

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

State Complaint SC2025-597
Douglas County School District

DECISION

INTRODUCTION

On July 29, 2025, the advocate (“Complainant”) for a 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 Douglas County School District (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified one allegation 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 July 30, 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 August 28, 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 July 29, 2024. Information prior to that date may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT ALLEGATIONS

The Complaint raises the following allegation 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 fully implement Student’s IEP from August 2024 through May 2025 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 services listed in the IEP—specifically, specialized instruction in reading and mathematics—as required by 34 C.F.R. § 300.323(c).

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 twelve years old and at the time relevant to this investigation, attended a District elementary school (“School”) in the fifth grade. *Exhibit A*, p. 1. He qualifies for special education and related services under the disability category of Specific Learning Disability. *Id.*
2. Student is sweet-tempered, funny and creative. *Interviews with Parent, Complainant, Student’s primary fifth-grade special education teacher (“Special Education Teacher 1”), Student’s secondary fifth-grade special education teacher (“Special Education Teacher 2”), and Student’s fifth-grade general education teacher (“General Education Teacher”).* Student is a talented artist who has won art competitions and is musically inclined. *Id.*
3. This investigation involves the implementation of an IEP dated May 17, 2024 (“the IEP”), which was in effect from that date through the end of the 2024-2025 school year. *Exhibit A.*

B. District’s Policies, Practices and Procedures

4. District’s director of special education (“Director”) stated that District is responsible under IDEA for ensuring that a student’s IEP is implemented with fidelity to the document created by the IEP team. *Interview with Director.*
5. Director stated that District staff are provided with regular professional development training designed to ensure that they remain knowledgeable regarding their responsibilities under IDEA, including implementation of IEPs. *Id.*
6. District has a network of special education coordinators whose responsibilities include supporting building-level staff in addressing special education matters. *Id.* In addition,

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

building-level special education staff regularly meet among themselves to discuss special education issues. *Id.*

7. When an IEP is developed, the student's case manager is responsible for ensuring that staff responsible for implementing the IEP are aware of their responsibilities and have access to necessary information regarding the IEP. *Id.*
8. District's practice, although not formally outlined in written procedure, is that when staff members provide IEP-required services, they record those services via a service log. *Id.* During the 2024-2025 school year, District transitioned to a new system for recording service logs. *Id.* Director stated that due to difficulties associated with this transition, staff often struggled to maintain service logs. *Id.*

C. Accessibility of Student's IEP

9. Special Education Teacher 1 was Student's case manager and attended the May 2024 IEP meeting at which the IEP was developed. *Interview with Special Education Teacher 1.*
10. At the start of the 2024-2025 school year, Special Education Teacher 1 met with Special Education Teacher 2 and General Education Teacher to review the IEP and each teacher's responsibilities. *Interviews with Special Education Teachers 1 and 2 and General Education Teacher.* Over the course of the 2024-2025 school year, Special Education Teacher 1 met with Special Education Teacher 2 and General Education Teacher on a weekly basis to discuss the needs of students on their shared caseloads. *Id.*
11. Special Education Teachers 1 and 2 and General Education Teacher had access to Student's IEP via District's online student data management system, and each retained a physical document detailing relevant information related to their respective implementation responsibilities. *Id.*
12. Special Education Teachers 1 and 2 each described in detail their responsibilities and practices regarding the implementation of Student's specialized instruction in math and reading. *Interviews with Special Education Teachers 1 and 2.*

D. Student's IEP

13. The IEP documents Student's present levels of academic achievement and functional performance, describing Student's strengths and interests, Student's performance on evaluations and on previous IEP goals, providing input from Student's teachers and parents, and describing the impact of Student's disability on his involvement and progress in the general curriculum. *Exhibit A. pp. 3-8.* Specifically, the IEP identifies that Student has needs in the areas of reading, writing, and mathematics. *Id.* at p. 8.
14. Student's IEP includes five annual goals: two each in Reading and Mathematics, and one in Writing. *Id.* at pp. 9-11.

15. Student's IEP identifies 23 accommodations as necessary for Student to access the educational environment. *Id.* at pp. 11-12.

