement an “essential element of the IEP” denies a FAPE); *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000) (ruling that failure to implement the “significant provisions of the IEP” denies a FAPE). “A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child’s IEP.” *Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J*, 502 F.3d 811, 822 (9th Cir. 2007). The materiality standard “does not require that the child suffer demonstrable educational harm in order to prevail.” *Id.* But a child’s educational progress, or lack thereof, may indicate whether there has been more than a “minor shortfall in the services provided.” *Id.*

Here, the District’s failure to implement Student’s IEP during her first three days at Alternative School was not material and, therefore, did not amount to a denial of FAPE. Though the specialized instruction was the primary component of Student’s IEP, the missed services occurred over such a short period of time and accounted for a small percentage of the services Student would have received over the course of a school year. For these reasons, the SCO finds and concludes that the District’s failure to implement did not result in a denial of FAPE.

E. Change of Placement

However, the SCO must address the manner in which the District transferred Student from School to Alternative School.

i. Prior Written Notice

The IDEA requires PWN to be provided to the parents of a child with a disability within a reasonable time before the school district:

- (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

34 C.F.R. § 300.503(a). Failure to provide prior written notice within a reasonable time before changing a student’s placement constitutes a procedural violation that may result in a denial of FAPE. See *El Paso County Sch. Dist. 2*, 113 LRP 44602 (SEA CO 08/15/13).

The notice must be provided so that parents have enough time to fully consider and respond to the action before it is implemented. *Letter to Chandler*, 59 IDELR 110 (OSEP 2012).

PWN must include a description of the action proposed or refused by the district; an explanation of why the district proposes or refuses to take the action; a description of each evaluation procedure, assessment, record, or report used by the district as a basis for the action; a description of other options the IEP team considered and the reasons why those options were rejected; and a description of any other factors relevant to the district's proposal or refusal. 34 C.F.R. § 300.503(b)(1)-(3) and (6)-(7). It must also include a statement that the parents of a child with a disability have protections under the procedural safeguards and the means of obtaining a copy if the notice is not for an initial evaluation, and sources for parents to contact to obtain assistance in understanding the procedural safeguards. *Id.* § 300.503(b)(4)-(5).

Placement—a term used to denote the provision of special education and related services—is determined by the IEP Team, including parents. 34 C.F.R. § 300.116; ECEA Rule 4.03(8)(a). The IDEA and federal guidance provide a means of determining whether a move constitutes a “change in placement.” A school district must consider three factors to determine whether an action constitutes a “change of placement”: (1) “whether the educational program set out in the child's IEP has been revised”; (2) “whether the child will be able to be educated with nondisabled children to the same extent”; and (3) “whether the child will have the same opportunities to participate in nonacademic and extracurricular services.” *Letter to Fisher*, 21 IDELR 992 (OSEP 1994).

Here, the District changed Student's placement in February 2023 when it moved Student from School to Alternative School. (FF # 21.) This action by the District impacted Student's educational program, as she moved from School's general education courses to online credit recovery courses. (FF #s 11, 23.) This move limited Student's interaction with other children and her access to nonacademic or extracurricular activities. Under the guidance in *Letter to Fisher*, Student's move to Alternative School qualified as a change of placement.

Therefore, the District was required to issue a PWN regarding Student's change of placement. Instead, Parents were informed of the District's decision by phone. (FF # 21.) The District never provided Parents with PWN regarding the change to Student's placement. (FF # 22.) Accordingly, the SCO finds and concludes that the District failed to provide Parents with the required PWN, in violation of 34 C.F.R. § 300.503. The District also erred in determining Student's placement without including Parents in the decision-making process, in violation of 34 C.F.R. § 300.116 and ECEA Rule 4.03(8)(a). These two errors resulted in a procedural violation of the IDEA.

ii. **Significant Change of Educational Placement**

The ECEA Rules require a significant change of educational placement to be made by the IEP Team and upon consideration of reevaluation. ECEA Rule 4.03(8)(b)(ii)(B); see

Weld RE-5J School District, 77 IDELR 148 (SEA CO 7/14/2020) (holding that a move to a placement where student was completely removed from the general education environment and taught one-on-one by a special education teacher constituted a significant change in placement). A significant change of educational placement occurs where a school district:

- Adds or terminates instructional or related services;
- Makes any change that results in the student having different opportunities to participate in nonacademic and extracurricular activities; or
- Transfers a student from a brick-and-mortar school to an online school or vice versa.

ECEA Rule 4.03(8)(b)(ii)(B). On the contrary, a nonsignificant change of placement includes “a change in the amount of a given service.” *Id.* 4.03(8)(b)(i).

Here, the District made a significant change of placement in February 2023 when it moved Student from the general education classroom at School to online courses at Alternative School. As a result of this change of placement, Student was no longer participating in general education classes with peers but was working independently on online courses. (FF # 23.) Student essentially moved from a brick-and-mortar school to an online school. The District changed Student’s placement outside of an IEP Team meeting and did not reevaluate Student prior to the change of placement. (FF # 21.) As such, the SCO finds and concludes that the District violated ECEA Rule 4.03(8)(b)(ii)(B).

iii. **Procedural Violation**

Failure to comply with a procedural requirement amounts to a violation of FAPE only if the procedural violation: (1) impeded the child's right to a FAPE, (2) significantly impeded the parent’s opportunity to participate in the decision-making process, or (3) caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *Knable ex rel. Knable v. Bexley City Sch. Dist.*, 238 F.3d 755, 765 (6th Cir. 2001).

