

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

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**State-Level Complaint 2023:557  
Douglas County School District RE-1**

**DECISION**

**INTRODUCTION**

On July 14, 2023, the parents (“Parents”) 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-level complaint (“Complaint”) against Douglas County School District RE-1 (“District”). The State Complaints Officer (“SCO”) determined that the Complaint identified three allegations subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 CFR §§ 300.151 through 300.153. Therefore, the SCO has jurisdiction to resolve the Complaint.

**RELEVANT TIME PERIOD**

Pursuant to 34 C.F.R. §300.153(c), the Colorado Department of Education (the “CDE”) has the authority to investigate alleged violations that occurred not more than one year from the date the original complaint was filed. Accordingly, this investigation will be limited to the period of time from July 14, 2022 to the present for the purpose of determining if a violation of IDEA occurred. Additional information beyond this time period may be considered to fully investigate all allegations. Findings of noncompliance, if any, shall be limited to one year prior to the date of the complaint.

**SUMMARY OF COMPLAINT ALLEGATIONS**

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

1. Failed to properly implement Student’s IEP during the 2022-2023 school year, in violation of 34 C.F.R. § 300.323, specifically by:
  - a. Failing to make Student’s IEP accessible to teachers or service providers responsible for its implementation;

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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.

- b. Failing to provide Student with the specialized instruction and related services required by the IEP, including mental health services; and
  - c. Failing to provide the accommodations required by Student’s IEP, specifically check-in/check-outs, frequent positive praise, access to calming tools and breaks, flexible seating arrangements, extended time for assessments, small group for assessments, visually breaking down assignments, reduced independent work, and an option for no homework.
2. Failed to monitor progress, and provided Parents with periodic reports on progress, for social emotional goals described in the IEP during the 2022-2023 academic year, in violation of 34 C.F.R. § 300.320(a)(3)(ii).
3. Failed to ensure that Student’s special education teachers possessed required certifications and licenses during the 2022-2023 academic year, in violation of 34 C.F.R. §§ 300.156 and 300.207 and ECEA Rule 3.04.

### **FINDINGS OF FACT**

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

#### **A. Background**

1. Student is ten years old and attends a District elementary school (“School”) in fifth grade. *Exhibit A*, p. 51. He qualifies for special education under the disability categories of Speech or Language Impairment, Other Health Impairment, and Specific Learning Disability. *Id.*
2. Student is friendly, happy, and eager to build relationships. *Interviews with Parents, Speech Language Pathologist (“SLP”), Principal, and Special Education Teacher 1*. He has a great sense of humor and excels at academics when confident. *Interviews with General Education Teacher and Special Education Teacher 1*. His interests include his dog, basketball, and the Disney character Stitch. *Interviews with Parents, Occupational Therapist (“OT”), and SLP*.
3. Student was diagnosed with Generalized Anxiety Disorder and Major Depressive Disorder in January 2022. *Complaint* at p. 4.
4. This investigation involves implementation of services and accommodations from an IEP dated April 20, 2022 (the “IEP”), which was in effect during the 2022-2023 academic year. *Exhibit A*. It was developed after a District evaluation of Student in April 2021. *Id.* at p. 51.

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<sup>2</sup> The appendix, attached and incorporated by reference, details the entire Record.

## B. The IEP

5. The IEP documents Student's academic strengths in mathematics and languages (Spanish and American Sign Language), and functional strength in following directions and asking for help when needed. *Id.* at p. 3.
6. The IEP's present levels of performance section describes Student's work on occupational therapy, communication, social-emotional, and academics. *Id.* at pp. 3-8. Student made progress in all areas during the previous academic year. *Id.*
7. Student's speech-language impairment "impacts both his access to academic information and his interpersonal relationships in the school setting." *Id.* at p. 11. His specific learning disability "impacts his ability to read and spell words, compute basic addition and subtraction problems, and solve grade-level mathematical word problems." *Id.* His motor control issues impact his "ability to access academic tasks that require writing." *Id.* His generalized anxiety disorder diagnosis impacts his ability to correctly interpret teachers and others. *Id.*
8. The IEP contains twelve annual goals: four in communication, one in reading, three in writing, two in mathematics, and two in social-emotional. *Id.* at pp. 62-68.
9. The IEP states "Parents will be informed of progress quarterly, as well as at his annual IEP meeting." *Id.* at p. 62. Relevant to progress monitoring concerns raised by Parents for this investigation, the social-emotional goals are:
  - Goal No. 11: "After working with the mental health provider on the skills in the rubric, [Student] can demonstrate his improved ability to express his emotions by going from a 0/35 on to a 30/35 on the following rubric across 4 consecutive sessions as measured weekly.
    - i. After identifying 3 trusted adults [Student] feels comfortable expressing his emotions to, he will seek out one of these people to express his emotions (angry, frustrated, sad, happy) needing no more than 1 prompt.
    - ii. When interacting with adults, [Student] will use I messages with no more than 1 prompt.
    - iii. After being taught the Zones of Regulation, [Student] will accurately express what zone he is in with no more than 1 prompt.
    - iv. After being taught how to use an emotion chart, [Student] will track his emotions throughout the day with no more than 1 prompt in each class.

v. If [he] finds his Zone of Regulation to be yellow or higher, he will employ an effective coping/calming technique with no more than 1 prompt.”

- Goal No. 12: “[Student] will demonstrate the ability to interact appropriately with his peers at school with no more than one adult prompt 80% of the time averaged over a 1 month period. He will be instructed in the Social Thinking curriculum and practice the skills learned when interacting with peers.”

*Id.* at pp. 67-68.

10. The IEP lists 29 accommodations. *Id.* at p. 69. The IEP was amended on February 24, 2023 to add two additional accommodations: one regarding the use of assistive technology and one regarding the use of individualized positive reinforcement. *Id.*

11. The IEP identifies the following special education and related services:

- Social/emotional skills development: 120 direct service minutes to be delivered outside the general education classroom monthly and 60 direct service minutes to be delivered inside the general education classroom monthly.
- Speech/Language Services: 250 direct service minutes to be delivered outside the general education classroom monthly and 20 indirect service minutes to be delivered outside the general education classroom monthly.
- Specialized Instruction: 360 direct service minutes to be delivered outside the general education classroom monthly.
- Occupational Therapy: 60 minutes of direct service minutes to be delivered outside the general education classroom monthly.

