

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

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**State Complaint SC2025-575**  
**Colorado River BOCES**

**DECISION**

**INTRODUCTION**

On June 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 the Colorado River BOCES (“BOCES”) and concerning one of its member districts (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified four 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 June 5, 2024. Information prior to June 5, 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:

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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 BOCES complied with the IDEA, and if not, whether the noncompliance results in a denial of a free appropriate public education. 34 C.F.R. §§ 300.17, 300.101, 300.151-300.153.

1. BOCES did not develop, review, and revise an individualized education program (“IEP”) that was tailored to meet Student’s individualized needs because it:
  - a. Did not ensure the least restrictive environment (“LRE”) included in the IEP educated Student, to the maximum extent appropriate, with children who are nondisabled from August 2024 to present, as required by 34 C.F.R. §§ 300.114(a)(2), 300.116(a)(2) and 300.320(a)(5).
  - b. Did not consider the use of positive behavioral interventions and supports (“PBIS”), and other strategies—specifically antecedent strategies, strategies to address sensory and communication needs, de-escalation strategies, and/or a crisis plan—to address behavior impeding Student’s learning or that of others, from October 2024 to present, as required by 34 C.F.R. § 300.324(a)(2)(i).
  - c. Did not consider the concerns of Parent for enhancing the education of Student—specifically around inclusion, staff training and the need for a board-certified behavior analyst—from April 2025 to present, as required by 34 C.F.R. § 300.324(a)(1)(ii).
  - d. Did not include a statement of the special education and related services to be provided to Student, or on behalf of Student, that will enable Student to advance appropriately toward attaining the annual goals, from May 2025 to present, as required by 34 C.F.R. §§ 300.320 and 300.324.
2. BOCES did not fully implement Student’s IEP because it:
  - a. Did not make the IEP accessible to teachers or service providers responsible for its implementation from August 2024 to present, as required by 34 C.F.R. § 300.323(d).
  - b. Did not provide Parent with periodic reports on Student’s progress consistent with the IEP from August 2024 to present, as required by 34 C.F.R. §§ 300.320(a)(3)(ii) and 300.323(c).
  - c. Did not provide the assistive technology listed in the IEP from March 2025 to present, as required by 34 C.F.R. §§ 300.323(c) and 300.324(a)(2)(v).
3. BOCES did not properly evaluate Student on or around March 31, 2025 because it did not ensure the evaluation was sufficiently comprehensive to identify all of Student’s special education and related services needs, specifically related to behavior, as required by 34 C.F.R. § 300.304(c)(6).
4. BOCES did not provide an Independent Educational Evaluation (“IEE”) at public expense without unnecessary delay or file a due process complaint to show BOCES’ evaluation was

appropriate, following Parent's request for an IEE on or around April 11, 2025, as required by 34 C.F.R. § 300.502(b)(1)-(2).

### **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 7 years old and resides within the boundaries of District, a member school district of the BOCES. *Exhibit A*, p. 38. During the 2024-2025 school year, Student attended second grade at an elementary school ("School") in District. *Id.* BOCES is responsible for providing a free appropriate public education ("FAPE") to all IDEA-eligible children with disabilities attending a school in its member school districts. ECEA Rule 2.03.
2. Student is eligible for special education services as a child with an autism spectrum disorder and a specific learning disability in reading, writing and math. *Exhibit P*, pp. 19-21. Student has limited expressive language and sometimes struggles to communicate his wants and needs. *Interviews with Parent, District's special education coordinator ("Coordinator") and District's social worker ("Social Worker")*.
3. Student can be very perceptive of and sensitive to the emotions of those around him. *Exhibit B*, p. 24; *Interview with Social Worker*. Student has a good memory and once he learns how to do something he takes to it quickly. *Interviews with Parent, Coordinator, Social Worker and BOCES' school psychologist ("School Psychologist")*.

#### **B. Staffing in Student's Classroom**

4. At the start of the school year, the teacher in Student's classroom was an unlicensed student teacher ("Teacher of Record"). *Interview with Coordinator*. She was supported by a virtual special education teacher ("Virtual Teacher") who developed lesson plans and materials for the Teacher of Record to implement with students. *Interview with District's director of special education ("District Director")*.
5. District contracted with a private group to hire a BCBA and registered behavior technicians to support Student's class. *Interview with District's Director*. The BCBA started by November 2024 and provided training and support to Teacher of Record and the paraprofessionals. *Interviews with District's Director and Coordinator*.
6. Starting at the end of January 2025, Coordinator took over as the special education teacher in Student's class. *Interview with Coordinator*. From that point forward, Coordinator worked

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

directly with Student while continuing to provide ongoing training to the classroom paraprofessionals on how to support him. *Id.* She also met every other week with his other service providers. *Id.*

### **C. IEP Accessibility to Providers**

7. Case managers in District are responsible for ensuring that general education teachers and other service providers are aware of their responsibilities under a student's IEP. *Interviews with Coordinator and District Director.* District also organizes meetings for special education teachers and service providers twice a month to go over caseloads and provide support. *Id.* District has several meetings with the special education team before students return in the fall. *Interview with Coordinator.*
8. District provides very general training to paraprofessionals and then case managers are expected to provide student specific training. *Id.* However, District is revamping the paraprofessional training this year. *Id.*
9. Coordinator met regularly with Teacher of Record and Virtual Teacher to provide support with teaching and use of District's IEP management system. *Interview with Coordinator.* Coordinator printed IEP snapshots for the program paraprofessionals and the general education teachers. *Id.* She also created notebooks for each student that were kept in an office off the special education classroom. *Id.* Coordinator reviewed IEPs with Teacher of Record and the paraprofessionals several times, including before the start of the year, and highlighted key portions. *Id.* Coordinator also ensured the special service providers ("SSPs") had access to the necessary IEPs. *Id.*

### **D. 2023 IEP**

10. At the start of the 2024-2025 school year, Student's then-current IEP ("2023 IEP") had been developed October 10, 2023 by an IEP team including Parent, a general education teacher, a special education teacher, District's speech and language pathologist and Statewide Assistive Technology Augmentative and Alternative Communication coordinator ("AAC SLP") and District's occupational therapist ("OT"). *Exhibit A, p. 22.*
11. The 2023 IEP reviewed Student's progress on his prior goals as well as the results of an evaluation from fall 2022 ("2022 Evaluation"). *Id.* at pp. 3-11. According to the 2022 Evaluation, Student engaged in "severe negative behavior daily," including "tantrums, throwing things, property destruction, hitting adults." *Id.* at p. 5. He attempted to escape or avoid directions several times per day. *Id.* Sensory profiles completed by Parent and a prior teacher indicated greater than normal responses to sensory input in the areas of auditory, visual, touch and movement processing. *Id.* at pp. 8-10. Communication evaluations indicated limited spontaneous speech, with most responses consisting of learned or scripted phrases. *Id.* at pp. 4-5.

12. The 2023 IEP noted that Student's "[d]eficits in the areas of language and communication, social skills, attention, and behaviors...affect his ability to engage and progress in learning." *Id.* at p. 12. Student required a behavior intervention plan and special transportation due to unsafe behaviors related to his communication difficulties. *Id.* He also had unique communication needs requiring "specialized instruction and increased opportunities to build age appropriate communication." *Id.*
13. The 2023 IEP included seven goals, one each in the areas of reading, writing, math, social/emotional wellness, and physical motor skills and two in the area of communication. *Id.* at pp. 12-16. The social emotional goal targeted Student's tolerance for delays or denials when requesting desired items. *Id.* at p. 14. The communication goals addressed his ability to participate in cooperative play and using sentences of increased length. *Id.* at 15-16. Progress reports would be provided "at the same time as report cards, at the annual IEP meeting, and as needed." *Id.* at p. 12. Report cards are sent home quarterly in District. *Interview with BOCES Director.*
14. The 2023 IEP included seven accommodations: (1) "The behavior plan must be followed throughout [Student's] day and staff;" (2) "For safety, and to facilitate with understanding and communicating, [Student] requires a 1-on-1 paraprofessional throughout his day;" (3) "Provide ample wait time and gestural prompts for [Student] to respond to request;" (4) "Visual letter strips to encourage copying letters;" (5) "imitate correct letter formation on lined paper;" (6) "Allow for movement during structured activities;" and (7) "Model appropriate language and social behavior with peers." *Id.* at p. 16. As Student was "not able to access the general education curriculum," he would receive a "modified curriculum" with a "focus on building necessary skills to move [him] to less restrictive environments, build independence, and access general curriculum." *Exhibit A*, p. 16.
15. Under the 2023 IEP, as amended in May 2024, Student would receive the following services "with the goal of involvement and progression in the general education curriculum." *Id.* at pp. 18, 36.
- **Speech and Language:** 180 minutes per month ("MPM") of direct instruction from an SLP or a speech language pathology assistant under the supervision of the SLP, outside of the general education classroom. *Id.* at pp. 18-19.
  - **Occupational Therapy:** 120 MPM of direct instruction from an OT or certified OT assistant to support visual motor skills and sensory needs. *Id.* These services would be provided outside of the general education classroom through a combination of group and individual services. *Id.*
  - **Specialized Instruction:** a one-on-one paraprofessional under the direction of the special education teacher would provide 1510 minutes per week ("MPW") of direct instruction designed by a special education teacher in the areas of social skills and academics. *Id.*

