

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

State Complaint SC2025-576
Jefferson County School District

DECISION

INTRODUCTION

On June 6, 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 Jefferson County School District (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified three 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.

On June 9, 2025, upon agreement of the parties, the CDE extended the 60-day investigation timeline to allow the parties to participate in mediation consistent with 34 C.F.R. § 300.152(b)(1). Mediation resulted in impasse and the CDE resumed the investigation on July 8, 2025.

The CDE’s goal in state complaint investigations is to improve outcomes for students with disabilities and promote positive parent-school partnerships. A final written 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 properly filed. 34 C.F.R. § 300.153(c). Accordingly, findings of noncompliance shall be limited to events occurring after June 6, 2024. Information prior to June 6, 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 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 District complied with the IDEA, and if not, whether the noncompliance results in a denial of a free appropriate public education (“FAPE”). 34 C.F.R. §§ 300.17, 300.101, 300.151-300.153.

1. District did not review and, as appropriate, revise Student’s Individualized Education Program (“IEP”), from October 2024 to present, to address information about Student provided to or by Parent and Student’s anticipated needs—specifically regarding bullying—as required by 34 C.F.R. § 300.324(b)(1).
2. District did not fully implement Student’s IEP from October 2024 to present because it:
 - a. Did not make the IEP accessible to teachers or service providers responsible for its implementation, as required by 34 C.F.R. § 300.323(d); and
 - b. Did not provide the accommodations³ listed in the IEP—specifically, a point sheet—as required by 34 C.F.R. § 300.323(c).
3. District did not include all required IEP Team members at an IEP meeting held in December 2024—specifically, Parent—as required by 34 C.F.R. § 300.321.

FINDINGS OF FACT

After thorough and careful analysis of the entire Record,⁴ the CDE makes the following findings of fact (“FF”):

A. Background

1. Student is 12 years old and attended a District middle school (“School”) in the sixth grade during the 2024-2025 school year. *Exhibit A*, p. 1. He is eligible for special education and related services under the disability categories of Autism Spectrum Disorder and Speech or Language Impairment. *Id.*
2. Student is kind and soft-spoken and has a unique sense of humor. *Interviews with Parent, Student’s special education teacher (“Teacher”), School’s social worker (“Social Worker”), School’s assistant principal (“Assistant Principal”), and District’s assistant director of special education (“Assistant Director”).* Student is talented at art, loves to read, and is very interested in horror movies, particularly those involving the doll character Chucky. *Id.*
3. This investigation involves, in part, the review, revision, and implementation of an IEP dated September 24, 2025 (“the IEP”), which was amended December 3, 2024, and May 19, 2025. *Exhibit A*, pp. 1, 17, 34.

³ Over the course of the investigation, the SCO learned that Student’s point sheet was not an IEP accommodation, but instead was a component of Student’s behavior intervention plan. Accordingly, this Decision will consider the question of whether District implemented the point sheet component of Student’s behavior plan.

⁴ The appendix, attached and incorporated by reference, details the entire Record.

B. District's Policies, Practices and Procedures

4. District's director of special education ("Director") described District's responsibilities under the IDEA, stating that District staff are required to remain attentive to students' needs to ensure that each student receives a FAPE. *Interview with Director.*
5. District works to ensure that all staff remain knowledgeable regarding their duty to comply with special education laws, offering professional development sessions and holding frequent check-in meetings to discuss issues arising through the course of educational work. *Id.*
6. District provides its special education staff with written materials outlining their responsibilities under the law, including copies of the CDE's "IEP Procedural Guidance," which discusses in detail the requirements for properly serving students with disabilities. *Exhibit K.*
7. Director stated that when a student's IEP is developed or amended, the student's case manager is responsible for contacting staff responsible for implementing the IEP to ensure that they understand the document and are prepared to deliver services and accommodations as needed. *Interview with Director.* District directs its staff members to implement student IEPs with fidelity to the IEP document, while monitoring outcomes to ensure that the IEP remains tailored to the student's needs. *Id.*
8. Director stated that District takes concerns of bullying seriously, and staff are expected to thoroughly investigate conflicts between students to identify and address such concerns. *Id.* When bullying adversely impacts a student's ability to access FAPE, District instructs staff that the IEP team must convene to determine whether the IEP should be revised to address the matter. *Id.*

