

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

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**State Complaint SC2025-534**  
**Adams-Arapahoe School District 28J**

**DECISION**

**INTRODUCTION**

On March 26, 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 Adams-Arapahoe School District 28J (“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.

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 March 26, 2025. Information prior to that date 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:

1. District did not fully implement Student’s Individualized Education Program (“IEP”) from August 2024 to present because it:

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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 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.

- a. Did not make the IEP accessible to teachers or service providers responsible for its implementation, as required by 34 C.F.R. § 300.323(d); and
- b. Did not provide the accommodations listed in the IEP during Student's general education math class—specifically, a notebook for schedules, calculator guidelines, and pre-test studying—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. Student is eleven years old and attends a District elementary school ("School") in fifth grade. *Exhibit A*, p. 16. She qualifies for special education and related services under the disability category of Other Health Impairment. *Id.*
2. Student is a kind, enthusiastic child who works diligently to meet expectations. *Interviews with Parents, Student's special education teacher ("Special Education Teacher"), and Student's mathematics teacher ("Math Teacher")*. She loves collecting rocks and crystals, and frequently plays volleyball. *Interviews with Parents and Math Teacher*.
3. She has been diagnosed with attention deficit hyperactive disorder, which affects her academic and social-emotional performance. *Interview with Parents; Exhibit A*, p. 20.
4. This investigation involves the implementation of accommodations from an IEP dated January 22, 2025 (the "IEP"), which was in effect during the 2024-2025 academic year. *Exhibit A*. It was developed after a District evaluation of Student in January 2023. *Id.* at p. 16.

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

5. The IEP documents Student's present levels of educational performance, providing input from her teachers, documenting her progress on previous IEP goals, describing the impact of her disability on her academic and social-emotional performance, and recording parent input. *Id.* at pp. 18-20.
6. The IEP identifies four annual goals for Student: one writing goal, one self-determination goal, and two mathematics goals. *Id.* at pp. 21-23. Of these goals, one mathematics goal pertains to Student's proficiency in performing long division problems. *Id.* at pp. 22-23.

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

7. The IEP identifies twenty-three accommodations as necessary for Student to access general education. *Id.* at p. 23. Relevant to this investigation, three of these accommodations are:

- “Continued use of planner/calendar and coaching around use to help with organization of assignments and time management.”
- Calculator for math problems with division.
- “Resource Binder (step by step and example problem)”

*Id.*

8. The IEP describes the services to be provided to Student, including 270 minutes per week of direct specialized instruction outside the general education classroom, 60 minutes per week of direct specialized instruction inside the general education classroom, and 30 minutes per month of indirect mental health services. *Id.* at p. 26.

9. The IEP states that the IEP Team determined that it was appropriate that Student be in the general education environment at least 80% of the time. *Id.* at p. 27.

#### **C. District’s Practices, Policies and Procedures**

10. District’s director of exceptional student services (“Director”) stated that District expects its staff to implement student IEPs with fidelity. *Interview with Director.*

11. When an IEP is developed, the case manager is expected to ensure that the student’s general education teachers are made aware of their responsibilities under the IEP. *Id.*

12. District provides regular training to staff regarding IEP implementation and other compliance issues. *Id.*

13. District provides its staff with a 74-page special education handbook, which details District’s expectations related to the provision of special education and related services. *Exhibit I*, pp. 3-77.

#### **D. IEP Implementation: Accessibility and Responsibilities**

14. Teachers in District have access to student IEP information via District’s online student record system. *Interviews with Special Education Teacher and Math Teacher.*

15. Special Education Teacher is Student’s case manager and is responsible for ensuring that Student’s general education teachers are familiar with their responsibilities under Student’s IEP. *Interview with Special Education Teacher.*

16. Special Education Teacher meets with Student’s general education teachers, including Math Teacher, on a weekly basis to discuss Student’s progress, strategize pursuit of her special

education goals, and answer any questions the general education teachers have regarding Student's IEP. *Id.*

17. On August 5, 2024, prior to the start of the 2024-2025 school year, Special Education Teacher sent an email to Student's general education teachers, including Math Teacher, which included an IEP snapshot for Student. *Exhibit J*, p. 96.
18. The IEP snapshot is a document made available to Student's general education teachers which includes essential information regarding Student's special education and related services, including a list of her accommodations. *Exhibit A*, pp. 29-33.
19. Math Teacher described familiarity with Student's IEP, and stated that she routinely accesses the IEP snapshot via her computer to ensure that she is providing the correct accommodations. *Interview with Math Teacher*.

