

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

State Complaint SC2025-545
Santa Fe Trail BOCES

DECISION

INTRODUCTION

On April 21, 2025, the parent (“Parent”) of a student (“Student”) identified as a child with a disability under the Individuals with Disabilities Education Act (“IDEA”)¹ filed a state complaint (“Complaint”) against Santa Fe Trail BOCES (“BOCES”) and concerning a member district (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified five allegations subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

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

RELEVANT TIME PERIOD

The CDE has the authority to investigate alleged noncompliance that occurred no earlier than one year before the date the Complaint was filed. 34 C.F.R. § 300.153(c). Accordingly, findings of noncompliance shall be limited to events occurring after April 21, 2024. Information prior to April 21, 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)² of the IDEA:

1. District did not properly determine Student’s eligibility and educational need at a meeting on or around October 10, 2024, because it:

¹ 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.

² 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 (“FAPE”). 34 C.F.R. §§ 300.17, 300.101, 300.151-300.153.

- a. Did not ensure a group of qualified professionals and Parent determined whether Student is a child with a disability and the educational needs of Student, as required by 34 C.F.R. § 300.306(a)(1) and ECEA Rule 4.02(6)(b); and
 - b. Did not provide Parent a copy of the evaluation report and the documentation of determination of eligibility, as required by 34 C.F.R. § 300.306(a)(2).
2. District did not afford Parent an opportunity to inspect and review Student’s education records after Parent’s request on or around January 29, 2025, as required by 34 C.F.R. §§ 300.501(a), 300.613.
3. District did not develop an Individualized Education Program (“IEP”) that was tailored to meet Student’s individualized needs from March 2025 to present because it:
 - a. Did not consider the concerns of Parent for enhancing the education of Student—specifically, Parent’s concerns around Student’s safety—as required by 34 C.F.R. § 300.324(a)(1)(ii);
 - b. Did not include sufficient supplementary aids and services—specifically, paraprofessional support—designed to enable Student to advance appropriately toward attaining annual goals and advance in the general education curriculum, as required by 34 C.F.R. § 300.320(a)(4)(i), (ii).
 - c. Did not consider the use of positive behavioral interventions and supports, and other strategies to address behavior impeding Student’s learning or that of others—specifically, regarding Student’s elopement concerns—as required by 34 C.F.R. § 300.324(a)(2)(i).
4. District did not provide Parent with proper written notice of its proposed or refused actions regarding the provisions of a free appropriate public education (“FAPE”)—specifically, District’s proposal regarding Student’s initial IEP and its refusal to adopt Parent’s proposals at an IEP Team meeting in or around March 2025—as required by 34 C.F.R. § 300.503.
5. District did not obtain Parent’s informed consent before the initial provision of Student’s special education and related services on or around March 24, 2025, as required by 34 C.F.R. § 300.300(b).

FINDINGS OF FACT

After thorough and careful analysis of the entire Record,³ the CDE makes the following findings of fact (“FF”):

A. Background

1. Student is fifteen years old and recently completed ninth grade at a District high school (“School”). *Response*, p. 4. Student is eligible for special education and related services under the disability category of Other Health Impairment (“OHI”) based on several medical diagnoses, including Type I Diabetes. *Id.* at pp. 5-6.
2. Student is very creative, and she enjoys drawing, music, and writing poetry. *Exhibit A*, p. 5; *Interview with School’s Assistant Principal*. She struggles with math, self-confidence, and self-monitoring related to her diabetes while desiring independence as a teenager. *Exhibit A*, pp. 14-15; *Interviews with Assistant Principal and Student’s special education teacher (“Special Education Teacher”)*.
3. This investigation involves Parent’s concerns around Student’s October 2024 eligibility determination, development of Student’s IEP in Spring 2025, Parent’s requests for education records, and whether BOCES provided prior written notice (“PWN”) and obtained Parent’s informed consent for the initial provision of special education and related services. *Complaint*, pp. 1-27.

B. BOCES’ Policies, Practices, and Procedures

4. BOCES has a comprehensive procedural guidance document (“the Procedure”) that describes, among other things, BOCES’ responsibilities regarding eligibility determinations, IEP development, education records, prior written notice, and informed consent. *Exhibit N*, pp. 49-58, 63-70, 76, 78-84, 86-87.
5. Under the Procedure, an MDT must review a child’s evaluative data and, “with input from the parent(s),” determine if a child has a disability and is eligible for special education. *Id.* at pp. 52-53, 56-57. In making an eligibility determination, an MDT must consider aptitude and achievement tests, parent input, teacher recommendations, information about the child’s physical condition, social or cultural background, and adaptive behaviors, and must ensure that information obtained from all these sources is documented and carefully considered. *Id.* at pp. 56-57.
6. If an MDT determines a child is eligible, the MDT must “obtain[] informed written parental consent for the initial provision of special education and related services.” *Id.* at p. 57. The Procedure then requires that a properly constituted IEP team develop an initial IEP for the child within 30 days of the eligibility determination, though BOCES’ practice is to develop an IEP at the same meeting as the eligibility meeting. *Id.* at pp. 63-70; *Interview with BOCES’*

³ The appendix, attached and incorporated by reference, details the entire Record.

Director of Special Education ("Director"). In developing an IEP, an IEP Team must ensure parents are afforded the opportunity to participate in meetings and must consider the concerns of parents for enhancing the education of his or her child. *Exhibit N*, pp. 63-64, 66. The IEP Team must ensure special education and related services are implemented for the child "as soon as possible after the IEP has been developed." *Id.* at p. 63.