*Id.* at pp. 72-73.

12. The IEP Team determined it was appropriate for Student to be in the general education classroom 87.3% of the time. *Id.* at p. 74.

### **C. The 2022-2023 School Year**

#### **Student’s Attendance**

13. District was in session for 173 school days during the 2022-2023 academic year. *Exhibit I.* According to School’s attendance records, Student was absent 52 days during the 2022-2023 academic year, and tardy for 3 additional days. *Exhibit G.* The SCO finds that 52 absences represent more than 30 percent of the available student instruction days of the school year.

14. Parents stated that while some absences were due to illness or other factors, many were on account of them voluntarily withholding Student from school because they felt the school environment was not appropriate for him to be able to attend. *Interview with Parents*. Specifically, they said that on days when Student was feeling anxious, he would cry, say he was not going to school, and refuse to get into the car. *Id.*
15. On January 12, 2023, Parents met with Principal to discuss Student's absences. *Interviews with Parents and Principal*. Parents and Principal developed an Anxiety Protocol to facilitate increased attendance by Student. *Exhibit 10*. Under this Anxiety Protocol, Student's work expectations in the general education classroom would be reduced. *Id.* Without this Anxiety Protocol, Parents would not have permitted him to attend school. *Interview with Principal*.

#### Parents' Requests that Student Not Work with Certain Providers

16. Over the course of the 2022-2023 academic year, Parents made several requests that Student no longer be permitted to work with members of his IEP team.
17. In November 2022, an incident took place in the school cafeteria in which Student attempted to use an audio recording device to record a dispute between students and staff. *Interviews with Parents and SLP*. After that incident, SLP indicated to Student that it was not appropriate to record others without their permission. *Interview with SLP*.
18. On December 1, 2022, Parents stated during a meeting with General Education Teacher and SLP that SLP's relationship with Student was irreparably broken and asked that she no longer be permitted to work with Student. *Exhibit C*, p. 22; *Interviews with Parents and SLP*.
19. As a result, speech language services were suspended at Parents' request throughout December and part of January, until a new speech language pathologist was assigned to him. *Exhibit C*, pp. 17-22. Speech language services resumed January 23, 2023. *Id.*
20. During an IEP meeting on February 13, 2023, Parents requested that School Social Worker ("Social Worker") no longer be permitted to work with Student because that relationship was broken. *Interview with Parents*. The IEP was amended, at Parents' request, to remove Social Worker's direct service minutes and replace them with indirect minutes consulting with Parents' private therapist. *Exhibit A*, p. 79. From February 13, 2022 to the end of the school year, Student did not receive any direct mental health services at School. *Exhibit C*, pp. 1-11.
21. Parents also requested that Student be moved from General Education Teacher's classroom to another class. *Complaint*, p.5. This request was denied by Principal. *Id.*

#### **D. IEP Implementation: District's Policies, Procedures, and Practices**

22. District policy requires that all student IEPs be maintained electronically, in a data management system. *Interview with Special Education Director.*
23. All special education teachers involved with a student have access to the IEP through that data management system. *Id.* New teachers in the district receive training on how to access and use the data management system. *Interview with Special Education Teacher 1.*
24. General Education teachers are provided a "Student Profile Snapshot" of the IEP that outlines goals, accommodations, modifications, and service minutes. *Interview with Special Education Director; CDE Exhibit 1.*
25. Service providers are directed to implement IEPs with fidelity as this is their "responsibility is to use the IEP as a roadmap to provide services." *Interview with Special Education Director.* She described IEP implementation as a "partnership" between the school and parents. *Id.*
26. District provides regular trainings to teachers and service providers regarding IEP implementation and other compliance issues. *Id.*
27. District guidance encourages service providers to document IEP services via a service log, describing the use of such logs as a best practice. *Exhibit K*, p. 3. Special Education Coordinator described an expectation "that our providers document all of their services." *Interview with Special Education Coordinator.*

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

28. General Education Teacher and Special Education Teacher 1 met to review Student's IEP together at the beginning of the school year to ensure both were familiar with the IEP. *Interviews with General Education Teacher and Special Education Teacher 1.* Special Education Teacher 1 and Special Education Teacher 2 also frequently met to review Student's IEP. *Interviews with Special Education Teacher 1 and Special Education Teacher 2.*
29. Social Worker, OT, and SLP all reviewed Student's IEP prior to working with him. *Interviews with Social Worker, OT, and SLP.* Special Education Coordinator also met regularly with members of the IEP team to receive updates on Student's IEP. *Interviews with Special Education Coordinator, OT, Special Education Teacher 1, and Social Worker.*

## F. IEP Implementation: Specialized Instruction and Related Services

### Parents' Concerns

30. Parents expressed concerns regarding whether Student had received the services required under his IEP. *Complaint; Interview with Parents*. District provided the SCO with a document entitled "Service Log History" detailing the IEP services provided to Student during the 2022-2023 school year. *Exhibit C*.
31. This document contained service logs written by Special Education Teacher 1, Social Worker, OT, and SLP. *Id.* All four providers indicated that they typically created their logs either contemporaneously with the service or later the same day. *Interviews with Special Education Teacher 1, Social Worker, OT, and SLP*. The logs noted the days Student was absent from instruction and thus did not reflect service minutes, and they noted the days on which Parents requested that he not work with a specific provider. *Exhibit C*.

