

State of Colorado Office of Administrative Courts 1525 Sherman Street, 4th Floor, Denver, Colorado 80203	<p style="text-align: center;">▲ Court Use Only ▲</p>
<p>[Parents], Complainants,</p> <p>vs.</p> <p>Cherry Creek School District No. 5 Respondent.</p>	
Agency Decision Upon Remand	

Background

On March 4, 2022, the Colorado Department of Education (“CDE”), Exceptional Student Services Unit, received a due process complaint filed by [Parent 1] and [Parent 2] (“Complainants” or “Parents”) on behalf of their minor son, [Student], alleging that Cherry Creek School District Number 5 (“Respondent” or “District”) violated the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1482, (“IDEA”), under its implementing regulations at 34 C.F.R. § 300.511, and Colorado’s Exceptional Children’s Educational Act, 1 CCR 301-8, by failing to provide [Student] with a free appropriate public education (“FAPE”). Specifically, Parents filed the due process complaint asserting that the District failed its “child find” obligation by failing to identify [Student] as a child with a disability in need of special education and related services until his freshman year in high school, and that he qualified for special education and related services under the “Other Health Impairment (“OHI”) and social/emotional disability

("SED") categories.

Parents sought compensatory services as a remedy until [Student] was made whole. The District denied that it failed to timely identify [Student] as a student who qualified for special education and related services and asked this court to dismiss all claims.

The due process complaint was forwarded to the Office of Administrative Courts ("OAC") and assigned to Administrative Law Judge ("ALJ") Tanya T. Light for an impartial due process hearing on March 4, 2022. The hearing was convened in accordance with 20 U.S.C. § 1415(f), and held by video and Google Meet in Denver, Colorado on November 1 through 4, 2022.

Miriam Kerler¹, Esq., of Kishinevsky & Raykin, LLC, represented Complainants, and Robert P. Montgomery, Esq., of Semple, Farrington, Everall, & Case, P.C, represented the District. At hearing, the ALJ admitted into evidence the following stipulated exhibits: Complainant's exhibits: V, BB, CC, NN, VV (as in Victor Victor), XX, and YY, and the District's exhibits: 14, 18, 23, 25, 26, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 49, 50, and 51.

The following exhibits were also admitted into evidence:

The Complainant's exhibits: A, P, Q (over relevance objection), U, Z (over standing statute of limitations objection²); EE pp. 1, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15,

¹ Ms. Kerler withdrew as counsel and was replaced by Conor O'Donnell, Esq. of the same law firm, Kishinevsky & Raykin, LLC.

² A parent may file a due process complaint "not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint." 34 C.F.R. § 300.507(a)(2). At hearing, the ALJ noted she did not know how the statute of limitations applied to Child Find cases, and therefore stated she would admit into evidence some possibly relevant

16, 17, 18, 19, 20, 22, 23, 24, 27, 28, 29, 30, and 31), (over standing statute of limitations objection) and EE p. 32; II, pp. 9, 10, 11, 12, 13, 15, 20, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 41, 43, 44, 47 and 48 (over standing objection); JJ pages 2, 3, 4, 10, and 11 (over standing objection) KK (over standing objection); LL, pp 1, 4 and 6 (over objection); MM, pp. 19 (over the standing statute of limitations objection), 99-102 (except for the email from [Language Arts Teacher] which the ALJ did not admit because of a hearsay objection); MM 105 and 106 (over the statute of limitations standing objection); QQ, and WW.

The District's Exhibits: 8, 10, 19, 20, 44, 47, 48 (over a hearsay objection); 52, and 54.

On January 11, 2023, the undersigned issued her Agency Decision pursuant to 34 CFR §§ 300.514(a) and 515(a), finding for the Parents and concluding that the District violated its Child Find obligation. This court ordered the District to pay for [Student] to receive 230 weekly minutes of special education services and 60 minutes monthly of mental health services for the time frame of March 4, 2020, the date the statute of limitations began, through February 16, 2022, the date [Student]'s IEP was developed.

The District appealed the undersigned's decision to the United States District

exhibits that concerned incidents and issues that occurred prior to the statute of limitations, which is March 4, 2020, but would indicate in the decision how much weight, if any, she would give these exhibits. The ALJ reviewed the facts and law in the case, and noted for the record that the court would give full weight to the exhibits from seventh grade on because the ALJ concluded that the District "should have known" that [Student] was a student who needed to be evaluated for special education services during his seventh-grade year. The exhibits that were in evidence prior to [Student]'s seventh grade year were only given weight as background in this case.