- **Academic Support:** 260 MPW of academic and behavioral support in the general education environment, to be provided by one-on-one paraprofessionals to support safety and behavior reduction at lunch and on the playground. *Id.*
  - **Behavior Intervention:** 120 MPM of indirect consultation from a board-certified behavior analyst (“BCBA”) on “implementing the behavior plan, including training staff” to assist Student in “developing behaviors that will allow him to access learning, build relationships, and participate in” general education. *Id.* at pp. 18-19, 36.
16. The 2023 IEP concluded that Student’s LRE was general education less than 40% of the time because Student’s “strengths and needs, goals, modifications and/or accommodations, and services, negatively affect his ability to access grade-level curricula.” *Id.* at p. 20. In this LRE, Student would learn one-on-one and in small groups with instruction “individualized to his needs both academically and behaviorally.” *Id.* Specifically, his LRE was general education 15.1% of the time. *Id.*
17. According to the embedded prior written notice (“PWN”), Parent wanted a BCBA to support Student’s behaviors. *Id.* at p. 21.

#### **E. 2023 BIP**

18. The 2023 BIP was developed based on observations, classroom data and Parent and staff interviews. *Id.* at p. 30. It noted that Student had strong interests and could complete “non-preferred activities in order to earn time with his interests.” *Id.* Student accepted reinforcers and enjoyed engaging with staff. *Id.*
19. According to the 2023 BIP, Student engaged in “non-compliance, running away from staff, screaming and hitting staff” when directed to give up a preferred item/activity for a non-preferred activity or when denied access to something he wanted. *Id.* It was “hypothesized that the function of his behaviors [was] primarily to gain access to tangibles/edibles, and secondarily to avoid/escape non-preferred activities.” *Id.*
20. The 2023 BIP included three setting event strategies to reduce the impact of events that contribute to behaviors. *Id.* at pp. 30-31. Staff was to check in with Parent to see if Student had slept and eaten well. *Id.* at p. 31. If Student was tired, non-preferred activities should be shortened and the density of reinforcement should be increased. *Id.* Staff should also keep Student active so he would not sleep at school. *Id.* If Student did not eat breakfast, he would get an early morning snack and he would be encouraged to drink water if he was hungry before lunchtime. *Id.*
21. It also included nine antecedent strategies to decrease the likelihood that behaviors would occur. *Id.* at pp. 30-32. These included staff engaging with Student in a fun manner, “[s]taff are in charge of all reinforcers, not the student,” follow through with expectations, allow Student to earn staff attention and preferred items once he returns “no matter how bad the

behavior,” use of timers to end preferred activities, use of token reinforcements where Student chooses his reinforcement, having all materials and tokens set up for non-preferred activities and using “a picture schedule if appropriate.” *Id.*

22. BIPs need to be understandable and implementable by unfamiliar staff. *Interview with CDE Content Specialist.* “[I]f appropriate” is a subjective standard that might not be interpreted the same by all staff. *Id.* Visual schedules are also one of the first interventions that should be introduced for a nonverbal student. *Id.*
23. There were also two behavior teaching strategies to teach Student appropriate replacement behaviors. *Id.* First, teaching Student to transition from preferred to non-preferred activities through the use of timers and warnings, auditory signals for cleanup, choices about upcoming activity and “first/then” language when Student wanted to do a preferred activity instead of the non-preferred one.” *Id.* at p. 31. Second, teaching him tolerance for waiting and/or denials of wants by having Student wait designated amounts of time before accessing requested items or providing the requested item in one third of occasions after telling him no and redirecting him to alternatives. *Id.* at pp. 31-32.
24. To reinforce desired behaviors, staff would immediately give specific praise or tokens for successful transitions and allow access to preferred tangibles once Student “has earned all of his tokens.” *Id.* at p. 31. Reinforcement would be reduced in frequency as he demonstrated compliance. *Id.* If Student demonstrated problem behaviors, staff would block access to tangibles and attention, maintain the expectation and not provide a token. *Id.* If Student did not tolerate waiting or hearing no about requests, staff would remove the item from his view and remove attention while maintaining safety monitoring. *Id.* at p. 32. Staff would remind him that he must have “a calm body and voice” and “[u]se selective attention until Student calmed down. *Id.* Wait times could be reduced if Student was tired or hungry or requested a different item. *Id.*
25. The 2023 BIP also included a crisis plan. *Id.* at pp. 32-33. If Student was hitting or throwing objects that could harm others, staff would “immediately use proximity prompts and zone defense to get him to the calm space until he is calm. Remove attention until he is calm and ready to join the class again.” *Id.*
26. Data would be taken daily to monitor for effectiveness of the plan. *Id.* at p. 33.

#### **F. 2024 IEP**

27. A new IEP (“2024 IEP”) was developed at an IEP team meeting on October 9, 2024 where Parent, a general education teacher, Virtual Teacher, Teacher of Record, District’s SLP (“SLP”), Social Worker, OT and District’s Director were present. *Id.* at pp. 38, 65.
28. The 2024 IEP included a review of Student’s progress on his prior goals. *Id.* at pp. 40-47. Student made progress on his academic, OT and speech goals, although behavior sometimes

interfered with his performance. *Id.* Student did not make sufficient progress on his social emotional goal and, during the fourth quarter, had not been able to work on it consistently due to staff shortages. *Id.* at p. 43. The 2024 IEP also reviewed the results of the 2022 Evaluation. *Id.* at pp. 47-53.

29. The Student needs statement was the same as in the 2023 IEP and Student still required a BIP, special transportation and special instruction and opportunities due to his unique communication needs. *Id.* at p. 54. Student did not require assistive technology. *Id.*
30. The 2024 IEP included one goal each in the areas of reading, writing, math, physical motor and social/emotional wellness. *Id.* at pp. 54-58. It also included two communication goals. *Id.* The new social emotional goal targeted Student's ability to use "flexible thinking, coping skills, and ways to advocate" to meet his needs and be successful in the classroom. *Id.* at p. 56. Progress reports would be distributed at the same time as report cards and at the annual IEP meeting. *Id.* at p. 54.
31. The 2024 IEP included all seven accommodations from the 2023 IEP and included two additional accommodations for writing. *Id.* at p. 58. Student still required a modified curriculum focused on building the skills to increase his time in general education. *Id.* He would also have access to electives in the general education classroom. *Id.*
32. Under the 2024 IEP, Student would receive the following services "with the goal of involvement and progression in the general education curriculum." *Id.* at pp. 61.
  - **Speech and Language:** 180 MPM of direct instruction from an SLP assistant under the supervision of an SLP, outside of the general education classroom to support speech and language goals. *Id.* at pp. 61-62. An SLP would also provide 20 MPM of indirect consultative services. *Id.*
  - **Occupational Therapy:** 270 minutes per quarter, or approximately 120 MPM of direct instruction from an OT or certified OT assistant to support fine motor skills, visual motor skills and independent living skills. *Id.* These services would be provided outside of the general education classroom. *Id.*
  - **Specialized Instruction:** a special education provider under the direction of the special education teacher would provide 1476.7 MPW of direct instruction designed by a special education teacher in the areas of social skills and academics. *Id.*
  - **Academic Support:** 260 MPW of academic and behavioral support in the general education environment, to be provided by one-on-one paraprofessionals to support safety and behavior reduction. *Id.*
  - **Behavior Intervention:** According to the service delivery statement, Student required 120 minutes per month of indirect consultation from a mental health provider on



“implementing the behavior plan, including training staff” to assist Student in “developing behaviors that will allow him to access learning, build relationships, and participate in the general education environment.” *Id.* However, the service grid indicated that Student would receive 120 MPM of *direct* instruction from a mental health provider. *Id.* The prior year, Student’s teacher had been both a licensed special education teacher and a BCBA. *Interview with District Director.* With her gone, the IEP team intended to add 120 minutes of direct instruction with Social Worker. *Id.* They also wanted to see how Student would respond to that dedicated time with a mental health provider. *Id.*

- Student would also “start participating in homeroom and music class within the general education environment once [he] can show that he will be safe in that environment and appropriate support is given to [Student] in the general education classroom. *Exhibit A*, p. 61.

33. Student’s LRE remained general education less than 40% of the time, specifically 14.4%, where he could “get the one to one help and supervision” to support his needs. *Id.* at p. 63. The embedded PWN noted that the IEP team considered full-time inclusion but decided to gradually transition him, “starting with music and homeroom.” *Id.* at p.63.
34. Although the BIP was updated with the date of the 2024 IEP team meeting, the substance of the BIP is unchanged from the prior year. *Compare, Exhibit A*, pp. 30-34 and 73-77.