7. Whether a child is found eligible for special education or not, the Procedure requires that BOCES provide a copy of the evaluation report and eligibility determination to parents at no cost and must provide PWN to parents of the eligibility determination—or any other time BOCES proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE to a child. *Id.* at pp. 58, 86.
8. BOCES also has written policies regarding student education records and the circumstances in which those records must be provided to other individuals, including to parents upon request, pursuant to the Family Educational Rights and Privacy Act ("FERPA"). *Exhibit N*, pp. 13-24. Under those policies and the Procedure, "education records" are those records directly related to a student and maintained by the BOCES. *Exhibit N*, pp. 13, 79; *Interview with Director*. Parents have the right to inspect and review his or her child's education records within a reasonable period of time after the request for access is made, before any meeting regarding an IEP or resolution session, and in any case no more than 45 days after the request. *Exhibit N*, pp. 13, 21, 79.

C. October 2024 Eligibility Determination

9. Student was initially evaluated for special education and related services in September 2024, at Parent's request, due to concerns around Student's medical diagnoses and the effect they have on her in the educational setting, and Parent's desire for accommodations to address those concerns. *Response*, p. 5; *Exhibit O*, pp. 5, 8, 16, 18; *see Exhibit E*, pp. 7-17.
10. An evaluation report ("the Report") was completed on October 10, 2024. *Exhibit E*, pp. 7-17. The Report indicated Student's general intelligence and overall cognitive development fell in the average to low average range. *Id.* at pp. 7-8. Student's academic achievement scores in reading, written language, and written expression fell in the average range; however, her score in mathematics fell in the low average range, with a very low score (3rd percentile) in applied problems. *Id.* at pp. 9-10. Student's social-emotional assessments indicated Student had challenges with adaptive behavior, sensory sensitivity, and anxiety and depression. *Id.* at pp. 10-12. And teacher observations indicated Student struggles with focus in class and is frequently distracted by her phone and peers. *Id.* at pp. 13-16.
11. On October 10, 2024, a properly convened MDT met to determine Student's eligibility. *Exhibit C*, p. 1. The MDT included the following participants: Student, Parent, Student's stepfather, Assistant Principal, Special Education Teacher, a School psychologist—who also served as the Special Education Director-Designee—and Student's general education math teacher. *Exhibit*

E, p. 23. Parent generally contends this meeting did not include the “required attendees” but does not specify which, if any, required MDT members were not present. *Complaint*, p. 7.

12. Parent also alleges she was not provided a copy of the Report or eligibility determination “prior to or during the meeting” on October 10. *Complaint*, p. 14; *Reply*, p. 6. BOCES asserts it did provide this documentation to Parent at the conclusion of the meeting. *Response*, pp. 7, 13; *Interviews with Assistant Principal and Special Education Teacher*. The CDE finds the eligibility determination itself includes a checked box indicating “A copy of the evaluation report(s) and the eligibility statement has been provided to the parents(s),” along with Parent’s signature as an MDT participant. *Response*, p. 13; *Exhibit E*, pp. 22-23; *Interviews with Assistant Principal and Special Education Teacher*.
13. The MDT reviewed the Report, including extensive medical records provided by Parent and reviewed by Nurse. *Exhibit E*, pp. 1-82. The MDT, including Parent, determined that Student did not qualify for special education services, but that Student did qualify for a 504 plan to provide accommodations for her medical challenges. *Response*, pp. 6-7; *Exhibit E*, pp. 21-23. The MDT developed a 504 plan at this same meeting. *Response*, p. 7; *see Exhibit G*, pp. 1-5.
14. Although Parent, as an MDT member, agreed with Student’s eligibility determination and the resulting 504 plan at the time, Parent now asserts BOCES improperly determined that Student qualified for a 504, rather than an IEP. *Complaint*, p. 7. Specifically, Parent contends she was told Student’s evaluation results were “on the border” for both an IEP and 504 plan, and BOCES “intentionally steered the family” towards a 504, though Parent was “assured that [she] could switch from a 504 plan to an IEP at any point if [she] felt the 504 plan was insufficient for [Student’s] needs.” *Complaint*, p. 7; *Exhibit O*, p. 73.
15. BOCES acknowledges the eligibility determination was “a close call”—particularly given Student’s low math scores—but asserts the MDT, including Parent, determined accommodations to address Student’s medical challenges was the most pressing issue, and “erred on the side of less restrictive measures, knowing that it could revisit the decision if needed.” *Response*, p. 13; *Interviews with Assistant Principal and Special Education Teacher*.
16. The 504 plan included accommodations to support Student in the classroom, her emotional and behavioral challenges, and her health. *Response*, p. 7. Specifically, the plan included accommodations that Parent had previously requested—and School had implemented during pendency of the evaluation—including checks for understanding, reminders to put her phone away, daily check-ins by a school counselor, and a requirement that Student go to Nurse for diabetes management, rather than the restroom. *Response*, pp. 7, 13; *Exhibit G*, pp. 1-5.
17. On October 14, Assistant Principal sent the proposed 504 plan to Parent for review and solicited Parent’s feedback on additions or changes. *Response*, p. 7; *Exhibit O*, pp. 40-41; *Interview with Assistant Principal*. Parent responded and approved the plan without revision, and the 504 plan was implemented. *Id.*

