

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

State Complaint SC2025-601
Jefferson County School District R-1

DECISION

INTRODUCTION

On August 20, 2025, the parents (“Parents”) of a student (“Student”) not currently 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 R-1 (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified seven 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.

Prior to the CDE’s acceptance of the Complaint, on July 23, 2025, District filed a due process complaint concerning two of the seven allegations raised in the Complaint. As result, the CDE set aside the two allegations raised in the due process complaint—Allegation Nos. 3 and 7—until the conclusion of the due process hearing, consistent with 34 C.F.R. § 300.152(c)(1). Accordingly, this Decision addresses the remaining five allegations: Allegations Nos. 1-2, 4-6. *Id.*

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 August 20, 2024. Information prior to August 20, 2024, may be considered to fully investigate all allegations.

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.

SUMMARY OF COMPLAINT ALLEGATIONS²

The Complaint raises the following allegations subject to the CDE’s jurisdiction under 34 C.F.R. § 300.153(b)³ of the IDEA:

1. District did not review and, as appropriate, revise Student’s Individualized Education Program (“IEP”) from August 20, 2024 to June 4, 2025 because it:
 - a. Did not ensure that an IEP team reviewed Student’s IEP annually, as required by 34 C.F.R. § 300.324(b);
 - b. Did not address any lack of expected progress toward Student’s annual goals in reading and math—because the goals were not measurable and designed to meet Student’s needs—as required by 34 C.F.R. §§ 300.320(a)(2)-(3), 300.324(b); and
 - c. Did not address information about Student provided by Parents—specifically regarding mental health needs—as required by 34 C.F.R. § 300.324(b).

2. District did not fully implement Student’s IEP because it:
 - a. Did not make the IEP accessible to teachers or service providers responsible for its implementation, from August 20, 2024 to June 4, 2025, as required by 34 C.F.R. § 300.323(d);
 - b. Did not measure Student’s progress on annual IEP goals consistent with the IEP, from August 20, 2024 to November 2024, as required by 34 C.F.R. §§ 300.320(a)(3)(i), 300.323(c); and
 - c. Did not provide the mental health services and specialized instruction listed in the IEP, from August 20, 2024 to June 4, 2025, as required by 34 C.F.R. § 300.323(c).

3. District did not properly evaluate Student in Spring 2025 because it:
 - a. Did not use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about Student—specifically information provided by Parents—as required by 34 C.F.R. § 300.304(b)(1);
 - b. Did not assess Student in all areas related to the suspected disability—specifically general intelligence— as required by 34 C.F.R. § 300.304(c)(4); and

² The CDE originally accepted seven allegations for investigation, but two allegations are held in abeyance (*i.e.*, paused) pending resolution of District’s Due Process Complaint. The allegations presented as Allegation Nos. 3-5 above were originally accepted as Allegation Nos. 4-6.

³ 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.

- c. Did not observe Student in her regular classroom setting to document Student’s academic performance and behavior in the areas of difficulty, as required by 34 C.F.R. §§ 300.305(e)(1), 300.310(a).
4. District did not provide Parents with proper notice of a meeting held June 4, 2025, as required by 34 C.F.R. § 300.322.
5. District did not properly determine Student’s eligibility and educational need at a meeting on June 4, 2025, because it:
 - a. Did not ensure a group of qualified professionals—specifically Student’s language arts and math teachers—and Parents determined whether Student is a child with a disability, as required by 34 C.F.R. § 300.306(a)(1) and ECEA Rule 4.02(6)(b); and
 - b. Did not ensure that information obtained from a variety of sources was documented and carefully considered, as required by 34 C.F.R. § 300.306(c)(1)(ii).
6. District did not afford Parents an opportunity to inspect and review Student’s education records after Parents’ request on April 2, 2025, as required by 34 C.F.R. §§ 300.501 and 300.613.
7. District did not provide an Independent Educational Evaluation (“IEE”) at public expense without unnecessary delay or file a due process complaint to show District’s evaluation was appropriate, following Parents’ request for an IEE in May 2025, as required by 34 C.F.R. § 300.502(b)(1)-(2).

FINDINGS OF FACT

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

A. Background

1. Student is fourteen years old and completed eighth grade at a District school (“School”) during the 2024-2025 school year. *Response*, p. 1. Student qualified for special education from May 2022 to June 2025 under the disability category of Specific Learning Disability (“SLD”). *Exhibit A*, p. 1. Following a reevaluation in June 2025, District determined Student no longer qualified as a student with a disability under the IDEA. *Exhibit L*, p. 1. Student left District and enrolled at a private high school for the 2025-2026 school year. *Response*, p. 5.
2. Student is kind, compassionate, vibrant, and a hard worker. *Interviews with Parents, School’s social worker (“Social Worker”), and School’s principal (“Principal”)*. She enjoys playing

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

volleyball and spending time with her grandparents and cousins. *Interview with Parents*. She is a “perfectionist” and is “always trying to please.” *Interviews with Parents and Social Worker*. She was privately diagnosed with depression and anxiety. *Exhibit H*, p. 35. She sees a private counselor for these diagnoses and takes medicine. *Id.*; *Interview with Parents*.

3. The allegations accepted for investigation involve, in part, an IEP dated May 10, 2024 (“Student’s IEP”), which was in effect during the 2024-2025 school year. *Complaint*, pp. 1-18.

B. District’s Policies, Practices, and Procedures

4. District uses the CDE’s IEP Procedural Guidance Document as its main guidance for IDEA compliance. *Interviews with District’s Assistant Director of Special Education (“Assistant Director”) and Director of Special Education (“Director”)*. District makes this document readily available for all providers. *Interview with Assistant Director*. Additionally, District provides frequent training both in person and virtually on a various number of special education topics. *Id.* At the beginning of each school year, Assistant Director leads a day of training for staff, and reviews the procedural guidance, helpful reminders, IDEA compliance, and best practices. *Interview with Director*. Assistant directors also provide school coordinators and school teams professional learning opportunities on a regular basis. *Id.*
5. At the beginning of each school year, case managers meet with all providers to review the IEPs for each student. *Interviews with Director and Assistant Director*. All providers have access to each IEP through an IEP snapshot. *Id.*
6. District staff described the training it provides on IEP review and revision (including developing measurable goals), progress monitoring, and eligibility determinations (including multidisciplinary team (“MDT”) composition), which is consistent with the CDE’s procedural guidance and the IDEA. *Interviews with Director and Assistant Director*.

C. Student’s IEP

7. Student’s IEP was developed on May 10, 2024. *Exhibit A*, p. 1. It documents her strengths in positive peer interactions, kindness and respect, and perseverance. *Id.* at p. 3.
8. The Present Levels of Educational Performance section summarizes her work and progress made on prior IEP goals. *Id.* at pp. 3-6. Relevant to this investigation, Student had two reading goals. *Id.* Her first goal was to “use inferencing skills to help her comprehend literature, in the grades 6-8 text complexity band proficiently, with scaffolding needed. When asked questions about the text she will make correct inferences 75% of the time.” *Id.* at p. 3. She met this goal by receiving 80% of accuracy. *Id.* Her second goal was to “use context clues to pronounce unfamiliar words thereby increasing her reading fluency of a grade level passage to 88 words correct per minute with 96% accuracy in 2 out of 3 trials.” *Id.* at p. 4. She did not meet this goal, with scores fluctuating largely as her last two recorded were 97 and 66. *Id.*

9. The Student Needs and Impact of Disability section documents that her SLD in the areas of basic reading, reading fluency, and reading comprehension affects her ability to access content in all subjects. *Id.* at p. 6. Student’s SLD causes her to struggle with assignments and require adult assistance to complete assignments correctly. *Id.* Also, Student “will seek support when she has high levels of anxiety—but her teachers/staff would not know she was experiencing anxiety/depression based on her outward appearance alone.” *Id.*

10. The IEP contains three annual goals:

- Goal 1 (Reading): “By next annual review [Student] will use inferencing skills to help her comprehend literature, in the grades 6-8 text complexity band proficiently, with scaffolding as needed. When asked questions about the text, she will make correct inferences scoring 85% on 2 out of 3 attempts.”
- Goal 2 (Reading): “By next annual review [Student] will use context clues to pronounce unfamiliar words thereby increasing her reading fluency of a grade level passage to 95 words correct per minute with 96% accuracy in 2 out of 3 trials;”
- Goal 3 (Social-Emotional): “[Student] will accurately identify situations that can be anxiety producing and appropriate coping strategies or relaxing techniques when presented with real or imagined situations with 80% accuracy in 4 out of 5 trials.”

Id. at pp. 6-8.

11. Each annual goal includes the projected achievement date, unit of measurement, baseline data point, evaluation method used to measure Student’s progress, and associated grade-level learning standard. *Id.*; *Interview with CDE Specialist 1*. With respect to reading, the annual goals also address Student’s identified needs in comprehension and fluency. *Exhibit A*, pp. 6-8; *Interview with CDE Specialist 1*. These two goals were also revised from Student’s prior IEP to address her identified needs, appropriately increasing the scoring benchmark. *Interview with CDE Specialist 2*. The social-emotional goal addressed Student’s identified needs with respect to managing anxiety. *Exhibit A*, pp 7-8; *Interview with Social Worker*.