### Specialized Instruction

32. The IEP required 720 minutes of direct specialized instruction services per month. *Exhibit A*, p. 73.
33. Special Education Teacher 1 recorded four log entries, each day from August 15-18, 2023. *Id.* at pp. 42-44. For the remainder of the academic year, she moved to a system by which she recorded service via Google Sheets. *Interview with Special Education Teacher 1*.
34. The SCO independently reviewed this Google Sheets account to verify Special Education Teacher 1's service logs for the remainder of the 2022-2023 academic year. *Review of Special Education Teacher 1's Google Sheets*. This review confirmed that on days in which Student was present for instruction, specialized instruction minutes were delivered. *Id.* On days in which Student was not present for instruction, logs were marked "AB" or "absent." *Id.*
35. These service logs indicate regular provision of specialized instruction, except in instances where Student was absent from school, Parents requested that Student not work with Special Education Teacher 1, or when Special Education Teacher 1 was absent. *Review of Special Education Teacher 1's Google Sheets*.
36. Thus, the SCO finds that Student received 720 minutes of specialized instruction per month, except in instances where he was absent from school, Parents requested that Student not work with Special Education Teacher 1, or when Special Education Teacher 1 was absent.

### Social-Emotional

37. The IEP required 180 minutes of direct social-emotional skills development services per month. *Exhibit A*, pp. 72-73. The IEP was amended in February 2023 to replace these minutes with 90 minutes of indirect social-emotional skills development per month. *Id.* at p. 73.
38. Social Worker recorded service logs throughout the 2022-2023 academic year, from the first log on August 15, 2022 to the most recent log on May 16, 2023. *Exhibit C*, pp. 1-44.
39. Parents raised concerns about some service logs indicating the provision of indirect services but recording minutes as direct. *Complaint*, p. 7; *Interview with Parents*. For instance, two logs from April 28, 2023 and May 3, 2023 are labeled “Indirect Consultation,” but log 70 minutes and 90 minutes of direct services, respectively. *Exhibit C*, p. 2.
40. Social Worker indicated that this discrepancy was an error due to difficulty in identifying direct and indirect minutes in the data management system. *Interview with Social Worker*. When asked whether such an error would adversely impact total service delivery, Social Worker indicated that she tallies her service minutes on a separate worksheet. *Id.* Indeed, Social Worker provided the SCO a copy of this separate service minute log wherein the entries in question are correctly recorded as indirect minutes. *CDE Exhibit 3*.
41. Social Worker’s service logs indicate regular mental health services provided to Student, except in instances where Student was absent from school or Parents requested that Social Worker not work with Student. *Exhibit C; CDE Exhibit 3*.
42. Thus, the SCO finds that Student received 180 minutes of direct social-emotional skills development services (pre-IEP amendment), except in instances where Student was absent from school or Parents requested that Social Worker not work with Student, and 90 minutes of indirect social-emotional skills development services (post-IEP amendment).

### Occupational Therapy

43. The IEP required 60 minutes of direct occupational therapy services per month. *Exhibit A*, p. 73.
44. OT recorded service logs throughout the 2022-2023 academic year, from the first log on August 17, 2022 to the most recent log on May 9, 2023. *Exhibit C*, pp. 1-43.
45. Parents expressed concern involving two logs recorded on February 1, 2023, during overlapping times. *Complaint* at p. 7. One was recorded by OT, and the other by an individual OT identified as her intern. *Exhibit C*, pp. 13-14. OT stated that the latter log was created in error and should not be counted toward Student’s service minutes. *Interview with OT*.



46. Excluding the log recorded by the intern, OT's logs for February 2023 account for 70 direct service minutes, more than the 60 minutes required by Student's IEP. *Exhibit C*, pp. 11-14. Indeed, the service logs indicate regular provision of occupational therapy services, except in instances where Student was absent from school. *Id.*
47. Thus, the SCO finds that Student received 60 minutes of direct occupational therapy services per month, except in instances where Student was absent from school.

### Speech-Language

48. The IEP required 250 minutes of direct speech-language services and 20 minutes of indirect speech-language services per month. *Exhibit A*, p. 73.
49. SLP recorded service logs for only the first half of the 2022-2023 academic year, from the first log on August 5, 2022 to the most recent log on December 1, 2022. *Id.* at pp. 18-45. SLP's most recent log which recorded service minutes took place on December 1, 2022, the same date that Parents requested that SLP no longer work with Student. *Id.* at p. 22.
50. From December 1, 2022 to December 20, 2022, all "Speech/Language Services" entries recorded no service minutes and included a note reading "Per parent request, [Student] is taking a break from speech-language services until January 2023." *Id.* at pp. 18-21.
51. After December 20, 2022, all "Speech/Language Services" entries were recorded by Student's new speech language pathologist. *Exhibit C*, pp. 1-17.
52. Service logs indicate regular provision of services prior to January 2023, except in instances where Student was absent from school or Parents requested that SLP not work with him. *Id.*
53. Thus, the SCO finds that 250 minutes of direct speech-language services and 20 minutes of indirect speech-language services per month were provided, except during those instances where Student was absent from school or Parents requested that SLP not work with Student.

### **G. IEP Implementation: Accommodations**

54. Parents identified a concern that eight accommodations were not implemented. *Complaint.*

### Daily Check-ins and Check-outs

55. Student's IEP contained an accommodation for: "Daily, structured check-in and check-out (first 3 months of the school year)." *Exhibit A*, p. 69.
56. Parents interpreted this to mean conversation between them and General Education Teacher. *Interview with Parents.* Staff interpreted this to mean conversation at the beginning

and end of the school day between Student and General Education Teacher. *Interviews with General Education Teacher, SLP, Principal, Social Worker, and Special Education Teacher 1.*

57. Twenty-nine of the 30 other IEP accommodations directly involve Student and do not involve Parents, except for “Ongoing communication system with parents,” which explicitly lists Parents as participants. *Exhibit A*, p. 69. For this reason, the SCO finds that this accommodation refers to daily interaction between Student and General Education Teacher.
58. General Education Teacher reports that she would verbally check in with Student every day to see how he was doing, both before and after school. *Interview with General Education Teacher*. Staff confirmed these daily check-ins and check-outs. *Interviews with Special Education Teacher 1, Social Worker, and SLP.*
59. Six weeks into the school year, responding to Parents’ concerns, General Education Teacher implemented a “back-and-forth book,” a set of worksheets in which Student and his teachers and service providers would report the day’s activities to be sent home to Parents. *Interviews with Parents, General Education Teacher, Social Worker, Special Education Teacher 1, and SLP.* School also implemented a Google Form on which he could send messages to staff to indicate his state of mind and express needs. *Interview with Parents*. Student used this system daily. *Interview with Principal.*
60. Based on these facts, the SCO finds that this accommodation was made available to Student.