Court for the District of Colorado. On July 31, 2025, the Honorable Lewis T. Babcock reversed and remanded the undersigned's Agency Decision with specific instructions, ordering this court as follows:

On remand, I direct the ALJ to make relevant factual findings as to whether evidence supports a triggering event or continuing violation after March 4, 2020, in order to conclude that the District did or did not have a reasonable suspicion to believe that [Student] was a child with a disability. [citations omitted]. Then, the ALJ must make a determination as to whether the District acted 'within a reasonable time after school officials [we]re on notice of behavior that [wa]s likely to indicate a disability.'

Subsequent to Judge Babcock's ruling, counsel for the parties requested a prehearing conference, which was held on November 13, 2025. At that conference, counsel both agreed and informed the court that the two issues on remand did not require a new hearing but could be decided by briefing. A briefing schedule was agreed upon, and this case is now ripe for an Agency Decision Upon Remand.

Issues Presented

1. The undersigned must make relevant factual findings as to whether evidence supports a triggering event or continuing violation after March 4, 2020, in order to conclude that the District did or did not have a reasonable suspicion to believe that [Student] was a child with a disability; and,
2. Then, the ALJ must make a determination as to whether the District acted 'within a reasonable time after school officials [we]re on notice of behavior that [wa]s likely to indicate a disability.'

Findings of Fact

The undersigned makes the following findings of fact as directed by Honorable Judge Babcock, to wit, whether evidence supports a triggering event or continuing violation after March 4, 2020 in order to conclude that the District did or did not have a reasonable suspicion to believe that [Student] was a child with a disability. Because of this instruction, the court must necessarily limit her findings to events occurring on or after March 4, 2020. Then, the ALJ must make a determination as to whether the District acted within a reasonable time after school officials [we]re on notice of behavior that [wa]s likely to indicate a disability.

Based on evidence in the record, the court finds the following facts:

1. [Student] was born on [Date of Birth] and is considered a smart and charming young man who has struggled with various behavioral issues over the years.
2. [Student] was a District student at the time period relevant to this decision.
3. [Parent 1], [Student]'s mother, and [Student]'s father, [Parent 2], are divorced. [Student] has lived with his mother since November of 2021. Prior to that he lived with his father.

[Student]'s Seventh Grade Year From March 4, 2020 Going Forward

4. [Campus Administrator] worked at [Middle School] half time as a dean and half time as a choir teacher in 2020. [Campus Administrator] knew [Student]. She liked him and felt he was very bright, easy to talk to, and was a "nice kid."
5. [Campus Administrator] credibly testified that [Student] always took responsibility for his actions; was always calm and remorseful; and reflected on what he could do differently.

6. [Student] did not receive any suspensions from March 4, 2020 through the remainder of seventh grade. The school shut down on March 13, 2020 due to Covid, and remained shut for the rest of [Student]'s seventh grade. The school was fully remote during this time. However, students could still be disciplined for behaviors during remote classes.

7. An April 29, 2020 PowerSchool entry stated, "Copy of Medication Consent Form emailed home in preparation for 2020-2021 school year for ADHD/ADD diagnosis. Offer to mail form if family is unable to print at home." Exhibit 14.

8. On April 29, 2020, [Nurse], [Middle School]'s nurse, sent [Parent 1] an email that stated in part:

You are receiving this email because your student has the following diagnosis listed as a health condition: ADD/ADHD. If your student will be needing to take a daily or 'as needed' medication during the school day for the 2020-2021 school year, the attached form will need to be completed by your child's healthcare provider prior to the beginning of school in August. Exhibit P.

9. In 7th grade, [Student]'s grades after March 4, 2020³ were as follows:

Quarter 3

Art – mixed media	B+
Core Support 7	no grade listed
Language Arts 7 Honors	C+

³ The court does not have information in the record concerning which quarter the school was in beginning on March 4, 2020, but assumes it was either late 3rd quarter or early 4th quarter. Due to the COVID pandemic, students were not given letter grades in the 4th quarter but were given "S's" for "Satisfactory" performance.

