

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

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**State Complaint SC2025-549**  
**Fort Lupton-Keenesburg Consortium**

**DECISION**

**INTRODUCTION**

On April 18, 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 the Fort Lupton-Keenesburg Consortium (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified two allegations 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 April 18, 2024. Information prior to April 18, 2024 may be considered to fully investigate all allegations.

**SUMMARY OF COMPLAINT ALLEGATIONS**

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

1. The District did not fully implement Student’s Individualized Education Plan (“IEP”) as required by 34 C.F.R. § 300.323 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 from December 16, 2024 through April 8, 2025, as required by 34 C.F.R. § 300.323(d).
  - b. Did not first contact Student's case manager during a behavior incident on December 16, 2024, as required by 34 C.F.R. § 300.323(c).
  - c. Did not provide an accommodation listed in the IEP, specifically timely notice to Parent of a change in Student's schedule, from March 25, 2025 through April 8, 2025, as required by 34 C.F.R. § 300.323(c).
  - d. Did not provide Student with the special education services listed in the IEP on April 8, 2025, as required by 34 C.F.R. § 300.323(c).
2. The District did not reevaluate Student after Parent requested a reevaluation on January 8, 2025 and February 11, 2025, as required by 34 C.F.R. § 300.303(a).

### **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. 1. He qualifies for special education under the disability category of Autism Spectrum Disorder ("ASD"). *Id.*
2. Parent describes Student as a "highly intelligent" child who teaches himself the alphabet in different languages, performs math in his head, and greets others with kindness. *Interview with Parent*. At School, Student prefers routine and becomes frustrated if items are out of place, instruction proceeds at a different pace than he desires, or if he does not understand a concept. *Interviews with Special Education Case Manager ("Case Manager"), Principal, and Assistant Principal*. Student also has a history of elopement from school property. *Interviews with Parent, Principal, and Assistant Principal*.
3. This investigation involves implementation of two IEPs. *Response*, pp. 2-3, 5-7; *see Exhibit A*. The first IEP was in effect from November 12, 2024 to February 10, 2025 ("November 2024 IEP"). *Exhibit A*, pp. 1-13. The second IEP was in effect from February 11, 2025 through the period relevant to the Complaint ("February 2025 IEP"). *Id.* at pp. 22-37; *Complaint*, p 3.

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

## **B. November 2024 IEP and BIP**

4. On November 12, 2024, an IEP team convened to review and revise Student's IEP given a scheduled triennial evaluation. *Response*, pp. 2-3; *Interview with Case Manager*. This meeting resulted in Student's November 2024 IEP and BIP. *See Exhibit A*, pp. 1-17. Student's BIP is the at-issue component of the November 2024 IEP here. *See Complaint*, p. 8.
5. Student's November 2024 BIP identifies one target behavior: Student "becomes escalated, cries, rolls on the floor, rips papers, and elopes out of the classroom and attempts to run out the building." *Exhibit A*, p. 14. The target behavior occurs "several times a month" during transitions to non-preferred tasks. *Id.*
6. The BIP includes two setting event strategies to reduce the impact of the behavior. *Id.* at p. 15. One strategy involves use of a "calm down area" in Case Manager's room. *Id.*
7. Relevant to this investigation, the BIP contains a three-phase "De-Escalation Plan in Response to a Crisis Situation" ("Student's Crisis Plan") for situations where Student's behavior could result in danger to self or others. *Id.* at p. 16. Student's Crisis Plan identifies behaviors constituting a crisis and corresponding staff support actions:
  - In Phase 1, Student's accelerating behaviors include "yelling" and "crying out of frustration." Staff supports by providing calm-down strategies and calling Case Manager.
  - In Phase 2, Student's severe or crisis behaviors include "elopement" or "ripping up papers." Staff supports by class evacuation, where "[Case Manager] will determine if admin needs to be called."
  - In Phase 3, Student's post-escalation behaviors include issuing a written or verbal apology, cleaning up, and returning to class. Staff supports by helping with the apology.

*Id.*
8. Student's Crisis Plan also states that the following individuals must be involved in every crisis involving Student: "[s]pecial education teacher/case manager, parents, student, [and] general education teacher." *Id.* It provides that "[p]ara, admin, psychologist, [and] special education director" only need to be involved on a case-by-case basis. *Id.*
9. The "Hypothesis" section of the BIP assigns School administration with other specific implementation responsibilities, and Student's February 2025 BIP includes similar language. *See Exhibit A*, pp. 20-21.
  - Administration might be "required" to support if Student leaves the School building.

- Administration is responsible for reporting incidents of attempted elopement to Parent.

*Id.* at pp. 14-15.

10. Finally, Student's BIP requires Case Manager to communicate behavior plan revisions and updates to Parent, Principal, and Student. *Id.* at pp. 16-17.
11. Separate and apart from Student's Crisis Plan, School also has a crisis team that responds when any member of the student population exhibits escalated behavior. *Interviews with Principal and Assistant Principal.* The goal of the crisis team is to assist with de-escalation and ensure safety of both the escalated student and classmates. *Interview with Assistant Principal.*
12. Crisis team members include: Principal, Assistant Principal, Secretary, School Psychologist, and, if a special education student is involved, that student's case manager. *Id.*; *Interview with Principal.* Each member is Crisis Prevention Institute ("CPI") trained. *Exhibit L*, p. 13.
13. Each member of the crisis team carries a radio with them, and the team is activated by either a call of "admin support" or "admin assistance" on the radio, or by phone or email. *Interviews with Principal and Assistant Principal.* Upon a radio call requesting administrative support, the crisis team responds immediately. *Interview with Principal.*