D. Parent's Requests for Education Records

18. Parent contends BOCES did not timely provide all education records pursuant to her requests on January 29, February 18, and April 9, 2025, including draft 504 plans, notes from meetings, and “written justification for 504 recommendations.” *Complaint*, pp. 7, 11. Parent also identifies the following records that remain missing: “legally compliant” PWNs, full meeting notes and team member signatures, evaluation data summaries and interpretation sheets, and internal emails discussing consent procedures. *Reply*, p. 7.
19. BOCES asserts all documents requested were provided by February 24, 2025—including Student’s diabetic care plan, 504 plan, attendance records, behavior reports, counseling contact logs, health communications, and certain email correspondence. *Response*, p. 8; see *Exhibit T*, pp. 1-113. However, certain records were not provided as outside the scope of “education records” as defined in relevant law and BOCES policy, such as School personnel records and records that do not exist. *Response*, p. 8; *Interview with Director*.
20. On January 29, 2025, Parent submitted a request for eleven specific education records, along with “[a]nything else that exists on record.” *Response*, p. 8; *Exhibit O*, pp. 240-41. Parent made an additional request for documents on February 18, including some of the same records requested on January 29, along with specific information regarding any BOCES-proposed IEP. *Response*, p. 8; *Exhibit O*, pp. 73-75.
21. On February 24, Special Education Teacher, in consultation with Director, responded to Parent’s records requests and provided a link to Parent with nearly all the records she requested. *Exhibit O*, p. 84; see *Exhibit T*, pp. 1-113. Some of Parent’s requests—such as for a specific breakdown of the special education supports, goals, and accommodations Student was to receive under a potential IEP—were provided by BOCES in a draft IEP prior to the February 27 meeting. *Response*, p. 8; *Exhibit O*, pp. 75, 98.
22. On April 9, 2025, Parent made a renewed request for a host of documents related to staff’s discussions with Student without parental consent, email correspondence, staff job descriptions, and meeting notes previously requested. *Exhibit O*, pp. 234-36; see *Response*, p. 14. On May 9, BOCES provided all required responsive documents alongside the documents sent in response to the CDE’s request for documentation as part of this investigation. *Response*, p. 9; see *Exhibits A-T*.

E. Parent's Request for an IEP

23. On February 15, 2025, Parent requested that Student be placed on an IEP, given Student’s continued difficulties under the 504 plan. *Response*, p. 8; *Exhibit O*, pp. 66-67. Along with her request, Parent sent BOCES a detailed draft IEP she had written which included, among other things, a 1:1 para for Student for constant supervision. *Exhibit F*, pp. 1-14.

24. BOCES reviewed Parent's draft IEP and, on February 17, Director responded by informing her "that the BOCES could not implement her draft IEP, as the IDEA mandates that IEPs be developed by an IEP team, including parents, educators, and other relevant professionals." *Response*, p. 9; *Exhibit O*, pp. 66-84. Specifically, Director explained that an MDT would need to review the Report, new medical information provided, and other data since implementation of the 504 plan, and determine whether Student qualified for special education services; then, if Student was found eligible, an IEP team would develop an initial IEP based on Student's needs. *Response*, p. 9; *Exhibit O*, p. 69; *Interview with Director*.
25. "Because the BOCES had evaluated [Student] only a few months earlier, the team decided to review the previous evaluation along with data since the implementation of the 504 plan," and the MDT, including Parent, "agreed that further assessment was unnecessary, and they could move in an expedited fashion to reconsider eligibility." *Response*, p. 9; *Exhibit O*, p. 69.
26. On February 24, BOCES sent Parent a NOM for February 27 to reconsider Student's eligibility for special education and related services. *Response*, p. 9; *Exhibit E*, pp. 39-40.
27. Prior to the February 27 meeting, Parent sent BOCES an updated IEP she drafted. *Response*, p. 9; *Exhibit O*, pp. 96-101; see *Exhibit F*, pp. 15-39. Parent also sent an updated diabetic care plan from Student's medical provider, "which detailed additional needs for [Student's] health and included a specific request for considering instituting a paraprofessional to provide support for [Student] in ensuring safe and effective diabetes management." *Response*, p. 9; *Exhibit E*, p. 54. BOCES adopted the updated diabetic care plan. *Response*, p. 9.

F. 2025 Eligibility Determination and IEP Development

28. Parent asserts "her proposed IEP was ignored," and that BOCES did not respond to her concerns and disregarded parental input in developing the IEP. *Complaint*, pp. 20, 24-25. Specifically, Parent contends BOCES "refuses to do anything to help protect Student and have claimed they can't have anyone escort her or provide other necessary supports," including "refusal to provide para support, structure, supervision, and academic accommodation appropriate and necessary for Student." *Complaint*, pp. 8-9. Parent is also concerned that BOCES implemented the IEP developed by the IEP Team without her consent. *Id.* at p. 7.
29. On February 27, 2025, a properly convened MDT, including Parent, met to review the Report and reconsider eligibility based on the Report and new data acquired. *Response*, p. 9. The MDT determined Student qualified for special education and related services under the disability category of OHI, based on Student's continued struggles at School despite additional support from the 504 plan, Parent's concerns, and the new medical documentation recommending a para. *Response*, p. 9.; *Exhibit E*, pp. 41-42, 45-82.
30. Parent was specifically concerned with Student's safety at School, noting Student needed to be "micromanaged" to ensure her safety—specifically, by a para—and required constant supervision to ensure she properly managed her blood sugar at all times, including during

transitions and while visiting the restroom. *Response*, pp. 9-10; *Exhibit A*, p. 15; *see Exhibit O*, pp. 58, 250. Parent also had concerns with elopement, given an incident in December 2024 in which Student requested to use the restroom, did not return to class, and was found elsewhere on campus. *Complaint*, p. 8; *Interview with Assistant Principal*. Parent was further concerned with School's "open campus policy," which allows high school students to leave campus during their lunch period. *Response*, p. 10; *see Exhibit N*, p. 1; *Interview with Principal*. The IEP Team discussed Parent's safety concerns and agreed it was appropriate to revoke Student's open campus privileges at the February 27 meeting. *Response*, p. 10; *Interviews with Principal, Assistant Principal, and Special Education Teacher*; *see Exhibit F*, p. 25 .