Lunch/Pride 7	S
Math 7	C-
PE/Health 7	no grade listed
Robotics 7	B
Science 7	D
Social Studies 7	C+
Student Assistant	no grade listed

Quarter 4

Art – mixed media	S
Core Support 7	no grade listed
Language Arts 7 Honors	S
Lunch/Pride 7	S
Math 7	S
PE/Health 7	no grade listed
Robotics 7	S
Science 7	S
Social Studies 7	S
Student Assistant	no grade listed. Exhibit 10.

10. The “S” grades in quarter 4 were the equivalent of a passing grade in a pass/fail grading situation. The District had made a District-wide decision to give the S grades to everyone due to Covid shutting down the schools in March of that year.

KC.’s 8th Grade Year: 2020-2021

11. The first and second quarters of eighth grade were hybrid where the students were taught in-person in the school building two days per week. The students had virtual instruction one day per week and worked on their own two days per week.

12. The Monday after the presidential election the school went to being fully remote.

The third quarter began in January 2021 after winter break, and the school went back to a hybrid schedule of two days in person and the rest of the week remote. In the fourth quarter of [Student]’s eighth grade year the school went back to fully in-person.

13. [Counselor], [Student]’s school counselor, remembers and credibly testified that [Student]’s 8th grade year was overall better for him. However, [Parent 2], [Student]’s father, credibly testified that [Student] was completely disengaged in eighth grade. The remote learning was not good for him academically. [Parent 2] testified that [Student]’s grades were not near what he was capable of. [Parent 1] also credibly testified that [Student] was not doing well socially/emotionally during this school year. He was working from home and he became very depressed due to the isolation.

14. In August of 2020 the school was on a hybrid schedule and [Student] struggled with being at home. He struggled setting up the computer, and he struggled sitting still in front of the computer.

15. In August of 2020, [Counselor] and [Student] had an email conversation where [Student] recognized things that would get in the way of him being successful, such as being in the same cohort as several kids he had had problems with over the summer. [Counselor] credibly testified that it was “absolutely” significant that [Student] recognized things that would get in his way of being successful, and it showed he was thinking more and coming to correct conclusions. It also showed he had the problem-solving skills to resolve a bad situation. See Exhibit 43.

16. On August 26, 2020, [Student] emailed [Counselor] asking to move back into honors math from regular math. He felt honors math would better meet the level he was at. See Exhibit 44.

17. [Student]’s regular math teacher sent [Student] an email explaining that [Student] was not ready for Honors Math because he had not mastered linear equations and had failed a test. On September 1, 2020, [Student] wrote back to his math teacher, “OK

thank you I assumed I didn't pass and is there any material you can give me for now to work on to better strengthen my accuracy with this subject? Or is this something that I have to wait for? If so please let me know so I can get started on that as soon as possible." Exhibit 45.

18. [Student] took medication for his ADHD diagnosis. He never took it at school, and he stopped taking the medicine in 8th grade.

19. On November 20, 2020, [Student] emailed [Math Teacher], his math teacher, the following:

Hey [Math Teacher] I just want to apologize for the way I acted today in class. Things are terrible at home right now give [sic] the fact of remote learning and my dad and stepmom splitting up and us having to sell our house stuff is rough right now and on top of that I am swimming in assignments because I am so turned around right now. I know and realize now that I should've just participated especially because you said we were going to be able to do work. I want you to know that I am trying my best to hold it together and these little outbursts are the voice screaming in the back of my head trying to get out. I'm just trying to get all I can get done before it's too late. I wanted to apologize and tell you I am trying and that this won't happen again that you have my word on this. If there's anything I can do to make it up please let me know so I can do it. Thanks. Exhibit 49.

20. [Math Teacher] explained that the above apology email came about because the school was fully remote at this time and she had called on [Student] several times in the virtual class and he had not responded. [Math Teacher] credibly testified that she and [Student] talked a lot at this time and that his father and step-mother's divorce "definitely" impacted him at school. He needed to listen to music more; he was distant. He talked a lot with [Math Teacher] about the split-up.

21. [Math Teacher] credibly testified that for [Student], all the things going on at his home were impacting him negatively. As the year went on, the number of those things increased, and he became more and more distracted at school. [Math Teacher] would talk with [Student] about his lack of focus. [Student] told her that the death of his grandfather that he was close to really impacted him at school, and that his home burdens had really increased.