### **C. February 2025 IEP**

14. On February 11, 2025, an IEP team convened to review and revise Student's November 2024 IEP and BIP based on a January 8, 2025 meeting with Parent and a January 29, 2025 functional behavioral assessment ("FBA") Report. *Exhibit 3; Response*, p. 6. This meeting resulted in Student's February 2025 IEP and BIP. *Response*, pp. 6-7.
15. Student's February 2025 IEP documents Student's love for family, routine, and time on the swing and Student's functional strengths related to letters and explaining different types of fonts. *Exhibit A*, p. 24.
16. The IEP's Present Levels of Academic Achievement and Functional Performance section describes Student's work on following directions, managing emotions and behaviors, making appropriate decisions in the general education environment, and communication. *Id.* at pp. 26-27.
17. The IEP's Student Needs and Impact of Disability section documents that Student's disability "impacts his ability to complete assignments and maintain focus in classes." *Id.* at p. 27. Specifically, he "needs constant supervision and support from an adult at all times for safety" and "utilizes significant academic supports and staff support" to participate in general education classes and regulate his behaviors and emotions. *Id.* Student benefits from breaks and one-on-one or small-group instruction. *Id.*

18. The IEP includes two annual goals in self-determination and one in reading comprehension. *Id.* at pp. 30-31
19. According to the Parental Input section, Parent “requested the use of a notebook for daily communication for full transparency as [Student] is unable to express how his day went.” *Id.* at p. 27. Parent also expressed that it is “extremely important” to give Student “as much of a heads up as possible to any changes. Most of the time if he is given enough time to prepare for changes, they won’t bother him. If at all possible try to limit the number of changes per day.” *Id.*
20. This IEP includes 22 accommodations. *Id.* at p. 32. One accommodation is relevant to this investigation: “[w]arning for changes in schedules/transitions (24hr written notice to parent if possible).” *Id.* at p. 32. In Student’s November 2024 IEP, the accommodation previously required “[w]arning for changes in schedules/transitions.” *Id.* at p. 9.
21. The IEP’s Service Delivery Statement requires these special education and related services:
- 3,600 minutes per month (900 minutes per week) of direct instruction from a special education teacher outside the general education classroom.
  - 60 minutes per month of both direct and indirect speech-language services provided by a speech language pathologist.
- Id.* at p. 35.
22. The Service Delivery Statement also prefaces that the IEP and corresponding special education services are designed “**assuming normal operating conditions (full-time in-person learning). Services will be provided within the regular school year calendar. Scheduled services that are missed due to non-student contact days, holidays, student absence, or school-related functions such as field trips or assemblies will not be made up.**” *Id.* (emphasis in original). Moreover, this section specifies that special education services “will be provided in accordance with the [District] calendar. Services may be interrupted by school closures, student absences, district/state assessment windows, fire drills, field trips, assemblies, and other special events will not be made up.” *Id.*
23. The IEP team determined it was appropriate for Student to be in the general education classroom at least 40% to 79% of the time. *Id.*

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

24. District has a Procedural Manual developed by District’s former special education director (“Former Director”) in Fall 2024. *Interview with District Chief Academic Officer (“CAO”).* Neither CAO nor District’s acting special education director (“Acting Director”) know whether

Former Director disseminated or provided training on the Procedural Manual to District staff during the 2024-2025 school year. *Id.*; *Interview with Acting Director*.

25. District's Procedural Manual states that it is District's responsibility to ensure "all staff responsible for implementing [an] IEP, including general education teachers, special education teachers, and related service providers, have access to the IEP and understand their specific responsibilities." *Exhibit K*, p. 29.
26. It adds that District "monitors the implementation of [IEPs] to ensure that all services, accommodations, and modifications are delivered as specified in the IEP. School administrators, special education coordinators, and teachers are responsible for ensuring that IEPs are implemented with fidelity and that students receive the support they need to achieve their goals. The district provides oversight and support to schools to ensure that IEPs are implemented consistently and effectively." *Id.* at p. 52.
27. It also states that District "ensures that all staff members who interact with [a] student are familiar with [any] BIP and understand their roles in its implementation." *Id.* at p. 36. BIPs are "implemented consistently across all settings where the student's behavior needs to be addressed, including the classroom, cafeteria, playground, and during transportation." *Id.*
28. It further states that District "provides ongoing training and professional development for all staff members involved in the education of students with disabilities. Training topics include legal requirements, instructional strategies, behavior management, and cultural competence. The district ensures that staff members are knowledgeable about their legal responsibilities and equipped to support the diverse needs of students with disabilities." *Id.* at p. 22. District also provides "ongoing training and professional development for all staff members" regarding behavior management. *Id.* at p. 35.
29. CAO explained that, to ensure staff members understand their roles in implementing IEPs and BIPs, District's special education director trains special education case managers at the beginning of the year on District's special education practices. *Interview with CAO*. Case managers in turn conduct professional developments with general education teachers on IEP-implementation basics, such as the purpose of an IEP, accommodations, and goals. *Id.* District does not conduct special education training specifically for administrators. *Id.*
30. Aside from special education trainings at the beginning of the year, District provides professional development opportunities on an "as-requested" basis. *Id.*
31. At the beginning of the 2024-2025 school year, Former Director facilitated a general special education training for School special education staff including case managers and paraprofessionals. *Interview with Principal*. General education teachers, Principal, and Assistant Principal did not attend this training. *Id.*