31. At the end of the meeting, BOCES provided Parent PWN and consent for initial provision of special education and related services. *Response*, p. 11; *Exhibit D*, pp. 6-7; *Interviews with Director, Assistant Principal, and Special Education Teacher*. The consent form indicates consent "opens the door" to special education services, "is not an agreement regarding what specific services will be provided," and "is voluntary and may be revoked for any reason." *Exhibit D*, pp. 6-7. Parent's signature appears on the consent form; a recording of the February 27 meeting—and described by Parent in her Reply—indicates Director explained "[t]his just means you are okay with us providing services. It does not mean that you have decided on anything yet" in terms of IEP services and supports; and BOCES staff recall Parent signing consent after explanation by Director regarding the purpose of consent. *Reply*, p. 2; *Exhibit D*, p. 6; *Interviews with Director, Assistant Principal, and Special Education Teacher*.
32. On March 6, 2025, the IEP Team met to develop Student's IEP. *Response*, p. 10; *Exhibit A*, p. 1. Between the two IEP meetings, Director and Special Education Teacher again reviewed Parent's draft IEPs in detail and developed a proposed draft IEP for the Team's review during the meeting, incorporating nearly all services, supports, and accommodations included in Parent's IEPs. *Response*, pp. 10-11, 15; *Interviews with Director and Special Education Teacher*. Nevertheless, Parent demanded that BOCES implement the IEP she drafted—"exactly as is in its entirety Word-for-Word without manipulation or changes made at all"—rather than the IEP developed by the IEP Team at the two IEP meetings. *Complaint*, p. 10; *Response*, p. 11; *Exhibit O*, pp. 114-20; *see Exhibit F*, pp. 40-63.
33. On March 11, BOCES provided the final IEP with embedded PWN to Parent. *Exhibit O*, p. 200; *see Exhibit A*, pp. 1-25. In response, Parent emailed Director and other BOCES staff a "Formal Complaint and Immediate Demand for IEP Compliance" to "formally demand immediate compliance with every single service, accommodation, and support as outlined word for word and verbatim" in Parent's draft IEP and alleging other compliance issues. *Id.* at pp. 202-20.
34. On March 23, Director acknowledged Parent's disagreement with the IEP but informed Parent that the IEP Team would "proceed with implementing the IEP developed by the IEP team . . . to ensure [Student] receives the necessary services and support," consistent with BOCES procedures. (FF # 6); *Response*, p. 17; *Interview with Director*.

35. Parent alleges BOCES implemented Student's IEP without her consent, "even though [it] knows that [Parent] does not agree with the IEP Team, Services, Accommodations, and Supports." *Complaint*, p. 7. Parent contends BOCES "misused a limited consent form for one week of temporary services to justify a full IEP rollout," and therefore "coerc[ed]" her consent. *Complaint*, pp. 7, 18; *Reply*, pp. 1-2, 5. BOCES staff reported there was no discussion regarding one week of temporary services related to the consent for initial provision of services, and Parent has not, up to this point, revoked consent for the provision of services. *Response*, p. 18; *Interviews with Director, Assistant Principal, and Special Education Teacher*. The CDE finds that, based on Parent's consent for initial provision of services (FF # 31), BOCES began implementing Student's IEP on March 24, 2025. *Response*, p. 11; *Exhibit O*, p. 223.

G. Student's IEP

36. The IEP developed by the IEP Team at February 27 and March 6 IEP meetings remains in effect. *Exhibit A*, pp. 3-25.

37. The IEP describes Student's present levels of performance by incorporating extensive information from the Report. *Id.* at pp. 3-13.

38. The IEP includes a post-secondary transition plan, which indicates Student is interested in becoming a police officer or crime scene investigator and the skills Student will work on to obtain that goal. *Id.* at p. 14-17.

39. The IEP describes the impact of Student's disabilities on her involvement in the general education curriculum, noting Student often gets off task in the educational setting, and it is challenging to redirect her attention due to distractions from her phone, headphones, or peers. *Id.* at p. 14. As a result, Student benefits from regular feedback, progress checks, consistent expectations, and seating close to the teacher. *Id.*

40. The IEP also indicates Student's disability impacts her ability to accurately and efficiently solve grade-level math problems, which may result in delays in completing assignments, and her lack of confidence in math may prevent her from asking for help; thus, Student should be encouraged to seek assistance and receive frequent checks for understanding. *Id.* Finally, Student's medical conditions present cognitive difficulties and struggles with transitions and organization, requiring a structured schedule and support to communicate effectively in both academic and social settings. *Id.*

41. The IEP includes input from Student and Parent and indicates Student "was willing to limit her distractions and check in with teachers in a discreet manner," as well as meet with a school counselor once per week. *Id.* at p. 15. Parent input describes the strategies Parent would like a para to implement to help keep her focused and stay on task, including effectively monitoring her blood sugar levels. *Id.*

42. The IEP indicates Student requires a Health Care Plan. *Id.* at p. 16.

43. The IEP includes four annual goals: one each in Mathematics and Independent Living Skills and two in Access Skills. *Id.* at pp. 17-19.
44. The IEP includes extensive accommodations to ensure Student can access and make effective progress in the general education curriculum; most, if not all, were requested by Parent in her draft IEP. *Id.* at pp. 19-22. All accommodations and supports Parent requested were included, though the Team condensed, reorganized, and reworded the language from Parent's draft IEP to best meet Student's needs. *Response*, p. 15; *Interviews with Director and Special Education Teacher*. These accommodations include, among many other things:
- A "full-time, dedicated 1:1 paraprofessional assigned exclusively to [Student] for the entirety of the school day every day" to support Student's medical, academic, and social needs, including diabetes support and monitoring, transitions between classes, behavioral regulation, and self-advocacy. *Exhibit A*, pp. 19-20;
 - Multiple methods to develop self-advocacy, including "help needed" cards, sticky notes, and turning Student's phone sideways in class to indicate assistance is needed. *Id.* at p. 20;
 - Revocation of open campus privileges and direct supervision at all times. *Id.*;
 - Requirements for monitoring Student's blood sugar and a "Diabetic Chain of Command Contact List," requested by Parent, which describes individuals for Parent to contact for Student's diabetic medical adjustments and needs. *Id.* at pp. 20-21; and
 - Weekly meetings with the School guidance counselor to address any emotional concerns and develop social skills to manage anxiety and increase self-regulation. *Id.* at p. 21.
45. The IEP's service delivery statement provides for 60 minutes per day of direct specialized math instruction by a special education teacher inside the general education setting; 30 minutes per week of indirect access skills provided by the school counselor outside the general education setting; and 30 minutes per week of indirect independent living skills provided by the school nurse or health aid outside the general education setting. *Id.* at p. 24.
46. The IEP reflects that it is appropriate for Student to be in general education at least 80% of the time. *Id.* at pp. 24-25. The IEP Team determined this placement was appropriate to ensure ample time with peers in learning and social situations, time receiving direct instruction from a special education teacher, and opportunities for carry-over of skills taught during service times. *Id.*
47. The PWN embedded in the IEP indicates the IEP Team considered not providing a para dedicated to Student, but the Team rejected this option "because [Student's] academic and medical needs require the support of a dedicated paraprofessional 100% of the time." *Id.* at