#### Frequent Positive Praise

61. Student’s IEP contained an accommodation for “Frequent positive praise.” *Exhibit A*, p. 69. This accommodation referred to both verbal and written praise. *Id.*; *Interview with Parents*.
62. Parents reported that during the 2022-2023 school year, Student brought home only two sticky notes with written praise. *Interview with Parents*. They said these notes were the only ones provided because he “would have brought those home like he did in third grade.” *Id.*
63. School staff reported frequent positive verbal praise being offered to Student in the classroom. *Interviews with General Education Teacher, OT, SLP, Special Education Teacher 1, Special Education Teacher 2, and Social Worker*. Staff also described the frequent use of stickers to provide positive praise. *Interviews with Special Education Teacher 1 and SLP.*
64. General Education Teacher used a “back-and-forth book” to report his daily activities. *Interviews with Parents, General Education Teacher, Social Worker, Special Education Teacher 1, and SLP.* Written praise was provided through this back-and-forth book. *Interviews with General Education Teacher, Special Education Teacher 1, and OT.*

65. As one example, OT wrote a note in the back-and-forth book on September 21, 2022 that read “Typed 48-65 cpm on typing pad with 89% accuracy. Great work!” and signed her name. *Exhibit 3*, p. 10. As another example, on September 26, 2022, General Education Teacher wrote a note which read “Great job on symbols book!” and signed her name. *Id.* at p. 12.
66. General Education Teacher also wrote notes on September 28, 2022 which read: “Worked with [redacted] on +, -, with 5 digits! Wow!”; “Great work!”; and “[Student] did a great job of bouncing back!” *Id.* at p. 14. Similar written notes exist on entries for October 5, October 10, October 12, and October 14, 2022. *Id.* at pp. 19-28.
67. Based on these facts, the SCO finds that this accommodation was made available to Student.

#### Access to Calming Tools

68. Student’s IEP included an accommodation for “Access to calming tools.” *Exhibit A*, p. 69.
69. Parents interpreted this to mean access to “fidget and sensory tools” and reported that one day Student returned home and said he was not allowed to use fidgets in class. *Interview with Parents*.
70. On March 21, 2023, Mother emailed General Education Teacher: “[Student] asked me if he can bring fidgets/stress balls to his desk and I said yes.” *Exhibit 5*, p. 8. She requested, “Please allow him to have them at his desk today.” *Id.* General Education Teacher responded that she would make sure he had access to these calming tools. *Interview with Parents*.
71. General Education Teacher stated that Student, and all students in her classroom, had access to fidget toys. *Interview with General Education Teacher*. She stated that Student had several in his desk, and that she maintained a basket of fidget toys for the whole class to access. *Id.*
72. School staff confirmed that the box of fidget toys in General Education Teacher’s classroom was always available to students. *Interviews with Special Education Teacher 1, OT, SLP, Principal, Special Education Teacher 2, and Social Worker*. OT reported he frequently used calming tools in her room, particularly favoring putty and a kinetic fan. *Interview with OT*.

73. Based on these facts, the SCO finds that this accommodation was made available to Student.

#### Access to Breaks

74. Student’s IEP included an accommodation for “Access to breaks.” *Exhibit A*, p. 69.
75. Parents interpreted this to refer to Student’s ability to leave the classroom to take breaks during the school day and indicated that Student was not allowed to take breaks from General Education Teacher’s class. *Interview with Parents; Complaint*, p. 12.

76. On October 2, 2022, Mother e-mailed General Education Teacher asking if Student was provided access to breaks. *Exhibit 5*, p. 4. General Education Teacher responded that “[Student] has not mentioned needing a break and I don’t notice that he needs one in class. I am open to that.” General Education Teacher also wrote “we can have him start taking breaks with the math games on his computer.” *Id.*
77. General Education Teacher reports that prior to November, Student would take breaks inside the classroom when he wanted. *Interview with General Education Teacher*. After November, Student would write emails or input messages into a Google Form to indicate to school staff that he would like to take a break. *Id.* Student would frequently ask to go on a walk with Principal. *Id.* Other school staff report that Student had access to breaks when in General Education Teacher’s classroom. *Interview with Special Education Teacher 1*.
78. Indeed, Principal reported that Student would frequently request break time with him, as he was a trusted adult for Student. *Interview with Principal*. For instance, in an email dated March 30, 2023, Mother asked Principal if he would be taking Student for a walk that day. *Exhibit 5*, p. 11. Principal responded “Yes, I can.” *Id.*
79. Also, on days Principal was not available to take Student for a walk, Special Education Teacher 2 would accompany Student on his break. *Interview with Special Education Teacher 2*.
80. Based on these facts, the SCO finds that this accommodation was available to Student.