12. The IEP indicates that Parents will be informed about progress toward goals through reports “sent home via email, USPS, or with student report cards at trimesters.” *Exhibit A*, p. 6.

13. The IEP provides thirteen accommodations, including in part reading computer-based questions out loud to her, speech-to-text, text-to-speech, and audio books. *Id.* at p. 8.

14. The IEP’s Service Delivery Statement provides:

- Special Education: 200 minutes per month of direct support inside the general education classroom, specifically for English language art and math classes.

- Special Education: 100 minutes per month of direct support outside of the general education classroom for work on “basic reading skills, reading fluency, reading comprehension, and to support her need for a small group or separate location for all assessments.”
- Mental Health: 100 minutes per month of direct support outside the general education classroom, noting that the “[m]ental [h]ealth provider is available as needed but will also provide regular meeting opportunities to work on the development of coping strategies and anticipate upcoming situations that might be anxiety producing for [Student].”

Id. at p. 11.

15. Although the IEP indicates that direct special education services will be provided in math, District indicated this is a typographical error as “Student had no identified math special education needs based on her evaluation and the IEP goals as determined by the team.” *Response*, p. 6. Indeed, Student’s “push-in services” for the prior year were specifically in the ELA classroom. *Exhibit A*, p. 3. Parents did not recall discussions at the 2024 IEP meeting of math services being included in the IEP, and indicated their understanding was the support for math related to reading (such as for word problems). *Interview with Parents*. Moreover, Parents did not describe concerns about a lack of, or need for, direct support inside math during this investigation. *Id.*
16. The IEP provides Student’s Least Restrictive Environment (“LRE”) is 97.6% in the general education environment. *Id.* at p. 12.

D. Mental Health Concerns

17. Parents contend that District did not properly review and revise Student’s IEP after they raised additional mental health concerns with School. *Complaint*, p. 9.
18. Student missed five days at the beginning of the 2024-2025 school year due to a hospitalization from August 4 to August 21 for self-harm. *Id.*; *Exhibit F*, p. 4. She was excused from School on August 15-16 and August 20-22. *Exhibit F*, p. 4.
19. Parent informed District of the hospitalization via email on August 8, 2024. *Complaint*, p. 9; *Exhibit 5*. Parent and School’s counselor (“Counselor”) met in person on August 9, at which time Parent shared Student’s specific schedule needs, and requested that Counselor communicate Student’s absence to the entire school team. *Id.* Counselor informed Student’s IEP team, school administration, and Student’s eighth grade teachers. *Id.* Counselor and Social Worker also met with Parents on August 19 to ensure a smooth transition back to School, which included lessening Student’s workload. *Id.*; *Interview with Parents*.

20. School has a counsel administrative team (“CAT”) which meets once per week to discuss students who may need extra supports, which includes hospitalizations. *Interview with Principal*. The CAT includes School’s social worker, mental health counselor, and a social emotional learning specialist, amongst others. *Id.* Counselor provided an update on Student at a CAT meeting at the beginning of the 2024-2025 school year. *Id.* The CAT discussed a phase in plan for Student, such as a half day, ways to support the family, and obtaining a release of information for Counselor to speak with the hospital’s counselor. *Id.*
21. Throughout the 2024-2025 school year, Student missed school to attend private mental health counseling scheduled by Parents. *Complaint*, p. 10. This included Student arriving late to School on 27 different days and needing early release on two days to attend private sessions. *Id.* at p. 10.
22. Student experienced a panic attack during an out-of-state school trip on April 21, 2025, resulting in Student taking one of her prescribed antianxiety prescription medications. *Id.*
23. Social Worker was informed of Student’s hospitalization to begin the school year. *Interview with Social Worker*. At the time, the social-emotional goal and direct mental health services were new additions to the 2024 IEP to target her identified needs in those areas—having been developed at the end of the prior school year—and thus did not have an opportunity to be implemented with fidelity yet. *Exhibit A*, pp. 7-11; *Interview with CDE Specialist 1*. As Social Worker worked with Student throughout the year, Student had no more hospitalizations and made progress on her social-emotional goal. *Interview with Social Worker*. This is despite Social Worker’s scheduled meetings with Student being impacted by her missing school for private appointments at Parents’ choosing. *Id.* Overall, Student showed no indication that her IEP supports were not addressing her needs. *Interviews with Social Worker and CDE Specialists 1 and 2*.

E. 2024 IEP Implementation

Accessibility of IEP

24. At the beginning of the 2024-2025 school year, school’s learning specialist (“Learning Specialist”) met with all eighth-grade teachers who would support Student. *Interviews with Principal, Assistant Director, Learning Specialist, and Social Worker*. Learning Specialist reviewed Student’s strengths, IEP goals, accommodations, and discussed what she needed to make progress in general education. *Interviews with Learning Specialist and Social Worker*.
25. Learning Specialist also shared an IEP snapshot with Student’s teachers, which included annual goals, her progress including baseline data points, and a description of her accommodations and special education and related services. *Exhibit A*, pp. 18-22; *Interviews with Learning Specialist and Social Worker*. Student’s teachers and service providers had access to the snapshot through a virtual shared folder throughout the entire school year. *Id.*

Specialized Instruction

26. Parents allege Student did not receive the 200 minutes of direct specialized instruction inside her general classroom or 100 minutes of direct specialized instruction outside her general education classroom, as required from her IEP. *Complaint*, p. 26-27; *Interview with Parents*.
27. Specifically, Parents allege Learning Specialist would attend Student's general education class once or twice a week and occasionally tell Student when she was doing something right or wrong but did not otherwise provide direct specialized instruction. *Complaint*, p. 27; *Interview with Parents*. They allege further that Student would be pulled once a month to complete progress monitoring testing for approximately 5-10 minutes before being sent back to class. *Complaint*, p. 27; *Interview with Parents*.
28. Learning Specialist credibly described a schedule that included the provision of significantly more than 200 minutes of direct support inside the general education classroom per month. *Interview with Learning Specialist*. Specifically, Learning Specialist participated in Student's language arts class four days a week, including two 56-minute classes and two 78-minute classes. *Interviews with Learning Specialist and ELA Teacher*. ELA Teacher recalls Learning Specialist in the classroom every day, with the rare exception of taking a sick day. *Interview with ELA Teacher*. Classes often started with whole group instruction followed by approximately twenty minutes of small group or individual work. *Interviews with Learning Specialist and ELA Teacher*. During small group or individual work, Learning Specialist would typically rotate between about five students, checking in on their progress and occasionally pulling a group to a side table to work on a specific assignment. *Id.*
29. Student was not typically part of this group, as she did not need direct support very often. *Id.* She was very independent in what she was doing and kept up with all her assignments. *Id.* Still, Learning Specialist provided support, reading over her shoulder to gauge comprehension. *Id.* ELA Teacher observed Learning Specialist "modifying assignments," "asking clarifying questions," and helping Student use scaffolding, which is directly related to annual Goal 1. *Interview with ELA Teacher*. Additionally, whenever an assignment included the opportunity to work on inferences, Learning Specialist supported Student to ensure she understood the inference and used techniques they practiced during direct support outside the general education classroom. *Interview with Learning Specialist*. ELA Teacher observed Learning Specialist providing services to Student every day she was in class. *Interview with ELA Teacher*.
30. Learning Specialist credibly described delivering 100 minutes per month of direct support outside of the general education classroom. *Id.* Specifically, she met with Student once a week for thirty minutes. *Id.* During this time, they worked on inferencing skills related to annual Goal 1. *Id.* One specific example of this included Student reading a short passage that described a room, setting up the room to reflect the description, and inferring from that description that the passage described a movie theater. *Id.* During this time, Student and Learning Specialist would also work on core content assignments, such as writing or reading

assignments together. *Id.* Student would often come to meetings and say she did not need to be there. *Id.* In these instances, Learning Specialist would review her assignments and grades, and if Student had received service minutes for the month, Student returned to class. *Id.*

31. Based on these findings—specifically, the consistent and corroborated descriptions of service delivery between Learning Specialist and ELA Teacher—the CDE finds District adequately provide the required specialized instruction.

