

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

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**State Complaint SC2025-510  
Academy School District 20**

**DECISION**

**INTRODUCTION**

On February 5, 2025, the parent (“Parent”) of a student (“Student”) identified as a child with a disability under the Individuals with Disabilities Education Act (“IDEA”)<sup>1</sup> filed a state complaint (“Complaint”) against Academy School District 20 (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified one allegation subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

On February 20, 2025, upon agreement of the parties, the CDE extended the 60-day investigation timeline to allow the parties to participate in mediation consistent with 34 C.F.R. § 300.152(b)(1). Mediation resulted in impasse and the CDE resumed the investigation on March 20, 2025.

The CDE’s goal in state complaint investigations is to improve outcomes for students with disabilities and promote positive parent-school partnerships. A written final decision serves to identify areas for professional growth, provide guidance for implementing IDEA requirements, and draw on all available resources to enhance the quality and effectiveness of special education services.

**RELEVANT TIME PERIOD**

The CDE has the authority to investigate alleged noncompliance that occurred no earlier than one year before the date the Complaint was filed. 34 C.F.R. § 300.153(c). Accordingly, findings of noncompliance shall be limited to events occurring after February 5, 2024. Information prior to February 5, 2024 may be considered to fully investigate all allegations.

**SUMMARY OF COMPLAINT ALLEGATIONS**

The Complaint raises the following allegation subject to the CDE’s jurisdiction under 34 C.F.R. § 300.153(b)<sup>2</sup> of the IDEA:

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<sup>1</sup> 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.

<sup>2</sup> The CDE’s state complaint investigation determines if the District complied with the IDEA, and if not, whether the noncompliance results in a denial of a free appropriate public education (“FAPE”). 34 C.F.R. §§ 300.17, 300.101, 300.151-300.153.

1. The District did not fully implement Student's Individualized Education Program ("IEP") from January 17, 2025 to February 5, 2025 because it:
  - a. Did not provide the accommodations listed in the IEP, as required by 34 C.F.R. § 300.323(c);
  - b. Did not provide the specialized math instruction listed in the IEP, as required by 34 C.F.R. § 300.323(c).

### **FINDINGS OF FACT**

After thorough and careful analysis of the entire Record,<sup>3</sup> the CDE makes the following findings of fact ("FF"):

#### **A. Background**

1. During the 2024-2025 school year, Student attended fourth grade at a District elementary school ("School"). *Interview with Parent*.
2. Student qualifies for special education and related services under the disability category of Other Health Impairment. *Exhibit A*, p. 2. She has medical diagnoses of anxiety, ADHD, and PTSD. *Id.* at p. 6.
3. Parent described Student as a carefree child who enjoys ballet, ice skating, and joking around. *Interview with Parent*. At School, Student excelled at reading and enjoyed creative activities, like drawing, coloring, and art. *Interview with Fourth Grade Teacher ("Teacher")*. She was attentive when working in a small group with an adult but had more difficulty staying focused during independent work. *Id.*

#### **B. Student's IEP**

4. In Fall 2024, the District conducted an initial evaluation to determine Student's eligibility for special education and related services. *Interview with Special Education Teacher; Exhibit A*, p. 4. Based on this evaluation, a multidisciplinary team found Student eligible. *Exhibit E*, pp. 35-36.
5. Student's initial IEP was dated January 15, 2025 ("IEP"). *Exhibit A*, pp. 2-21. That IEP was in effect during the period relevant to Parent's Complaint. *Id.*; *Complaint*, pp. 2-4.

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<sup>3</sup> The appendix, attached and incorporated by reference, details the entire Record.

6. The IEP reviewed Student's present levels of performance, noting that Student regularly performed above grade level on reading. *Exhibit A*, pp. 5-6. However, Student struggled with math. *Id.* She also had difficulty staying focused in the classroom. *Id.* at pp. 6-7.
7. As noted in the IEP, Student's disability impacted her math and executive functioning skills. *Id.* at p. 9. Due to her disability, Student found math problems hard to understand, which led to frustration and anxiety. *Id.*
8. The IEP contained three annual goals in the areas of math, executive functioning, and social/emotional wellness. *Id.* at pp. 11-13.
9. The IEP included nearly two dozen accommodations, including, in part:
  - Small group instruction to help maintain focus;
  - Intentional seating away from distractions and near positive peers;
  - Use of sensory and anxiety tools; and
  - Access to cursive practice, drawing, or coloring during scheduled sensory breaks, at the end of small group rotations, or when advocated for by [S]tudent.