#### **E. Accessibility of Student's IEPs to Teachers and Others**

32. Parent alleges that District staff did not have access to and did not understand their specific responsibilities for implementing Student's November 2024 BIP and February 2025 IEP. *Complaint*, p. 5; *Interview with Parent*.
33. District uses a software platform called SpedTrack to provide staff access to student IEPs and BIPs. *Interview with Acting Director*. District special education teachers have access to IEPs and BIPs on SpedTrack, but district administrators did not during the period relevant to this investigation. *Interviews with Case Manager and Acting Director*.
34. District special education case managers have a duty to ensure that a student's general education teachers are familiar with their responsibilities under a student's IEP and BIP. *Interviews with CAO, Acting Director, and Case Manager*. To fulfill this obligation, case managers provide "IEP snapshots" to general education teachers at the beginning of a school year and when an IEP is updated. *Id.* These IEP snapshots include essential information regarding a student's special education services and accommodations. *Id.* Because IEP and BIP information is housed separately on SpedTrack, IEP snapshots do not automatically include information on behavior plans; as such, case managers provide behavior information separately. *Interview with Case Manager*.
35. Here, regarding Student's November 2024 BIP and February 2025 IEP, Case Manager had ongoing access to both documents on SpedTrack. *Id.* She attended a November 12, 2024 IEP meeting where the November 2024 BIP was reviewed and revised. *Id.* She also attended a February 11, 2025 IEP meeting where his February 2025 IEP was reviewed and revised. *Id.*
36. Case Manager provided Student's updated IEP snapshots and behavior plan information to Student's general education teachers after the November 2024 and February 2025 IEP meetings. *Id.* Moreover, Case Manager regularly checked in with Student's general education teachers to discuss Student's progress, struggles, and behavior in class. *Id.*
37. Student's math teacher ("General Education Teacher") attended the November 12, 2024 and February 11, 2025 IEP meetings and was involved in the development of both the November 2024 BIP and February 2025 IEP. *Exhibit A*, pp. 2, 23; *Exhibit 3*. General Education Teacher also received IEP and behavior snapshots from Student's Case Manager. *Interview with Case Manager*.
38. The CDE thus finds that Case Manager and Student's general education teachers, including General Education Teacher, had access to and understood their specific responsibilities for implementing Student's November 2024 BIP and February 2025 IEP.
39. Regarding School administration, neither Principal nor Assistant Principal had access to Student's November 2024 BIP or February 2025 IEP on SpedTrack. *Interviews with Acting Director, Principal, and Case Manager*; see *Exhibit O*.

40. School special education staff instead provide IEP snapshots and behavior information for the School Secretary (“Secretary”) to include in an office binder. *Interviews with Case Manager, Acting Director, and Assistant Principal; Response*, p. 8. However, neither Principal nor Assistant Principal accessed information about Student’s November 2024 BIP or February 2025 IEP in this manner. *Interviews with Principal and Assistant Principal*.
41. Principal expects to learn about her responsibilities under an IEP or BIP from School special education staff or District special education director. *Interview with Principal*. Assistant Principal expects to learn about his responsibilities from Principal because special education is her “wheelhouse.” *Interview with Assistant Principal*.
42. Case Manager did not discuss Student’s November 2024 BIP or February 2025 IEP with Principal or Assistant Principal. *Interviews with Case Manager, Principal, and Assistant Principal*.
43. Principal first became aware of Student’s November 2024 BIP after Parent asked for a copy following a behavior incident that occurred on December 2, 2024. *Interview with Principal*. She was unfamiliar with her specific responsibilities under the BIP, including the role of administration in a student crisis, during the period relevant to this investigation. *Id.* Principal is familiar with the existence but not the substance of Student’s April 2025 IEP. *Id.*
44. Assistant Principal first became aware of Student’s November 2024 BIP when he asked Former Director for a copy to prepare for a January 8, 2025 meeting with Parent following the December 16, 2024 incident. *Interview with Assistant Principal*. He was unfamiliar with his specific responsibilities under the BIP until after the December 16 incident. *Id.* Assistant Principal is “not familiar” with Student’s February 2025 IEP. *Id.*
45. The CDE thus finds that School administration did not have access to and did not understand their specific responsibilities for implementing Student’s November 2024 BIP and February 2025 IEP.
46. Acting Director acknowledges that Principal and Assistant Principal should have had direct access to Student’s IEPs and BIPs on SpedTrack and an understanding of their specific responsibilities—especially given that “when it comes to those crisis moments, I do anticipate that administration would be involved in those situations.” *Interview with Acting Director*. Her expectation moving forward is that administrators have “full awareness” of IEPs and BIPs given their expected implementation responsibilities. *Id.* As such, District has now provided all administrators with access to IEPs and BIPs in SpedTrack. *Id.*; see *Exhibit O*.

**F. November 2024 BIP Implementation: December 16, 2024 Incident**

47. Parent alleges that the District did not fully implement Student’s November 2024 BIP during an incident on December 16, 2024 because School staff did not first contact Student’s Case Manager during a crisis. *Complaint*, p. 8.



48. Student's Crisis Plan in the November 2024 BIP requires staff to first call Case Manager when Student exhibits escalated behaviors, such as yelling or crying out of frustration. *Exhibit A*, p. 16; *Interviews with Parent, Case Manager, Principal, and Assistant Principal*.
49. On December 16, 2024, Student had a behavioral escalation in math class. *See Exhibit L*, pp. 4-13.
50. Principal was conducting a formal observation of General Education Teacher, so she was in Student's math classroom prior to and during the incident. *Id.* at pp. 4, 8, 11; *Interviews with Principal, Assistant Principal, and Case Manager*.
51. Between 9:12 and 9:15 AM, Student became frustrated when General Education Teacher transitioned from the warm-up activity to whole-class instruction before Student was ready. *Id.* Student was "visibly upset and teary-eyed." *Exhibit L*, p. 8. He continued to escalate—including "screaming" and "shouting"—and ran to a board near other students. *Id.* at pp. 8, 9, 11; *Interview with Principal*. Student continued to yell, refused to leave the room, and became "more physically aggressive in trying to change the screen displayed on the board . . ." *Exhibit L*, p. 4.
52. Student was exhibiting behaviors consistent with "phase 1" of his Crisis Plan, which requires staff to first call Case Manager. *See Exhibit A*, p. 16.
53. Case Manager was the first person to be called after Student exhibited escalated behaviors. *Interviews with Principal, Assistant Principal, and Case Manager*. Specifically, around 9:18 AM, General Education Teacher instructed Paraprofessional to call Case Manager. *Exhibit L*, pp. 4-5, 8, 11. Paraprofessional then called over the radio for "ASD assistance." *Id.*; *Interviews with Principal, Assistant Principal, and Case Manager*. When Case Manager receives a call for ASD support or assistance on the radio, she immediately understands what room the call is coming from and which student needs support. *Interview with Case Manager*. After receiving the radio call, Case Manager ran to the room to support Student. *Id.*
54. Around 9:20 AM, Principal called over the radio for "admin assistance." *Exhibit L*, pp. 4, 6, 8, 11; *Interviews with Principal and Assistant Principal*. Principal, a member of School's crisis team, made this call because the situation was becoming "pretty physically intense" and other students were "uncomfortable" and could have been "hit" by magnets. *Interview with Principal*.
55. Although Principal was already in the classroom, Case Manager was the first to arrive after the call for ASD assistance. *Interviews with Case Manager, Principal, and Assistant Principal*; *Exhibit L*, pp. 4-5, 8, 11.
56. Assistant Principal and Secretary, both members of School's crisis team, responded to Principal's call for "admin assistance." *Interviews with Assistant Principal, Principal, and Case Manager*; *Exhibit L*, pp. 6, 11. Assistant Principal, Secretary, and Case Manager worked with