Mental Health Services

32. Parents allege Student did not receive all required mental health minutes since they received educational records only documenting direct mental health service minutes from the second semester. *Complaint, Interview with Parents.*
33. Social Worker credibly described delivering 100 minutes of mental health minutes per month outside the general education classroom. *Interview with Social Worker.* Generally, this occurred once a week from the beginning of the school year until the end of the school year. *Id.; Exhibit O*, pp. 1-3. Social Worker’s personal written schedule details one meeting in August, four meetings in September, four meetings in October, two meetings in November, and three meetings in December. *Exhibit O*, p. 3. One meeting was missed due to Student’s absence and another due to her shadowing at a high school. *Id.; Exhibit P; Exhibit F*, pp. 3-4.
34. Medical billing records—created contemporaneously with the service—show meetings approximately once a week from January 6, 2025, until May 22, with three meetings missed due to holidays, three meetings missed because Student was absent, and one missed from “intensives week.” *Id.* at pp. 1-2. For weeks when a meeting fell on a holiday or Student missed the meeting because she was absent, it was made up later in the week, usually on a Thursday. *Interview with Social Worker.* Meetings with Social Worker occurred as a group, with Student’s sibling on Mondays. *Interview with Parents and Social Worker.* The medical billing records do not show any meetings made up following holidays in the second semester; however, emails between Parents and Social Worker do confirm additional days when Social Worker met with Student on an unscheduled Thursday or Friday. *Exhibit O*, pp. 1-2; *Exhibit R*, pp. 67, 75-76.
35. Social Worker would also check in with Student in the hallways. *Interviews with Social Worker and Parents.* Approximately a dozen times throughout the school year, Student would occasionally ask Social Worker for an extra meeting. *Id.*
36. At the beginning of the year, Student worked towards identifying when she was feeling anxious. *Id.* The pair worked on a myriad of coping mechanisms, specifically to ensure Student did not have barriers to learning. *Id.* By the end of the year, she was successfully identifying when she had anxiety and using coping strategies in response to the situations. *Id.*

37. Based on these findings—including the combination of the contemporaneously written progress notes, the confirmation of additional meetings occurring from emails, and the consistent schedule described between Parents and Social Worker—the CDE finds that District implemented the 2024 IEP with respect to mental health minutes.

Progress Monitoring

38. Parents' concern is that progress monitoring was not measured or reported frequently enough. *Interview with Parents; Complaint*, pp. 7-8. The IEP requires progress reports to be sent home at trimesters but does not specify the frequency of progress measuring for the annual goals. *Exhibit A*, p. 6.

39. Learning Specialist measured progress on the reading goals and Social Worker measured progress on the social-emotional goal. *Interviews with Learning Specialist and Social Worker*.

40. Learning Specialist measured Goal 1 by providing Student a very short passage, asking her to infer what the passage meant, and underlining specific clues that informed her of its meaning. *Interview with Learning Specialist*. Student's progress on this goal was measured five times throughout the first trimester. *Exhibit G*, p. 1. Student scored above 85% on one of those attempts. *Id.* Student was assessed two more times by the end of the second trimester, at which point she met her goal of using inferences to comprehend literature by making correct inferences scoring 85% on 2 out of 3 attempts when asked questions about text. *Id.*

41. Learning Specialist measured Goal 2 through a Dynamic Indicators of Basic Early Literacy Skills ("DIBELS") assessment. *Interview with Learning Specialist*. DIBELS is a set of procedures and measures for assessing the acquisition of literacy skills. *Exhibit H*, p. 17. Student completed this assessment two times before the end of the first trimester. *Exhibit G*, p. 2. She scored above 96% on one of those two assessments. *Id.* She was assessed two more times by the end of the second trimester, at which point she had met her goal of increasing her reading fluency of a grade level passage to 95 words correct per minute with 96% accuracy in 2 out of 3 trials. *Id.*

42. Social Worker measured Goal 3 throughout the year, including at trimesters. *Interview with Social Worker*. She did so by reviewing the goal with Student, asking Student about situations that cause anxiety, and then having Student pick a coping mechanism to handle the anxiety. *Id.* At the beginning of the year, Student struggled to identify the emotion of anxiety. *Id.* By February of 2025, Student had met her goal of accurately identifying real or imagined situations that can be anxiety producing and identifying coping strategies or relaxing techniques with 80% accuracy in 4 out of 5 trials. *Id.; Exhibit G*. pp. 2-3.

43. District provided progress reports to Parents by email at trimesters: on November 29, 2024, February 28, 2025, and May 21, 2025. *Interviews with Parents, Learning Specialist, and Social Worker; Exhibit G*, pp. 1-3; *Exhibit R*, p. 61, 69, and 97.

44. Based on these findings—including the detailed description of how progress was monitored, the documented progress reports, and emails containing the provision of progress reports—the CDE finds that District implemented the IEP with respect to measuring and reporting progress on annual goals.

F. Reevaluation

45. On March 28, 2025, District provided Parents with prior written notice and consent to reevaluate Student (triennial) in the areas of communicative status, academic performance, social and emotional status, and health. *Exhibit J*, p. 1. Parents signed consent on April 7, 2025. *Id.* at p. 3. District completed the reevaluation in all areas identified in the consent and issued a report (the “Report”) on June 4, 2025. *Exhibit H*, p. 10-38.
46. District administered communicative status assessments. *Id.* at p. 11-16. Student did not pass the Clinical Evaluation of Language Fundamentals, 5th Edition (“CELF-5”), indicating “a need for further receptive and expressive language testing.” *Id.* at p. 11. She scored in the average range on the Comprehensive Assessment of Spoken Language, 2nd Edition, which measures “the oral language processing skills of comprehension and expression in students ages 3-21.” *Id.* at pp. 11-12. She scored in the no impairment category on the Colorado Communication Rating Scale, which uses “formal and informal measures to indicate the presence and/or severity of a Speech/Language Impairment and its impact on education performance.” *Id.* at p. 16.
47. District also conducted non-standardized speech and language assessments. *Id.* at p. 15. This included three teachers completing a questionnaire on her receptive and expressive language skills in the classroom setting. *Id.* In terms of receptive skills, teachers reported Student requires “little to no assistance with understanding spoken language in the classroom...she demonstrates *mild* difficulty with determining the meaning of words and phrases...[n]o *moderate or significant* receptive language difficulties were reported by any of [Student’s] teachers.” *Id.* In terms of expressive language, teachers report she “requires little to no assistance with using language to effectively communicate her thoughts and ideas in the classroom.” *Id.*
48. District administered multiple academic performance assessments. *Id.* at pp. 16 – 21. On the Kaufman Test of Education Achievement (“KTEA”), she was given five subtests. *Id.* at p. 17. She scored in the average range in the Letters and Word Recognition, Nonsense Word Decoding, and Reading Comprehension subtests. *Id.* at p. 17. Student scored in the below average range on the Silent Reading Fluency and Word Recognition Fluency subtests. *Id.* District also administered the DIBELS. *Id.* at p. 18. The benchmark for words correct per minute at Student’s grade level is between 142-159. *Id.* Student scored 93 and 116 on April 18 and 113 on May 21. *Id.* In the CORE Reading Maze Comprehension assessment, designed to measure a student’s ability to understand and interpret text, she scored above benchmark. *Id.* at p. 19.

49. In the Measures of Academic Progress (“MAP”) assessment, which represents achievement level at a given moment and taken over time, can help compute academic growth, Student scored in the 51st percentile in the Math assessment, performing at the mean, and scored in the 23rd percentile, performing below the mean, in the Reading test. *Id.* at pp. 19-20. Her growth in reading is in the 16th percentile which is below the mean. *Id.* at p. 20. This has been recorded for Student from Fall 2022 until Spring 2025. *Id.*
50. District also conducted the Colorado Measures of Academic Success (“CMAS”), which assesses a student’s knowledge and skills in various subjects. *Id.* Student scored in the “partially met” range for both ELA and math. *Id.* at p. 21. Student progressed from showing low growth during the 2022-2023 school year, to showing high growth in both areas during the 2023-2024 school year. *Id.*
51. A background/record review noted Student’s grades “reflect mostly As and Bs, with some lower grades in Spanish.” *Id.* at p. 25. ELA Teacher and Social Studies Teacher noted “some minor concerns with novel reading and writing tasks at time. *Id.* at p. 24; *Interview with School Psychologist.* Academically, both teachers reported [Student] is passing: there are no significant academic concerns.” *Exhibit H.* at p. 24.
52. The Report also includes informal and formal social-emotional status data collected. *Id.* at p. 24-34. Teachers report Student is “social and has a positive group of peers”. *Id.* at p. 24. Emotionally, Student’s English/Language Arts Teacher and Social Studies Teacher noted she is “most often in a good mood,” with one teacher noting she can be irritable with others at times. *Id.*; *Interview with School Psychologist.* Behaviorally, one teacher noted no concerns and one teacher shared that Student can be hyper and/or inattentive at times. *Exhibit H,* p. 24. Student reported she most often feels happy and is happy with her friends. *Id.* at p. 25. She reports taking medication for anxiety and depression. *Id.* She shared the medication helps, and that when she does not take it, it is “harder for her to regulate her emotions about situations.” *Id.*
53. On anxiety in the school setting, Student shared that she “at times feels anxious when she is overwhelmed with a task or feeling rushed.” *Id.* Student reported that presentation of her anxiety is most often cognitive in nature, with her thoughts spinning or she catastrophizes; with some minor concern with somatic symptoms (e.g. heart racing, feeling warm).” *Id.* She reported “one past incident of suicidal ideation/attempt at the beginning of the 8th grade.” *Id.* The examiner assessed risk during the interview; there were no concerns. *Id.*
54. School Psychologist observed Student as she was testing with a Speech-Language Pathologist (“SLP”). *Id.* Her “behavioral and emotional presentation was unremarkable, and functioning was typical to what would be expected of a same-age peer.” *Id.* at p. 26. Counselor observed Student for anxiety-related concerns, noting it could present in physical signs and is often triggered by major transitions and academic performance. *Id.* Counselor saw Student three times throughout the 2024-2025 school year. *Id.* It typically took 10-15 minutes to help Student de-escalate before she returned to class. *Id.* Two other times, Student sought support

from Learning Specialist, reporting significant anxiety regarding her workload. *Id.* Following interventions, Student exhibited clear signs of relief, successfully completed work, and expressed the assignments were less challenging than initially perceived. *Id.*