#### **E. IEP Implementation: Accommodations**

20. Parent alleges that the three IEP accommodations described above at FF #7 were not provided to Student by Math Teacher. *Complaint*, p. 5.

#### **Notebook for Schedules**

21. Student's IEP contains an accommodation which reads: "Continued use of planner/calendar and coaching around use to help with organization of assignments and time management." *Exhibit A*, p. 23.
22. Parents described their understanding of this accommodation as requiring that, daily, Student write a list of that day's assignments for each class into a notebook and obtain the signatures of each of her teachers certifying the accuracy of the day's entry. *Interview with Parents*.
23. Special Education Teacher worked frequently with Student to support her in entering assignments into the planner. *Interview with Special Education Teacher*.
24. On or shortly after November 13, 2024, Parent and Math Teacher exchanged messages regarding Student's usage of the planner. *Exhibit J*, pp. 117-120. Math Teacher inquired whether all assignments worked on at school should be recorded in the planner, or just graded assignments. *Id.* at p. 117. Parent asked that Math Teacher sign the planner daily to certify Student's assignments, and Math Teacher suggested that due to Student's schedule, she would try to meet with Student in the morning to review assignments. *Id.* at pp. 118-120.
25. Based on these facts, and the plain text of the accommodation which does not require the planner to be certified by a teacher, the CDE finds that District provided this accommodation consistent with the IEP from August 2024 to present.

### Calculator Guidelines

26. Student's IEP contains an accommodation which reads: "Calculator for math problems with division." *Exhibit A*, p. 23.
27. Parents described their understanding of this accommodation as requiring that Student be allowed limited use of a calculator while doing math assignments using division. *Interview with Parents*. For instance, when doing long division, she should be expected to understand the steps involved in solving the problem and show her work but may use a calculator to perform simple division functions like those which would appear on a multiplication or division table. *Id.*
28. District staff described a similar understanding of this accommodation, noting that Student would be expected to demonstrate her understanding of long division but could use a calculator for simple quotients. *Interviews with Special Education Teacher and Math Teacher*.
29. Based upon the parties' understanding of this accommodation, and in consideration of Student's annual IEP goal pertaining to her understanding and use of strategies for long division, the CDE finds that this accommodation required that Student have access to a calculator for those portions of math assignments in which simple division functions are required. *Exhibit A*, pp. 22-23.
30. Student, due to her extended time accommodation, typically took math tests with Special Education Teacher. *Id.* When working with Student in the special education classroom, Special Education teacher credibly described providing a calculator to Student for only those portions of math assessments in which she needed to perform simple division functions. *Interview with Special Education Teacher*.
31. Similarly, Math Teacher credibly described that when Student worked on long division problems in the general education classroom, she was permitted to use the calculator on her phone to perform simple division functions. *Interview with Math Teacher*.
32. Math Teacher provided an example of division classwork done by Student in the general education classroom, in which Student correctly interpreted a word problem and, using a visual technique, showed her work in solving a division problem using long division strategies. *Exhibit M*, p. 1.
33. Based on these facts, the CDE finds that District provided this accommodation consistent with the IEP from August 2024 to present.

### Pre-Test Studying

34. Student's IEP contains an accommodation which reads: "Resource binder (step by step and example problem.)" *Exhibit A*, p. 23.