C. Student's Conflicts with Peers during the 2024-2025 School Year

9. On August 15, 2024, at the start of the 2024-2025 school year, Parent sent an email to Teacher indicating that she was concerned that Student had been bullied at a previous school and asked to meet with Teacher to discuss those concerns. *Exhibit L, p. 3.*
10. Based on this request, Teacher, Parent, and Student's family therapist met on August 23. *Id.* at p. 1. At that meeting, Parent told Teacher that Student and one of the students in his bicycling class had been involved in a conflict several years earlier at a previous school and requested that Student's schedule be changed so that he would attend band rather than bicycling as his elective. *Id.* at p. 5; *Interview with Teacher.*
11. Student's schedule was thus changed to ensure that he would no longer have classes with the peer identified by Parent. *Interviews with Assistant Principal, Teacher and Social Worker.* Student was not involved in any conflict with this peer during the 2024-2025 school year. *Id.*
12. On October 24, 2024, Student was involved in an incident in band class in which he was hissing at other students and pretending to be a cat. *CDE Exhibit 1; Interview with Assistant Principal.*

After a peer⁵ asked him to stop hissing, Student scratched the peer, leaving marks, and received a one-day in school suspension. *Id.*

13. On October 29, Parent emailed one of Student's teachers to inform her of an incident after school in which Student "bumped into a friend" and the friend knocked Student's eyeglasses off before Student could apologize. *Exhibit L*, p. 17. Following this email, Assistant Principal spoke to both students to gather information about the incident, and determined that no discipline was necessary. *CDE Exhibit 1*, p. 3; *Interview with Assistant Principal*.
14. On October 31, District obtained Parent's consent to assess Student via a Functional Behavioral Assessment ("FBA") to gather information necessary to support him in class. *Exhibit D*, p. 1.
15. From October 31 through December 12, District observed Student in the classroom setting to inform an FBA which was sent to Parent on December 18, 2024. *Exhibit E*, pp. 4-7.
16. On January 28, 2025, Student was engaged in a conflict with another peer, culminating in that peer punching Student on the top of his head. *CDE Exhibit 1*, pp. 5, 11. Assistant Principal investigated this incident, interviewing both involved students as well as several other students who witnessed the incident. *Interview with Assistant Principal*; *CDE Exhibit 1*, p. 11. According to the witnesses, Student challenged the peer to a fight and said that the peer "can't fight" as part of an escalating argument. *Id.* Both students were disciplined, with Student losing access to his computer during lunch for several days. *Id.*
17. On April 29, 2025, Student tripped a peer in math class, leading the other student to react verbally and threaten to retaliate. *CDE Exhibit 1*, p. 10; *Interview with Assistant Principal*. When Student was asked by an adult not to trip other students, Student responded, "I would do it again." *Id.* Student received a one-day in-school suspension. *Id.*
18. Following each incident of conflict with peers, Social Worker debriefed with Student to try to determine how expectations were misaligned, and work with Student to develop ways to gain attention in a more effective way. *Interview with Social Worker*. During these conversations, Student described to Social Worker that there was never any particular peer that was bothering him, and that the conflicts were the results of misunderstandings. *Id.*

D. The IEP

19. The IEP documents Student's present levels of educational performance, describing his strengths and interests, his performance in school and on recent assessments, his progress toward previous IEP goals, and the input of his teachers. *Id.* at pp. 3-5.

⁵ Unless otherwise noted, each peer identified in this section refers to a different classmate of Student.