55. Math and ELA Teachers, Parent, and Student completed the Behavior Assessment System for Children, Third Edition (“BASC-3”), which assesses emotional and behavioral functioning. *Id.* at pp. 26-27. Parent’s data reported scores within the average range across both clinical and adaptive domains. *Id.* at p. 28. Both teachers reported the Anxiety domain was elevated to clinically significant. *Id.* Student’s report included at-risk domains in Attitude to School, Sensation-Seeking, Atypicality, and Anxiety. *Id.* It is considered typical for all students to have two to three domains in the at-risk category for this assessment. *Interview with CDE Specialist 1.* At-risk scores reflect mild concerns—areas slightly outside the average range but not necessarily significant. *Id.* They represent areas of developing skills or situational variability. *Id.*
56. Parent and Student responded on the Brown Executive Function/Attention Scales (“Brown EF/A Scales”), which collects information about executive functions, or the self-management functions that support attention in multiple tasks of daily life. *Id.* Overall, executive functions were reported within the typical limits by both Parent and Student, indicating executive functions are generally unlikely to have significant problems. *Id.* at p. 30.
57. Parent, Student’s English/Language Arts Teacher and Social Studies Teacher, and Student reported on the Conners 4, 4th Edition (“Conners 4”), which measures in part symptoms of and impairments associated with Attention-Deficit/Hyperactivity Disorder (“ADHD”). *Id.*; *Interview with School Psychologist.* One teacher endorsed the Anxious Thoughts domain as a very elevated concern, while all other domains resulted in no concern and reports suggested age-appropriate functioning. *Exhibit H*, p. 33. The Report noted this information was included to compare Student’s overall level of symptoms commonly associated with ADHD for the purpose of determining eligibility under the disability of Other Health Impairment. *Id.*
58. Student completed the Revised Children’s Manifest Anxiety Scale – 2nd Edition (RCMAS-2), which assesses the level and nature of anxiety. *Id.* Student’s self-report indicates generally low domains of concern as related to anxiety, except for the Physiological subscale. *Id.* at p. 34.
59. A health review noted that Student had no reported concerns with hearing or vision screenings, and Student met developmental milestones. *Id.* at p. 35.

G. Eligibility Determination

60. Parent raised three concerns regarding an eligibility meeting held on June 4, 2025: (1) they did not receive proper notice of the meeting, (2) ELA and Math Teachers did not attend the meeting, and (3) information obtained from a variety of sources was not documented and carefully considered at the meeting. *Complaint*, p. 35.

Scheduling the Meeting

61. A meeting to review the reevaluation was set for May 12, 2025. *Exhibit R*, p. 112. On May 6, Assistant Director informed Parents the meeting would need to be postponed to June because Student did not pass the initial speech screening and needed further language evaluation. *Id.* at pp. 116-117. Due to scheduling limitations, District could not complete this evaluation by May 12. *Id.*; *Interview with Assistant Director*.
62. Parent's advocate responded to the email to note disagreement with pushing the meeting into the summer break because it was beyond the IEP annual review date but indicated they were all "okay with rescheduling." *Exhibit R*, p. 116.
63. On May 23, Parents expressed concern by e-mail that Student's anxiety or depression was not properly addressed in prior IEPs or in the reevaluation. *Id.* at pp. 178-179.
64. Student completed the language evaluation by May 29, at which point Parents requested the meeting be held on June 5 or 6. *Id.* at pp. 176-177. On May 30, District offered the meeting to be held virtually on June 4 from 9 am - 11am or on June 5, from noon to 3pm, and asked Parents to pick a time that worked for them. *Id.* at p. 176. This emailed proposal provided the names of those who would attend in certain roles, including Principal as a general education teacher. *Id.* Parents responded on June 2 that they would like to meet on June 4. *Id.* at p. 175. District confirmed the meeting would be from 10:00 am - 11:30 am. *Id.*
65. District provided a Notice of Meeting ("NOM") to Parents on June 2 via email. *Exhibit B*, p. 1. The NOM explains the purpose as "discuss[ing] appropriate evaluation data to determine whether Student continues to be eligible for special education services." *Id.* "If so determined, the current individualized education program (IEP) will be reviewed and an updated IEP will be developed." *Id.* The NOM lists the date of the meeting as June 4, 2025, at 10:00 am and the location as School. *Id.* It indicates that participants with the following roles would attend the meeting: a general education teacher, a mental health provider, a special education director or designee, a special education teacher, and a speech language pathologist. *Id.* The NOM also informed Parents they may invite other people to the meeting. *Id.* District asserts it was not required to provide the NOM for an eligibility meeting. *Response*, pp. 12-13.
66. In a follow-up email on June 2, District shared the information to meet virtually and reiterated that "to accommodate everyone's schedules, we will meet remotely." *Exhibit R*, pp. 173-174. District also shared some of the names of those who would attend in the specific roles reflected in the NOM: Principal as general education teacher, School Psychologist as a mental health provider, Learning Specialist as special education teacher, and SLP as speech language pathologist. *Id.* at p. 176.

The Eligibility Meeting

67. On June 4, District conducted a virtual meeting to review the reevaluation and “determine whether [Student] continues to be eligible for special education services.” *Exhibit B*, p. 1. Attendees: the multidisciplinary team (“MDT”), included Parents, Learning Specialist, SLP, School Psychologist, Principal, and Assistant Director. *Exhibit L*, p. 3.
68. Principal was listed as attending the meeting in the general education teacher role. *Exhibit L*, p. 3. Principal is licensed as a general education teacher, previously teaching math and science. *Interview with Principal*. He supported Student one time in the classroom with making up a math test. *Id.* Outside of that, Principal mostly interacted with Student during unstructured time, such as recess and lunch. *Id.* Student had four general education teachers during the 2024-2025 school year, including science, math, social studies, and ELA teachers. A significant contribution for the general education teacher role in this respect is sharing with the MDT how much a student relies on supports to make progress within the general education setting. *Interview with CDE Specialist 2*.
69. Learning Specialist, who is Student’s case manager and special education teacher, attended in the special education teacher role and reported on the results of the KTEA, the DIBELS, the CORE Reading Maze, the MAP, CMAS, and Student’s progress on annual goals. *Exhibit H*, pp. 16-23; *Interview with Learning Specialist*. She also gathered information from classroom observations and comments from all four of Student’s general education teachers. *Interview with Learning Specialist*. Overall, Learning Specialist spoke towards Student’s academics. *Id.* She noted Student’s reading fluency, though in the below average range, was not impacting her reading comprehension, which was in the average range. *Id.* With accommodations, Learning Specialist observed no need for direct specialized instruction. *Id.*
70. School Psychologist attended the meeting as a person with knowledge regarding Student’s social-emotional wellness and as a specialist with respect to other health impairment (“OHI”). *Interview with Psychologist*. She reported on the data she collected, including informal data from ELA and Social Studies Teachers, her observations and interviews of Student, and the results of the BASC-3, Brown EF/A Scales, Conners 4, and RCMAS-2. *Interview with Psychologist; Exhibit H*, pp. 23-35. The BASC-3 and Conners 4 both included specific feedback from Student’s Math, ELA, and Social Studies Teachers. *Interview with School Psychologist*. School Psychologist specifically included the Conners 4 in her assessments because it was an additional general education teacher assessment. *Id.*
71. In reviewing the data, School Psychologist conceptualized it “as a funnel” where a lot of information is collected, including some outlier data points at times, and added that she reviews the entirety of the data before reaching a conclusion. *Id.* School Psychologist noted anxiety and depression have an internalizing and externalizing presentation. *Id.* School Psychologist views the best measure for the internalizing presentation of anxiety and depression as the RCMAS-2, which Student completed. *Id.* Though there were some somatic presentations of anxiety and depression, or externalizing presentations, her overall executive functioning was often rated in the average range and Student explained “strategies she uses

[to manage her anxiety and depression] very effectively.” *Id.* School Psychologist reported no concerns that social-emotional wellness impacted Student’s ability to access education. *Id.*

72. SLP and Learning Specialist shared data and acted as specialists in SLD. *Interview with SLP’s Supervisor (“SLP Supervisor”).* SLP specifically presented on the CELF-5, which Student completed, and the teacher questionnaire completed by three of her general education teachers) on receptive and expressive language skills. *Id.* SLP Supervisor explained Student had some mild, but no significant difficulty in terms of receptive language. *Id.* She showed no signs of difficulty in expressive language. *Id.* SLP saw no significant deficit that would cause Student to not receive educational benefit from the general education classroom. *Id.*