*Id.* at p. 14. Many of these accommodations were previously included in Student's 504 Plan and already in effect in her classroom. *Interviews with Special Education Teacher and Teacher.*

10. The IEP required Student to receive the following specialized instruction and related services:
  - Mental Health: 80 minutes per month of direct mental health services provided by a mental health provider in a small group or individual setting targeting Student's social/emotional wellness goal.
  - Specialized Instruction:
    - 60 minutes per week of direct math instruction outside the general education classroom (identified as "pull out" services in the IEP) provided by a special education teacher or a paraprofessional under their supervision.
    - 30 minutes per week of direct math instruction provided inside the general education classroom (identified as "push in" services in the IEP) provided by a special education teacher or a paraprofessional under their supervision.
    - 150 minutes per week of direct academic support services in the general education classroom (identified as "push in" services in the IEP) provided by a special education teacher or a paraprofessional under their supervision. These services targeted Student's executive functioning goal.

*Exhibit A*, p. 17; *Interview with Special Education Teacher*. The IEP specified that “[s]ervice time excludes holiday breaks, assemblies, field trips, class parties, state and district assessments and student absences.” *Id.*

11. Under the IEP, Student spent more than 80% of her day in the general education classroom. *Id.* at p. 18.

### **C. Knowledge of Student’s IEP**

12. Special Education Teacher—who served as Student’s case manager—and Teacher participated in the development of Student’s IEP and, as a result, were aware of its requirements. *Interviews with Special Education Teacher and Teacher*.
13. Once the IEP was finalized, Special Education Teacher provided a snapshot of Student’s IEP to everyone who worked with Student, including specials teachers and paraprofessionals. *Interview with Special Education Teacher*. Paraprofessionals also had access to a binder with the snapshot. *Id.*

### **D. Implementation of Student’s Specialized Instruction**

14. Parent’s Complaint alleges that the District did not fully implement Student’s IEP between January 17, 2025 and February 5, 2025. *Complaint*, pp. 2-4. Specifically, Parent asserted that Student did not receive the specialized math instruction and was denied access to her accommodations on two occasions. *Id.*
15. Beginning on January 21, 2025, two paraprofessionals (“Paraprofessionals”) provided Student with 30 minutes of math support per week inside the general education classroom. *Id.* Paraprofessionals worked under the supervision of Special Education Teacher. *Id.* Special Education Teacher briefly met with Paraprofessionals at the beginning and end of each school day to discuss any concerns they had, as well as the best ways to motivate and support Student. *Id.*
16. Beginning on January 23, 2025, Special Education Teacher provided Student 30 minutes of math instruction outside the general education classroom on Mondays and Thursdays. *Interview with Special Education Teacher*. The instruction was delivered in a small group setting. *Id.* Prior to the sessions, Special Education Teacher and Teacher collaborated to ensure consistency in their language and teaching styles to aid Student’s comprehension. *Id.* They also talked before and after math tests. *Id.*
17. Special Education Teacher and Paraprofessionals contemporaneously logged the services provided to Student. *Id.*; *Exhibit H*, pp. 12-13. As noted above, Student’s specialized instruction was in effect no later than five school days after Student’s IEP was developed. *Exhibit H*, pp. 12-13.; *Interview with Special Education Teacher*. The logs evidence that Student received her specialized math instruction—both inside and outside the general

education classroom—as scheduled and in accordance with her IEP between January 27 and February 5, except January 30, when Student was completing District assessments. *Exhibit H*, pp. 12-13.

18. Parent’s concerns regarding Student’s math instruction arose from an incident that occurred in Student’s fourth-grade classroom on January 22, 2025. *Interview with Parent; Complaint*, p. 4; *Exhibit G*, pp. 152, 234. That day, Parent was volunteering in the classroom when a paraprofessional allegedly told Parent that she could not solve the students’ math problem. *Interview with Parent*.
19. Parent shared this incident with Special Education Teacher. *Interview with Special Education Teacher*. According to Special Education Teacher, the paraprofessional waited to see what strategy Teacher would use to solve the problem to ensure her support aligned with Teacher’s lesson. *Id.* It was not a situation where the paraprofessional did not actually know how to complete the problem. *Id.*
20. This isolated incident led Parent to question the suitability of all of Student’s specialized math instruction. *Interview with Parent*. To resolve her concern, Parent demanded Teacher allow her to come to School during Student’s math time to assist her with her coursework. *Interview with Teacher; Exhibit G*, pp. 92-93, 95, 98 (“I have the legal right as a parent volunteer to come in . . . to help [Student] with math, even in the classroom as necessary, which was confirmed after speaking with my lawyer.”). The District reaffirmed that Student’s support must “be provided by licensed service providers in accordance with her IEP and the law.” *Exhibit G*, p. 108.