20. The IEP describes Student's needs and the impact of his disability, noting that Student requires support in academics, with the use of pragmatic language, and with mental health. *Id.* at p. 6. The IEP also includes input from both Parent and Student. *Id.*
21. The IEP notes that Student requires a behavior intervention plan ("BIP"). *Id.* at p. 7.
22. The IEP contains four annual goals: one each in communication and social-emotional wellness, and two in writing. *Id.* at pp. 7-10. Following the May 19, 2025 amendment, a fifth goal, for social-emotional wellness, was added. *Id.* at pp. 45-46.
23. The IEP, as originally written, contained 19 accommodations necessary for Student to access general education. *Id.* at pp. 10-11. Following the December 3, 2024 amendment the IEP contained 44 accommodations, and following the May 19, 2025 IEP amendment, the IEP contained 46 accommodations. *Id.* at pp. 27-28, 46-47.
24. The IEP requires 150 minutes weekly of direct specialized instruction in academics inside the general education classroom, 120 direct minutes and 30 indirect minutes monthly of mental health services outside the general education classroom, 120 minutes monthly of direct speech-language therapy inside the general education classroom, and 20 minutes monthly of indirect speech-language therapy outside the general education classroom. *Id.* at pp. 13-14.
25. The IEP describes Student's placement in the least restrictive environment as 98.6% of the time in the general education setting. *Id.* at p. 15.
26. On December 3, 2024, the IEP team amended the IEP, revising its list of accommodations to incorporate accommodations that Parent believed would benefit Student. *Id.* at p. 17.
27. On May 19, 2025, the IEP team amended the IEP again to add information related to Student's anxiety, add accommodations designed to allow Student to take breaks when needed, add a social-emotional goal, noting that Student no longer needs dedicated adult support during lunch time, and update Student's BIP. *Id.* at pp. 34-35.

E. Accessibility of Student's IEP and BIP

28. Prior to the start of the 2024-2025 school year, Teacher and Social Worker met with each of Student's general education teachers to discuss their responsibilities under the IEP and the BIP, and answer any questions the teachers had regarding its implementation. *Interviews with Teacher and Social Worker.*
29. Staff members working with Student were provided with a copy of an IEP snapshot, which describes the components of Student's IEP that may need to be implemented during the school day. *Id.* These staff members had access to this document via a shared Google Drive folder. *Id.* In addition to the IEP snapshot, Social Worker ensured that this shared folder also contained a copy of Student's BIP. *Interview with Social Worker.*

30. Following each amendment to the IEP and BIP during the 2024-2025 school year, Teacher and Social Worker uploaded an updated copy of the IEP snapshot and the BIP to the shared folder. *Interviews with Teacher and Social Worker*. On each occasion, Social Worker emailed Student's teachers to inform them that there was an updated IEP and BIP. *Id.*
31. Social Worker met with Student's paraprofessional to ensure that he was familiar with Student's BIP. *Interview with Social Worker*. On days when another paraprofessional was scheduled to work with Student, Social Worker met with that substitute paraprofessional in the morning prior to school to familiarize that paraprofessional with the BIP. *Id.*

F. Implementation of the Point Sheet Component of Student's BIP

32. Parent's concern is that the components of Student's BIP involving the use of a point sheet were not implemented. *Interview with Parent*.
33. Student's BIP describes several strategies designed to address behavioral concerns and encourage appropriate replacement behaviors. *Exhibit B*, pp. 2-13.
34. In Student's BIP dated September 23, 2024, two of the listed strategies concern the use of a point sheet. *Id.* at p. 2. First, as a Behavior Teaching Strategy, the BIP states: "Continue to teach [Student] how to set daily learning behavior goals and work towards them on his point system." *Id.* Second, as a Reinforcement Strategy, the BIP states: "[Student] earns points throughout his day on this daily behavior tracker to work towards rewards of interest. He loves earning extra book time/library, stickers, breaks with a preferred adult." *Id.*
35. Following an IEP meeting on March 27, 2025, Student's BIP was revised. *Id.* at pp. 7-10. In the revised BIP, two of the listed strategies concern the use of a point sheet. *Id.* at p. 8. First, as a Behavior Teaching Strategy, the BIP states: "[Student] will participate in a Check in Check out (CICO) or point sheet intervention in order [to] promote work completion as well as teach self-reflection skills." *Id.* Second, as a Reinforcement Strategy, the BIP states "[Student] will earn points on his point sheet/CICO sheet that will then be used for physical rewards (i.e., stickers, candies, free time – which is called 'game time' on his point sheet)."
36. Following the development of the initial BIP, Social Worker created a point sheet for Student, which allowed each of Student's teachers to award him up to three points based on an included rubric measuring the behaviors targeted by the BIP. *Exhibit B*, p. 9; *Interview with Social Worker*. In addition, this point sheet included room for teachers to leave comments on Student's performance and note which behavioral interventions had been employed. *Exhibit B*, p. 10.
37. At an end-of-day check-out meeting, Student's total points would be calculated, and based on his point total, he would earn rewards tailored to his interests. *Id.* For instance, if Student earned between 6 and 12 points, he could redeem those points for one Chucky sticker, one piece of candy, or a five-minute video game break. *Id.* If he earned higher point totals, he

might redeem those points for multiple stickers, candies, or longer video game breaks. *Id.* During that check-out meeting, Social Worker would review the point sheet with Student and discuss areas for potential improvement. *Interview with Social Worker.*