The Eligibility Determination

73. After reviewing the Report, the MDT completed the determination of eligibility checklist. *Exhibit L*, pp. 1-3. The MDT determined by reviewing the sources of data collected, including standardized and non-standardized assessments across speech/communication status, social-emotional, health, and academic performance, that the reevaluation was sufficiently comprehensive and that Student can receive reasonable educational benefit from general education alone. *Id.* at p. 1; *Exhibit C*, p. 1; *Interview with Assistant Director.* This means the MDT determined Student is no longer IDEA-eligible. *Exhibit L*, p. 1. Despite this determination, the MDT proceeded to continue determining eligibility under OHI and SLD. *Id.* at pp. 1-3.
74. The MDT discussed the OHI eligibility category as it related to Student’s history of anxiety and depression. *Exhibit C*, p. 2. Despite this history, the review of the data, specifically the RCMAS-2, showed her overall anxiety is considered “no more problematic than that of same-age peers.” *Id.* The Conners 4, used to compare Student’s overall level of symptoms commonly associated with ADHD, including anxiety, depression, inattention, indicated a low probability of similarity with youth diagnosed with ADHD. *Id.*; *Interview with School Psychologist.* Additionally, the data showed Student on task and focused throughout classwork in a variety of settings like same-aged peers. *Interviews with School Psychologist and Social Worker.* Although the MDT determined Student presented evidence of a chronic or acute health problem, it concluded this did not prevent her from receiving reasonable educational benefit from general education because she did not have limited strength, limited vitality, or limited alertness. *Exhibit L*, p. 1-3.
75. The MDT discussed the SLD eligibility category and determined Student did not qualify in reading fluency. *Id.* at p. 2. Though Student presented some difficulty with receptive language, the comprehensive data did not show significant difficulty. *Interviews with SLP Supervisor, Principal, Assistant Director, and School Psychologist.* Performance data for reading comprehension was at benchmark levels, representing no skill deficit in this area. *Consultation with CDE Specialist 2.* Additionally, she was progressing on annual goals and showing a positive response to related intervention. *Id.* For reading fluency, Student’s scores did not suggest a skill deficit, and she also showed positive progress and response to related

interventions. *Id.* Importantly, Student’s reading fluency is not having an impact on her reading comprehension based on evaluation testing. *Id.*

76. The MDT ultimately determined her needs could be effectively addressed through general education accommodations and supports. *Interviews with Assistant Director and Learning Specialist.* Parents disagreed with the eligibility determination under SLD because they “believe she [has not] made enough progress.” *Exhibit L*, p. 2.

H. Parents’ Request to Review Education Records

77. On April 3, 2025, Parent made a request to District for “all education records from September 2016 to the present related to and pertaining to” Parents and Student (the “First Request”). *Exhibit R*, pp. 3-5.

78. On April 21, District’s record technician (“Record Technician”) sent an email confirming which documents were being requested, specifically writing “SPED records for [Student]” and “CORA request . . . for tape recordings, and e-mail communications.” *Id.* at pp. 2-3. Parent confirmed this was correct and sent a follow-up email making a “new record request for 4/1/25 to present for academic and SPED records for [Student].” *Id.* at p. 2. Records Technician sent an email for clarification, stating “[y]ou are asking for records only from 4/1/25 [un]til present? Not from 2016?” *Id.* Parents responded “[c]orrect...I already have 2016 to 3/1/25 for both of my daughters.” *Id.* at p. 1. Record Technician asked Parent to submit a new request to review if Parent was looking for “academic and SPED records from 3/1/25 to present.” *Id.* at p. 1.

79. On April 22, Parent resubmitted a records request (the “Second Request”) for “all education records from April 1, 2025 to the present.” *Id.* at pp. 6-8. Parents intended this to be a new records request, separate and apart from the First Request. *Interview with Parents.*

80. On May 12, District responded to the records request with a Google share folder. *Exhibit R.* at p. 10. This folder included Student’s enrollment history, attendance history for the 2024-2025 school year, and a Prior Notice and Consent for Reevaluation dated 3/28/2025 and signed by Parents on April 7, 2025. *Id.* at pp. 11-20.

81. On June 24, Parent submitted a request for “[s]ervice log” records for Student (the “Third Request”). *Exhibit R*, p. 23. On August 7, Records Technician responded District does not maintain “service logs” for individual students but maintains medical billing records through a system called “EzEdMed” and provided these documents to Parents. *Id.* at p. 21.

82. On August 7, Parent then requested “all of [Student’s] educational records from her time at School” (the “Fourth Request”). *Id.* at p. 26. On September 4, District provided Parent with records, ranging from 2016 through April 1, 2025. *Id.* at p. 26. These included an admin contact log, attendance history, prior CORA requests, enrollment history, grades history, a health contact log from 2018-2024, health office visits for the 2023-2024 and 2024-2025

school years, person summary report, a Read Plan with DIBELS progress monitoring from 2018, Student's schedules since 2016, a student profile, SPED documents, and Student's mental health Medicaid records. *Interview with Parents.*

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District did not review Student's IEP at least annually, as required by 34 C.F.R. § 300.324(b). No denial of FAPE occurred. District was not obligated to review and revise, as appropriate, Student's IEP from August 20, 2024 to June 5, 2025 to address any lack of expected progress towards annual goals in reading and math or information about Student provided by Parents, as required by 34 C.F.R. §§ 300.320(a), (b). District complied with the law.

A. Annual IEP Review

i. Legal Requirements

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*, 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).

ii. Annual Review of Student's IEP

Here, Parents' concern is District did not review and revise Student's IEP at least annually. (FF # 62). The IEP was developed on May 10, 2024. (FF # 7). Her next annual review was due on or before May 9, 2025. (*Id.*) Student was due for a triennial reevaluation at the end of the 2024-2025 school year. (FF # 45). District sought consent from Parents for the reevaluation on March 28. (*Id.*). Parents returned consent on April 7. (*Id.*). Initially, the meeting to review the reevaluation was scheduled for May 12, 2025, beyond the annual review due date. (FF # 61). The reevaluation had started but Student did not pass a speech screener, thus requiring additional language testing which could not be completed by May 12. (*Id.*). The evaluation was completed on May 29, 2025. (FF # 64). The meeting to review the reevaluation and consider eligibility was rescheduled and occurred on June 4. (FF # 67). Accordingly, the CDE finds and concludes that District did not review Student's IEP at least annually, as required by 34 C.F.R. § 300.324(b).

iii. Procedural Noncompliance

Procedural noncompliance of the IDEA may result in a denial of FAPE only to the extent that it (1) impeded the child's right to a FAPE, (2) significantly impeded the parent's opportunity to

participate in the decision-making process, or (3) caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); see *Knable ex rel. Knable v. Bexley City School Dist.*, 238 F.3d 755, 765-66 (6th Cir. 2001).

Here, on June 4 District determined that Student is no longer IDEA-eligible, and thus not entitled to receive services under an IEP. (FF #s 73 - 75). Accordingly, District was not required to revise an ensuing IEP, even if an annual review meeting occurred by May 9. (FF # 75). Although the meeting was scheduled for May 12 initially, beyond the annual review date, it was rescheduled due to additional speech testing that Student needed to complete. (FF # 61). All of this occurred toward and after the end of the school year. (FF # 64). Moreover, Parents attended and participated in the June 4 meeting at which the reevaluation was discussed, and the eligibility determination was made (FF # 67). For these reasons, the CDE finds and concludes that the noncompliance did not result in a denial of FAPE.

B. Ongoing Review and Revision of IEPs

i. Legal Requirements

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. 34 C.F.R. § 300.324(b); 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.*

ii. Review and Revision of the 2024 IEP: Annual Goals

Parents' concern is that District did not appropriately review and revise the IEP to address any lack of progress towards Student's goals in reading and math. (FF # 17).

An IEP must be reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. *Endrew F.*, 580 U.S. at 399. To that end, an IEP must include measurable annual goals and a statement of the special education and related services designed to "[m]eet the child's needs that result from the child's disability" to allow the child to (1) attain the annual goals, (2) be involved and make progress in the general curriculum, and (3) participate in nonacademic activities. 34 C.F.R. § 300.320(a)(2), (4).

Here, the CDE finds and concludes that the 2024 IEP's two annual goals for reading were measurable and designed to meet Student's needs. (FF #s 10 - 11). First, the goals were designed to meet Student's needs by addressing specific areas of identified concern: reading comprehension and reading fluency. (*Id.*). Second, the goals were specific, measurable,

attainable, relevant, and time bound. (FF # 11). Third, the goals had been revised from the year prior: a higher percentage was required when answering questions about text for Goal 1 and the grade level standard was updated, and number of words correct per minute increased, for Goal 2 (even though this goal had not been met in the prior IEP). (*Id.*). Fourth, Student made progress on, and met, each goal by the end of the second trimester. (FF #s 39-42). Finally, Student was also successful in her general education classes, achieving mostly As and Bs, and she participated in nonacademic activities, such as volleyball. (FF #s 2, 51). With respect to math, the 2024 IEP did not identify any Student-specific needs to require a related annual goal. (FF #s 7 - 16). The inclusion of specialized instruction for math in the 2024 IEP was a typographical error. (FF # 15). Indeed, Parents did not describe concerns about a lack of, or need for, direct support in math. (*Id.*)

For these reasons, the CDE finds and concludes that District was not obligated to review and revise, as appropriate, Student's IEP to address any lack of expected progress toward annual goals, as required by 34 C.F.R. §§ 300.320(a)(2)-(3), 300.324(b).

iii. Review and Revision of the 2024 IEP: Information Provided by Parents

Parents' concern is that District did not review and revise the IEP considering new mental health concerns, specifically Student's hospitalization at the beginning of the 2024-2025 school year. (FF # 17). The 2024 IEP, developed on May 10, 2024, included a new social-emotional goal and the addition of 100 minutes per month of direct support outside the general education classroom in mental health. (FF #s 10, 14, 23). Student's social-emotional goal was designed to meet her identified needs with respect to managing anxiety. (FF # 15).