#### **E. Implementation of Student’s Accommodations**

21. As noted above, Parent’s Complaint argues that the District denied Student access to her accommodations on two occasions. *Complaint*, pp. 2-4.
22. The first occasion occurred on January 22, 2025, when Parent was volunteering in Student’s classroom. *Interview with Parent*. Teacher walked around the classroom while students were independently completing a math problem. *Interview with Teacher*. Instead of working on math, Student was coloring. *Id.* Teacher tapped on Student’s desk and asked her to put the coloring sheet away. *Id.* Student complied. *Id.*
23. Afterwards, Parent approached Teacher to inform him that Student had the coloring sheet out because she was accessing the accommodation under her IEP. *Id.* Neither Student nor Parent had advocated for Student to have a coloring sheet at that time. *Id.* Student’s IEP required her to have access to coloring sheets “during scheduled sensory breaks, at the end of small group rotations, or when advocated for by [S]tudent.” *Interview with Teacher; Exhibit A*, p. 14. Teacher said he did not deny Student access to this accommodation because it was not a scheduled sensory break, not the end of a small group rotation, and not advocated for by Student. *Interview with Teacher*.

24. The District responded to Parent's concern in two ways. *Interview with Special Education Teacher*. Special Education Teacher met with Student to ensure she knew how to advocate for a coloring break. *Id.* They placed a sticker on Student's desk that she could point to for a break. *Id.* The District also scheduled an IEP Team meeting for January 30, 2025, to clarify Student's accommodations in light of Parent's concerns. *Id.*
25. The second occasion took place on January 30, 2025, during music class. *Interview with Parent; Complaint*, pp. 2-4. Parent alleged Music Teacher denied Student access to fidgets, while also reprimanding Student for behavior related to her disability. *Interview with Parent; Complaint*, pp. 2-4. Per Parent, Student "happened" to stick out her tongue in class and said that it was not directed at Music Teacher. *Exhibit G*, p. 97.
26. Music Teacher recalled the events differently. *Interview with Music Teacher*. According to Music Teacher, Student always had access to a basket of fidgets during music class. *Id.* Student simply needed to let Music Teacher know she needed a fidget. *Id.* This procedure was in place both under Student's prior 504 Plan and under her IEP. *Id.*
27. Music Teacher utilizes a three-tiered warning system to address behavior in her classroom. *Id.* First, she directs the student to stop the behavior. *Id.* If the student gets a second warning, they complete a music-related worksheet instead of participating with their peers. *Id.* The third warning entails an email home. *Id.* On the day in question, Student received an initial warning for talking during instructions. *Id.* Student stuck her tongue out at Music Teacher and received a rhythm worksheet in response. *Id.* Student did not ask for or otherwise indicate that she needed or wanted a fidget. *Id.* The recollection of Paraprofessional 1—who was in the classroom at the time—aligned with Music Teacher's memory. *Exhibit G*, p. 89.
28. The following day, Parent confronted Music Teacher about the incident. *Id.* at pp. 89, 112. Music Teacher requested the presence of Security Guard. *Id.* at p. 112. Parent accused Music Teacher of being racist and discriminating against Student. *Interview with Music Teacher; Exhibit G*, pp. 112-13. According to Security Guard, Parent "verbally attack[ed]" Music Teacher and demanded that Student not be disciplined using worksheets in the future. *Exhibit G*, pp. 112-13. When the conversation ended, Music Teacher was in tears. *Id.*; *Interview with Music Teacher*. Music Teacher left the confrontation with the understanding that Parent did not want Student subjected to any discipline in music class. *Interview with Music Teacher*.
29. Ultimately, District security escorted Parent off School grounds. *Exhibit G*, pp. 113-14. The District subsequently issued a trespass warning, prohibiting Parent's presence on School grounds without prior permission. *Exhibit G*, pp. 127-29.
30. Student did not attend music class after the incident on January 30, 2025. *Interview with Music Teacher*. Instead, Student doubled up on another specials class. *Id.*
31. Since mid-March, Parent has homeschooled Student. *Interview with Parent*.