#### **G. BOCES Practice for Changing LRE**

35. LRE is individually determined at IEP meetings, considering student needs including their history, behavior, academic ability, sensory concerns and more. *Interviews with BOCES’ director of special education (“BOCES Director”) and District Director.* When considering small changes, the team should review data on the student’s success and consider developing an IEP amendment, or the change can be made at an annual meeting. *Id.*
36. At the October IEP team meeting, Parent wanted Student to spend more time in general education and the IEP team agreed that he would start by attending electives with his general education peers. *Interviews with Parent and District Director.*
37. They did not have a specific plan for how that would happen, as they needed to review some data to determine exactly how it would change. *Interview with District Director.* They did not change Student’s service delivery statement to reflect the increased time in general education because they needed to review the data to figure out what the plan would be to get Student involved in the classes. *Id.*
38. Sometime after the October IEP team meeting, Student’s behavior increased in intensity and frequency. *Interviews with Coordinator and Social Worker.* Social Worker attended one music

class and one gym class with Student, but he could not always maintain for the whole class. *Interview with Social Worker.*

39. Student's behavior calmed back down around the time Coordinator took over the classroom full-time. *Interview with Coordinator.* However, he did not start increasing his time in general education as they were working on evaluating Student at that point. *Id.*

#### **H. Reevaluation Request**

40. On February 11, 2025, Parent requested a reevaluation of Student. *Exhibit M-2*, p. 1. Knowing that Student was due for a reevaluation in the fall, the BOCES agreed to conduct the evaluation. *Id.* at p. 3.
41. On February 17, 2025, BOCES sought Parent's consent to evaluate Student in the areas of general intelligence, communicative status, academic performance, social and emotional status, motor abilities, sensory, needs, executive functioning, and adaptive needs. *Exhibit D*, p. 1. They also proposed conducting a functional behavior assessment and an assessment of Student's need for an assistive augmentative communication ("AAC") device. *Id.* Consent was received February 19, 2025. *Exhibit M-2*, p. 14.

#### **I. 2025 Evaluation**

##### **Communication Assessments**

42. Student's SLP administered portions of the Comprehensive Assessment of Spoken Language, which evaluates a "child's ability to understand (receptive) and use (expressive) language to meet academic and social needs." *Exhibit B*, p. 3. Student scored in the first percentile for receptive and expressive vocabulary. *Id.* SLP further noted that Student's ASD diagnosis and delayed expressive abilities including "echolalic responses really prevent us from hearing and seeing what he truly knows." *Id.*
43. AAC SLP observed Student at school to analyze a language sample. *Id.* Student generally used three-to-five-word phrases, but much of what he said came from scripts or "echoing things he ha[d] heard previously." *Id.* The repeated phrases were sometimes used accurately and sometimes used to mean something else. *Id.* These repeated phrases were heard more frequently when Student was upset. *Id.* Student's intelligibility also dropped from 85% to about 30% when he was upset. *Id.* at p. 4.
44. AAC SLP also assessed his ability to use a high tech AAC device. *Id.* Student accurately identified symbols in many situations and learned quickly when AAC SLP demonstrated how to use a device. *Id.* at pp. 4-5. Staff interviews indicated Student had "the ability to use assistive technology." *Id.* at p. 25.

### Social Emotional Assessments

45. Parent, Student's private therapist ("Private Psychologist") and three teachers completed the Behavior Assessment System for Children rating scales. *Id.* at pp. 9-12. Student's scores varied across settings and raters, however, all available raters indicated concerns with Student's functional communication, study skills and activities of daily living. *Id.* at p. 11. School-based raters also noted concerns with hyperactivity, aggression, conduct problems, attention problems and learning problems. *Id.* at p. 12. Private Psychologist and teachers also noted concerns with anxiety, depression, atypicality, withdrawal, and adaptability. *Id.* Parent and teachers identified concerns with Student's social skills. *Id.*
46. Based on the Vineland Adaptive Behavior Scales, Student's overall adaptive functioning was in the very low range both at school and at home. *Id.* at pp. 12-14. The Brown Executive Functioning/Attention Scales indicated concerns with executive functioning both at home and at school, with more significant concerns reported by teachers. *Id.*
47. Parent and teachers also completed the Functional Assessment Screening Tool ("FAST") which "is designed to identify several factors that may influence the occurrence of problem behaviors." *Id.* at p. 17. The FAST is designed to identify whether the following motivators are contributing to behavior: (1) social reinforcement (attention); (2) social reinforcement (access specific activities/items); (3) social reinforcement (escape); (4) automatic reinforcement (sensory stimulation); (5) automatic reinforcement (pain attenuation). *Id.* at pp. 17-18. Both Parent and teachers indicated that behaviors often occur to gain access to specific activities or items. *Id.* at p. 18. However, Parent identified a secondary function of attention while teachers identified a secondary function of escape. *Id.* In both settings, behaviors often occurred after an interaction with someone else, such as delivering an instruction or walking away from him. *Id.* Behaviors also often occurred when a preferred activity was taken away or when he was not allowed to have a certain item or preferred activity. *Id.*

### Functional Behavior Assessment

48. School Psychologist also completed a functional behavior assessment ("FBA") in conjunction with Coordinator and BCBA. *Id.* at p. 18-19. Classroom staff gathered data on how frequently Student engaged in three target behaviors in different settings and how long those behaviors lasted. *Interview with Coordinator; See Exhibit P*, pp. 23-24. The target behaviors were eloping, aggression and property destruction. *Exhibit B*, p. 18.
49. During the observation period, from February 22 through March 20, 2025, there were 43 documented instances of elopement (2.7 instances per day), 222 instances of aggression (13.9 instances per day) and 33 instances of property destruction (2.1 instances per day). *Id.* at pp. 18-19. Most behaviors were short in duration, but elopement could last as long as 10 minutes, and the 17 outbursts of physical aggression lasted an average of 7.5 minutes. *Id.*

50. The FBA hypothesized that the triggers for Student's behavior were being asked to complete a nonpreferred task (like academics) or having a preferred activity or item taken away. *Id.* at p. 19. Student's limited attention span for work was also thought to contribute to behavior. *Id.* Access to specific items or activities was the primary function of the behavior, with escape acting as a secondary function at school and attention as a secondary function at home. *Id.*
51. There are no explicit standards for what constitutes an FBA. *Interview with CDE Content Specialist.* While it may be best practice to conduct an antecedent, behavior, consequence ("ABC") analysis as part of an FBA, that is not the only way to determine the function of a student's behavior. *Id.* Other aspects of an evaluation, like a sensory profile, BASC and interviews, contribute to the analysis in an FBA. *Id.*
52. Based on the supports in the 2024 IEP and BIP, an unfamiliar reader would expect a student with autism without significant behavior needs. *Id.* The frequency and intensity of behavior described in the FBA is inconsistent with the level of support in the 2024 IEP and BIP. *Id.*

#### Other Assessments

53. BOCES' School Psychologist administered the Wechsler Nonverbal Scale of Ability across several sessions. *Exhibit B*, p. 1. Student frequently requested and received breaks. *Id.* However, he refused to return to one of four subtests. *Id.* at p. 2. Student's full scale IQ score and his scores on two of the subtests were in the average range. *Id.* His score on the third subtest, at the 8<sup>th</sup> percentile, was in the low average to borderline range. *Id.*
54. Coordinator administered the Kaufman Test of Educational Achievement over 10 sessions. *Id.* at pp. 6-7. She found Student's spelling was average while his letter and word recognition, math computation and reading comprehension fell in the below average range. *Id.* His math concepts and applications score was in the low range and his written expression score was in the very low range. *Id.* Student could not complete math problems with two or more steps, required significant support and redirection to complete written activities and did "not have the stamina to read an [sic] passage longer than 5-7 sentences." *Id.* at pp. 7-9.
55. The 2025 Evaluation also included an interview with Parent and notes from Private Psychologist. *Id.* at pp. 19-20, 24. Student's OT evaluated Student's visual motor integration and sensory profile. *Id.* at pp. 20-23. Student did not complete all subtests, but was found to have below average visual-motor integration skills, which was consistent with his demonstrated skills when copying letters. *Id.* at p. 25. Both Parent and Coordinator also noted sensory concerns, especially in the school setting. *Id.* at pp. 21-22.