Student in his low-sensory calm-down area until he was de-escalated and could return to his special education class at 10:15 AM. *Exhibit L*, pp. 6-7, 11.

57. Following the incident, Case Manager sent a message to Parent via Class Dojo. *Interview with Case Manager; Exhibit L*, p. 11. Parent came to the School and first met with Case Manager and then met separately with Principal and Assistant Principal. *Interviews with Parent, Case Manager, Principal, and Assistant Principal; Exhibit L*, pp. 3, 11-12.
58. Based on these findings—including the corroboration among interviews and the information in the Record—the CDE finds that School staff first contacted Case Manager during the incident, consistent with the November 2024 BIP.

#### **G. February 2025 IEP Implementation: April 2025 State Testing**

59. District conducted state testing from April 7 to April 25, 2025. *Response*, p. 7; *Exhibit J*. State testing began at School on April 8, 2025. *See Exhibit L*, p. 494. Parent alleges that District did not implement Student’s February 2025 IEP because it did not provide one accommodation between March and April 8, 2025, and it did not provide special education services on April 8, 2025. *Complaint*, p. 3.

#### **Notice Accommodation**

60. Student’s February 2025 IEP contains an accommodation which reads: “[w]arning for changes in schedules/transitions (24hr written notice to parent if possible).” *Exhibit A*, p. 32.
61. This accommodation was updated at the February 11, 2025 IEP meeting to improve communication between School and home regarding Student’s potential behavior triggers. *See Exhibit 3; Interviews with Parent and Case Manager*. The IEP team agreed that School would provide notice to Parent for any “big changes” within the classroom so that Parent could prime Student at home. *Id.* “Big changes” included known staffing and scheduling changes—such as if Case Manager was planning to be absent or if Student had an assembly—because of Student’s struggle with changes in routine. *Exhibit 3; Interviews with Principal and Assistant Principal*.
62. Parent described her understanding of this accommodation as requiring notice of the specific providers who would support Student in the event of a known schedule change. *Interview with Parent*. She also understood that notice could be provided in a notebook exchanged between home and School, or via other methods such as Class Dojo and email. *Id.*
63. District staff interpreted this accommodation as requiring more of a general “heads up” rather than notice of specific providers. *Interviews with Principal and Assistant Principal*. Needing to list specific staff members would not be feasible given the likelihood of unexpected absences. *Interview with Principal*. Instead of naming a specific provider, School would give notice of which type of staff would support student, such as “special education teacher” or “case manager.” *Id.*

64. The CDE finds that this accommodation required School to provide Parent general notice of known changes to Student’s schedule, but it did not require School to give specific details, such as names of supporting staff members. The CDE also finds, per the plain language of the accommodation, that “written” notice within 24 hours was ideal but only required if feasible. *See Exhibit A*, p. 32.
65. On March 12 or March 13, 2025, Parent learned about upcoming state testing during a discussion with Case Manager at parent-teacher conferences. *Interviews with Parent and Case Manager; Exhibit J*. Parent and Case Manager agreed that Parent should opt Student out of testing because of the stress it would cause Student. *Interviews with Parent and Case Manager*.
66. On April 3, 2025, Parent opted Student out of all state testing by returning a signed opt-out form in-person to the School office. *Exhibit L*, p. 525.
67. While returning the opt-out form on April 3, Parent and Assistant Principal discussed a potential alternative schedule for Student during state testing blocks given his opt-out. *Interviews with Parent and Assistant Principal*. Assistant Principal told Parent that Case Manager would not be available to support Student because she was scheduled to proctor testing sessions but that other special education staff would be available. *Id.* Assistant Principal also proposed that Student would work in the office during testing sessions but would have access to one-on-one support from a paraprofessional and breaks as often as needed. *Interview with Assistant Principal*.
68. Parent front-loaded Student for his alternative schedule on the morning of April 8, 2025 and Student had a “productive” day. *Exhibit 2*, pp. 4-5.
69. The CDE thus finds that Parent had warning for an upcoming change in Student’s schedule by April 3, when she and Assistant Principal discussed Student’s alternative schedule after Parent’s opt-out request.
70. The CDE also finds that written notice to Parent of a change in Student’s schedule within 24 hours was not feasible and thus not required here. *See Exhibit A*, p. 32. When Parent emailed Assistant Principal on April 4, raising concerns about the proposed schedule they discussed, Assistant Principal was out of the office because it was a weekend. *Exhibit L*, pp. 493-495. Assistant Principal provided Parent a written schedule as soon as possible—about 12 hours in advance—and with sufficient time for Parent to front-load Student. *Id.* at pp. 495-500; *Exhibit 2*, pp. 4-5. The written schedule listed details above those required by the accommodation, such as time, location, and name of specific staff supporting Student. *Exhibit L*, pp. 495, 500. Moreover—given that Parent learned about state testing in mid-March, decided to opt Student out, and was already on notice that Student would require an alternative schedule from the April 3 conversation—it would be unreasonable to require written notice within 24 hours here. *See Exhibit L*, p. 493; *Interviews with Parent and Assistant Principal*.