#### *Flexible and Strategic Seating*

81. Student’s IEP included an accommodation for “Flexible and strategic seating (i.e. to the left or to the right of the board in the first 2-3 rows to limit the amount of visual tracking needed, wiggly seat, close proximity to students he can model).” *Exhibit A*, p. 69.
82. Parents interpreted this to refer to Student being seated near a model student to encourage positive behavior, and away from students with whom Student has had difficulty in the past. *Interview with Parents*. They said he was not seated next to his sibling. *Id.*
83. General Education Teacher said it was a balancing act in trying to fulfill all the detail listed in the accommodation. *Interview with General Education Teacher*. Her classroom is “small” and she “made every attempt to seat him as well as [she] could” consistent with the IEP. *Id.* General Education Teacher “had to move around tables to meet the Parents’ wishes.” *Interview with Special Education Teacher 1*.
84. For instance, she described a situation in which Parents had identified a peer that Student had trouble with, indicating “I would allow [Student] to select his seat first, and then would seat the other child accordingly.” *Interview with General Education Teacher*. She reported

that “there was often a new student that the Parents were upset with” and that she tried to accommodate the new requests. *Id.*

85. As the school year progressed, the list of peers Student was not allowed to sit near “became so long that there was no way to seat him far from all of them.” *Interview with Special Education Teacher 2.*
86. Parents requested that Student be allowed to sit next to his sibling, which he always was. *Interviews with Special Education Teacher 1, Special Education Teacher 2, and Principal.* Staff described he was seated near the front of the class so he could receive additional attention when needed, and with a good line of sight. *Interviews with SLP and Social Worker.*
87. Indeed, a special education advocate hired by Parents observed Student in the classroom in February 2023 and noted the “Flexible and strategic seating” accommodation was “observed to be implemented in the classroom.” *Exhibit 5, pp. 68-69.*
88. Based on these facts, the SCO finds that this accommodation was available to Student.

*Extended Time on Assessments and Assignments, and Reduced Independent Work*

89. Student’s IEP included an accommodation which reads “Extended time for Assessments and assignments (including timed math facts tests).” *Exhibit A, p. 69.* It contained another accommodation which reads “Provide reduced amount of independent work.” *Id.*
90. Parents interpreted these accommodations as applicable to Student’s math facts assignments, stating he was required to do 100 math facts in five minutes. *Interview with Parents.* They stated that Student should be given fewer problems or more time. *Id.*
91. General Education Teacher stated that when other students engaged in these math facts, Student would be assigned half the number of problems during that time. *Interview with General Education Teacher.* After Parents expressed concern about a timer used once on a diagnostic tool (Student was still only given 50 questions while peers completed 100 questions), General Education Teacher stated that from that point forward, Student was only asked to practice his math facts untimed while peers engaged in a timed assignment. *Id.*
92. School staff confirmed that Student was given as much time as needed on assignments. *Interviews with OT, SLP, and Special Education Teacher 1.* Staff also reported that Parents did not want Student to be assigned work. *Interviews with SLP, Principal, Special Education Teacher 1, and Special Education Teacher 2.*
93. In an email dated January 18, 2023, Mother wrote “We don’t want to start introducing classroom work until the relationships are built.” *Exhibit 5, p. 1.* She added, “We will expect that this is the plan in effect.” *Id.* Starting in January 2023, at Parents’ request, no work

demands were placed on Student. *Interviews with SLP, Principal, Special Education Teacher 1, and Special Education Teacher 2.* From that point forward, Student did not participate in timed assignments. *Id*

94. Based on these facts, the SCO finds that these accommodations were made available to Student.

#### Option for No Homework

95. The IEP included “an option for no homework due to anxiety” accommodation. *Exhibit A*, p. 69.

96. Parents interpreted this accommodation to mean that Student was to be assigned no homework and stated that toward the beginning of the year he was sent home with optional reading assignments. *Interview with Parents.*

97. General Education Teacher stated that he “never had homework last year.” *Interview with General Education Teacher.* She added, “I did ask him to read twenty minutes a day.” *Id.*

98. She met with Parents and Student prior to the start of the school year to review this twenty-minute reading assignment, asked if they would like to try it, and reported they agreed to try the assignments. *Id.*

99. However, once Parents objected to the reading assignment, the assignment was discontinued, and no homework was assigned during the remainder of the school year. *Id.*

100. All other school staff stated that, aside from the optional reading assignment, no homework assignments were given to Student. *Interviews with Special Education Teacher 1, Special Education Teacher 2, Social Worker, SLP, OT, and Principal.*

101. Indeed, following a classroom observation in February 2023, Parent’s special education advocate noted that this accommodation was “observed to be implemented in the classroom.” *Exhibit 5*, pp. 68-69.

102. Based on these facts, the SCO finds that this accommodation was made available to Student.

#### **H. Progress Monitoring for Social Emotional Goals**

103. The IEP requires that Parents be informed of progress quarterly and at Student’s annual IEP meeting. *Exhibit A*, p. 62.

104. District requires teachers and service providers conduct regular progress monitoring consistent with each child’s IEP and the IDEA. *Interviews with Special Education Director and Special Education Coordinator.*
105. During the 2022-2023 academic year, quarterly progress reports were provided to Parents on October 31, 2022, December 31, 2022, and March 31, 2023. *Exhibit D*, pp. 13-25. The October and December reports indicate “progress made” or “goal met” on all goals. *Id.* The March report indicates “progress made” or “goal met” on all writing and mathematics goals, and “insufficient progress” on communication and reading goals. *Id.* Parents’ concern is with monitoring and reporting of progress on social-emotional goals. *Complaint*, p. 9.
106. The October and December progress reports for these goals, 11 and 12, provide detailed qualitative narratives describing Student's progress, as well as a chart tracking monthly quantitative data for the goals. *Exhibit D*, pp. 26-27; *Consultation with CDE Content Specialist.*
107. The March progress report for these goals indicate that Student had not worked on them since February 13, 2023, the day that "Parent requested to stop direct services." *Exhibit D*, p. 27. Quantitative data beyond February 13, 2023 was not collected due to Parents' request. *Interview with Social Worker.*
108. The SCO finds, upon review of this information and in consultation with CDE Content Specialist, the progress monitoring data and ensuing reports appropriately document Student’s progress toward his annual goals. *Consultation with CDE Content Specialist.*