## **CONCLUSIONS OF LAW**

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

**Conclusion to Allegation No. 1: The District properly implemented Student's IEP between January 17, 2025 and February 5, 2025. The District complied with 34 C.F.R. § 300.323.**

The sole allegation in Parent's Complaint concerns the implementation of Student's IEP between January 17, 2025 and February 5, 2025. Specifically, Parent asserts that the District denied Student access to her accommodations on two occasions and did not provide Student with her specialized math instruction. (FF #s 22-27.)

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.* To satisfy this obligation, each teacher and related services provider must be 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).

### **A. Knowledge of Student's IEP**

As a preliminary matter, the CDE must determine whether the District satisfied its obligation under 34 C.F.R. § 300.323(d) to ensure staff have knowledge of Student's IEP. The Findings of Fact demonstrate that the District fulfilled this duty. Special Education Teacher and Teacher assisted in the development of Student's IEP and, as a result, were aware of its requirements. (FF # 12.) Once the IEP was finalized, Special Education Teacher provided a snapshot of Student's IEP to all staff members who worked with Student, including specials teachers and paraprofessionals. (FF # 13.) Additionally, many of the accommodations in Student's IEP were duplicated from her prior 504 Plan, which staff were already implementing. (FF # 9.) For these reasons, the CDE finds and concludes that the District satisfied the requirements of 34 C.F.R. § 300.323(d) by ensuring staff had access to and were knowledgeable about Student's IEP.

### **B. Access to Accommodations**

Though Student's IEP contained nearly two dozen accommodations, only two are at issue in this investigation: Student's access to fidgets and Student's ability to color during scheduled sensory

breaks, at the end of small group rotations, or when advocated for by Student. (FF #s 9, 21-27.) Parent's Complaint did not allege that Student never received these accommodations; instead, Parent asserted that the accommodations were not provided during isolated incidents on January 22, 2025 and January 30, 2025. (FF #s 21-27.)

As detailed in the Findings of Fact, the District properly implemented Student's IEP on both occasions. During the January 22, 2025 incident, Parent alleged Teacher denied Student access to her coloring accommodation. (FF #s 22-23.) However, Student was coloring during math, not during a scheduled sensory break or at the end of small group rotations. (*Id.*) And neither Student nor Parent had indicated Student needed a coloring break. (*Id.*) In that situation, Student's IEP did not require her to be provided access to coloring, and Teacher acted consistent with her IEP when he asked Student to put the coloring sheet away. (FF #s 9, 22-23.)

Even though Teacher's actions aligned with Student's IEP, the District still took steps to address Parent's concerns. (FF # 24.) Special Education Teacher met with Student to ensure she knew how to ask for a break, and the District convened Student's IEP Team to review her accommodations. (*Id.*) These actions confirmed both that Parent's voice was heard and that Student's access to her accommodations was optimized.

With regard to the incident on January 30, 2025, the Findings of Fact show that Parent's concerns arose primarily from Music Teacher's use of the three-tiered warning system to address Student's behavior, not from Student's access to fidgets. (FF #s 25-28.) Music Teacher indicated fidgets were available to Student—should she choose to access them—using the same procedure that had been in place all school year under Student's prior 504 Plan. (FF # 26.) The Findings of Fact simply do not support a determination that Student was denied access to her accommodation.

For these reasons, the CDE finds and concludes that the District properly implemented these two accommodations during the incidents on January 22, 2025 and January 30, 2025. In doing so, the District complied with 34 C.F.R. § 300.323.

### **C. Specialized Math Instruction**

Student's IEP required that she receive 90 minutes per week of specialized math instruction: 60 minutes per week outside the general education classroom and 30 minutes per week inside the general education classroom. (FF # 10.) As detailed in the Findings of Fact, Special Education Teacher provided Student's math instruction outside the general education classroom, while Paraprofessionals provided it inside the general education classroom. (FF #s 15-16.) These staff members contemporaneously logged the services they provided to Student. (FF # 17). And those logs demonstrate that Student received all the services required by her IEP between January 17, 2025 and February 5, 2025. (*Id.*) The specialized instruction was in effect within a week of the development of Student's IEP (*Id.*), consistent with the IDEA's requirement that an IEP be implemented "as soon as possible following development." 34 C.F.R. § 300.323(c)(2).