Here, the District erred in changing Student’s placement. However, the District had informed Parents on several occasions that moving Student to Alternative School might be necessary for Student to graduate on time. (FF #s 14, 16.) Though the February meeting was not scheduled as a formal IEP Team meeting, all required members of an IEP Team were present except Parents. (FF #s 18, 22.) Father, at least, was invited but did not attend. (FF # 18.) Throughout Spring 2023, Parents demonstrated their unwillingness to participate in meetings despite repeated attempts by the District to accommodate Parents’ schedules. (FF #s 18, 26, 30, 31.) For this reason, the SCO finds and concludes that the procedural violations did not significantly impede Parents’

opportunity to participate in the decision-making process. The procedural violations did not amount to a violation of FAPE.

iv. Systemic Violation

Pursuant to its general supervisory authority, the CDE must consider and ensure the appropriate future provision of services for all IDEA-eligible students in District. 34 C.F.R. § 300.151(b)(2). Indeed, the U.S. Department of Education has emphasized that the state complaint procedures are “critical” to the SEA’s “exercise of its general supervision responsibilities” and serve as a “powerful tool to identify and correct noncompliance with Part B.” *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46601 (Aug. 14, 2006).

Here, nothing in the Record suggests that the District’s procedural errors were systemic. Indeed, the Record demonstrated the use of PWNs on other occasions. The failures here appear to have arisen from School staff’s interest in quickly finding a solution that would allow Student to graduate in May 2023. In their haste, staff disregarded some of the IDEA and ECEA’s procedural requirements.

REMEDIES

The SCO concludes that the District has violated the following IDEA and ECEA requirements:

- a. Failing to properly implement Student’s IEP, in violation of 34 C.F.R. § 300.323.
- b. Failing to provide Parents PWN of Student’s change of placement, in violation of 34 C.F.R. § 300.503.
- c. Failing to include Parents in the decision to change Student’s placement, in violation of 34 C.F.R. § 300.116 and ECEA Rule 4.03(8)(a).
- d. Making a significant change of placement outside of an IEP Team meeting and without consideration of reevaluation, in violation of ECEA Rule 4.03(8)(b)(ii)(B).

To remedy these violations, the District is ORDERED to take the following actions:

1. Corrective Action Plan

- a. By **Monday, July 10, 2023**, the District shall submit to the CDE a corrective action plan (“CAP”) that adequately addresses the violations noted in this Decision. The CAP must effectively address how the cited noncompliance will be corrected so as not to recur as to Student and all other students with disabilities for whom the District is responsible. The CDE will approve or request revisions that support compliance with the CAP. Subsequent to

approval of the CAP, the CDE will arrange to conduct verification activities to confirm the District's timely correction of the areas of noncompliance.

2. Final Decision Review

- a. Director, Principal, Dean of Students, Counselor, and Case Manager must review this Decision, as well as the requirements of 34 C.F.R. §§ 300.116, 300.323, and 300.503 and ECEA Rule 4.03(8)(a)-(b)(ii). This review must occur no later than **Friday, August 11, 2023**. A signed assurance that these materials have been reviewed must be completed and provided to the CDE no later than **Friday, August 18, 2023**.

3. Other Remedies

- a. Based on the outcomes of the other remedies, the CDE may require additional training, technical assistance, or revision of policy, procedure, or practice to address identified areas of concern. The CDE may also request additional records to ensure identified concerns have been addressed.
- b. Any additional findings of noncompliance identified through these remedies must be corrected consistent with 34 C.F.R. § 300.600(e).

Please submit the documentation detailed above to the CDE as follows:

Colorado Department of Education
Exceptional Student Services Unit
Attn.: CDE Special Education Monitoring and Technical Assistance

Consultant

1560 Broadway, Suite 1100
Denver, CO 80202-5149

NOTE: Failure by the District to meet any of the timelines set forth above may adversely affect the District's annual determination under the IDEA and subject the District to enforcement action by the CDE.

CONCLUSION

The Decision of the SCO is final and is not subject to appeal. *CDE State-Level Complaint Procedures*, ¶ 13. If either party disagrees with this Decision, the filing of a Due Process Complaint is available as a remedy provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. *CDE State-Level Complaint Procedures*, ¶ 13; *See also* 34 C.F.R. § 300.507(a); *71 Fed. Reg. 156, 46607* (August 14, 2006). This Decision shall become final as dated by the signature of the undersigned SCO.

Dated this 11th day of June, 2023.



Ashley E. Schubert
State Complaints Officer

APPENDIX

Complaint, pages 1-7

Response, pages 1-4

- Exhibit A: IEPs
- Exhibit B: Blank
- Exhibit C: Service Logs
- Exhibit D: Prior Written Notices
- Exhibit E: Notices of Meeting
- Exhibit F: Attendance and Grade Reports
- Exhibit G: District Policies
- Exhibit H: Correspondence and Communication Logs
- Exhibit I: Staff List
- Exhibit J: Verification of Delivery of Response

Telephone Interviews

- Alternative School Principal: May 31, 2023
- Case Manager: May 31, 2023
- Dean of Students: May 31, 2023
- Director: May 26, 2023
- School Principal: May 31, 2023
- Student: Did not respond to requests to be interviewed