71. Based on these facts, and the plain text of the accommodation, the CDE finds that District provided this accommodation consistent with the IEP between March and April 8, 2025.

#### Provision of Special Education Services

72. Student's IEP requires that Student receive 3,600 minutes per month (900 minutes per week) of direct instruction from a special education teacher outside the general education classroom. *Exhibit A*, p. 35. However, the IEP explicitly states that special education services may be interrupted and will not be made up due to "district/state assessment windows." *Id.*

73. The IEP requires monthly and weekly service minutes—rather than daily—to account for times where Student's daily schedule, like during state testing or an absence, would not allow for the provision of service minutes. *See id.*

74. Based on these findings, including the plain language of the IEP, the CDE finds that School had no obligation to provide special education services to Student, such as access to a certified special education teacher, on April 8, 2025.

75. Even though it was under no obligation, School nonetheless attempted to accommodate Student's service minutes after Parent opted Student out of state testing. *Exhibit L*, p. 500; *Exhibit 2*, p. 5; *Interview with Assistant Principal*.

76. Based on these facts, the CDE finds that District was under no obligation to provide special education services on April 8, 2025.

#### **H. Parent's Request for a Reevaluation**

77. Parent alleges that District did not conduct a reevaluation of Student, specifically an FBA, despite her requests on January 8, 2025 and February 11, 2025. *Complaint*, p. 8.

#### District Request for Reevaluation Policies, Practices, and Procedures

78. District's Procedural Manual provides that District must reevaluate a student with an IEP at least once every three years, "or more frequently if requested by the student's parent or teacher." *Exhibit K*, p. 29. Reevaluations help to determine "whether the student's educational needs have changed" and to "inform any necessary revisions to the IEP." *Id.*

79. As part of a reevaluation where student behavior is at-issue, District conducts an FBA to provide IEP teams with the information necessary to develop effective BIPs that address "root causes" and promote "positive behavioral change." *Id.* at pp. 35-36.

80. District's Procedural Manual states that the decision to conduct an FBA is "made by the IEP team, which includes the student's parents, teachers, and other relevant professionals." *Id.* at p. 36. Parents are "actively involved in the FBA process. They are informed of the reasons for the assessment, the methods that will be used, and how the information will be used to

support their child. Parents are also invited to provide input and share their observations about their child's behavior." *Id.*

81. It also notes that the FBA process "involves gathering data through various methods, including direct observation, interviews with the student and staff, and a review of student's records. The assessment focuses on identifying the antecedents (triggers) and consequences that maintain the behavior, as well as the specific contexts in which the behavior occurs. The district ensures that the FBA is conducted by qualified professionals who are trained in behavior analysis and assessment." *Id.*

#### Parent's Request for Reevaluation

82. On January 8, 2025, District conducted a one-hour meeting with Parent to learn more about Parent's concerns regarding implementation of Student's November 2024 IEP and BIP. *Exhibit D.1; Exhibit L*, p. 15. During this meeting, Parent requested a reevaluation in the area of behavior to inform possible changes to Student's IEP and BIP. *Exhibit D.1; Interviews with Parent and Case Manager*. School Psychologist stated that an FBA could be performed, but that it would require parental consent. *Exhibit D.1.*
83. On January 13, 2025, District provided Parent with a Prior Written Notice & Consent for Evaluation ("PWN") to reevaluate Student in the areas of "BIP, FBA, classroom observations." *Exhibit G*, p. 2. Parent signed and returned the consent form on January 16, 2025. *Id.*

#### 2025 FBA

84. School Psychologist completed an FBA Summary Report dated January 29, 2025. *Exhibit F*, pp. 8-15. The FBA Summary Report indicates that District collected information from multiple sources, including: "Student Interview; Parent Interview; Teacher and Staff Interview; ABC Data and Student Observations; Record Review; and, Environmental Review." *Id.* at p. 8.
85. School Psychologist discussed the FBA Summary Report during the February 11, 2025 IEP meeting. *Exhibit 3*. When asked by Parent whether he had completed any additional observations of Student, School Psychologist described observing Student in his general education and special education settings in 15-to-30-minute increments. *Id.* at 0:04:55-0:07:15.
86. School Psychologist conducted at least five classroom observations for the FBA. *Exhibit P*, pp. 1-2. He attempted to observe Student on January 21, 2025, and successfully observed Student in either his general or special education classroom on February 5, February 6, and twice on February 10, 2025. *Id.*
87. School Psychologist also conducted interviews with General Education Teacher on January 27, 2025 and with Parents on January 29, 2025 for the FBA. *Id.* at pp. 3-8.

88. Parent did not make a further request to reevaluate Student at the February 11, 2025 meeting. *Exhibit 3*.

### **CONCLUSIONS OF LAW**

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

**Conclusion to Allegation No. 1:** District did not ensure that staff had access to and an understanding of responsibilities for implementing Student's IEPs, as required by 34 C.F.R. § 300.323(d). Nevertheless, District properly implemented Student's IEPs between December 16, 2024 and April 8, 2025, as required by 34 C.F.R. § 300.323(c). No denial of FAPE occurred.

#### **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." *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 district must ensure that "[a]s 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, related services provider, and "any other service provider responsible for [IEP] implementation:" (1) has access to the IEP and (2) is informed of "his or her specific responsibilities related to implementing the child's IEP" and the "specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP." *Id.* § 300.323(d).

#### **B. November 2024 BIP and February 2025 IEP: Accessibility and Responsibilities**

Parent first alleges that School staff did not have access to nor an understanding of their specific responsibilities for implementing Student's November 2024 BIP and February 2025 IEP. (FF # 32).

The CDE must determine whether the District satisfied its obligation under 34 C.F.R. § 300.323(d).