#### **J. Spring 2025 IEP Team Meetings**

56. BOCES sent parent an incomplete draft of the 2025 Evaluation on March 31, 2025. *Exhibit M-2*, p 24. Staff were still working to complete and add several assessments. *Id.*

57. A multidisciplinary team including Parent, Advocate, SLP, AAC SLP, an OT, Coordinator, Social Worker, School Psychologist and BOCES Director convened on April 9, 2025, to review the evaluation (“2025 Evaluation”). *Exhibit P*, p. 22; *Exhibit M-2*, p. 28. The 2025 Evaluation was completed April 9, 2025. *Exhibit M-1*, pp. 26, 30.
58. The multidisciplinary team reconvened on April 16, 2025 and completed the eligibility determination. *Interviews with Coordinator and BOCES’ Director*. Student was eligible for special education under the categories of ASD and specific learning disabilities in the areas of basic reading skills, reading fluency, reading comprehension, written expression, mathematical calculation and mathematical problem solving. *Exhibit P*, pp. 19-21.
59. Additional IEP team meetings were held on April 22, May 27 and June 11, 2025. *Exhibits F-3, F-4, F-5*. During those meetings, the IEP team reviewed the 2025 Evaluation and discussed the development of a new IEP and BIP. *Interviews with District Director and BOCES Director*.
60. The IEP team has not yet discussed the proposed services for Student or his LRE. *Interviews with District Director and BOCES Director*. However, the IEP team is proposing increasing Student’s time in general education, including having him attend some core classes with general education peers. *Interview with District Director; Exhibit A*, pp. 102-104.
61. Parent specifically requested that Student use a “PriO” device with “LAMP Words for Life” as his AAC device. *Interview with Parent; Exhibit 9*, pp. 1-3. On April 16, 2025, AAC SLP started trialing a different AAC device with Student. *Exhibit C*, pp. 1-3. Student showed progress with the device with consistent modeling, but the device was not consistently available to him when AAC SLP was not present. *Id.* AAC SLP needed data from consistent usage over 2-3 weeks as well as trials of at least two other systems to determine which would be the best match for Student. *Id.*
62. The draft IEP also included more than 20 accommodations, including several new accommodations to address Student’s sensory and accommodation needs. *Exhibit A*, pp. 98-99. Proposed accommodations include: (1) high-tech AAC with robust vocabulary; (2) visual schedule, social stories and task strips; (3) noise-cancelling headphones, fidget tools, weighted lap pad; and (4) visual and written prompts for all tasks. *Id.*
63. The draft BIP uses an updated format developed by CDE, which includes more detail on response strategies and a crisis plan which describes how to handle different phases of an escalation including accelerating behaviors and what it looks like afterwards. *Exhibit A*, pp. 106-118; *Interview with CDE Content Specialist*. The draft BIP includes several new strategies including previewing Student’s day, building adult connections, consistent use of “first-then” language and scheduled sensory breaks. *Id.*
64. As they have not yet finalized an IEP, BOCES proposed meeting again the week of July 22, 2025. *Exhibit M-2*, p. 55. Parent and Advocate declined to meet with the IEP team until after the resolution of this Complaint. *Id.* at pp. 54-55. Without an agreement on a new IEP, the

team continued to implement the 2024 IEP and BIP until the end of the year. *Interviews with Social Worker and BOCES Director.*

#### **K. Parent's IEE Request**

65. On April 2, 2025, Parent, through Advocate, requested an IEE for Student. *Exhibit J*, p. 1. In a PWN issued April 11, 2025, BOCES requested that Parent suspend that request as the evaluation “had not been finalized or reviewed by [P]arent in its entirety.” *Exhibit E*, p. 1.
66. At a meeting on June 11, 2025, BOCES Director asked if Parent still wanted an IEE. *Interviews with BOCES Director and Parent.* Parent and Advocate confirmed that they still wanted an IEE. *Id.*; *Exhibit F-5.* On June 23, 2025 Advocate followed up with BOCES Director about Parent’s outstanding request for an IEE. *Exhibit M-2*, p. 56.
67. On June 25, 2025, BOCES Director sent Parent BOCES’ guidelines for an IEE request, a release for the IEE evaluator and a copy of the procedural safeguards notice and indicated that BOCES intended to grant the IEE. *Id.* at p. 55.
68. BOCES Director received a release to speak with Parent’s chosen evaluator on July 1, 2025. *Interview with Director.* She called and emailed the proposed evaluator, but has not yet heard back, so the IEE is still pending. *Id.*

#### **L. Progress Reports**

69. Service providers, such as teachers and SLPs are responsible for tracking students’ progress on any goals they are implementing. *Interviews with BOCES Director and District Director.* Case Managers are then expected to input the information to generate progress reports. *Id.*
70. Progress reports are printed from District’s data management system and then sent home quarterly. *Interview with Coordinator.* In Student’s classroom, the progress reports were sent home in a weekly communication folder that is included in their backpacks. *Id.* Teacher of Record told Coordinator when she sent them home during the first two quarters. *Id.* Coordinator personally sent home Student’s third-quarter progress report in his backpack and mailed the fourth-quarter report home. *Id.*
71. First quarter progress reports were generated October 10, 2024, the day after Student’s IEP team meeting, so Student had not worked on his new goals yet. *Exhibit I*, pp. 1-8. Additionally, in the 2024 IEP, the progress data for his prior goals appears to stop at the end of the 2023-2024 school year. *Exhibit A*, pp. 40-47.

#### **Language Goals**

72. Student’s first language goal from the 2024 IEP was to “increase his phrase/sentence length to 4+ words 4/5 times” for various functions like commenting, rejecting and requesting, without a prompt, from a baseline of 60%. *Exhibit A*, pp. 54-55.

73. His second language goal was to increase functional communication from a baseline of “1 attribute, mod-max cues” through two objectives: (1) describe a picture or word “with at least 3 attributes such as: size, function, shape, quantity, category, synonym/similarities, opposite/differences with 70% accuracy;” and (2) answer “wh” questions with 70% accuracy after a passage or story is read to him. *Id.* at pp. 57-58.
74. For December 19, 2024 and March 13, 2025, for both goals the progress report notes “[c]urrently there is no documented information regarding progress toward this goal. Updates will be provided once the student’s progress has been reviewed and recorded.” *Exhibit I*, pp. 1, 8.
75. For the May 29, 2025 update, the SLP included the same observations for both goals, noting that Student’s behaviors had impacted his growth, that most responses were echolalic and that he was exploring use of an AAC device and putting more sequences together. *Id.* When given two options, Student answered “WH” questions with 40% accuracy. *Id.* at p. 1. No information was provided about Student’s phrase length or use of attributes.

#### Reading Goal

76. Student’s reading goal was to increase his reading fluency from a baseline of 25%, with three objectives: (1) “decode unfamiliar multisyllabic words using phonics strategies with 75% accuracy;” (2) “increase sight word recognition by accurately identifying and reading 50 new sight words with 75% accuracy” from a specified list; and (3) “increase [Student’s] understanding of vocabulary words within a 2<sup>nd</sup> grade text with 75% accuracy.” *Exhibit A*, p. 55.
77. As of December 19, 2024, Student had not worked on the objectives and had not made progress on this goal. *Exhibit I*, p. 2.
78. By March 2025, Student was struggling to decode multisyllabic words, but was using “phonics strategies to decode CVC words when they are read aloud to him.” *Id.* It was unclear if he could read new sight words from the specified list, but the progress report offers lots of information about his ability to read or recognize spoken high-frequency words. *Id.* at pp. 2-3. Student was consistently identifying synonyms and similar sentences, but he could not identify items by their function or “distinguish between words of varying intensity to enhance the meaning.” *Id.* Nothing is said about his ability to understand second-grade level texts. *Id.*
79. In late May 2025, he was decoding multisyllabic words with 50% accuracy but preferred “whole language versus phonics.” *Id.* He had met the sight words goal and the vocabulary goal if the story was read to him. *Id.*

#### Mathematics Goal

80. Student’s math goal was to “solve addition and subtraction word problems within 100 with 80% accuracy,” from a baseline of 20%. *Exhibit A*, p. 56.