#### **I. Certification and Licensure of Substitute Teachers**

109. Special Education Teacher 1 possessed an active professional teaching license with a special education generalist (5-21) endorsement, valid through January 31, 2026. *Exhibit H.* The 2022-2023 school year was Special Education Teacher 1’s first year of teaching. *Interview with Special Education Teacher 1.* She was absent from school and replaced with a substitute ten days during the 2022-2023 school year. *Exhibit H.*
110. Parents raised a concern with a substitute teacher (“Substitute Teacher”) who worked in Special Education Teacher 1’s classroom. *Complaint*, p. 16; *Interview with Parents.* Substitute Teacher worked with Student on February 16 and February 23, 2023. *Exhibit H.* Substitute Teacher worked in Special Education Teacher’s classroom on three other dates (April 27, May 4 and May 11, 2023), but Student was absent or withheld from School at Parents’ request. *Exhibit H, Exhibit G, Independent Review of Special Education Teacher 1’s Google Sheets.*
111. Substitute Teacher possessed a valid substitute authorization but lacked certification in special education. *Exhibit H.* On the two dates Substitute Teacher worked with Student in Special Education 1 Teacher's classroom, she did not provide Student with any specialized instruction required by the IEP. *Review of Special Education Teacher 1’s Google Sheets.*

112. Special Education Teacher 1 stated that when she is absent, she seeks to make up any missed time with students after her return and reflects those minutes in her logs. *Interview with Special Education Teacher 1*. However, none of the service logs reflect make-up minutes. *Review of Special Education Teacher 1's Google Sheets; Exhibit C*.

113. On the two days Substitute Teacher worked with Student, he was scheduled to receive 25 minutes of specialized math instruction and 30 minutes of specialized English and language arts instruction. *Independent Review of Special Education Teacher 1's Service Logs*.

114. The SCO thus finds that District failed to provide Student with 50 minutes of specialized math instruction, and 60 minutes of specialized English and language arts instruction.

### **CONCLUSIONS OF LAW**

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

**Conclusion to Allegation No. 1: District failed to properly implement Student's IEP during the 2022-2023 academic year, consistent with 34 C.F.R. § 300.323. This violation did not result in a denial of FAPE.**

Parents' concern is that District failed to implement the special education, related services, and accommodations required by Student's IEP. (FFs # 30, 54).

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

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

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



## **B. IEP Accessibility and Responsibilities**

The SCO must determine whether District satisfied its obligation under 34 C.F.R. § 300.323(d). Here, Student's teachers and service providers had access to the IEP during the 2022-2023 academic year in District's data management system. (FF #s 22-23). General education teachers also received snapshot printouts of the IEP. (FF # 24). Teachers and service providers frequently met with each other and Special Education Coordinator to review their responsibilities under the IEP. (FF #s 28-29). They also credibly described in detail their responsibilities in implementing the IEP, and in making the IEP's accommodations available. (FF #s 22-102). These understandings were consistent across all school staff interviewed. (FF #s 22-102). Despite disagreements between Parents and school staff on the interpretation of certain accommodations, the findings credibly support that school staff understood their responsibilities in this respect. (FF #s 55-57, 81-83, 95-99) For these reasons, the SCO finds and concludes that District ensured teachers and service providers working with Student during the 2022-2023 academic year were informed of their responsibilities under the IEP, consistent with 34 C.F.R. § 300.323(d).

## **C. Implementation of Special Education and Related Services**

The SCO must determine whether District made special education and related services available to Student consistent with the IEP for the 2022-2023 academic year. 34 C.F.R. § 300.323(c)(2). In doing so, the SCO recognizes that a school district can be required to implement only so much of the IEP as it reasonably can within the constraints imposed by a parent's actions. *Montgomery County Public Sch.*, 111 LRP 54915, (Md. SEA 2011) (finding that a district provided a FAPE by implementing as much of the IEP as possible despite a parent's restriction on who could administer the IEP's services). Indeed, "parents do not have a right to compel a school district to provide a specific program or employ a specific methodology in educating a student, even if it is the best possible education for their child, as the district is not required to maximize educational benefits." *M.S. by and through Emily S. v. Downingtown Area School District*, 2022 WL 16531962, at \*12 (E.D. Pa. October 28, 2022). Also the "applicable law does not permit parents to usurp the school district's role in selecting its staff to carry out the IEP's provisions." *G.K. ex rel. C.B. v. Montgomery Cty. Intermediate Unit*, 2015 WL 4395153, at \*15 (E.D. Pa. July 17, 2015) (citing *Rowley*, 458 U.S. at 209).

In this case, Student's IEP required services: (1) 720 minutes of direct specialized instruction per month; (2) 180 minutes of direct social-emotional skills development per month, though at Parents' request this was replaced with 90 minutes of indirect services in February 2023; (3) 60 minutes of direct occupational therapy per month; and (4) 250 minutes of direct speech-language per month and 20 minutes of indirect speech-language per month. (FF # 11).

With respect to specialized instruction, service logs recorded by Special Education Teacher 1 indicate that those services were regularly provided, except when Student was absent from School or Parents requested that Student not work with Special Education Teacher 1. (FF # 36). Nonetheless, when Substitute Teacher filled in for Special Education Teacher 1 on February 16

and 23, 2023, she did not provide Student with any specialized instruction. (FF # 111). No make-up minutes are reflected in Special Education Teacher 1's service logs for these dates. (FF # 112). On each of those two dates, Student would have received 55 minutes of direct specialized instruction, for a total of 110 minutes. (FF #s 113-114). Thus, the SCO finds and concludes that District failed to provide Student with 110 minutes of specialized instruction.

With respect to social-emotional, occupational therapy, and speech-language services, service logs for each indicate that these services were regularly provided, except when Student was absent (primarily because Parents withheld him from school) or when Parents requested that he not work with a specific provider. (FF #s 42, 47, 53). To the extent that Student missed service minutes for these reasons, District can be required to implement only so much of the IEP as it reasonably can within constraints imposed. Thus, the SCO finds and concludes that District provided social-emotional, occupational therapy, and speech-language services consistent with the IEP.

Overall, the SCO finds and concludes that District failed to implement the IEP during the 2021-2022 academic year, in violation of 34 C.F.R. § 300.323(c)(2).

#### **D. Implementation of Accommodations**

The SCO must determine whether District made accommodations available to Student in accordance with the IEP for the 2022-2023 academic year. 34 C.F.R. § 300.323(c)(2).