Here, the Findings of Fact demonstrate that the District did not satisfy this obligation. Case Manager had ongoing access to complete copies of Student's IEPs and BIPs and assisted in their development; as a result, she was aware of their requirements. (FF # 35). Case Manager provided IEP and behavior snapshots to all general education teachers who worked with Student when Student's IEPs were updated in November 2024 and February 2025. (FF #s 34, 36). Student's General Education Teacher also assisted in the development of Student's IEPs and BIPs and, as a result, was aware of their requirements. (FF # 37). Accordingly, Case Manager and general

education teachers had access to and understood their specific requirements for implementing Student's IEPs and BIPs (FF # 38).

Principal and Assistant Principal had specific responsibilities for implementing Student's November 2024 BIP and have similar responsibilities under Student's February 2025 IEP. (FF #s 7-10). As such, both administrators constitute "other service providers" responsible for IEP implementation who should have had access to and an understanding of their specific implementation responsibilities. 34 C.F.R. § 300.323(d).

Regarding access, Principal and Assistant Principal did not have access to copies of Student's IEPs and BIPs through the District's SpedTrack program. (FF #s 33, 39). Although IEP and behavior snapshots were housed in a binder in the office, there is no indication that Principal or Assistant Principal used this resource to access information about Student's November 2024 BIP or February 2025 IEP. (FF # 40).

Not only did School administrators lack direct access to both documents, but they also lacked familiarity with them as well. (FF #s 41-46). Principal and Assistant Principal were not updated after IEP teams revised Student's November 2024 BIP and February 2025 IEP. (FF # 42). Lack of awareness is particularly acute for the November 2024 BIP. (FF #s 43-44). Principal and Assistant Principal were not aware that the November 2024 BIP existed—including that it gave them specific implementation responsibilities—until *after* incidents transpired. (FF #s 43-45). Principal first became aware of the BIP in December 2024, only after Parent alerted her that the BIP existed during a conversation about a behavior incident. (FF # 43). Similarly, Assistant Principal first became aware of the BIP when he received a copy from Former Director to prepare for the January 8, 2025 meeting about the December 16, 2024 incident—again reflecting that he was only aware of the BIP *after* incidents had already transpired. (FF # 44). Principal and Assistant Principal also did not understand their specific responsibilities for implementing the BIP or IEP. (FF #s 41-46). Principal admits that she was not aware of administration's specific responsibilities implementing the November 2024 BIP. (FF #s 41-43). Since Assistant Principal relies only on Principal to learn about his specific responsibilities, it follows that he also did not understand his specific implementation responsibilities for the BIP. (FF #s 41-44). For Student's February 2025 IEP, neither Principal nor Assistant Principal were familiar with its substance. (FF #s 43-45).

Finally, regarding professional development, School administrators were not expected to and did not attend School or District special education trainings where they might have become familiar with their implementation responsibilities. (FF #s 29, 31). Accordingly, Principal and Assistant Principal did not have access to nor understand their specific requirements for implementing Student's November 2024 BIP and February 2025 IEP. (FF # 45).

For these reasons, the CDE finds and concludes that the District did not satisfy the requirements of 34 C.F.R. § 300.323(d) because it did not ensure that staff had access to and an understanding of specific responsibilities for implementing Student's IEPs and BIPs.

### **C. Implementation of BIP on December 16, 2024**

The CDE must next determine whether District implemented Student's November 2024 BIP—specifically by first contacting Student's Case Manager per Student's crisis plan—during a behavior incident on December 16, 2024. 34 C.F.R. § 300.323(c)(2).

Parent does not assert that School did not follow every crisis-related provision in Student's November 2024 BIP; instead, Parent's allegation is limited to whether School first contacted Student's Case Manager on December 16, 2024 per Student's Crisis Plan. (FF # 47).

Here, as detailed in the Findings of Fact, District properly implemented Student's November 2024 BIP on December 16, 2024 because School staff first called Case Manager when Student became escalated. (FF #s 47-58). Student's BIP requires that when Student yells or cries out of frustration—Phase 1 of his crisis plan—staff must support by calling Case Manager. (FF #s 7, 48). That is precisely what staff did on December 16, 2024 between 9:12 and 9:18 AM when Student exhibited Phase 1 behaviors. (FF #s 51-53). While Principal intervened before Case Manager arrived, she acted in her capacity as a member of School's general crisis team and not to undermine Student's BIP. (FF #s 50, 54-55). School's crisis team exists to ensure the safety of all students and includes CPI-trained members. (FF #s 11-13). Accordingly, it would be against the safety interests of all students and staff to interpret a specific BIP as limiting the ability for a crisis team member to act in a situation where a student could harm themselves or others. (See FF #s 51, 54).

For these reasons, the CDE finds and concludes that the District complied with the requirements of 34 C.F.R. § 300.323(c) because it implemented Student's BIP on December 16, 2024 by first calling Student's Case Manager.

### **D. Provision of Accommodation between March 2025 and April 8, 2025**

The CDE must next determine whether District made one accommodation available to Student in accordance with Student's February 2025 IEP between March and April 8, 2025. 34 C.F.R. § 300.323(c)(2).

Though Student's February 2025 IEP contains 22 accommodations, only one is at issue in this investigation: "Warning for changes in schedules/transitions (24hr written notice to parent if possible). (FF #s 20, 59-60). Parent's Complaint does not allege that Student never received this accommodation; instead, Parent asserts that this accommodation was not provided in advance of April 2025 state testing. (FF # 59).

As detailed in the Findings of Fact, District properly implemented this accommodation between March and April 8, 2025. (FF #s 60-71). On March 12-13, Case Manager previewed upcoming state testing for Parent and both agreed to opt Student out of testing. (FF #s 65-66). On April 3, School provided further warning to Parent when Assistant Principal spoke with Parent about Student's proposed alternative schedule during testing blocks. (FF # 67). Student's



accommodation only required that Parent was aware of significant, known schedule changes—such as coverage by a substitute teacher or an assembly—but did not require that School provide Parent with specific details, such as names of providers. (FF # 64). Thus, consistent with the IEP notice accommodation, Parent was on notice by April 3, 2025 that Student would have an alternative state-testing schedule between April 8 and April 25, 2025. (FF # 69).