81. As of December 2024, Student had made progress on this goal and “shown significant growth in solving addition and subtraction word problems up to 20.” *Exhibit I*, p. 4. It does not say what his accuracy was in solving those problems. *Id.*
82. By March 2025, Student could “solve addition word problems within 10 using manipulatives,” with 80% accuracy. *Id.* He had difficulty consistently solving subtraction problems within 10 with manipulatives, demonstrating only 40% accuracy. *Id.* “When presented with an addition or subtraction word problem within 20, [Student was] not yet able to set up and solve problems independently.” *Id.* This was reported as progress.
83. By May 2025, Student could “solve addition problems with 80% accuracy or above” and 20% accuracy for subtraction. *Id.* He required a lot of modeling. *Id.* It does not say if this is within 100, as contemplated by the goal, or within 20, as considered in March. *Id.*

#### Social\Emotional Wellness Goal

84. Student’s social emotional goal was to “use flexible thinking, coping skills, and ways to advocate in order to meet his social emotional needs and be successful in the classroom” based on three objectives: (1) using coping strategies in “4 out of 5 instances when faced with unexpected changes;” (2) using self-regulation strategies when denied access to preferred activities and returning to work within two minutes of redirection; and (3) independently asking for help or clarification in four out of five opportunities. *Exhibit A*, p. 56. His baseline was zero out of five. *Id.*
85. In December and March, there was no documented progress toward this goal and updates would be provided once progress was reviewed and recorded. *Exhibit I*, p. 5. Throughout the year, Social Worker was recording Student’s progress in her service log. *Interview with Social Worker*. However, she was unable to enter the information into the progress report until the final quarter. *Id.*
86. In May 2025, Student was using flexible thinking to manage frustration in 3/5 opportunities. *Exhibit I*, p. 5. Several examples were described and the report noted that Student’s “anger and elopement had improved with his ability to advocate for his needs and use his regulation strategies.” *Id.* During sessions with Social Worker, Student could be redirected to tasks within two minutes in 3/5 opportunities and was using the “Spot of Emotions” curriculum to show Social Worker how he was feeling. *Id.* In sessions, Student asked for help with new or perceived difficult activities and was willing to try new things if Social Worker showed excitement. *Id.*

#### Writing Goal

87. Student’s writing goal was to “write complete sentences using correct word spacing, capitalization, and punctuation, achieving 80% across 5 writing samples with a sentence structure example available.” *Exhibit A*, p. 57. His baseline was 0% accuracy. *Id.*



88. As of December 2024, Student had not made any progress because he got “frustrated when he ha[d] to write a lot and struggle[d] to write a lot independently.” *Exhibit I*, p. 6.
89. The March report is the same, with the addition that Student would write math problems, but not full sentences. *Id.* at p. 7.
90. As of May 2025, Student had achieved 15% accuracy on this goal. *Id.* His accuracy with spacing and capitalization was 50% when copying sentences, but Student struggled to create sentences. *Id.*

#### Physical Motor Goal

91. Student’s final goal was to “write one sentence with good alignment on the baseline, spaces between words and sizing to the given paper with 50% accuracy.” *Exhibit A*, p. 57. His baseline was 25% accuracy. *Id.*
92. As of December 2024, Student was making slow progress but showing “increased tolerance for writing” when he could write or copy things of interest. *Exhibit I*, p. 7. Student was resistant to corrections from OT, but they were continuing “to work towards increasing writing tolerance through preferred writing subjects.” *Id.*
93. In March 2025 he continued to make “slow progress toward this goal.” *Id.* He did most writing on white boards, “where sizing and alignment to lines is hard to measure.” *Id.*
94. By May 2025, Student was writing one or two words more independently. *Id.* When copying, his accuracy was 50%, but without a model “his accuracy for alignment to the given lines [was] 30%.” *Id.*

### CONCLUSIONS OF LAW

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

**Conclusion to Allegation No. 1: From October 2024 to present, BOCES did not ensure Student was educated with children who are nondisabled to the maximum extent appropriate and did not include sufficient or appropriate behavior supports and strategies to address Student’s needs, as required by 34 C.F.R. §§ 300.114(a)(2), 300.116(a)(2), 300.320(a)(5) and 300.324(a)(2)(i). This resulted in a denial of FAPE.**

The IDEA requires a school to offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 999 (2017). An analysis of the adequacy of an IEP begins with the two-prong standard established by the United States Supreme Court in *Board of Education v. Rowley*, 458 U.S. 176 (1982). The first prong determines whether the IEP development process complied with the IDEA’s procedures; the second prong considers whether the IEP was reasonably calculated to enable the child to receive an educational benefit. *Id.* at 207. If the

question under each prong can be answered affirmatively, then the IEP is appropriate under the law. *Id.* Taken together, these two prongs assess whether an IEP is procedurally and substantively sound.

#### **A. Development of the 2023 IEP**

Parent's concern is that the 2023 IEP did not educate Student in his LRE.

The 2023 IEP was developed more than one year before the Complaint was filed. (FF # 10.) Thus, the CDE will not consider the propriety of the IEP development process. 34 C.F.R. § 300.153(c); *CDE State-Level Complaint Procedures*, ¶ C(2)(c). However, the CDE still has authority to consider the propriety of the IEP itself. A deficient IEP continues to violate the IDEA each day that a school district implements the IEP, allowing the one-year time limitation to begin as late as the final day the IEP is in effect. *Weld County Sch. Dist. 6*, 81 IDELR 239 (CO SEA April 24, 2022). Thus, the CDE presumes the IEP development process was procedurally appropriate and turns directly to consider the second prong of whether the 2023 IEP was substantively adequate. *Rowley*, 458 U.S. at 207.

##### *i. Substantive Adequacy of the Spring 2024 IEP - LRE Requirements*

A child's placement—a term used to denote the provision of special education and related services—must be determined by the IEP Team, including parents, and must be individualized, as well as based on the student's IEP. 34 C.F.R. §§ 300.116, 300.322, 300.327; ECEA Rule 4.03(8)(a); *Questions and Answers on Endrew F. v. Douglas Cnty. Sch. Dist.*, 71 IDELR 68 (OSERS Dec. 7, 2017). Specifically, school districts must ensure that the placement decision is made by a group of persons including parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. 34 C.F.R. § 300.116(a); *see also id.* §§ 300.321(a)(1), 300.322, 300.324, 300.327, 300.501(c). Under the IDEA, placement means the services described in a student's IEP and does "not mean a specific place, such as a specific classroom or specific school." ECEA Rule 4.03(8)(a).

"Educating children in the least restrictive environment in which they can receive an appropriate education is one of the IDEA's most important substantive requirements." *L.B. ex rel. K.B. v. Nebo Sch. Dist.*, 379 F.3d 966, 976 (10th Cir. 2004). This means that children with disabilities receive their education in the general education setting with typical peers to the maximum extent appropriate, and that they attend the school they would if not disabled. 34 C.F.R. §§ 300.114, 300.116. Children with disabilities should only be placed in separate schooling, or otherwise removed from the regular educational environment, "if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." 34 C.F.R. § 300.114(a)(2)(ii).

Accordingly, an IEP must include "an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class." 34 C.F.R. § 300.320(a)(5). This statement describes a student's recommended placement in the LRE. *Id.* Students with

disabilities must be educated pursuant to the placement described in their IEPs. *Id.* at § 300.116(b)(2). In addition, an IEP must identify the special education and related services necessary to allow the student to advance appropriately towards annual goals, to be involved in the general education curriculum, and to be educated and participate with other nondisabled children. *Id.* at § 300.320(a)(4).

According to the 2023 IEP, Student's LRE was general education 15.1% of the time. (FF # 16.) Student spent 260 MPW in general education, specifically lunch and recess, with one-on-one paraprofessional support. (FF # 15.) The rest of his time was spent receiving direct instruction outside the general education setting. (*Id.*) The 2023 IEP noted Student was not able to access the general education curriculum without modifications to build the necessary skills for a less restrictive environment. (FF # 14.) The IDEA requires educating students "with typical peers to the maximum extent appropriate," that does not mean they have to fail in the regular education environment before a more restrictive option can be considered. 34 C.F.R. §§ 300.114, 300.116; *Letter to Cohen*, [25 IDELR 516](#) (OSEP 1996); and *OSEP Memorandum 95-9*, [21 IDELR 1152](#) (OSEP 1994). With behavior, communication and attention challenges impacting his ability to engage in learning, the IEP team could reasonably determine that he required a more restrictive environment to receive an educational benefit. (FF #s 11, 12.) The 2023 IEP documented the special education and related services necessary to allow Student to advance appropriately towards his goals and the extent to which he would be educated with nondisabled peers. (FF #s 15, 16.) Thus, the CDE finds and concludes that in the 2023 IEP, BOCES ensured that Student was educated with children who are nondisabled to the maximum extent appropriate, as required by 34 C.F.R. §§ 300.114(a)(2), 300.116(a)(2) and 300.320(a)(5). No violation of the IDEA occurred.

#### **B. Development of the 2024 IEP**

Parent's concern is that the 2024 IEP did not educate Student in his LRE and did not contain PBIS strategies including antecedent strategies, strategies to address Student's sensory and communication needs, de-escalation strategies, and a crisis plan.

Parent did not raise concerns regarding the IEP development process under the first prong, so the SCO turns directly to consider the second prong of whether the 2024 IEP was substantively adequate. *Rowley*, 458 U.S. at 207.

##### *i. Substantive Adequacy of the October 2024 IEP – LRE*

Under the 2024 IEP, Student's LRE was general education 14.4% of the time, a slight decrease from the 2023 IEP. (FF # 33.) However, the IEP team decided Student should start spending more time in general education, and the 2024 IEP indicated that Student would start participating in general education for homeroom and music class. (FF #s 32, 33, 36.) This change was not reflected in Student's services because staff wanted to review data to create a plan for increasing Student's inclusion. (FF # 37.) No plan was created, and Student never attended those general education classes. (FF #s 37-39.) In October 2024, the IEP team decided Student was ready to spend more time in general education, but they did not reflect that change in the statement of

his services or the description of his LRE. (FF #s 32, 33, 36.) They then did not educate him in the new LRE they agreed upon. (FF #s 38, 39.) Thus, the CDE finds and concludes that BOCES did not ensure Student was educated with children who are nondisabled to the maximum extent appropriate in the 2024 IEP, as required by 34 C.F.R. §§ 300.114(a)(2), 300.116(a)(2) and 300.320(a)(5). This resulted in a denial of FAPE. *See D.S. v. Bayonne Bd. Of Ed.*, 602 F.3d 553, 565 (3d. Cir. 2010) (finding that the content of an IEP relates to its substance, not to the IDEA's procedural requirements).