38. Social Worker met with each of Student's teachers during mid-October 2024 to review this point sheet and instruct them in how to complete the sheet. *Interview with Social Worker; Exhibit L, p. 11.*
39. On October 23, 2024, Student began participating in the point sheet system, and District provided copies of completed point sheets to the CDE during this investigation spanning from that date through the end of the 2024-2025 school year. *Exhibit I, pp. 9-132.*
40. Based upon input from Parent, Social Worker adjusted Student's point sheet over the course of the school year. *Interview with Social Worker.* For example, starting December 6, 2024, Social Worker revised the point sheet so that Student could, during check-outs, provide a self-evaluation of his performance that day. *Interview with Social Worker; Exhibit I, p. 43.* Social Worker's descriptions of her revisions to the point sheet over the course of the 2024-2025 school year were in alignment to the examples of point sheets provided by District. *Exhibit I, pp. 9-132; Interview with Social Worker.*
41. Social Worker also adapted Student's point sheet for nonstandard school days—Student's point sheet was customized for days when CMAS standardized testing occurred and for an outdoor laboratory school day. *Interview with Social Worker; Exhibit L, p. 58; Exhibit I, p. 122.*
42. Based upon these facts, the CDE finds that District implemented the components of Student's BIP relating to the use of a point sheet from October 2024 through the end of the 2024-2025 school year.

G. The December 20, 2024 Meeting

43. Parent's position is that the December 20, 2024 meeting was an IEP meeting which took place without her attendance. *Interview with Parent.*
44. On October 31, Parent signed an evaluation consent form authorizing an FBA for Student. *Exhibit D, pp. 1-3.* To review the results of the FBA, which was completed December 18, District scheduled a meeting with Parent for December 20. *Interviews with Parent, Teacher, Social Worker, and Assistant Principal; Exhibit E, pp. 4-7; Exhibit L, p. 48.* To ensure that Student's general education teachers could attend the meeting, School arranged for those teachers' classes to be covered during the meeting. *Interviews with Assistant Principal and Assistant Director.*
45. In an email to Assistant Principal dated December 17, Parent stated that she would not be able to attend the December 20 meeting. *Exhibit L, pp. 30-31.* Assistant Principal replied, stating that available School staff would conduct a staff meeting "to ensure the staff is well prepared to support [Student] in the second semester." *Exhibit L, p. 27.* School staff described

that because Student's schedule would be changing due to the new semester, the meeting would serve as an opportunity to orient staff new to Student's IEP, and review changes made in the IEP that had been issued December 3. *Interviews with Assistant Principal, Teacher, and Assistant Director.*

46. A participant in the December 20 meeting took notes which describe that the participants reviewed Student's IEP and BIP, discussed changes to Student's schedule, discussed Student's point sheet, and shared strategies that had shown success in the classroom. *Exhibit E*, p. 1. Following the meeting, these notes were sent to Parent. *Exhibit L*, p. 50. No changes were made to Student's IEP or offer of FAPE at the December 20 meeting. *See Exhibit A.*
47. District re-scheduled the IEP team meeting to review Student's FBA with Parent during the spring semester, and revised Student's BIP and IEP following those meetings. *Exhibit L*, pp. 58, 63; *Exhibit A*, p. 34.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District was not obligated to review and revise Student's IEP from October 2024 to present to address information about bullying provided by Parent under 34 C.F.R. § 300.324(b). District complied with the IDEA.

Parent's concern is that District did not adequately address information regarding her allegations that Student was bullied at School because it did not review and revise his IEP. (FF #s 9-10, 13.)