p. 25. Parent asserts this PWN was not legally compliant, as it did not “explain[] what services were added, denied, or changed specifically [and] why the IEP was being implemented.” *Reply*, p. 9.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: BOCES ensured a group of qualified individuals and Parent determined Student’s eligibility in October 2024, as required by 34 C.F.R. § 300.306(a)(1) and ECEA Rule 4.02(6)(b). BOCES provided Parent a copy of the evaluation report and determination of eligibility, as required by 34 C.F.R. § 300.306(a)(2). BOCES complied with IDEA.

Parent is concerned the October 2024 MDT did not include the required participants and that Parent was not provided a copy of the evaluation report or eligibility determination. (FF # 12).

A. Legal Requirements: Eligibility Determinations

Eligibility for special education and related services under the IDEA requires that (1) a child have one of thirteen qualifying disabilities and, (2) “by reason thereof, need[] special education and related services.” 34 C.F.R. § 300.8(a)(1); ECEA Rule 2.08. Thus, even if a child has one of the thirteen qualifying disabilities, the child must also require “specially designed instruction . . . to meet [his or her] unique needs.” 34 C.F.R. § 300.39(a)(1).

The IDEA requires that an MDT determine “whether the child is a child with a disability.” 34 C.F.R. § 300.306(a)(1). An analysis of the appropriateness of an eligibility determination involves two steps. First, the CDE examines whether the public agency followed relevant standards and procedures in making the determination. *See Questions and Answers on IDEA Part B Dispute Resolution Procedures*, 61 IDELR 232 (OSERS 2013). Second, the CDE determines whether the eligibility decision was consistent with the data in the record. *Id.*

B. Adherence to IDEA Standards and Procedures

The CDE begins by examining whether BOCES adhered to applicable IDEA standards and procedures regarding how public agencies evaluate students and determine eligibility. *See* 34 C.F.R. §§ 300.304-306.

i. Determination Made by Group of Qualified Professionals and Parent

The IDEA requires that, upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent of the child determines whether the child is a child with a disability. 34 C.F.R. § 300.306(a)(1). The MDT must include at least one teacher or other specialist with knowledge in the area of the child’s suspected disability, other qualified professionals as necessary, and the parent of the child. ECEA Rule 4.02(6)(b)(i).

Here, the MDT included Student, Parent, Student's stepfather, Assistant Principal, Special Education Teacher, a School psychologist (and special education director-designee), and Student's general education math teacher. (FF # 11). It is not clear which of the required attendees Parent contends was not present; nevertheless, the evidence in the Record indicates all required members were present, consistent with the IDEA and ECEA Rules. (*Id.*)

Accordingly, the CDE finds and concludes that Student's eligibility was determined by a properly constituted MDT consisting of Parent and a group of qualified professionals, as required by 34 C.F.R. § 300.306(a)(1) and ECEA Rule 4.02(6)(b)(i).

ii. *Copy of Evaluation Report and Eligibility Determination*

The IDEA also requires that, upon completion of the administration of assessments and other evaluation measures, the school district provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. 34 C.F.R. § 300.306(a)(2).

Here, the Record indicates Parent was provided a copy of the Report and eligibility determination at the conclusion of the October 2024 meeting. (FF # 12). The eligibility determination documentation indicates the Report and determination itself had been provided to Parent, and Parent's signature appears on that documentation as an MDT participant. (*Id.*). Further, Parent attended and participated at the meeting where the Report and eligibility determination were discussed. (FF #s 11, 13-14).

Accordingly, the CDE finds and concludes BOCES provided Parent a copy of the evaluation report and the documentation of determination of eligibility following the October 2024 meeting, as required by 34 C.F.R. § 300.306(a)(2).

C. Consistent with Student-Specific Data

Having determined that BOCES adhered to the IDEA's standards and procedures in its determination of Student's eligibility at the October 2024 meeting, as required by 34 C.F.R. § 300.306, the CDE next considers whether the eligibility determination was consistent with the data in the record. *See Questions and Answers on IDEA Part B Dispute Resolution Procedures*, 61 IDELR 232 (OSERS 2013).

Again, eligibility for special education and related services under the IDEA requires that (1) a child have one of thirteen qualifying disabilities and, (2) "by reason thereof, need[] special education and related services." 34 C.F.R. § 300.8(a)(1); ECEA Rule 2.08. Medical diagnoses do not automatically qualify a student for special education services, and the "IDEA does not cover every student who is struggling in school." *Charlotte-Mecklenburg Schs. Bd. of Educ.*, 64 F.4th 569, 576 (4th Cir. 2023); *see Denver Pub. Schs.*, 124 LRP 34381 (SEA CO 11/06/23); *Consideration of Clinical Diagnoses in the Educational Identification of Disabilities in Accordance with IDEA* (CDE Dec. 2015), available at https://www.cde.state.co.us/cdesped/ta_clinicaldiagnoses.

Here, the Record reflects the MDT considered the Report, teacher reports and observations, and Parent's concerns in determining that Student did not have a qualifying IDEA disability despite her medical diagnoses and struggles in math. (FF #s 9-17). The MDT determined Student required accommodations under a 504 plan, with the option to reconvene and reconsider the eligibility determination if Student continued to struggle. (FF #s 13-15). Parent agreed with that determination. (FF # 13).