16. Student's IEP describes the special education services as:

- 120 minutes per week of direct specialized instruction in reading and writing, to be provided in a small group setting outside the general education classroom; and
- 100 minutes per week of direct specialized instruction in mathematics, to be provided in a small group setting outside the general education classroom.

Id. at p. 14.

17. Student's IEP concludes that it is appropriate for Student to be inside the general education environment at least 80% of the time. *Id.* at p. 15.

E. Implementation of Specialized Instruction

18. During the 2024-2025 school year, Special Education Teacher 1 moved to a reduced work schedule in which she was in the school building four days per week—Mondays, Tuesdays, Wednesdays, and Fridays. *Interview with Special Education Teacher 1.* She worked directly with students on Monday through Wednesday and had planning periods on Fridays. *Id.*

19. To ensure that School's fifth grade students would receive their full allotment of services, District assigned Special Education Teacher 2, a special education teacher who split time between School and another District elementary school, to work at School every Thursday and Friday, and every other Wednesday. *Interview with Special Education Teacher 2.*

20. Student received his specialized instruction services in a small group setting—his math group consisted of three to four students and his reading and writing group consisted of six to seven students. *Interviews with Special Education Teachers 1 and 2 and General Education Teacher.*

21. Each week, Student would attend three 40-minute small group sessions in math and four 40-minute small group sessions in reading and writing. *Id.* On Mondays, Tuesdays, and Wednesdays, Special Education Teacher 1 would come to Student's general education classroom to pull the small group for instruction, and on Thursdays prior to April 8, 2025, Special Education Teacher 2 would come to Student's general education classroom to pull the small groups for instruction. *Id.*

22. Special Education Teachers 1 and 2 described in detail the services they provided to the small groups. *Interviews with Special Education Teachers 1 and 2.* For example, each week, Special Education Teacher 1 would model reading strategies for the group on Monday, would ask the students to work with a partner on that week's strategy on Tuesday, would ask the students to work independently using that strategy on Wednesday, and would work with Special Education Teacher on writing strategies on Thursday. *Interviews with Special Education*

Teachers 1 and 2. Likewise, Special Education Teachers 1 and 2 described that they worked with math group students on pre-teaching and re-teaching the skills the students were working on in the general education math class and provided focused instruction in areas of difficulty. *Id.*

23. Special Education Teacher 2 stated that because she only worked at School part time, she did not keep formal service logs for the services she provided during the 2024-2025 school year. *Interview with Special Education Teacher 2.*
24. Special Education Teacher 1 stated that while she did keep some service logs using District's newly implemented system, her logs were incomplete and not consistently recorded after delivering service minutes. *Interview with Special Education Teacher 1.* Special Education Teacher 1's service logs, when recorded, were consistent with the service delivery schedule she described, but did not document the delivery of services for all scheduled days during the 2024-2025 school year. See *Exhibit G*, pp. 4-16.
25. General Education Teacher stated that the specialized instruction small groups were consistently pulled from her classroom on each scheduled day for specialized instruction, and that on every occasion upon which Student's small group was pulled, Student went with the group to receive his services. *Interview with General Education Teacher.*
26. Parent stated that because of the incomplete service logs, she believes that Student did not receive the service minutes outlined in his IEP. *Interview with Parent and Complainant.*
27. Parent stated that Student did not express to her that he had missed any services during the 2024-2025 school year. *Id.* Parent noted that she had spoken to the parents of other students involved in Student's small-group instruction, but that they did not indicate to her any concerns that their students had missed their specialized instruction minutes. *Id.*
28. On April 8, 2025, Parent stated in an email to School's principal and a District special education coordinator that she no longer wished for Student to work with Special Education Teacher 2. *Exhibit J*, p. 1; *Interview with Parent and Complainant.*
29. Following this request, Special Education Teacher 2 no longer worked with Student during her typical Thursday sessions. *Interview with Special Education Teacher 2.*
30. From April 8, 2025 through the end of the school year, Special Education Teacher 1 worked with Student on his specialized instruction minutes during her Friday planning periods. *Interview with Special Education Teachers 1 and 2.*
31. Based upon these facts, the CDE finds that Student received at least 120 minutes per week of specialized instruction in reading and writing, and at least 100 minutes per week of specialized instruction in math.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District implemented Student’s specialized instruction services in his IEP from August 2024 through May 2025, consistent with 34 C.F.R. § 300.323. District complied with the IDEA.