35. Parents described this accommodation as requiring that Math Teacher send pre-test study guides with example problems home with Student so that Parents could use those problems to help Student to prepare for an upcoming test. *Interview with Parents.*
36. District staff described their understanding of the accommodation as requiring that Student have access at her desk to a binder which includes resources with strategies and simple arithmetic tables to assist in solving math problems. *Interviews with Special Education Teacher and Math Teacher.*
37. Parents' specific concern is that these pre-test study resources were not made available with sufficient time prior to upcoming math tests. *Interview with Parents.*
38. Parents and Special Education Teacher both stated that Student regularly carries with her a resource binder which includes information designed to help Student in solving math problems. *Interviews with Parents and Special Education Teacher.*
39. Based on these facts, and the plain text of the accommodation which does not require the sending home of pre-test study guides, the CDE finds that District provided this accommodation consistent with the IEP from August 2024 to present.

### **CONCLUSIONS OF LAW**

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

**Conclusion to Allegation No. 1: District properly implemented Student's IEP from August 2024 to present, consistent with 34 C.F.R. § 300.323. District complied with the IDEA.**

Parents' concerns are that three IEP accommodations were not provided to Student by Math Teacher. (FF # 20).

#### **A. IEP Implementation: Legal Requirements**

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." *Andrew 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 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 district must ensure that each teacher and related services provider has access to the IEP and 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. IEP Accessibility and Responsibilities**

The CDE must determine whether District satisfied its obligation under 34 C.F.R. § 300.323(d). Here, Student's teachers had access to IEP information during the 2024-2025 academic year via District's student record system. (FF # 14). Special Education Teacher, Student's case manager, made Student's general education teachers aware of their responsibilities by providing them a copy of an IEP snapshot which included Student's accommodations. (FF #s 17-18). She also routinely meets with Student's general education teachers to ensure understanding of the IEP. (FF # 16). Math Teacher described familiarity with Student's IEP. (FF # 19).

For these reasons, the CDE finds and concludes that District ensured that teachers and services providers working with Student had access to and were informed of their responsibilities under Student's IEP, consistent with 34 C.F.R. § 300.323(d).

### **C. Implementation of Student's Accommodations**

The CDE must determine whether District made accommodations available to Student consistent with the IEP from August 2024 to present. 34 C.F.R. § 300.323(c)(2).

Here, Parents raised concerns with three accommodations: Notebook for Schedules, Calculator Guidelines, and Pre-Test Studying. (FF # 20). As described in the Findings of Fact, District provided all three of these accommodations to Student with fidelity to the text of the IEP. (FF #s 25, 33, 39). For these reasons, the CDE finds and concludes that District properly implemented the IEP from August 2024 to present, consistent with 34 C.F.R. § 300.323(c)(2).

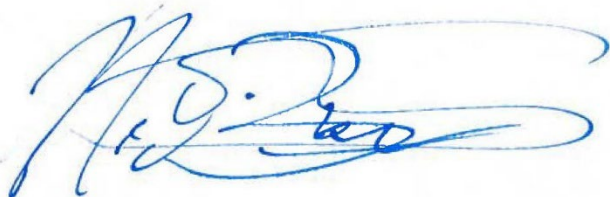
### **REMEDIES**

The CDE concludes that District complied with 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 State Complaints Officer ("SCO").

Dated this 23rd day of May, 2025.



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Nick Butler  
State Complaints Officer



## **APPENDIX**

### **Complaint, pages 1-8**

- Exhibit 1: Letter from Parent to School
- Exhibit 2: Messages between Parent and Math Teacher

### **Response, pages 1-11**

- Exhibit A: IEPs
- Exhibit B: Notices of Meeting
- Exhibit C: Prior Written Notices
- Exhibit D: Meeting Documentation
- Exhibit E: Schedule, Grades, Attendance
- Exhibit F: Progress Reports
- Exhibit G: Service Logs
- Exhibit H: Calendars
- Exhibit I: Policies and Procedures
- Exhibit J: Correspondence
- Exhibit K: n/a
- Exhibit L: Verification of Delivery
- Exhibit M: Additional Documentation provided by Math Teacher
- Exhibit N: Additional Documentation from Special Education Teacher

### **Telephone Interviews**

- Parents: April 22, 2025
- Special Education Teacher: April 24, 2025
- Math Teacher: April 25, 2025
- Director: April 25, 2025