The CDE must evaluate an MDT's decision based on the information the MDT had at the time of the eligibility determination "and not from the perspective of a later time with the benefit of hindsight." *L.J. ex rel. Hudson v. Pittsburg Unified Sch. Dist.*, 850 F.3d 996, 1004 (9th Cir. 2017). The cumulative data in the Record does not indicate that Student—at that time—needed special education and related services to benefit from special education because of her medical diagnoses. (FF #s 9-16). Particularly given that it was early in Student's freshman year of high school—when many students struggle academically and social-emotionally—it was reasonable for the MDT to pursue less restrictive accommodations through a 504 plan and reconvene if Student continued to struggle, which it did in February 2025. (FF #s 15-16, 29). Thus, the CDE finds and concludes that BOCES' eligibility determination was consistent with the data in the Record and complied with the IDEA.

Conclusion to Allegation No. 2: BOCES afforded Parent an opportunity to inspect and review Student's education records within 45 days of Parent's requests on January 29, 2025, February 18, 2025, and April 9, 2025, as required by 34 C.F.R. §§ 300.501(a), 300.613.

Parent's concern is that BOCES did not timely provide her with Student's education records in a timely manner after requests on January 9 and February 18, and that BOCES has still not complied with her records requests. (FF # 18).

A. The Right to Inspect and Review Records

One of the procedural safeguards afforded to parents under the IDEA is the right to inspect and review their child's education records. 34 C.F.R. § 300.613(a). This right extends to parents of children whose IDEA eligibility has not yet been established or is in dispute. *Letter to Kashyap*, 68 IDELR 254 (OSEP 2016).

Thus, a school district "must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency." 34 C.F.R. § 300.613(a). A district must comply with a request from a parent to review his or her child's education records "without unnecessary delay and before any meeting regarding an IEP . . . and in no case more than 45 days after the request." *Id.* The right to review records includes the right to a response from the district to reasonable requests for explanations and interpretations of the records. *Id.* § 300.613(b)(1).

The IDEA borrows the definition of "education records" from the Federal Educational Rights and Privacy Act ("FERPA"). 34 C.F.R. § 300.611(b). Under FERPA, "education records" are "those

records, files, documents, and other materials which: (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a party acting for the agency or institution.” *Id.* § 99.3. While school districts are required to permit parents to inspect and review education records that they maintain, districts are “not required to provide access to information that is not maintained or to create education records in response to a parent’s request.” *Letter to Anonymous*, 115 LRP 18603 (FPCO 2015); *see* 34 C.F.R. § 300.613(a); *Denver Pub. Schs.*, 124 LRP 34401 (SEA CO 02/09/24).

B. Parent’s Requests to Inspect and Review Student’s Records

i. January 29 and February 18, 2025, Requests

Here, Parent requested Student’s education records via email on January 29, 2025, and renewed her request on February 18, 2025. (FF # 20). Parent’s requests constituted requests for Student’s education records (FF # 8), and, therefore, BOCES was required to permit Parent to inspect and review those records without unnecessary delay, before any meeting regarding Student’s IEP or, in any case, by March 15, 2025. *See* 34 C.F.R. § 300.613(a).

BOCES provided Parent a link containing the requested records on February 24, 2025, in advance of the first IEP meeting on February 27, 2025. (FF # 21). Therefore, the CDE finds and concludes that District permitted Parent to inspect and review Student’s education records after Parent’s requests on January 29 and February 18, 2025, as required by 34 C.F.R. §§ 300.501 and 300.613.

ii. April 9, 2025, Request

Parent made a further request for Student’s education records on April 9, 2025. (FF # 2). To the extent these documents constituted education records, District was required to permit Parent to inspect and review the relevant records without unnecessary delay, before any meeting regarding Student’s IEP, or, in any case, by May 24, 2025. *See* 34 C.F.R. § 300.613(a).

BOCES provided Parent all responsive education records that District maintained by May 9, 2025, the date it provided documents responsive to this Complaint investigation. (FF # 22).

Parent is concerned that BOCES has not provided the specific information she is seeking—namely, “legally compliant” PWNs, full meeting notes and team member signatures, evaluation data summaries and interpretation sheets, and internal emails discussing consent procedures. (FF # 18). However, nothing in the Record supports that the information Parent is seeking here exists in any education records BOCES maintains, and BOCES was not obligated to create specific education records in response to Parent’s requests. *See Letter to Anonymous*, 115 LRP 18603 (FPCO 2015); *Denver Pub. Schs.*, 124 LRP 34401 (SEA CO 02/09/24).

For these reasons, the CDE finds and concludes that BOCES permitted Parent to inspect and review Student’s education records within 45 days of Parent’s request on April 9, 2025, as required by 34 C.F.R. §§ 300.501 and 300.613.

Conclusion to Allegation No. 3: BOCES developed an IEP tailored to meet Student's individualized needs at meetings in February and March 2025, as required by 34 C.F.R. §§ 300.320(a) and 300.324(a). BOCES complied with IDEA.

A. Legal Standard for IEP Development

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. Parent's concerns implicate both the IEP development process and its substantive adequacy, so the CDE will evaluate each in turn.

B. The IEP Development Process

In developing a child's IEP, the IEP team must consider the "concerns of the parents for enhancing the education of their child." 34 C.F.R. § 300.324(a)(1)(iii). The IDEA's procedural requirements for developing a child's IEP are designed to provide a collaborative process that "places special emphasis on parental involvement." *Sytsema v. Acad. Sch. Dist. No. 20*, 538 F.3d 1306, 1312 (10th Cir. 2008). An IEP meeting "serves as a communication vehicle between parents and school personnel and enables them, as equal participants, to make joint informed decisions regarding the services that are necessary to meet the unique needs of the child." *Letter to Richards*, 55 IDELR 107 (OSEP 2010). To that end, the IDEA requires that parental participation be meaningful, to include addressing information about the child provided to, or by, the parents in reviewing and, as appropriate, revising a student's IEP. 34 C.F.R. §§ 300.321(a), 300.322, 300.324(b)(1).