A. Legal Obligation to Review and Revise IEPs

The IDEA requires school districts 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 Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 399 (2017). The IDEA does not promise a particular educational or functional outcome for a student with a disability, but it does provide a process for reviewing an IEP to assess achievement and revising the program and services, as necessary, to address a lack of expected progress or changed needs. *Id.* at 400. To that end, school districts have an affirmative duty to review and revise a student's IEP at least annually. 34 C.F.R. § 300.324(b). However, the IDEA's procedures contemplate that a student's IEP may need to be reviewed and revised more frequently to address any lack of expected progress toward the annual goals, the results of any reevaluation, "[i]nformation about the child provided to, or by, the parents," "[t]he child's anticipated needs," or other matters. *Id.*; *see Endrew F.*, 580 U.S. at 400. The U.S. Department of Education confirmed that an "IEP Team also may meet periodically throughout the course of the school year, if circumstances warrant it." *Questions and Answers on Endrew F.*, 71 IDELR 68 (EDU 2017). This includes monitoring and revising an IEP as necessary, particularly if appropriate progress is not occurring, to ensure the goals remain individualized and appropriately ambitious for the child. *Id.*

B. Bullying under the IDEA

Under Colorado law, bullying is defined as “[a]ny written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student.” C.R.S. 22-32-109.1(1)(b). According to the U.S. Department of Education, “any bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of FAPE under the IDEA that must be remedied.” *Dear Colleague Letter*, 61 IDELR 263 (OSERS/OSEP 2013). The U.S. Department of Education characterizes bullying as “aggression used within a relationship where the aggressor(s) has more real or perceived power than the target, and the aggression is repeated, or has the potential to be repeated, over time.” *Id.* Bullying can take a variety of forms, including physical, verbal, emotional, or social behaviors. *Id.*

School districts “have an obligation to ensure that a student with a disability who is the target of bullying behavior continues to receive a FAPE in accordance with his or her IEP.” *Id.* In response to bullying, a school district may convene the student’s IEP team to “determine whether, as a result of the effects of bullying, the student’s needs have changed such that the IEP is no longer designed to provide meaningful educational benefit.” *Id.* See also *Denver Public Schs.*, 125 LRP 15695 (SEA CO 05/09/25); *Thompson Sch. Dist.*, 125 LRP 18456 (SEA CO 06/06/25); *Cheyenne Mountain Sch. Dist. 12*, 124 LRP 34393 (SEA CO 01/08/24).

C. District’s Obligation to Review and Revise, as Necessary, the IEP

Here, Parent raised concerns regarding several conflicts involving Student during the 2024-2025 school year. (FF #s 9-18.) Parent stated that a peer in Student’s bicycling class had been involved in conflict with Student several years prior at a different school. (FF # 10.) In October 2024, Student was involved in an incident in band class during which he scratched a peer. (FF # 12.) A few days later, Student collided with a friend, leading that friend to knock his eyeglasses off. (FF # 13.) In January 2025, Student was involved in an argument with another peer which culminated in the peer punching Student in the head. (FF # 16.) In April 2025, Student tripped a peer, leading to that peer verbally threatening Student. (FF # 17.)

As a primary matter, the CDE finds that these incidents, whether taken individually or together, do not constitute bullying as defined by Colorado law and federal guidance. Some of these incidents, such as Student being in the same class as a peer with whom he had previous conflict, did not involve aggression toward Student, and in several others, Student was the initiator of the aggression. (FF #s 10, 12-13, 17.) Moreover, none of the reported incidents demonstrate a power imbalance between the students. (FF #s 10-17.) Finally, the conflict was not repeated over time, as each instance of conflict was with a different one of Student’s peers. (FF # 10, 12-13, 16-18.)

Nevertheless, District took steps to address these incidents both outside of and within the special education process. At Parent’s request, District altered Student’s class schedule to ensure that he would not be in the same class as the peer with whom he had previous conflict, and the two

students were not involved in any conflict with one another during the 2024-2025 school year. (FF # 11.) School staff investigated reported incidents of conflict, interviewing the students involved and other witnesses to determine what happened and what corrective actions should be taken. (FF #s 13, 16.) Following each incident, Social Worker spoke to Student to help him build social-emotional skills that might prevent future conflict. (FF # 18.) Following the two incidents in October 2024, District proposed to conduct, and completed, an FBA to better support Student's behavior at School. (FF # 14-15.) Finally, District met with Parent several times and revised Student's IEP and BIP over the course of the 2024-2025 school year. (FF #s 26-27.) Although the incidents described in this investigation did not constitute bullying, District took steps to ensure that Student's IEP was responsive to and met Student's individual needs.