Here, the IEP identifies 31 accommodations, eight of which are relevant to this investigation: (1) Daily Check-Ins and Check-Outs; (2) Frequent Positive Praise; (3) Access to Calming Tools; (4) Access to Breaks; (5) Flexible and Strategic Seating; (6) Extended Time on Assessments; (7) Reduced Independent Work; and (8) Option for No Homework. (FF # 54-102).

District provided all eight of these accommodations to Student consistent with the IEP. (FF #s 60, 67, 73, 80, 88, 94, 102). For these reasons, the SCO finds and concludes that District did not fail to implement the IEP with respect to accommodations during the 2022-2023 school year.

#### **E. Materiality of the Failure to Implement the IEP**

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 SCO 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, District failed to provide 110 specialized instruction service minutes over the course of the 2022-2023 academic year. (FF # 114). Viewed in the context of an IEP which required the delivery of 1,230 minutes per month over the course of 10 months, these 110 minutes represent a minor discrepancy—approximately 0.9% of the IEP’s service commitment for the 2022-2023 school year. Additionally, District implemented Student’s accommodations with fidelity. (FF #s 54-102).

Importantly, this minor failure did not materially impact Student’s ability to be involved in and make progress in the general education curriculum. He showed progress on his annual goals in writing and mathematics, the subjects targeted by the specialized instruction services, and met three of the four writing and mathematics goals. (FF # 105). Thus, the SCO finds and concludes that District’s failure to implement the IEP was not material and did not result in a denial of FAPE.

**Conclusion to Allegation No. 2: District provided periodic reports on Student’s progress as required by the IEP, consistent with 34 C.F.R. § 300.320(a)(3)(ii). No IDEA violation occurred.**

Parents’ concern regards the adequacy of progress monitoring of Student’s social-emotional goals. (FF # 103).

#### **A. Periodic Reports on Progress: Legal Requirements**

A parent’s right to participate in the development of their child’s educational program requires that they be regularly informed of progress toward IEP goals. *See M.C. v. Antelope Valley Union High Sch. Dist.*, 858 F.3d 1189, 1198 (Ninth Cir. 2017), *cert. denied*, 138 S. Ct. 556 (2017) (“[I]n enacting the IDEA, Congress was as concerned with parental participation in the *enforcement* of the IEP as it was in its *formation*.”) For that reason, 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). In light of *Andrew F.*, OSEP provided additional guidance concerning the importance of sharing progress monitoring data with parents:

Public agencies may find it useful to examine current practices for engaging and communicating with parents throughout the school year as IEP goals are evaluated and the IEP Team determines whether the child is making progress toward IEP goals. IEP Teams should use the periodic progress reporting required at 34 CFR §300.320(a)(3)(ii) to inform parents of their child’s progress. Parents and other IEP Team members should collaborate and partner to track progress appropriate to the child’s circumstances.

*Questions and Answers (Q&A) on U. S. Supreme Court Case Decision Endrew F. v. Douglas County School District Re-1, 71 IDELR 68 (OSEP 2017).*

### **B. Student’s Progress Reports**

Here, the IEP states “Parents will be informed of progress quarterly, as well as at his annual IEP meeting.” (FF #9). During the 2022-2023 academic year, District provided quarterly progress reports to Parents in October 2022, December 2022, and March 2023. (FF # 105). In each of these reports, a chart detailing progress, along with a qualitative narrative describing Student’s progress, was included for each of the two social emotional goals. (FF # 106).

Progress on these goals was not tracked or charted beyond January 2023 because on February 13, 2023, Parents requested that Student no longer work with Social Worker on social emotional goals. (FF # 18). Indeed, at a February 2023 IEP meeting, Parents requested that direct service minutes with Social Worker be discontinued through an IEP amendment. (FF # 20).

Nevertheless, when Social Worker was permitted to work with Student, District adequately monitored and reported progress to Parents. (FF #s 105-107). The SCO finds, upon review and consultation with CDE Content Specialist, that the progress monitoring data contained in these progress reports appropriately details Student’s progress toward annual goals, and that the data supported a finding that Student was making progress. (FF # 108). To the extent progress monitoring ended in February 2023, it was due to Parents’ actions. Again, a school district can be required to implement only so much of the IEP as it reasonably can within the constraints imposed by a parent’s actions. *Montgomery County Public Sch.*, 111 LRP 54915, (Md. SEA 2011).

For these reasons, the SCO finds and concludes that District provided Parents with periodic reports of Student’s progress toward annual goals as required by the IEP, consistent with C.F.R. § 300.320(a)(3)(ii).

**Conclusion to Allegation No. 3: District ensured that Special Education Teacher 1 possessed required certifications and licenses. No IDEA violation occurred.**

Parents’ concern is that Student was provided specialized instruction by a teacher who lacked certification in special education. (FF # 110).

### **A. Certifications and Licenses: Legal Requirements**

The CDE must establish qualifications to ensure that special education teachers are “appropriately and adequately prepared and trained . . . to serve children with disabilities.” 34 C.F.R. § 300.156(a). This includes ensuring that all special education teachers have obtained state certification as special education teachers. *Id.* at § 300.156(c). School districts must ensure that staff are “appropriately and adequately prepared, subject to the requirements of § 300.156.” *Id.* at § 300.207.

To that end, Colorado law mandates that “all special education teachers shall hold Colorado teacher’s certificates or licenses with appropriate endorsements in special education.” ECEA Rule 3.04(1)(a)(i). School districts bear responsibility for ensuring their staff comply with state licensing requirements. ECEA Rule 3.03.

### **B. Special Education Teacher 1**

Here, the SCO finds and concludes that Special Education Teacher 1 possessed an appropriate license and endorsement during the 2022-2023 academic year. Colorado law requires special education teachers to hold Colorado teacher’s certificates or licenses with appropriate endorsements in special education. ECEA Rule 3.04(1)(a)(i).<sup>3</sup>

Special Education Teacher 1 is licensed by CDE as a Special Education Generalist (5-21) through a Teacher License valid through January 31, 2026. (FF # 109). The SCO accordingly finds and concludes that Special Education Teacher 1 held the required licenses or certifications during the 2022-2023 academic year.