Parents informed District of the hospitalization on August 8, 2024. (FF #s 18 - 19). In response, School met with Parents to create a transition plan for Student, to include a phasing in of school and lessening of Student's workload. (FF # 19). District had not yet had an opportunity to implement the 2024 IEP with fidelity or otherwise measure Student's progress on annual goals, which are meant to be measured over the course of a school year, at this time. (FF # 23). Despite Student's scheduled meetings with Social Worker being impacted throughout the year due to absences—including Student arriving late to School on 27 different days and needing early release on two days to attend private sessions at Parents' choosing—Student progressed on her IEP goals and performed well in her general education classes, receiving mostly As and Bs. (FF 23, 40 - 42, 51). Social Worker, who worked on managing Student's anxiety in the educational setting, did not have any concerns throughout the school year that Student's IEP needed to be revised. (FF # 23). And Parents did not ask for a review or revision of the IEP before her triennial evaluation. (*Id.*).

District reevaluated Student in April and May 2025. (FF #s 45, 64). The reevaluation included feedback from Student's general education teachers, Parents, Learning Specialist, Social Worker, School Psychologist, and Student. (52 - 59). Overall, the feedback showed that, though Student does exhibit presentations of anxiety and depression, these presentations are slightly outside the average range but not necessarily significant. (FF #s 47 - 57, 69-71). As Student had used

strategies and coping mechanisms, it was determined that social-emotional wellness did not impact her ability to receive reasonable educational benefit from general education and an MDT determined Student was no longer IDEA-eligible in June 2025. (FF #s 73 - 76).

For these reasons, the CDE finds and concludes that District was not obligated to review and revise, as appropriate, Student's IEP to address information about Student provided by Parents, as required by 34 C.F.R. §§ 300.320(a)(2)-(3), 300.324(b).

Conclusion to Allegation No. 2: District implemented Student's IEP from August 20, 2024 to June 4, 2025, as required by 34 C.F.R. 300.323. District complied with the law.

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 "[a]s 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, related services provider, and "any other service provider responsible for [IEP] implementation:" (1) has access to the IEP and (2) is informed of "his or her specific responsibilities related to implementing the child's IEP" and 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, Learning Specialist, who is also Student's case manager, held a meeting with general education teachers and service providers before the 2024-2025 school year began to review Student's IEP. (FF # 24). She ensured all general education teachers and service providers had access to the full IEP, including through an IEP snapshot uploaded to a virtual shared folder. (FF # 25). Learning Specialist and Social Worker demonstrated familiarity with Student's goals and service delivery statement and the circumstances in which they were to be delivered. (FF # 21.) 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

Parents' concern is that Student did not receive the direct specialized instruction required by the 2024 IEP from August 20, 2024 to June 4, 2025. (FF # 26).

Here, the 2024 IEP requires 200 minutes per month of direct support inside general education (ELA and Math) and 100 minutes per month of direct support outside of the general education classroom for work on “basic reading skills, reading fluency, reading comprehension, and to support her need for a small group or separate location for all assessments.” (FF # 14). The inclusion of specialized instruction for math in the 2024 IEP was a typographical error. (FF # 15). Parents did not describe concerns about a lack of, or need for, direct support in math. (*Id.*)

With respect to direct support in general education, as detailed in the findings of fact, Learning Specialist and ELA Teacher credibly described providing more than 200 minutes of specialized instruction each month, to include specific examples of this instruction. (FF #s 28 - 29). With respect to direct support outside of general education, Learning Specialist, as detailed in the findings of fact, credibly described Student’s schedule and provision of the required 100 minutes of specialized instruction per month, to include specific examples of this instruction. (FF # 30). Moreover, Student progressed and met both Reading goals by the end of the second trimester. (FF #s 40 - 41).

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

D. Implementation of Student’s Mental Health Minutes

Parents’ concern is that Student did not receive the mental health services required by the 2024 IEP from August 20, 2024 to June 4, 2025. (FF # 32).

Here, the 2024 IEP requires 100 minutes per month of direct mental health services outside the general education environment. (FF # 14). Social Worker credibly explained that her schedule for the provision of mental health minutes included meeting with Student once per week, rotating between Mondays and Thursdays throughout the year, for approximately 25 minutes, and that these meetings were in a small group with Student’s sibling. (FF #s 28 - 29). These meetings were impacted by Student missing school for private appointments at Parents’ choosing. (FF #s 21, 23). Social Worker and Student worked on identifying the emotion of anxiety and then practicing coping strategies or relaxing techniques to manage the anxiety. (FF # 36). Student progressed and met her goal by the end of the second trimester. (FF # 42). For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.323(c).

E. Progress Monitoring

Parents’ concern is that School did not measure Student’s progress on annual IEP goals consistent with the IEP from August 20, 2024, to November 2024. (FF # 38).

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

Here, the 2024 IEP describes how the three annual goals are to be measured and it provides that Parents are to be informed of Student’s progress by reports sent home via email, USPS, or with

student report cards at trimesters. (FF # 38). The 2024 IEP does not require that District measure progress at any specific time or certain number of times throughout each trimester. (FF # 12). As detailed in the findings of fact, District measured Student’s progress on annual goals consistent with the 2024 IEP, documenting multiple data points as measured throughout the first trimester for each goal. (FF #s 39 - 42). Progress reports were provided to Parents via e-mail at the end of each trimester, including on November 29, 2024 for the first trimester. (FF # 43). For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. §§ 300.323(a)(3)(i) and 300.323(c).

Conclusion to Allegation No. 3: This allegation is held in abeyance (i.e., paused) pending resolution of District’s due process complaint.

Conclusion to Allegation No. 4: District did not provide Parents with proper notice of a meeting held on June 4, 2025, as required by 34 C.F.R. § 300.322. This did not result in a denial of FAPE.

Parents’ concern is that District did not provide proper notice of the June 4, 2025, meeting because the NOM was not provided timely and it did not accurately list attendees or the location. (FF # 60).

A. Notice of Meeting: Legal Requirements

The IDEA guarantees parents the right to participate in and receive notice of meetings regarding: (1) the identification, evaluation, and educational placement of a child; and (2) the provision of FAPE to the child. 34 C.F.R. § 300.501(b)(1-2). School districts must notify parents of IEP Team meetings “early enough to ensure they have an opportunity to attend” and schedule meetings at a mutually agreeable time and place. 34 C.F.R. § 300.322(a). The notice must indicate the purpose, time and location of the meeting, along with who will be in attendance, and inform parents that they may invite other individuals. *Id.* § 300.322(b)(i)-(ii). The notice does not have to identify the meeting attendees by name, so long as it identifies those individuals by position. *See Letter to Anonymous*, 50 IDELR 259 (OSEP 2008); *Letter to Livingston*, 21 IDELR 1060 (OSEP 1994). In this context, “position” refers to the individual’s position held within the district as opposed to the individual’s role on the IEP team. *Letter to Livingston*, 23 IDELR 564 (OSEP 1995).

B. June 4, 2025, Eligibility Meeting

Here, as an initial matter, District in its Response indicated it was not required to provide notice for an eligibility meeting. (FF # 65). This position is inconsistent with IDEA which requires notice for any meeting regarding “the identification, evaluation, and educational placement of a child.” 34 C.F.R. § 300.501(b)(1-2). In this case, a meeting to discuss these matters—specifically to review the reevaluation and discuss eligibility—was set for May 12, 2025. (FF # 61).

On May 6, District notified Parents the meeting had to be postponed to June due to additional testing for Student. (*Id.*). District discussed when to hold the rescheduled meeting with Parents by e-mail beginning on May 30, to include indicating it could be held virtually. (FF # 64). Parents

chose June 4. (*Id.*). District provided the NOM to Parents on June 2. (FF # 65). The CDE finds such short notice—two days prior to the meeting—to be inconsistent with the IDEA. *See Denver Pub. Schs.*, 124 LRP 34353, (SEA CO 8/27/23) (concluding that only three to five days’ notice of an IEP team meeting, based on dates offered by the school district, was inadequate under IDEA). In terms of content, the NOM provided the purpose and time of the meeting, the positions of District’s meeting attendees, and that parents could include other individuals at the meeting. (FF # 65). However, the location in the NOM was incorrectly listed as School instead of virtual. (FF #s 65 - 66).

Accordingly, the CDE finds and concludes that District did not comply with 34 C.F.R. § 300.322.

C. Procedural Noncompliance

Procedural noncompliance of the IDEA may result in a denial of FAPE only to the extent that it (1) impeded the child’s right to a FAPE, (2) significantly impeded the parent’s opportunity to participate in the decision-making process, or (3) caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *see Knable ex rel. Knable v. Bexley City School Dist.*, 238 F.3d 755, 765-66 (6th Cir. 2001).