For these reasons, the CDE finds and concludes that District was not obligated to review and revise Student's IEP from October 2024 to present in light of information about bullying provided by Parent, in compliance with 34 C.F.R. § 300.324(b)(ii)(c).

Conclusion to Allegation No. 2: District fully implemented Student's IEP from October 2024 to present. District complied with the IDEA.

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 Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 391 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Educ. 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 school district must ensure that "as soon as possible following the development of the IEP, special education and related services are made available to a child in accordance with the child's IEP." *Id.* To satisfy this obligation, a district must ensure that each teacher and related services provider has access to the IEP and is informed of "his or her specific responsibilities related to implementing the child's IEP," as well as the specific "accommodations, modifications, and supports that must be provided for the child in accordance with the IEP." *Id.* § 300.323(d).

B. IEP Accessibility and Responsibilities

The CDE must determine whether District satisfied its obligation under 34 C.F.R. § 300.323(d). Here, the Record reflects that Teacher and Social Worker regularly met with teachers and other staff responsible for implementing Student's IEP to ensure that they were familiar with their duties. (FF #s 28, 31.) Those staff members had access to Student's IEP snapshot and a copy of his BIP via a shared online folder. (FF # 29.) When there were changes to the IEP and BIP, or when new staff members would work with Student, Teacher and Social Worker ensured that

responsible staff were aware of their responsibilities. (FF #s 30-31.) Accordingly, the CDE finds and concludes that District complied with 34 C.F.R. 300.323(d).

C. Implementation of Student's Point Sheet

Parent's concern is that the components of Student's BIP related to the use of a point sheet intervention were not implemented. (FF # 32.) During the dates relevant to this investigation, Student's BIP required that Student be able to use a point sheet on which he earns points for achieving behavioral goals and can redeem those points for rewards of interest. (FF #s 34-35.)

Following the introduction of this component of the BIP in October 2024, Social Worker developed a point sheet which allowed each of Student's teachers to award him points based on his behavioral performance in their class. (FF # 36.) At the end of each day, Social Worker met with Student to tally his points, review areas for improvement, and allow Student to redeem points for rewards such as stickers, candy, or video game time. (FF # 37.) Social Worker continued to develop and improve this point sheet through the course of the school year, addressing Parent's concerns and developing point sheet routines for nonstandard school days. (FF #s 40-41.) The Record shows that these point sheets were completed consistently from October 2024 through the end of the 2024-2025 school year. (FF # 39.)

Based on these facts, the CDE finds and concludes that District fully implemented this component of Student's BIP from October 2024 through the end of the 2024-2025 school year, as required by 34 C.F.R. § 300.323(c).

Conclusion to Allegation No. 3: The December 20, 2024 meeting was not an IEP meeting, and thus Parent's attendance was not required under 34 C.F.R. § 300.321. District complied with the IDEA.

Parent's concern is that she was not in attendance at an IEP meeting held December 20, 2024. (FF # 43.)

A. Defining the IEP Meeting

Parents are necessary members of the IEP team and have the right to participate in meetings regarding the identification, evaluation and educational placement of the child, and the provision of FAPE to the child. 34 C.F.R. §§ 300.321(a), 300.501(b).

"Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate – including (1) notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) scheduling the meeting at a mutually agreed on time and place." 34 C.F.R. § 300.322(a). "If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls." 34 C.F.R. §§ 300.322(c), 300.328.

Nevertheless, teachers and other school staff are permitted, and often required, to meet with one another in settings which are not IEP meetings. Notably, the IDEA distinguishes an IEP meeting from “informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision.” 34 C.F.R. § 300.501(b)(3).