To the extent Parents raised concerns with the presence of Substitute Teacher in Special Education Teacher 1’s classroom on five dates in which Special Education Teacher 1 was absent, the SCO finds and concludes that Substitute Teacher possessed a valid substitute authorization but lacked certification in special education. (FF # 111). However, as described in the legal conclusion to Allegation No. 1, Substitute Teacher did not provide Student with any specialized instruction on the dates she filled in for Special Education Teacher 1. (FF # 111).

**Systemic IDEA Violations: This investigation does not demonstrate violations that are systemic and will likely impact the future provision of services for all children with disabilities in District if not corrected.**

Pursuant to its general supervisory authority, CDE must consider and ensure the appropriate future provision of services for all IDEA-eligible students in District. 34 C.F.R. § 300.151(b)(2). Indeed, the U.S. Department of Education has emphasized that the state complaint procedures

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<sup>3</sup> With the adoption of the Every Student Succeeds Act (ESSA) in 2015, the “highly qualified” requirement was eliminated from IDEA and is thus not applicable here. Under ESSA, special education teachers must meet full state certification requirements, or meet emergency, temporary or provisional licensure and have at least a bachelor’s degree. 20. U.S.C. 9214(d)(2)(A)(i).

are “critical” to the SEA’s “exercise of its general supervision responsibilities” and serve as a “powerful tool to identify and correct noncompliance with Part B.” Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, 71 Fed. Reg. 46601 (Aug. 14, 2006).

Here, nothing in the Record indicates that District’s violation is systemic in nature. District provides staff with guidance regarding IEP implementation, and written procedures encourage the use of service logs to document IEP services. (FF #s 25-27). Indeed, District provided Student with most of his IEP services when he was made available at School. (FF #s 36, 42, 47, 53). District’s failure here stems from Special Education Teacher 1’s short absences. (FF #s 110, 114). Special Education Teacher 1 accurately described her understanding that non-certified substitute teachers could not provide specialized instruction minutes, as well as her responsibility to make up missing service minutes. (FF #s 111-112). Special Education Teacher 1 is a new teacher, and there is no evidence other students have been impacted. (FF # 109). For these reasons, the SCO finds and concludes that District’s failure to implement the IEP is not systemic in nature.

### **REMEDIES**

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

- a. Failing to properly implement Student’s IEP during the 2022-2023 school year, in violation of 34 C.F.R. § 300.323.

To remedy this violation, District is ORDERED to take the following actions:

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

- a. By **Thursday, October 12, 2023**, District shall submit to the CDE a corrective action plan (“CAP”) that adequately addresses the failure to implement Student’s IEP. 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. After the CAP is approved, the CDE will arrange to conduct verification activities to confirm District’s timely correction of the areas of noncompliance.

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

- a. Special Education Director, Special Education Coordinator, and Special Education Teacher 1 must review this Decision. This review must occur no later than **Thursday, October 12, 2023**. A signed assurance that this Decision has been reviewed must be completed and provided to the CDE no later than **Thursday, October 19, 2023**.

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

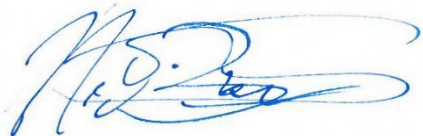
Colorado Department of Education  
Exceptional Student Services Unit  
Attn.: CDE Special Education Monitoring and Technical Assistance Consultant  
1560 Broadway, Suite 1100  
Denver, CO 80202-5149

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

### **CONCLUSION**

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

Dated this 12th day of September, 2023.



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Nick Butler  
State Complaints Officer

## **APPENDIX**

### **Complaint, pages 1-22**

- Exhibit 1: Documentation regarding Student's service minutes
- Exhibit 2: Documentation regarding Student's mental health support
- Exhibit 3: Documentation regarding check-in and check-out accommodation
- Exhibit 4: Documentation regarding praise-related accommodations
- Exhibit 5: Documentation regarding anxiety accommodations
- Exhibit 6: Documentation regarding assignment accommodations
- Exhibit 7: Documentation regarding substitute teacher
- Exhibit 8: Documentation regarding District mental health policy
- Exhibit 9: Documentation regarding Student's learning environment

### **Response, pages 1-7**

- Exhibit A: IEPs and IEP Amendments
- Exhibit B: Video Recordings of IEP Meetings
- Exhibit C: Service Logs
- Exhibit D: Progress Reports and Report Cards
- Exhibit E: N/A
- Exhibit F: Notices of Meeting
- Exhibit G: Attendance Records
- Exhibit H: Teaching certifications
- Exhibit I: District Calendar for 2022-2023 Academic Year
- Exhibit J: District Policies and Procedures
- Exhibit K: Correspondence
- Exhibit L: N/A
- Exhibit M: Substitute Teacher Plan

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

- Exhibit 10: Audio Recording
- Exhibit 11: Email
- Exhibit 12: Request for Release of Secure Confidential Information
- Exhibit 13: Emails
- Exhibit 14: Audio Recording

### **CDE Exhibits:**

- CDE Exhibit 1: Student Profile Snapshot
- CDE Exhibit 2: Classroom Images



- CDE Exhibit 3: Service Minutes Log for Social Worker

### **Review of Special Education Teacher 1's Service Log Google Sheet**

- Independent review on August 18-24, 2023

### **Telephone Interviews**

- Parents: August 15, 2023
- Occupational Therapist: August 15, 2023
- Speech Language Pathologist: August 15, 2023
- Special Education Director: August 16, 2023
- Principal: August 16, 2023
- Special Education Teacher 2: August 16, 2023
- General Education Teacher: August 17, 2023
- Social Worker: August 17, 2023
- Special Education Teacher 1: August 18, 2023
- Special Education Coordinator: August 25, 2023