As for Parent's concerns about Paraprofessionals' math abilities (FF #s 18-19), the CDE finds this argument unpersuasive. Special Education Teacher confirmed that she collaborated with Teacher on Student's math instruction. (FF#s 15-16.) She, in turn, worked with Paraprofessionals to ensure they were able to support Student in a meaningful way. (*Id.*) These facts make it unlikely that Paraprofessionals were unable to assist Student with math.

For these reasons, the CDE finds and concludes that the District provided Student with the specialized math instruction required by her IEP between January 17, 2025 and February 5, 2025. In doing so, the District complied with 34 C.F.R. § 300.323.

#### **D. Parent Participation in the IEP Process**

The IDEA recognizes the important role parents play in the special education process and "places special emphasis on parental involvement." *Systema v. Academy Sch. Dist.* 20, 538 F. 3d 1306, 1312 (10th Cir. 2008). The IDEA's collaborative process allows parents to advocate for their child, and it even requires IEP Teams to consider a parent's concerns "for enhancing the education of their child." 34 C.F.R. § 300.324(a)(ii). However, it does not give a parent the right to dictate all aspects of the child's education. *See Roaring Fork Sch. Dist.*, 124 LRP 34383 (SEA CO 12/26/23) (noting that parents do not have "veto power" over IEP Team decisions). And it does not afford a parent the right to belittle and denigrate educators and district staff.

During the pendency of this investigation, Parent has forwarded or copied the State Complaints Officer ("SCO") on nearly 250 emails to District staff. Indeed, the District produced over 1,100 pages of email correspondence between Parent and District staff as part of this investigation. *See Exhibit G*, pp. 1-1123. These emails have included School staff, District administrators, and the District's school board. As relentless as Parent's emails have been in frequency, their content has been even more hurtful. Parent repeatedly threatened District staff with lawsuits, demanded they be fired, and even challenged Principal's credentials with the State. Parent has belittled District staff members, referring to them as evil, toxic, incompetent, racist, "KKK and satan worshippers," and even noted there was "a special place in hell" for District staff. *Id.* at p. 977. Parent also sent District staff a bloody poster from a horror movie, where a bullied student kills her classmates. *Id.* at pp. 1005-008, 1018, 1052. The District perceived this as a threat and instituted a secure perimeter around School, though Parent later claimed it was "for fun and a laugh." *Id.* Parent has continued to send these emails despite the District appropriately placing her on a weekly communication plan. *See, e.g., Ringwood (NJ) Sch. Dist.*, 80 IDELR 232 (OCR 2021) (concluding that the district acted appropriately when it implemented a communication plan due to the parent's voluminous emails to staffers, which included inappropriate and disrespectful language).

Parents' emails do not demonstrate a desire to improve academic or social outcomes for Student or to foster collaboration. This is not even a situation where Parent merely expressed her disagreement with the District's actions. While Parent characterizes her actions as advocacy, her use of threats, demeaning language, and intimidation are not advocacy by any definition. *Exhibit*

G, p, 93. An advocate supports the interests of another person to improve that individual's outcome. Parent's actions have not enhanced Student's education but, instead, have only served to make District staff feel denigrated. For the benefit of all involved—but, most especially, Student, the CDE urges Parent to consider using collaborative advocacy in the future. *See CDE Exhibit 1* (outlining principles of collaborative advocacy). Collaborative advocacy focuses on the child while promoting the dignity of all individuals involved in the discussions. *Id.* Utilizing this approach keep the focus on Student and her education, while ensuring all adults remain respectful and professional. *Id.*

### **REMEDIES**

The CDE concludes that the District complied with the requirements of the IDEA. Accordingly, no remedies are ordered.

### **CONCLUSION**

The Decision of the CDE 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 6th day of May, 2025.



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Ashley E. Schubert  
Senior State Complaints Officer

## **APPENDIX**

### **Complaint, pages 1-5**

- Exhibit 1: IEP

### **Response, pages 1-17**

- Exhibit A: IEPs
- Exhibit B: 504 Plan
- Exhibit C: Notices of Meeting
- Exhibit D: Prior Written Notices
- Exhibit E: Evaluation
- Exhibit F: Grades and Attendance
- Exhibit G: Email Correspondence
- Exhibit H: Service Logs and Doctor Notes
- Exhibit I: Complaint Information

### **Reply, pages 1-3**

### **Telephone Interviews**

- Music Teacher: April 14, 2025
- Parent: April 14, 2025
- Special Education Administrator: April 14, 2025
- Special Education Teacher: April 14, 2025
- Teacher: April 14, 2025

### **CDE Exhibit 1: Collaborative Advocacy Principles**