*ii. Substantive Adequacy of the October 2024 IEP – Behavior Strategies*

Under the IDEA, an IEP team must consider the use of positive behavioral interventions and supports whenever a student's behavior interferes with the student's ability to benefit from her educational programming. 34 C.F.R. § 300.324(a)(2)(i). This includes where the consequences of a child's behavior, including "violations of a school's code of student conduct, classroom disruptions, disciplinary removals, and other exclusionary disciplinary measures" impede the child's learning. *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Disciplinary Provisions*, 122 LRP 21461 (OSERS 07/19/22). School districts must also consider positive behavioral interventions in circumstances where a student's elopement interferes with the student's ability to benefit from her education or poses a safety risk. *See, e.g., In re Student with a Disability*, 123 LRP 34035 (SEA KY 10/03/23). A student's need for behavioral interventions and support must be decided on an individual basis by the student's IEP team. *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46540, 46691 (Aug. 14, 2006).

The 2024 IEP was developed in consideration of Student's present levels and the 2022 Evaluation. (FF # 28.) The 2022 Evaluation noted that Student engaged in "severe negative behavior daily," including tantrums, hitting adults and eloping. (FF # 11.) It also revealed sensory concerns both at home and at school and limited spontaneous speech. (*Id.*) Behavior continued to interfere with his progress on annual goals. (FF # 28.) Student required a BIP and special transportation due to unsafe behaviors related to his communication needs. (FF #s 12, 29.) To address these needs, the 2024 IEP included five relevant accommodations: (1) "The behavior plan must be followed throughout [Student's] day and staff;" (2) "For safety, and to facilitate with understanding and communicating, [Student] requires a 1-on-1 paraprofessional throughout his day;" (3) "Provide ample wait time and gestural prompts for [Student] to respond to request;" (4) "Allow for movement during structured activities;" and (5) "Model appropriate language and social behavior with peers." (FF #s 14, 31.) It also included one social emotional goal and two communication goals. (FF # 30.) It also adopted the 2023 BIP, which included three setting event strategies and nine antecedent strategies. (FF #s 20, 21, 34.)

At the time of the 2025 Evaluation, Student was engaging in an average of more than 18 target behaviors per day. (FF # 49.) As Student's behaviors had returned to baseline by that point, the CDE presumes behaviors were occurring with about that frequency when the 2024 IEP and BIP were developed. (FF #s 38, 39.) The 2024 IEP and BIP did not include sufficient or appropriate strategies to address this level of behavior. (FF # 52.) In addition, despite known sensory

challenges from the 2022 Evaluation, the only sensory strategy in the 2024 IEP and BIP was movement breaks. (FF #s 11, 14, 20, 21, 31, 34.)

Although Student's behaviors continued to interfere with his progress on goals, the only change from the 2023 IEP to the 2024 IEP was the replacement of 120 MPM of consultation with a BCBA with 120 MPM of direct services from a mental health provider. (FF #s 10-26, 28-34.) While this might seem like an increase in support, Student had actually been receiving direct support from a BCBA (his prior classroom teacher) under the 2023 IEP. (FF # 32.) Given that Student's behaviors were interfering with this progress on goals, the 2024 IEP and BIP needed to increase the level of support and/or services he was receiving, to reduce the behaviors and allow him to make progress on his annual goals.

For these reasons, the CDE finds and concludes that the 2024 IEP and BIP did not include sufficient or appropriate behavior supports and strategies to address Student's needs. Thus, the 2024 IEP was not reasonably calculated to address Student's behavior needs, as required by 34 C.F.R. § 300.324(a)(2)(i). This resulted in a denial of FAPE. *See D.S. v. Bayonne Bd. Of Ed.*, 602 F.3d 553, 565 (3d. Cir. 2010) (finding that the content of an IEP relates to its substance, not to the IDEA's procedural requirements).

### **C. Development of the Spring 2025 IEP**

Parent's concern is that BOCES was not considering his concerns or adequately describing the services Student requires in the IEP being developed. However, the IEP remained in draft form, with a plan for further discussion and changes. (FF #s 59-64.) As no decisions had been made in the draft IEP, the CDE finds and concludes that it was premature to file a complaint on that document. *Special Sch. Dist. of St. Louis County*, [119 LRP 796](#) (SEA MO 12/13/18) (Dismissing a due process complaint was not yet ripe for decision because the IEP had not been finalized). If Parent disagrees with the content of the new IEP when it is finalized, he is free to file another complaint at that time.<sup>4</sup>

### **D. Compensatory Education**

Compensatory education is an equitable remedy intended to place a student in the same position he would have been if not for the violation. *Reid v. Dist. of Columbia*, 401 F.3d 516, 518 (D.C. Cir. 2005). Compensatory education need not be an "hour-for-hour calculation." *Colo. Dep't of Ed.*, 118 LRP 43765 (SEA CO 6/22/18). The guide for any compensatory award should be the stated purposes of the IDEA, which include providing children with disabilities a FAPE that meets the particular needs of the child, and ensuring children receive the services to which they are entitled. *Ferren C. v. Sch. Dist. of Philadelphia*, 612 F.3d 712, 717-18 (3d Cir. 2010).

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<sup>4</sup> The CDE recognizes that an IEP may have been finalized less than two weeks before this Decision was set to issue. Nevertheless, the CDE finds that two weeks would not be sufficient time to conduct a thorough and robust investigation, and these concerns remained premature when filed.

From October 2024 through the end of the school year, Student did not receive appropriate supports and services to address his behavior needs and the BOCES did not ensure he was educated with his nondisabled peers to the maximum extent appropriate, which would have given him the opportunity to generalize those skills. In the draft IEP, BOCES is proposing to substantially increase Student's time in general education. (FF # 60.) To put Student in the position he would have been in, the CDE finds that it is necessary to provide him with an additional 15 hours of direct instruction inside the general education setting, to be provided by a BCBA or mental health provider to support him in developing and generalizing social skills and emotion/behavior regulation skills.

**Conclusion to Allegation No. 2: BOCES did not provide Parent with quarterly reports of Student's progress, as required by the 2024 IEP and 34 C.F.R. § 300.320(a)(3). This resulted in a denial of FAPE.**

**A. Accessibility of and Responsibilities for Student's IEP**

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 "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, 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).

Here, Coordinator reviewed Student's IEP with Teacher of Record and the classroom paraprofessionals. (FF # 9.) She ensured all the SSPs had access to the IEP. (*Id.*) She also reviewed District's IEP management system with Virtual Teacher and provided her with ongoing support. (*Id.*) All of Student's service providers were present at the IEP meeting where the 2024 IEP was developed. (FF # 27.) Thus, the CDE finds and concludes that BOCES ensured Student's providers had access to and were informed of their responsibilities under his IEP, consistent with 34 C.F.R. § 300.323(d).

**B. Progress Reports**

Parent's concern is that BOCES did not provide periodic reports of Student's progress between August 2024 and present.

IEPs must include a description of how a child's progress towards their annual goals will be measured and school districts must provide periodic reports on the progress a student is making toward the student's annual goals. 34 C.F.R. § 300.320(a)(3).

Here, the 2023 IEP and the 2024 IEP both stated that progress reports would be provided quarterly, with report cards, and at the annual IEP meeting. (FF #s 13, 30.) Progress reports for the first three quarters were sent home in Student's backpack and the fourth-quarter progress report was mailed to Parent. (FF # 70.) However, the first quarter progress report was generated the day after Student's October IEP team meeting, so nothing was reported for the new goals. (FF # 71.) In addition, the progress data in the 2024 IEP all stops at the end of the 2023-2024 school year. (*Id.*) Thus, the CDE finds that no progress was reported to Parent for August through October 10, 2025.

In addition, no data from SLP was included in the second or third quarter progress reports. (FF #s 72-74.) SLP's fourth quarter progress report only included information about one of Student's three language objectives. (FF # 75.) Thus, the CDE finds that progress was reported in only one quarter and for only one of Student's three language objectives.

Data from Social Worker also was not included in the December and March progress reports. (FF # 85.) Thus, the CDE finds that Student's progress on his social emotional goal was only reported for one quarter. Student's progress on his remaining four goals was reported in December, March and May. (FF #s 76-83, 87-94.)