The accommodation only requires 24-hour written notice “if possible,” and, here, such written notice would not have been feasible. (FF #s 64, 70). Still, Assistant Principal provided written notice to Parent—and included specific details beyond those required by the accommodation—with enough time to satisfy the fundamental purpose of the accommodation: to allow Parent the opportunity to frontload Student. (FF #s 68, 70).

For these reasons, the CDE finds and concludes that District properly implemented this accommodation from March 2025 and April 8, 2025. In doing so, District complied with 34 C.F.R. § 300.323(c).

#### **E. Provision of Special Education Services on April 8, 2025**

The CDE must determine whether District made special education and related services available to Student on April 8, 2025 consistent with Student’s February 2025 IEP. 34 C.F.R § 300.323(c)(2).

Here, District was under no obligation to provide special education and related services to Student during state testing on April 8, 2025. (FF #s 72-76). The CDE thus finds that District complied with 34 C.F.R. § 300.323(c)(2).

#### **F. Materiality of Noncompliance**

Where the definition of a FAPE specifically references delivery of special education and related services consistent with an IEP, the failure to implement an IEP can result in a denial of a FAPE. 34 C.F.R. § 300.17; ECEA Rule 2.19. However, not every deviation from an IEP’s requirements results in a denial of a FAPE. *See, e.g., L.C. and K.C. v. Utah State Bd. of Educ.*, 125 Fed. Appx. 252, 260 (10th Cir. 2005) (holding that minor deviations from the IEP’s requirements which did not impact the student’s ability to benefit from the special education program did not amount to a “clear failure” of the IEP); *T.M. v. District of Columbia*, 64 IDELR 197 (D.D.C. 2014) (finding “short gaps” in a child’s services did not amount to a material failure to provide related services). Thus, a “finding that a school district has failed to implement a requirement of a child’s IEP does not end the inquiry.” *In re: Student with a Disability*, 118 LRP 28092 (SEA CO 5/4/18). Instead, “the [CDE] must also determine whether the failure was material.” *Id.* Courts will consider a case’s individual circumstances to determine if it will “constitute a material failure of implementing the IEP.” *A.P. v. Woodstock Bd. of Educ.*, 370 Fed. Appx. 202, 205 (2d Cir. 2010).

“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. However, the child's educational progress, or lack of it, may be probative of whether there has been more than a minor shortfall in the services provided.” *Id.*

Here—although District did not ensure that staff had access to and an understanding of their specific responsibilities under Student’s IEPs—School still fully implemented Student’s IEPs. (See Sections C-E above). In other words, District staff’s lack of access to and understanding of Student’s IEPs, on its own, establishes noncompliance with the IDEA (see Section B above). However, here, this noncompliance with the IDEA is not material because it did not lead to any inconsistencies between the services provided to Student and those required by Student’s IEP (see Sections C-E above). Even though School administrators did not have access to or understand their responsibilities under Student’s IEPs, there was *no* inconsistency or shortfall in services as a result—let alone more than a minor one. *Id.*

For these reasons, the CDE finds and concludes that District’s noncompliance in ensuring that staff had access to and an understanding of specific responsibilities under Student’s IEPs was not material here.

**Conclusion to Allegation No. 2: District responded to Parent’s request for a reevaluation by conducting an FBA, as required by 34 C.F.R. § 300.303(a). District complied with the law.**

Next, Parent alleges that District did not conduct a reevaluation in the area of behavior following her requests. (FF # 77). Parent’s Complaint only alleges that the reevaluation did not occur—not that it was insufficient. *See id.*

School districts must reevaluate a student with a disability when “the child’s parent or teacher requests a reevaluation.” 34 C.F.R. § 300.303(a)(2). However, the IDEA limits the frequency of reevaluations. *Id.* § 300.303(b). Unless the parent and district agree otherwise, a student must not be reevaluated more than once a year but must be reevaluated at least every three years. *Id.* If a district decides to proceed with reevaluation, it must obtain parental consent prior to conducting the reevaluation. *Id.* § 300.300(c)(1)(i).

Here, on January 8, 2025, Parent requested a reevaluation of Student in the area of behavior (FF #s 82, 88). District did not need to complete this requested reevaluation because Student had been evaluated within the school year for his November 2024 triennial evaluation. (FF # 4). Still, District agreed to conduct the requested reevaluation and obtained Parental consent on January 16, 2025 to conduct an FBA. (FF #s 82-83). Within five days of receiving Parental consent, School Psychologist began to conduct Student classroom observations. (FF #s 85-86). By February 11, 2025, School Psychologist conducted five classroom observations and interviews with Parent and General Education Teacher for the FBA. (FFs # 86-87). School Psychologist also completed an FBA Summary Report, dated January 29, 2025, that Student’s IEP team discussed during Student’s February 11, 2025 IEP meeting and used to update Student’s IEP. (FF #s 84-85). Parent did not request another reevaluation. (FF # 88).

For these reasons, the CDE finds and concludes that District acted consistently with its obligations under 34 C.F.R. § 300.303(a).

**Systemic IDEA Noncompliance: This investigation demonstrates procedural noncompliance that is systemic in nature and will likely impact the future provision of services for all children with disabilities in the District if not corrected. 34 C.F.R. § 300.151(b)(2).**

Under its general supervisory authorities, CDE must also consider and ensure the appropriate future provision of services for all IDEA-eligible students in the 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 State Enforcement Agency’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).