Here, Parents asked for the meeting to be held on June 4. (FF # 64). Parents had been informed, prior to receiving the NOM, that the location would be virtual, and they indeed attended the meeting virtually along with their advocate. (*Id.*). And although not required by IDEA, in addition to listing positions of attendees in the NOM, District provided Parents with the names of those who would attend in specific roles by e-mail. (FF # 65). For these reasons, the CDE finds and concludes that the noncompliance did not result in a denial of FAPE.

Conclusion to Allegation No. 5: District did not ensure a group of qualified professionals and Parent determined Student’s eligibility on June 4, 2025, as required by 34 C.F.R. § 300.308. This did not result in a denial of FAPE. District ensured information obtained from a variety of sources was documented and carefully considered, as required by 34 C.F.R. § 300.306(c)(1)(ii).

Parents’ concern is that the June 4, 2025, eligibility meeting did not include the required participants, specifically ELA and Math Teachers, and that District did not ensure that information obtained from a variety of sources was documented and carefully considered. (FF # 60).

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 a multidisciplinary team (“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 school district 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.* As a matter of policy, the CDE cannot declare a student IDEA eligible through a state complaint decision. *Jefferson County School District RE-1*, 118 LRP 28108 (SEA CO 3/22/18).

B. Adherence to IDEA Standards and Procedures

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

i. Group of Qualified Professionals and Parent

The IDEA requires that a “group of qualified professionals and the parent of the child” determine whether the child is eligible for special education. 34 C.F.R. § 300.306(a)(1). This group must be “knowledgeable about the child and about the meaning of the evaluation data” and must include: “[a]t 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). Additional group members are required when determining whether a child may be eligible under the SLD category: (1) the child’s regular education teacher or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age and (2) at least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. 34 C.F.R. § 300.308.

Here, the MDT considered Student’s eligibility on June 4 under the OHI and SLD categories. (FF # 73). Parents, their advocate, Principal, Learning Specialist, Psychologist, SLP, and Assistant Director comprised the MDT. (FF # 67). This group included qualified professionals who were knowledgeable about Student and the meaning of the evaluation data, as well as at least one teacher or other specialist with knowledge in Student’s suspected disability. (FF #s 68 – 70, 72). School Psychologist covered OHI and Learning Specialist and SLP covered SLD. (FF #s 69 - 72). This group also included at least one person qualified to conduct individual diagnostic examinations of children: Learning Specialist, SLP, and School Psychologist. (FF #s 69 – 70, 72).

However, this group did not include Student’s regular education teacher. (FF #s 67 - 68). Principal attended in the general education teach role, and though licensed as a general education teacher, he is not Student’s “regular education teacher.” (FF # 68). He supported Student one time in class to make up a math test. (*Id.*). Student has four general education teachers, including math, social studies, ELA, and science teachers who were not present at the meeting because it pushed into the summer months. (*Id.*).

Therefore, the CDE finds and concludes that District did not comply with 34 C.F.R. § 300.308.

ii. Documenting and Carefully Considering Information

In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, an MDT must ensure that information drawn from a variety of sources including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior, is document and carefully considered. *Id.* § 300.306(c)(1)(ii).

Here, District's reevaluation of Student included communicative status assessments, academic performance assessments, social-emotional status interviews and observations, and observations in the classroom. (FF # 45). The reevaluation incorporated feedback from Parents, Student, general education teachers, and service providers. (FF #s 46 – 59). All this information was detailed in the Report. (FF #s 45-59). Given the allegation accepted for investigation, the CDE must determine whether District ensured this information was documented and carefully considered. 34 C.F.R. § 300.306(c)(1)(ii). In reaching this determination, the CDE must, in part, determine whether there was a discussion about the characteristics exhibited by Student that support or refute the identification of a disability, and if so whether there is or continues to be an adverse impact on Student's education performance. *CDE's IEP Procedural Guidance*, p. 23.

Again, to qualify as a "child with a disability" under the IDEA, the child must have a qualifying disability and, because of that disability, need special education and related services. 34 C.F.R. § 300.8(a)(1). Thus, after completing a comprehensive evaluation, the MDT must first determine if a child has one of thirteen qualifying disabilities. *Id.* Then, if the child has one of these thirteen qualifying disabilities, the MDT must move on to determine whether the student needs special education and related services because of the disability. *Id.*

In this case, the eligibility determination focused on whether Student qualified under the OHI and SLD disability categories. (FF #s 68 - 72). During the June 4 meeting, the MDT reviewed the Report, with each member sharing the data they completed, as well as data collected by others not in attendance. (FF #s 73 - 76). The MDT completed the determination of eligibility checklist. (FF # 73). They first determined that the evaluation was sufficiently comprehensive. (*Id.*). Next, it determined Student can receive reasonable educational benefit from general education alone. (*Id.*). Despite determining this, it discussed each disability category individually as it completed the checklist. (FF #s 73-75).

For OHI, the MDT discussed and considered Student's history of anxiety and depression and looked at the entirety of her social-emotional assessments, interviews, and observations. (FF # 74). When completing the checklist, it determined Student exhibited evidence of a chronic or acute health problem; however, the MDT did not observe limited strength, vitality, or alertness inhibiting her from receiving reasonable educational benefit. (*Id.*). Given the information in the

Report and the consideration it was afforded, the CDE finds that District ensured information obtained from a variety of sources was documented and carefully considered for OHI.

For SLD, the MDT reviewed and considered data in reading comprehension and reading fluency. (FF # 75). The MDT discussed that Student did not show a skill deficit in either category. (*Id.*). Additionally, she was making progress on her annual reading goals. (*Id.*). The MDT determined that because of this, Student did not qualify under SLD. (FF # 76). Given the information in the Report and the consideration it was afforded, the CDE finds that District ensured information obtained from a variety of sources was documented and carefully considered for SLD.

Accordingly, the CDE finds and concludes that District complied with 34 C.F.R. § 300.306(c)(1)(ii).

C. Consistent with Student-Specific Data

The CDE next considers whether the eligibility determination for OHI and SLD was consistent with Student-specific data in the Record. (FF # 74 - 76).

i. OHI

OHI “means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment due to a chronic or acute health problem, including but not limited to asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, leukemia, kidney disease, sickle cell anemia or Tourette syndrome.” 34 C.F.R. § 300.8(c)(9); ECEA Rule 2.09(7).

For a condition to be chronic or acute, there is no specified length of time for the health problem to be present or continue. *See, e.g. the CDE’s Guidance for Determining Eligibility for Special Education Students with Other Health Impairments*, p. 2 (Aug. 2020). A chronic condition is a health condition or disease that is persistent or otherwise long-lasting in its effects or a disease that comes with time. *Id.* Many national health organizations will not specify a timeline, but a general rule of thumb may be a condition lasting three months or longer. *Id.* An acute health problem begins abruptly and with marked intensity, then subsides or has rapid onset, severe symptoms, and a short course. *Id.* A medical diagnosis is not necessary, nor by itself a sufficient, criterion for establishing OHI eligibility. *Id.* at p. 3.

Here, the MDT acknowledged Student’s anxiety and depression diagnoses and took that into consideration when reviewing the Report. (FF # 74). Though there were individual reports of Student being inattentive at times the data overall showed Student most often on task and focused throughout classwork in a variety of settings. (*Id.*). Specific assessments, including the RCMAS-2 and Conners-4, show Student’s anxiety and depression were not considered any more problematic than that of same-aged peers. (*Id.*). The MDT recognized Student presented evidence of a chronic or acute health problem but concluded it did not prevent her from receiving

reasonable educational benefit from general education as she did not have limited strength, vitality or alertness. (*Id.*). For these reasons, the CDE finds and concludes that District made the eligibility determination consistent with the IDEA's procedures and the reevaluation and other data in Student's record. *See Questions and Answers on IDEA Part B Dispute Resolution Procedures*, 61 IDELR 232 (OSERS 2013).

ii. SLD

A student with SLD has a "learning disorder that prevents the child from receiving reasonable educational benefit from general education." ECEA Rule 2.08(b)(1-2). To be eligible under the disability category of SLD, a student must meet the following criteria:

- (1) The student does not achieve adequately for the child's age or to meet state-approved grade level standards and exhibits significant academic skill deficits in one or more of the identified areas when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards; and
- (2) The student does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the identified areas when using a process based on the child's response to scientific, research-based intervention.

Id. 2.08(8)(b); *see also* 34 C.F.R. § 300.309.

Here, the MDT specifically considered SLD in the areas of reading fluency and reading comprehension. (FF # 75). In looking at each of these areas, District first considered whether Student had a deficit, and then whether she was making sufficient progress. (*Id.*). For reading comprehension, Student scored at benchmark, therefore showing no deficit. (FF #s 46, 50, 54). Additionally, she was progressing on her annual goals. (FF #s 40 - 42). For reading fluency, though her scores were lower compared to her reading comprehension scores, they did not represent a skill deficit. (FF # 75). For reading fluency, she was making progress on her annual goal as well. (*Id.*). Importantly, the difficulty Student showed in reading fluency was not impacting her reading comprehension. (*Id.*). For these reasons, the CDE finds and concludes that District made the eligibility determination consistent with the IDEA's procedures and the reevaluation and other data in Student's record. *See Questions and Answers on IDEA Part B Dispute Resolution Procedures*, 61 IDELR 232 (OSERS 2013).