Because Parent did not receive a progress report for any of Student's goals in the first quarter and progress on three goals was not reported in additional quarters, the CDE finds and concludes that BOCES did not provide periodic reports of Student's progress, as required by 34 C.F.R. § 300.320(a)(3), resulting in a procedural violation of the IDEA.

The United States Supreme Court has stressed the importance of complying with the IDEA's procedural requirements. *Bd. Of Educ. V. Rowley*, 458 U.S. 176, 205-06 (1982). However, procedural violations of IDEA are only actionable to the extent that they impede the child's right to a FAPE, significantly impede the parents' opportunity to participate in the decision-making process regarding the provision of a FAPE, or cause a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *Systema v. Academy Sch. Dist. No. 20*, 538 F.3d 1306 (10<sup>th</sup> Cir. 2008).

Here, Parent was not provided with Student's first quarter progress before the IEP team meeting in October 2024. (FF # 71.) He also was not provided information about Student's progress on his communication and social emotional goals for two additional quarters, including before the eligibility meetings in April 2025. (FF #s 72-74, 85.) The absence of this information impeded Parent's participation in the decision-making process at the October IEP team meeting and April eligibility meetings. As such, the SCO finds and concludes that this procedural violation did result in a denial of FAPE. To remedy this violation, the CDE will order additional remedies focused on preventing the recurrence of similar situations in the future.

### **C. Assistive Technology**

Parent's concern is that Student did not have access to an AAC device from March 2025 through the end of the year.

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." 34 C.F.R. § 300.323(c)(2).

Here, Student's 2024 IEP did not require the provision of an AAC device or any kind of assistive technology. (FF # 29.) While the IEP team was considering his need for an AAC device in spring 2025, to date, no new IEP has been finished. (FF #s 61, 64.) Nevertheless, AAC SLP had begun trialing a possible AAC device with Student in April and May 2025. (FF # 61.)

Because Student's 2024 IEP did not require an AAC device, the CDE finds and concludes that BOCES was not obligated to provide him with one from March 2025 to present. No violation occurred.

**Conclusion to Allegation No. 3: BOCES' evaluation of Student was sufficiently comprehensive to identify all of Student's special education and related services needs, as required by 34 C.F.R. § 300.304(c)(6). No violation occurred.**

Parent's concern is that the 2025 Evaluation did not sufficiently evaluate Student's behavior needs because the FBA was not conducted by a BCBA and it does not include ABC data.

### **A. Legal Requirements: FBAs**

The IDEA requires an evaluation to assess students "in all areas related to the suspected disability." 34 C.F.R. § 300.304(c)(4). Evaluations must be sufficiently comprehensive to identify all of the child's special education needs, whether or not commonly linked to the disability category with which the child has been identified. *Id.* at § 300.304(c)(6). The evaluation must also gather all relevant information that may assist in determining "the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum." *Id.* at § 300.304(b)(1)(ii). Whenever a student's behavior interferes with the student's ability to benefit from her educational programming, the IEP team must consider the use of positive behavioral interventions and supports. 34 C.F.R. § 300.324(a)(2)(i). Thus, for a student whose behavior is interfering with her ability to benefit from educational programming, a comprehensive evaluation must gather sufficient information about the student's behavior to assist in developing an appropriate IEP.

This commonly includes conducting an FBA, but there are no specific standards for what constitutes an FBA. (FF # 52.) An FBA is meant to gather information about academic, social or emotional behaviors of concern, including when, where and with whom the behavior occurs and what factors make the behavior worse or more likely to occur. *See CDE, Functional Behavioral Assessment (FBA) and Behavior Intervention Plans (BIP)* at pp. 1-2 (August 2017), available at



[https://www.cde.state.co.us/cdesped/ta\\_fba-bip](https://www.cde.state.co.us/cdesped/ta_fba-bip) (providing a description of the purpose of FBAs as well as the common types). A brief FBA involves interviews with staff or parents who have observed challenging behavior, while a more common full FBA “involves short and extended interviews, a record review, and direct observations of the challenging behavior.” *Id.*

Nothing in state or federal law or regulation requires an FBA to be conducted by a BCBA. To the contrary, Colorado’s Rules for the Administration of Educator License Endorsements (“ELE Rules”) specifies that school psychologists shall be knowledgeable about “a wide variety of models and methods of informal and formal assessments” and can implement a systemic data collection process to include “interviews and observations; behavioral, curriculum- and play-based assessments.” ELE Rules 7.06(2). School Psychologists must also be able to implement “behavioral assessment” to achieve student goals. ELE Rules 7.06(1)(d). Special education generalists are able to “conduct and interpret functional behavioral assessments” and design and implement PBIS systems based on those FBAs. ELE Rules 5.08(5)(b).

#### **B. 2025 Evaluation of Student**

Here, the 2025 Evaluation of Student included observations of Student’s behavior, including when and where the behaviors occurred. (FF #s 48-50.) It also included interviews and notes from those familiar with Student’s behavior, including Parent and Private Psychologist. (FF # 55.) Several individuals also provided feedback on Student’s behavior in the form of rating scales such as the BASC and FAST. (FF #s 45-47.) The FAST helps identify factors that make the behavior more likely to occur. (FF # 47.) While it may be best practice to collect ABC data as part of an FBA, it is not required. (FF # 51.) Based on all the information BOCES collected, the 2025 Evaluation included hypothesized triggers and functions for Student’s target behaviors. (FF # 50.) In consideration of the 2025 Evaluation, the draft IEP and BIP include several new strategies for addressing Student’s behavior. (FF # 62, 63.)

Thus, the CDE finds and concludes that the 2025 Evaluation was sufficiently comprehensive to identify all of Student’s behavior needs, as required by 34 C.F.R. § 300.304(c)(6). No violation of IDEA occurred.

**Conclusion to Allegation No. 4: BOCES provided an IEE at public expense without unnecessary delay, as required by 34 C.F.R. § 300.502(b)(1)-(2). No violation occurred.**

#### **A. Legal Requirements: IEEs**

Under the IDEA, parents have the right to seek an IEE at public expense if they disagree with an evaluation obtained by the school district. 34 C.F.R. § 300.502(b)(1). An “IEE” is an evaluation conducted by a qualified examiner who is not employed by the child’s school district. *Id.* § 300.502(a)(3)(i). Once a parent requests an IEE, the district must “without unnecessary delay” either: (1) file a due process complaint to request a hearing to show that the district’s evaluation was appropriate; or (2) provide the IEE at public expense. *Id.* § 300.502(b)(2).

Neither the IDEA nor guidance from the U.S. Department of Education defines what constitutes “unnecessary delay.” *See id.* Whether a delay is unnecessary is a “fact-specific inquiry” which turns on the circumstances of the individual case. *C.W. v. Capistrano Unified Sch. Dist.*, 784 F.3d 1237, 1247 (9th Cir. 2015).

Prior CDE state-level complaint decisions also provide guidance on this issue. The CDE has previously found delays of 63 days and 120 days to be unnecessary. *See Boulder RE-1J, St. Vrain*, 123 LRP 5309 (SEA CO 09/14/22) (finding delay of 63 days without any communication to be unnecessary); *Weld Cnty. Sch. Dist. RE-5J*, 121 LRP 19090 (SEA CO 03/19/21) (finding four-month delay in providing the IEE to be unnecessary). Alternatively, the CDE has found delays of two weeks and 38 days to not be unnecessary. *See Arapahoe Cnty. Sch. Dist. 6*, 121 LRP 13659 (SEA CO 03/03/21) (finding two-week delay before moving forward with an IEE to be acceptable); *Denver Pub. Schs.*, 124 LRP 34289 (SEA CO 08/13/24) (finding delay of 38 days to be acceptable where there was miscommunication among the parties, initial responsiveness by the district, and no intent to purposefully delay the request).

### **B. Parent’s Requests for an IEE**

Here, Parent first requested an IEE on April 2, 2025. (FF # 65.) At that time, BOCES’ evaluation of Student was not yet complete. (FF # 56.) The 2025 Evaluation was not completed until April 9, 2025, and the multidisciplinary team did not complete the eligibility determination until April 16. (FF #s 57, 58.)

Parents are entitled to request an IEE at public expense if they disagree with an evaluation conducted by a district. As BOCES had not yet completed the 2025 Evaluation at the time of Parent’s request on April 2, Parent was not yet entitled to request an IEE. In subsequent IEP team meetings between April 2 and June 11, 2025, Parent and BOCES continued to review and discuss the 2025 Evaluation. (FF # 59.) Parent reiterated his request for an IEE on June 11, 2025. (FF # 66.) Two weeks later, on June 25, 2025, BOCES granted the IEE and sent Parent the relevant information. (FF # 67.) The CDE has previously found that a two-week delay in moving forward with an IEE was reasonable. *Arapahoe Cnty. Sch. Dist. 6*, 121 LRP 13659 (SEA CO 03/03/21) Thus, the CDE finds and concludes that BOCES provided an IEE at public expense without unnecessary delay, as required by 34 C.F.R. § 300.502(b)(1)-(2). No violation occurred.