In this case, District maintains a Procedural Manual with provisions on implementation that align with 34 C.F.R. § 300.323(d). (FF #s 24-27). Consistent with IDEA implementation requirements, the Procedural Manual recognizes District’s oversight responsibility in ensuring that all staff responsible for implementation, including administration, have access to the IEP and understand their specific responsibilities. *Id.*; see 34 C.F.R. § 300.323(d). However, there is a breakdown between District’s stated implementation procedures and its practices related to administrators. (FF #s 24-27, 29, 31, 39-46). Specifically, District does not have sufficient processes in place for ensuring that administrators have access to IEPs and are informed of their specific responsibilities under an IEP. *Id.*

Regarding access, District’s Procedural Manual acknowledges that administrators are “responsible” for ensuring IEPs are implemented with fidelity and should have “access;” yet, until May 2025, it did not give administrators direct access to IEPs on SpedTrack. (FF #s 25-27, 33, 39, 46). Instead, District practices forced administrators—who had oversight responsibility for IEP implementation—to rely on other staff, such as a case manager or Former Director, to receive copies of an IEP in the first instance. (FF #s 40, 43-44). While this practice might work when staff and administrators communicate frequently about IEPs, it does not work in situations, like here, where communication between staff is lacking. (FF # 42). Indeed, as a result of this practice, School administrators here did not know that Student had a BIP—under which they had specific responsibilities—and did not review the BIP until after behavior incidents had already transpired. (FF #s 43-44). District has admitted issues with this practice and has since given all District administrators direct access to IEPs and BIPs on SpedTrack. (FF # 46).

Regarding understanding, District’s Procedural Manual requires that “all staff” responsible for implementation understand their specific responsibilities. (FF # 25). However, District practices reflect a gap in ensuring administrative understanding. (See FF #s 29, 31, 41-45). While District conducts implementation training for special education staff—who in turn train general education teachers—such opportunities do not exist for administrators. (FFs #s 29-31). Indeed, District does not offer any special education professional development for administrators,

including any differentiated training designed for school leadership. (FF # 29). Without the benefit of training, Principal and Assistant Principal here relied on other staff members to learn about their responsibilities. (FF # 41). Principal relied on Case Manager, and Assistant Principal relied solely on Principal. *Id.* As a result, one breakdown in communication between Case Manager and Principal resulted in School's administrative staff being unaware of IEP implementation responsibilities. (FF #s 41-45). Similarly, though IEP and behavior information was available in an office binder, there is no indication that Principal and Assistant Principal actively engaged with this resource. (FF # 40). Overall, District's practices enabled Principal and Assistant Principal to take a passive role in IEP implementation despite District policies requiring active oversight. (FF #s 39-46).

The CDE recognizes that District has already identified areas of improvement and has taken steps to address accessibility issues. (FF # 46). However, the disconnect between District's procedures and practices concerning administrators demonstrate the potential for widespread noncompliance with 34 C.F.R. § 300.323(d). The CDE thus finds and concludes that this noncompliance is likely to affect the future provision of services. As such, the CDE will require District to develop updated procedures related to administration consistent with the requirements of 34 C.F.R. § 300.323(d).

### **REMEDIES**

The CDE concludes that District did not comply with the following IDEA requirements:

1. Ensuring that IEPs are accessible to staff responsible for their implementation and that staff understand their specific implementation responsibilities, as required by 34 C.F.R. § 300.323(d).

To demonstrate compliance, District is ORDERED to take the following actions:

#### **1. Corrective Action Plan**

- a. By **Thursday, July 24, 2025**, District shall submit to the CDE a corrective action plan ("CAP") that adequately addresses the noncompliance 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 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 District's timely correction of the areas of noncompliance.

#### **2. Final Decision Review**

- a. CAO, Acting Director, Principal, Assistant Principal, and Case Manager must each review this Decision in its entirety, as well as the requirements of 34 C.F.R. § 300.323 by **Tuesday, August 12, 2025**. If these individuals are no longer

employed by the District, the District may substitute individuals occupying identical roles to demonstrate compliance with this remedy. A signed assurance that this information has been read and reviewed must be provided to CDE no later than **Monday, August 18, 2025.**

### **3. Procedures**

- a. By **Friday, August 1, 2025**, District must submit the revised portions of its Procedural Manual to ensure compliance with 34 C.F.R. § 300.323(d). At a minimum, the Procedural Manual must be revised to offer clear guidance on practices for ensuring that District administrators have access to and are aware of their responsibilities for implementing IEPs, including any BIP, at the start of the year and after any changes to students' IEPs.
- b. District must ensure that all administrators and special education providers in District receive a copy of the revised procedures no later than **Wednesday, August 13, 2025.** Evidence that the revised procedures were shared with special education providers and administrators, such as a copy of the email notice sent, must be provided to CDE no later than **Wednesday, August 20, 2025.**

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  
201 E. Colfax Avenue  
Denver, CO 80203

**NOTE:** If District does not meet the timelines set forth above, it may adversely affect District's annual determination under the IDEA and subject District to enforcement action by the CDE.

### **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 17th day of June, 2025.

A handwritten signature in blue ink, reading "Elizabeth Stonehill", is centered on a light blue rectangular background.

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Elizabeth "EP" Stonehill  
State Complaints Officer

## APPENDIX

### **Complaint, pages 1-9**

- Exhibit 1: Documentation regarding April 2025 state testing schedule and IEPs
- Exhibit 2: Notebook scans (April 3 – April 8, 2025)
- Exhibit 3: Audio Recording of February 11, 2025 Meeting

### **Response, pages 1-13**

- Exhibit A: IEPs
- Exhibit B: Notices of Meetings
- Exhibit C: PWNs
- Exhibit D: Meeting Documentation
- Exhibit D.1: Audio Recording of January 8, 2025 Meeting
- Exhibit E: Service Logs
- Exhibit F: Evaluations and Assessments
- Exhibit G: Consents for Evaluation
- Exhibit H: N/A
- Exhibit I: Schedule, Grades, Attendance
- Exhibit J: District Calendar
- Exhibit K: Policies and Procedures
- Exhibit L: Correspondence
- Exhibit M: N/A
- Exhibit N: Verification of Delivery
- Exhibit O: Email re: SpedTrack
- Exhibit P: FBA Notes
- Exhibit Q: List of 2024-2025 District Professional Developments

### **Telephone Interviews**

- Parent: May 16, 2025
- Assistant Principal: May 19, 2025
- Acting Director: May 21, 2025
- Case Manager: May 21, 2025
- Principal: May 21, 2025
- Chief Academic Officer: May 27, 2025