Parents’ concern is that Student’s specialized instruction services were not provided to him as required in his IEP. (FF # 26).

A. IEP Implementation: Legal Requirements

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

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

B. IEP Accessibility and Responsibilities

The CDE must determine whether District satisfied its obligation under 34 C.F.R. § 300.323(d). Here, Student’s teachers had access to IEP information during the 2024-2025 academic year via District’s student record system and by maintaining paper records. (FF # 11). Special Education Teacher 1, Student’s case manager, ensured that Special Education Teacher 2 and General Education Teacher were aware of their responsibilities by meeting with them at the start of the school year and on a regular basis over the course of the year. (FF # 10). Each teacher described in detail their responsibilities under Student’s IEP. (FF # 12).

For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.323(d).

C. Implementation of Student’s Specialized Instruction

The CDE must determine whether District provided Student with the specialized instruction services outlined in his IEP. 34 C.F.R. § 300.323(c)(2).

The IEP requires that Student receive 120 minutes per week of direct specialized instruction in reading and writing, and 100 minutes per week of direct specialized instruction in math. (FF #

16). As described in the Findings of Fact, the CDE finds that Student received at least 120 minutes per week of specialized instruction in reading and writing, and at least 100 minutes per week of specialized instruction in math. (FF # 31). Special Education Teachers 1 and 2 did not keep complete records of the service minutes they provided to Student consistently with District practice, but the maintenance of service logs is not required by IDEA. (FF #s 23-24); *Charter School Institute*, 124 LRP 34367 (SEA CO 8/28/2023); *Roaring Fork Sch. Dist.*, 123 LRP 5323 (SEA CO 11/20/2022).

Nevertheless, the preponderance of the evidence here surrounding the services—including General Education Teacher’s corroboration that the student groups were regularly pulled from her class, the Special Education Teachers’ detailed descriptions of their respective work in providing specialized instruction to Student, and the fact that the parents of other students in Student’s small group did not indicate concerns regarding service implementation—demonstrates that the service minutes were provided as scheduled over the course of the year. (FF #s 18-30). For these reasons, the CDE finds and concludes that District implemented the IEP from August 2024 to present, consistent with 34 C.F.R. § 300.323(c)(2).

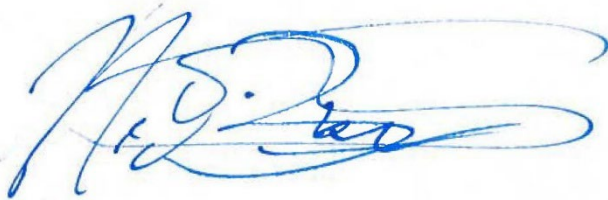
REMEDIES

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 24th day of October, 2025.



Nick Butler
State Complaints Officer

APPENDIX

Complaint, pages 1-6

Response, pages 1-6

- Exhibit A: Student's May 2024 IEP
- Exhibit B: Notices of Meeting
- Exhibit C: n/a
- Exhibit D: n/a
- Exhibit E: Student's grades and attendance records
- Exhibit F: Progress Monitoring
- Exhibit G: Service Logs
- Exhibit H: District Calendar
- Exhibit I: District Policies and Procedures
- Exhibit J: Correspondence
- Exhibit K: Written Statements from Special Education Teachers 1 and 2

Reply, pages 1-5

- Exhibit 1: Service Logs
- Exhibit 2: Emails regarding service logs
- Exhibit 3: Emails between District and Parent
- Exhibit 4: Student's May 2025 IEP

Telephone Interviews

- Special Education Teacher 1: September 25, 2025
- Special Education Teacher 2: September 25, 2025
- General Education Teacher: September 29, 2025
- Director: September 29, 2025
- Parent: September 30, 2025
- Complainant: September 30, 2025