**Systemic IDEA Noncompliance: This investigation demonstrates noncompliance that is systemic and likely to impact the future provision of services for all children with disabilities in the BOCES if not corrected.**

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

*Education of Children with Disability and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46601 (Aug. 14, 2006).

Here, no progress was reported for one quarter and two of Student's SSPs did not report any progress for two additional quarters, including after Coordinator had taken over for the Teacher of Record. (FF #s 69-94.) The fact that these challenges with progress reporting spanned more than one quarter, more than one case manager and more than one SSP raises concerns that case managers in District are not collecting data from all SSPs before generating progress reports. (FF # 69.) As such, the CDE finds that this noncompliance is systemic and likely to impact the future provision of services for other IDEA-eligible students in BOCES. As such, the CDE is ordering the creation of a procedure around progress monitoring. Nothing in the Record suggests that the other noncompliance is systemic.

### **REMEDIES**

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

1. Ensuring Student was educated with children who are nondisabled to the maximum extent appropriate, as required by 34 C.F.R. §§ 300.114(a)(2), 300.116(a)(2) and 300.320(a)(5);
2. Including sufficient or appropriate behavior supports and strategies to address Student's needs, as required by 34 C.F.R. § 300.324(a)(2)(i); and
3. Providing Parent with regular progress reports, as required by 34 C.F.R. § 300.320(a)(3).

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

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

- a. By **Tuesday, September 2, 2025**, BOCES 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 BOCES 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 BOCES timely correction of the areas of noncompliance.

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

- a. BOCES Director, District Director, Coordinator, Social Worker and SLP must each read this Decision in its entirety, as well as review the requirements of 34 C.F.R. §§ 300.114(a)(2), 300.116(a)(2), 300.320(a), and 300.324(a)(2)(i) by **Friday, September 12, 2025**. If these individuals are no longer employed by the BOCES or

District, BOCES 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 the CDE by **Tuesday, September 16, 2025**.

### **3. Procedure Development**

- a. BOCES must develop a written procedure for properly measuring and reporting progress in District. This procedure must be consistent with 34 C.F.R. §§ 300.320(a)(3) and 300.323(c). This procedure must, at a minimum, include specifying who is responsible for ensuring that progress monitoring data from all of a student's providers, including SSPs, has been included in the progress report.
- b. This procedure may be an existing procedure used elsewhere in BOCES for measuring and reporting progress in other districts. The procedure must be submitted to the CDE by **Tuesday, September 30, 2025**. Any proposed procedure must be submitted to CDE Special Education Monitoring and Technical Assistance for review and approval prior to being finalized.
- c. Upon approval, BOCES must ensure that all special education administrators, case managers and special education teachers in District receive a copy of the new procedures no later than **Tuesday, October 7, 2025**. Evidence that the procedures were shared with staff, such as a copy of the email sent, must be provided to the CDE no later than **Tuesday, October 14, 2025**.

### **4. Progress Monitoring**

- a. For the 2025-2026 school year, BOCES must provide CDE with quarterly progress reports for Student. These reports must be provided to CDE no later than October 31, 2025, December 31, 2025, March 31, 2026 and May 31, 2026.
- b. Along with the progress reports, on the same dates, BOCES must provide CDE with an explanation specifying how and when the report was provided to Parent.
- c. Upon review, if CDE has concerns with the timeliness or contents of the progress reports, BOCES may be required to take additional steps, including but not limited to, revising and reissuing the progress reports or providing further training or guidance to staff on progress reporting. A determination that further steps are required rests solely with the CDE.

### **5. IEP Meeting**

- a. BOCES must convene Student's IEP team, at a mutually agreeable date and time, by **Friday, September 5, 2025**. In consideration of all recent evaluations of Student and the concerns identified in this Decision, Student's IEP team must review, and

as appropriate, revise Student's IEP consistent with 34 C.F.R. § 300.324 and ECEA Rule 4.03(8).

- b. If Parent refuses to participate in the IEP meeting, BOCES may convene a meeting without Parent, provided BOCES diligently attempts to secure Parent's participation at a mutually agreeable time and place and documents such efforts. A determination that BOCES diligently attempted to secure Parent's participation rests solely with the CDE.
- c. By **Friday, September 12, 2025**, BOCES must provide notice of the IEP meeting, proof the meeting was scheduled at a mutually agreeable date and time, proof of attendance of IEP Team members (such as a signature page), and a finalized IEP to the CDE.

#### **6. Compensatory Education Services**

- a. Student shall receive **15 hours of direct specialized instruction from an appropriately licensed therapeutic provider such as a social worker, school psychologist or BCBA/RBT selected by BOCES**. A determination that the provider is appropriately licensed rests solely with the CDE.
- b. All compensatory services must be provided to Student no later than **May 29, 2026**. These services must be designed to advance Student toward his annual IEP goals as well as the development and generalization of the skills required to increase Student's time in general education. As such, these services must be provided to Student during the school day, inside the general education environment.
- c. By **Monday, August 18, 2025**, Parent shall provide written consent for the provision of compensatory services to the CDE and BOCES. If Parent does not provide written consent for services by this date, BOCES will be excused from providing compensatory services to Student. Unless otherwise specified by the BOCES, this written consent shall be provided by Parent to BOCES Director. BOCES must then provide the written consent to CDE Special Education Monitoring and Technical Assistance Consultant.
- d. If written consent for the provision of compensatory services is received by August 18, 2025, BOCES shall submit the schedule of compensatory services to Parent and the CDE by **Friday, August 29, 2025**.
  - i. Any delay in beginning the provision of compensatory services must be approved by the CDE.
  - ii. When providing consent, Parent may opt out of some of the compensatory services. In that case, along with the schedule of services, BOCES shall

submit evidence of Parent's written request to opt out of a specific amount of compensatory services.

- e. Monthly consultation between the provider(s) delivering compensatory services and Student's case manager for the 2025-2026 school year shall occur to evaluate Student's progress towards IEP goals and adjust instruction accordingly. The purpose of this consultation is to help ensure that compensatory services are designed and delivered to promote progress on IEP goals. BOCES must submit documentation that these consultations have occurred **by the second Monday of each month**, once services begin, until all compensatory services have been furnished. Consultation logs must contain the name and title of the provider and the date, the duration, and a brief description of the consultation.
- f. To verify that Student has received the services required by this Decision, BOCES must submit records of service logs to the CDE by the **second Monday of each month** until all compensatory services have been furnished. The name and title of the provider, as well as the date, the duration, and a brief description of the service must be included in the service log.
- g. These compensatory services will be in addition to any services Student currently receives, or will receive, that are designed to advance Student toward IEP goals and objectives.
- h. If for any reason, including illness, Student is not available for any scheduled compensatory services, BOCES will be excused from providing the service scheduled for that session. If for any reason BOCES fails to provide a scheduled compensatory session, BOCES will not be excused from providing the scheduled service and must immediately schedule a make-up session and notify the Parent and CDE of the change in the appropriate service log.

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 BOCES does not meet the timelines set forth above, it may adversely affect BOCES' annual determination under the IDEA and subject BOCES to enforcement action by the CDE.

### **CONCLUSION**

The Decision of the CDE is final and is not subject to appeal. *CDE's State Complaint Procedures*, Section E, ¶ 2. 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. *Id.*; *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 4<sup>th</sup> day of August, 2025.



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Rachel Dore  
Senior State Complaints Officer

## APPENDIX

### **Complaint, pages 1-14**

- Exhibit 1: Draft IEP
- Exhibit 2: Evaluation
- Exhibit 3: Correspondence
- Exhibit 4: Draft IEP

### **Response, pages 1-21**

- Exhibit A: IEPs
- Exhibit B: Evaluation
- Exhibit C: Service Logs
- Exhibit D: Consent
- Exhibit E: PWNs
- Exhibit F: IEP Documents
- Exhibits F-1-5: Audio Recordings
- Exhibit G: Disciplinary History
- Exhibit H: Student Attendance
- Exhibit I: Progress Report
- Exhibit J: IEE Request
- Exhibit K: Calendar
- Exhibit L: BOCES Policies
- Exhibit M-1: Correspondence
- Exhibit M-2: Correspondence
- Exhibit N: Staff Information
- Exhibit O: Delivery Confirmation
- Exhibit P: Additional Records

### **Reply, pages 1-20**

- Exhibit 5: Correspondence
- Exhibit 6: Correspondence
- Exhibit 7: Crisis Plan
- Exhibit 8: Inclusion Plan
- Exhibit 9: AAC Statement
- Exhibit 10: Student Record

### **Telephone Interviews**

- Coordinator: July 8, 2025
- District Director: July 9, 2025



- School Psychologist: July 9, 2025
- Social Worker: July 10, 2025
- BOCES Director: July 10, 2025
- Parent and Advocate: July 11, 2025