Meaningful parent participation occurs where the IEP team listens to parental concerns with an open mind, exemplified by answering questions, incorporating some requests into the IEP, and discussing privately obtained evaluations, preferred methodologies, and placement options, based on the individual needs of the student. *O'Toole v. Olathe Dist. Schs. Unified Sch. Dist. No. 233*, 144 F.3d 692, 703 (10th Cir. 1998). Meaningful participation does not require that a district simply agree to whatever a parent has requested. *Jefferson Cnty. Sch. Dist. RE-1*, 118 LRP 28108 (SEA CO 03/22/18). However, parental participation must be more than "mere form." *R.L. v. Miami-Dade Cnty. Sch. Bd.*, 757 F.3d 1173, 1188 (11th Cir. 2014). "It is not enough that the parents are present and given an opportunity to speak at an IEP meeting." *Id.* Evidence that a district "was receptive and responsive at all stages" to the parent's position, even if it was ultimately rejected, is illustrative of parental participation. *Id.*

However, meaningful parent participation does not give a parent the right to dictate all aspects of the child's education. *See Roaring Fork Sch. Dist.*, 124 LRP 34383 (SEA CO 12/26/23) (noting that parents do not have "veto power" over IEP Team decisions); *see also Blackmon v. Springfield R-XII Sch. Dist.*, 31 IDELR 132 (8th Cir. 1999) ("Nevertheless, the IDEA does not require school districts simply to accede to parents' demands without considering any suitable alternatives.").

Here, Parent attended the February and March 2025 IEP meetings and actively participated by asking questions and providing extensive input about Student's needs and her safety concerns, including by providing two detailed, proposed draft IEPs. (FF #s 27-32). In response to Parent's concerns, BOCES carefully reviewed Parent's proposed IEPs and incorporated nearly all the proposed services, supports, and accommodations Parent proposed into Student's final IEP, including an extensive list of accommodations. (FF #s 24, 29-34, 41-45).

Though BOCES did not agree to Parent's ultimate demand—that BOCES adopt and implement her draft IEP verbatim—the Record reflects that District afforded Parent a meaningful opportunity to participate and carefully considered her concerns at the February and March 2025 meetings. (FF #s 24, 29-34). For these reasons, the CDE finds and concludes BOCES considered Parent's concerns for enhancing the education of Student in developing the IEP, as required by 34 C.F.R. § 300.324(a)(1)(iii). The CDE now turns to the substantive adequacy of the IEP.

C. Substantive Adequacy of the IEP

The IDEA requires school to offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. *Endrew F.*, 137 S. Ct. at 999. An IEP must include a statement of special education and related services that allow the student to advance appropriately toward annual goals, to be involved in and make progress in the general education curriculum, and to be educated and participate with other children. 34 C.F.R. § 300.320(a)(4).

i. Para Support

Parent's concern is that Student was not provided with appropriate 1:1 para support in her IEP. (FF # 28).

The IDEA requires that an IEP include a statement of the special education and related services and supplementary aids and services to be provided to the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals and to be involved in and make progress in the general education curriculum. 34 C.F.R. § 300.320(a)(4)(i)-(ii). Supplementary aids and services may include consultation with a professional with expertise in behavioral interventions, access to counselors, or one-to-one aids. *Return to Sch. Roadmap: Development and Implementation of IEPs in the LRE under the IDEA*, 79 IDELR 232 (OSERS 2021); *Bethel Local Sch. Dist.*, 116 LRP 26503 (SEA OH 06/07/16).

Here, Student's IEP requires 1:1 para support for Student at all times she is at School to support her medical, social-emotional, and behavioral needs (as requested by Parent to address her safety concerns). (FF # 44). It is unclear what further para support—or additional supplementary aids and services—Parent requested that the IEP Team did not adopt; instead, it appears Parent simply wanted her draft IEP implemented verbatim without discussion or collaboration by the IEP Team. (FF #s 27-28, 30, 32-33). For these reasons, the CDE finds and concludes that BOCES developed an IEP with para support to enable Student to advance appropriately toward attaining annual goals and advance in the general education curriculum, as required by 34 C.F.R. § 300.320(a)(4)(i), (ii).

ii. Behavioral Supports

Parent's concern is that Student was not provided positive behavioral interventions and supports in her IEP. (FF # 28).

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).

Here, Student's IEP includes positive behavioral supports and strategies to address elopement. (FF # 44). The IEP includes 1:1 para support, in part to provide constant supervision to address Parent's concerns with Student's safety and elopement, as well as supervised transitions between classes to address tardiness and monitor Student's behavioral regulation. (*Id.*). Also, the IEP's accommodations include weekly meetings with the guidance counselor to address any emotional concerns and skill development to manage anxiety, and Student's annual goals in independent living and access skills address self-advocacy and personal responsibility. (FF #s 43-55). Student has not exhibited any violent or destructive behavior, emotional outbursts, or peer conflict to necessitate any additional behavioral support.

Accordingly, the CDE finds and concludes BOCES considered the use of positive behavioral interventions and supports, and other strategies to address behavior impeding Student's learning, including elopement concerns, as required by 34 C.F.R. § 300.324(a)(2)(i).

Conclusion to Allegation No. 4: BOCES issued PWN of its proposal regarding Student's initial IEP and refusal to adopt Parent's proposed IEP, as required by 34 C.F.R. § 300.503. BOCES complied with IDEA.

Parent's concern is that the PWN she received after the March 2025 IEP meeting, reflecting the development of Student's IEP during the meeting, was not "legally compliant." (FF # 47).