Further, an IEP meeting “does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.” *Id.* To “promote efficiency, this provision simply excludes some of the planning and coordination activities that school district personnel routinely engage in from the more extensive procedural requirements related to convening an IEP team.” *Mesa County Valley School District 51*, 119 LRP 5665 (SEA CO 12/17/18)

Moreover, the IDEA requires that districts ensure that staff responsible for implementation of a Student’s IEP be informed of “his or her specific responsibilities related to implementing the child’s IEP.” 34 C.F.R. § 300.323(d). Often, as described above in this case, those staff members are informed of these responsibilities in meetings among teachers and staff. *See, e.g., Mesa County Valley School District 51.*

B. The December 20, 2024 Meeting

Here, neither party disputes that Parent did not attend the December 20 meeting. (FF # 45.) A meeting was scheduled for that date, with the original purpose that it would be an IEP meeting to discuss Student’s FBA with Parent. (FF # 44.) Three days before the scheduled meeting, Parent informed District that she would be unable to attend the meeting. (FF # 45.) Because Student’s teachers had already secured substitutes for that timeslot, District informed Parent that they would be holding a staff meeting during that time in order “to ensure the staff is well prepared to support [Student] in the second semester.” (FF # 44-45.) Notes from the staff meeting, which were shared with Parent following the meeting, indicate that staff reviewed Student’s IEP and BIP (which had been amended by the IEP team on December 3), discussed changes to Student’s schedule in the second semester, and shared behavioral strategies that had proved successful. (FF # 46.) No changes were made to Student’s IEP or BIP at or following this meeting, and the meeting to review Student’s FBA with Parent and make necessary revisions to Student’s IEP and BIP was rescheduled for the spring semester according to Parent’s availability. (FF # 47-48.)

The Record shows that although the original intent of the December 20, 2024 meeting was to review an FBA with Parent, once it was apparent that an IEP meeting would not be taking place that day because Parent could not attend, the staff instead held a “preparatory” meeting to discuss their methodology for implementing Student’s IEP over the remainder of the school year. (FF # 45-46.) The substance of the originally intended meeting was rescheduled to occur at a time convenient to Parent, at which time she was afforded the opportunity to participate. (FF # 47.)

For these reasons, the CDE finds and concludes that the December 20, 2024, staff meeting was not an IEP meeting, and that therefore, Parent’s attendance at that meeting was not required. Accordingly, the CDE finds that District complied with 34 C.F.R. § 300.321.

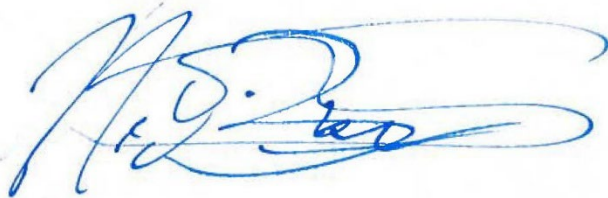
REMEDIES

The CDE concludes that District complied with the IDEA. Accordingly, no remedies are ordered.

CONCLUSION

The Decision of the CDE is final and is not subject to appeal. *CDE’s State Complaint Procedures*, Section E, ¶ 2. If either party disagrees with this Decision, the filing of a Due Process Complaint is available as a remedy provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. *Id.*; *see also* 34 C.F.R. § 300.507(a); 71 Fed. Reg. 156, 46607 (August 14, 2006). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer (“SCO”).

Dated this 3rd day of September, 2025.



Nick Butler
State Complaints Officer

APPENDIX

Complaint, pages 1-8

- Exhibit 1: Emails between Parent and District

Response, pages 1-18

- Exhibit A: IEPs
- Exhibit B: BIPs
- Exhibit C: Notices of Meeting
- Exhibit D: Prior Written Notices
- Exhibit E: Meeting Documentation
- Exhibit F: n/a
- Exhibit G: Schedule, Grades, Attendance
- Exhibit H: Progress Monitoring
- Exhibit I: Service Logs and Point Sheets
- Exhibit J: District Calendar
- Exhibit K: District Policies and Procedures
- Exhibit L: Correspondence
- Exhibit M: Confirmation of Delivery of Response

Reply, pages 1-9

- Exhibits 2-17: Emails between Parent and District

CDE Exhibits

- CDE Exhibit 1: Communication Log and Disciplinary Records

Telephone Interviews

- Parent: August 1, 2025
- Teacher: August 4, 2025
- Social Worker: August 5, 2025
- Assistant Principal: August 5, 2025
- Assistant Director: August 6, 2025
- Director: August 6, 2025