D. Procedural Noncompliance

Procedural noncompliance of the IDEA may result in a denial of FAPE only to the extent that it (1) impeded the child's right to a FAPE, (2) significantly impeded the parent's opportunity to participate in the decision-making process, or (3) caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *see Knable ex rel. Knable v. Bexley City School Dist.*, 238 F.3d 755, 765-66 (6th Cir. 2001).

Here, District collected reevaluation data from all of Student’s general education teachers and carefully considered this information at the eligibility meeting (FF #s 68 - 72). Although Principal attended as a general education teacher (primarily due to summer contract issues for general education teachers), the MDT otherwise complied with IDEA’s attendance requirements. (FF # 68). Parents had been informed of Principal’s attendance prior to the meeting and did not object. (FF # 66). Parents, along with their advocate, actively participated in the meeting where the reevaluation was considered and eligibility determined. (FF # 67). Importantly, as detailed above, the resulting eligibility determination was made consistent with the Student-specific data. (FF #s 73 - 76). For these reasons, the CDE finds and concludes this did not result in a denial of FAPE.

Conclusion to Allegation No. 6: District did not afford Parents an opportunity to inspect and review Student’s education records after Parents’ request on April 2, 2025, as required by 34 C.F.R. § 300.613. No denial of FAPE occurred.

Parents are concerned that District did not provide Student’s educational records consistent with their requests. (FF # 77).

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). 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.” *Id.* 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 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.

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

Here, Parents made four requests for records (FF #s 77 - 82).

i. *First and Second Requests*

The First Request occurred by email on April 3, 2025, when Parents asked for “all education records from September 2016 to the present related to and pertaining to” Parents and Student. (FF # 77). Parents withdrew the First Request, and submitted the Second Request on April 22, where they asked for “all education records from April 1, 2025 to the present.” (FF #s 78 - 79). Parents reported they “already [had records from] 2016 to 3/1/25.” (FF # 78). The requested documents are education records. (FF # 79). District was required to respond to the Second

Request before any meeting regarding Student’s IEP or, in any case, by June 6. *See* 34 C.F.R. § 300.613(a).

District provided Parent a link containing certain records on May 12, in advance of the June 4 meeting. (FF # 80) These records included Student’s enrollment history, attendance history for the 2024-2025 school year, and a Prior Notice and Consent for Reevaluation dated on March 28, 2025 and signed by Parents on April 7, 2025. (*Id.*) As evidenced by the Third and Fourth Requests (see below), additional education records pertaining to Student and maintained by District existed at this time, including EzEdMed medical billing records for April 2025 (FF # 82). Because this record was not provided at this time, the CDE finds and concludes that District did not comply with 34 C.F.R. § 300.613.

ii. Third Request

Parents’ Third Request occurred on June 24, 2025, when they asked for all service logs for Student. (FF # 81). If maintained, these would constitute education records. (*Id.*) District was required to respond to this request by August 8, 2025. *See* 34 C.F.R. § 300.613(a). District responded on August 7, indicating it does not maintain service logs. (*Id.*) District provided medical billing records to Parents. (*Id.*) Because District did not maintain service logs—which in any event are not required by IDEA—the CDE finds and concludes that District complied with 34 C.F.R. § 300.613(a).

iii. Fourth Request

Parents’ Fourth Request occurred on August 7, 2025, when they requested “all of [Student’s] educational records from her time at School.” (FF # 82). The requested documents are education records. (*Id.*). District was required to respond to this request by September 21. *See* 34 C.F.R. § 300.613(a). District responded to Parents on September 4 with an admin contact log, attendance history, prior CORA requests, enrollment history, grades history, a health contact log, office visits for the 2023-2024 and 2024-2025 school years, person summary report, a Read Plan with DIBELS progress monitoring from 2018, Student’s schedules since 2016, a Student profile, SPED documents, and Student’s Medicaid health records. (FF # 81). Nothing in the Record shows anything was missing or otherwise maintained and not provided, and Parents have no concerns with this response to the Fourth Request. (FF # 82). For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.613(a).

C. Procedural Noncompliance

Procedural noncompliance of the IDEA may result in a denial of FAPE only to the extent that it (1) impeded the child’s right to a FAPE, (2) significantly impeded the parent’s opportunity to participate in the decision-making process, or (3) caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *see Knable ex rel. Knable v. Bexley City School Dist.*, 238 F.3d 755, 765-66 (6th Cir. 2001).

Here, the records not provided to Parents were minimal, covered a short period of time, and included only: an admin contact log, prior CORA requests, a person summary report, Student's schedule, a student profile, and Student's mental health Medicaid records. (FF #s 79-80, 82). Parents were in possession of a large majority of what these documents contained, besides a few updates, as Parents had educational records for Student from 2016 until March 1, 2025. (FF # 78). Due to both the limited number of documents, as well as limited amount of new information for Parents contained within the missing records, these specific records did not impede Parents' ability to participate in the June 4, 2025 meeting. For these reasons, the CDE finds and concludes this did not result in a denial of FAPE.

Conclusion to Allegation No. 7: This allegation is held in abeyance (i.e., paused) pending resolution of District's due process complaint.

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

Pursuant to its general supervisory authority, CDE must consider and ensure the appropriate future provision of services for all IDEA-eligible students in District. 34 C.F.R. § 300.151(b)(2). Indeed, the U.S. Department of Education has emphasized that the state complaint procedures are "critical" to the SEA's "exercise of its general supervision responsibilities" and serve as a "powerful tool to identify and correct noncompliance with Part B." *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46,601 (Aug. 14, 2006).

Nothing in the Record suggests that the noncompliance in this investigation is systemic. District adheres to the CDE's Procedural Guidance Document as its main guidance for IDEA compliance. (FF # 4). District accurately described its responsibilities within these procedures in addition to its practice of extensive training for staff at all levels. (FF #s 4-6). And overall, the noncompliance in this investigation related to the specific circumstances of this individual Student, most notably the length of her evaluation and the fact it extended into the summer months. (FF #s 61, 64-66).

REMEDIES

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

1. Ensuring an IEP team reviewed an IEP at least annually, as required by 34 C.F.R. § 300.324(b).
2. Providing proper notice of meeting, as required by 34 C.F.R. § 300.322.
3. Ensuring a group of qualified professionals determined eligibility, as required by 34 C.F.R. § 300.306(a)(1).

4. Affording an opportunity to inspect and review Student’s education records, as required by 34 C.F.R. § 300.613.

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

1. Final Decision Review

- a. Director, Assistant Director, Principal, Learning Specialist, School Psychologist, and Social Worker must review this decision, as well as review the requirements of 34 C.F.R. §§ 300.306(a)(1), 300.323(c), 300.324(b), and 300.613. If these individuals are no longer employed by District, District may substitute individuals occupying identical roles to demonstrate compliance with this remedy. This review must occur no later than **Friday, November 18, 2025**. A signed assurance that these materials have been reviewed must be completed and provided to CDE no later than **Tuesday, November 21, 2025**.

NOTE: CDE Special Education Monitoring and Technical Assistance Consultant will contact District with specific instructions for securely submitting the documentation detailed above. If District does not meet the timelines set forth above, it may adversely affect District’s annual determination under the IDEA and subject District to enforcement action by the CDE.

CONCLUSION

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

Dated this 17th day of October, 2025.



Tara Carone
State Complaints Officer

APPENDIX

Complaint, pages 1-44

- Exhibit 1: 2024 IEP
- Exhibit 2: August 23, 2024 Email
- Exhibit 3: September 7-8, 2024 Email
- Exhibit 4: September 8-11, 2024 Email
- Exhibit 5: August 8, 2024 Email
- Exhibit 6: August 14, 2024 Email
- Exhibit 7: June Evaluation Report
- Exhibit 8: DIBELS Benchmark Goals
- Exhibit 9: May 7-8, 2025 Email
- Exhibit 10: May Evaluation Report
- Exhibit 11: May 6, 2025 Email

Response, pages 1-16

- Exhibit A: IEPs
- Exhibit B: Notice of Meeting
- Exhibit C: PWNs
- Exhibit F: Schedule, Grades, Attendance
- Exhibit G: Progress Reports
- Exhibit H: Evaluation Report
- Exhibit I: Safety Plans
- Exhibit J: Consent for Evaluation
- Exhibit L: Determination of Eligibility
- Exhibit O: Service Logs and Documentation
- Exhibit P: District Calendar
- Exhibit Q: Policies and Procedures
- Exhibit R: Correspondence
- Exhibit S: District Staff
- Exhibit T: Confirmation of Delivery
- Exhibit U: Other Relevant Documents

Reply, pages 1-11

- Exhibit 12: Placement Test
- Exhibit 13: DIBELS Benchmark

Telephone Interviews

- Parents: September 26, 2025

- Assistant Director: September 26, 2025
- Director: September 26, 2025
- SLP Supervisor: September 29, 2025
- Social Worker: September 30, 2025
- Psychologist: September 25, 2025
- Learning Specialist: September 26, 2025
- Principal: September 23, 2025
- ELA Teacher: October 9, 2025