PWN must be issued a reasonable time before a district proposes or refuses to change "the educational placement of the child or the provision of FAPE to the child." 34 C.F.R. § 300.503(a). PWN must include: (1) a description of the action proposed or refused by the district; (2) an explanation of why the district proposes or refuses to take the action; (3) a description of each evaluation procedure, assessment, record, or report used by the district as a basis for the action; (4) a statement that the parents of a child with a disability have protections under the procedural safeguards, and the means by which a copy of a description of the procedural safeguards can be obtained; (5) sources for parents to contact to obtain assistance in understanding the information; (6) a description of other options the IEP team considered and the reasons why those options were rejected; and (7) a description of any other factors relevant to the district's proposal or refusal. *Id.* § 300.503(b)(1)-(7).

Adequately identifying and explaining the specific action being proposed or refused is essential because the primary purpose of PWN is to help parents understand the basis for disagreement and whether to seek resolution of the dispute through the available procedural safeguards. *See Letter to Boswell*, 49 IDELR 196 (OSEP 2007); *Douglas Cnty. Sch. Dist.*, 118 LRP 35788 (SEA CO 07/06/18). An IEP document may be used to provide prior written notice as long as the IEP includes all of the content required by 34 C.F.R. § 300.503(b). *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); *Letter to Lieberman*, 52 IDELR 18 (OSEP 2008); *El Paso Cnty Sch. Dist. 2*, 113 LRP 44602 (SEA CO 08/15/13).

Here, the IEP included all of the content required by 34 C.F.R. § 300.503(b) and provided Parent proper PWN. (FF #s 36-47). The IEP describes the services, supports, and accommodations it proposed to implement and the reasons why, based on the Report, Parent and Student input, and teacher observations; includes a detailed description of the evaluations and assessment BOCES used as a basis for its determinations; includes a procedural safeguards notice, signed by Parent, and a note regarding how to obtain assistance in understanding those safeguards; and the embedded PWN explains other factors the IEP Team considered and rejected. (*Id.*).

Further, although Parent contends the PWN did not explain which services and supports it rejected or changed from Parent's draft IEP, the Team did incorporate all of Parent's substantive proposals regarding supports and accommodations in the final IEP, though the wording and organization may have been different than what Parent preferred. (FF #s 27-28, 32-33). Therefore, outside of the IEP's descriptions of Parent's requests and its incorporation of them, no further explanation for BOCES' actions was required. *See Letter to Lieberman*, 52 IDELR 18

(OSEP 2008); *El Paso Cnty Sch. Dist. 2*, 113 LRP 44602 (SEA CO 08/15/13). Accordingly, the CDE finds and concludes BOCES issued Parent proper PWN, as required by 34 C.F.R. § 300.503(a).

Conclusion to Allegation No. 5: BOCES obtained Parent’s informed consent before the initial provision of Student’s special education and related services, as required by 34 C.F.R. § 300.300(b). BOCES complied with IDEA.

A school district that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child. 34 C.F.R. § 300.300(b)(1).

For purposes of the IDEA, consent means the parent has been “fully informed” of all information relevant to the activity for which consent is sought, the parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the parent understands that consent is voluntary and may be revoked at any time. 34 C.F.R. § 300.9. However, a parent need not have an in-depth understanding of all the services a child’s IEP might provide to consent to the initial provision of services; instead, for consent to be “informed,” the parent must have a general understanding of the activity for which she is providing consent. *Letter to Johnson*, 56 IDELR 51 (OSEP 2010).

Here, Parent signed consent for the initial provision of special education and related services on February 27, 2025. (FF # 31). The consent form indicates consent for the initial provision of services “opens the door” to special education and related services, and Director confirmed this with Parent during the February 27 meeting, indicating consent was for the provision of services only and did not constitute consent to any services or supports that may be included in the final IEP developed by Student’s IEP Team. (*Id.*). The form also indicates consent is voluntary and may be revoked at any time. (*Id.*). And, indeed, Parent has not revoked consent for services despite her disagreement with the IEP’s specific provisions. (FF # 35).

Accordingly, the CDE finds and concludes BOCES obtained Parent’s informed consent before the initial provision of Student’s special education and related services, as required by 34 C.F.R. § 300.300(b).

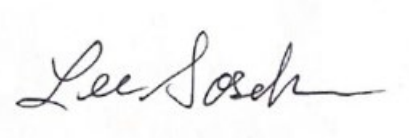
REMEDIES

The CDE concludes BOCES has complied with IDEA. Accordingly, no remedies are ordered.

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 (Aug. 14, 2006). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer (“SCO”).

Dated this 20th day of June, 2025.

A handwritten signature in black ink, appearing to read "Lee Sosebee", is centered above a horizontal line.

Lee Sosebee, Esq.
State Complaints Officer

APPENDIX

Complaint, pages 1-27

- Exhibit 1: Supporting Documentation

Response, pages 1-19

- Exhibit A: IEP
- Exhibit C: NOMs
- Exhibit D: PWNs
- Exhibit E: Evaluation Report
- Exhibit F: Documentation from Eligibility/IEP Meetings
- Exhibit G: 504 Plan
- Exhibit H: Requests for Evaluation
- Exhibit I: Consent for Evaluation
- Exhibit J: Documentation of MTSS
- Exhibit K: Disciplinary Report
- Exhibit L: Schedule, Grades Sports, Attendance Records
- Exhibit M: BOCES Calendar
- Exhibit N: Policies and Procedures
- Exhibit O: Correspondence
- Exhibit Q: Staff Information
- Exhibit R: Verification of Delivery
- Exhibit S: Student Health Plan Information
- Exhibit T: BOCES Response to Parent's Records Request

Reply, pages 1-21

- Exhibit 2 – Supporting Documentation

Telephone Interviews⁴

- Assistant Principal: May 29, 2025
- Director: May 29, 2025
- Nurse: May 29, 2025
- Special Education Teacher: May 29, 2025
- Principal: May 30, 2025

⁴ Consistent with 34 C.F.R. § 300.152(a)(2), the CDE provided Parent the opportunity to submit additional information via a telephone interview. Due to Parent's preference that communication be in writing, Parent declined a telephone interview but submitted a Reply and additional documentation.