22. On December 10, 2020, [Student]'s Language Arts teacher forwarded to [Counselor] a message that [Student] had sent to her. It stated in full:

I have literally had no time in this trash pile they call school to even try to think about anything give [sic] the fact of my dad and step moms [sic] terrible relationship and it coming to a crashing end is too much for me to even join class when I constantly want to sit and scream and beat everything to shreds just for something to feel my pain and the fact that I even try to do my work is really beyond me I'd rather burn this place to the ground and use my tears to fuel the fire that ignites. Exhibit 50.

23. On December 11, 2020, [Counselor] wrote in PowerSchool:

Category: Non-Discipline. Title: social emotional check-in

[[Student]] has a weekly check-in while we are remote, a teacher received an email where he expressed being in pain right now due to family matters. I checked on him earlier than normal to make sure he was OK and emailed the teacher back after he said he was fine and was expressing himself through writing, so the teacher would know why he was behind on work. *Id.*

24. On January 26, 2021, [Counselor] wrote in in PowerSchool:

Category: Note Non-Discipline Title: social emotional check-in

Seeing therapist 2x a month again, but recently lost his grandpa and other home situations have been difficult. It is hard for him to get work done outside of school, he wants to try talking to his teachers about this on his own. Exhibit 14.

25. On February 28, 2021, [Student] emailed his teachers and [Counselor] the following (verbatim):

Hey, I am trying my best right now to get everything done that I have and I am drowning right now and I don't know what to do I was just wondering if maybe you guys could send me stuff that will raise my grade the most or help me lighten my load I'm asking a lot right know I understand that but I really need it right now I have been bouncing back and forth between every class today trying to figure out what to do and I can't do it I've missed some class today from trying to do all this please I am begging for help right now. Please I just need [the email stops after word "need"]. Exhibit 51.

26. [Counselor] emailed [Student] back with some general suggestions on how to catch up and she set goals for him. She also helped keep him organized.

27. [Counselor] did not receive reports from teachers or other school staff about [Student] being disruptive in 8th grade.

28. In [Student]'s 8th grade year, he received the following grades:

Quarter 1:

Advisory/lunch: S

Art – Mixed Media: B
Language Arts 8 Honors: C
Math 8: B
Science 8: D
Social Studies 8: D-
Study Hall: S

Quarter 2:

Advisory/lunch: S
Art – Mixed Media: B-
Language Arts 8 Honors: D
Math 8: C
Science 8: D
Social Studies 8: C-
Study Hall: A-. Exhibit V.

Quarter 3:

Advisory/lunch: S
Language Arts 8 Honors: D-
Math 8: C-
PE8: A-
Science 8: C
Social Studies 8: C
Tech Design and Engineering 2: C+

Quarter 4:

Advisory/lunch: S
Art – Mixed Media: B
Language Arts 8 Honors: D-
Math 8: D-

Science 8: D
Social Studies 8: D
Tech Design and Engineering 2: D. Exhibit V.

[Student]'s *Ninth Grade School Year: 2021-2022*

29. [Student] attended [High School] for his ninth grade year. He was excited to start school but struggled to keep up with his classes. [Student] often skipped school.

30. On August 27, 2021, a District employee named [Social Studies Teacher] wrote in PowerSchool the following:

[[Student]] made some comments about not liking school and how in MS between either 6-7 or 7-8 he dabbled into pot, but that it was taken care of and dealt with and he is on a better track now. He said he hates homework and just doesn't get school or understand why he is in AP. We had a discussion about how he does retain the knowledge and is willing to give input, but that going into Global Studies would bore him and not challenge him, which he agrees with. I spoke to [District Employee 1], so that we could keep an eye on him. Exhibit 14.

31. On October 2, 2021, a District employee named [District Employee 2] wrote in PowerSchool:

Category: Note Non-Discipline Title: 2021 Sent out of class

Received info that [[Student]] was sent out of class for saying strange things: 'I hate gingers, I will kill your mom.' Information sent to social worker. Exhibit 14.

32. On October 11, 2021, [District Employee 2] wrote:

[[Student]] was asked to follow directions or go to the deans – he chose to go to the dean but never showed up.

Detention. Spoke with mother and step mother. Exhibit 14.

33. In October of 2021 [Student] posted on Snapchat about a bomb. Someone saw the post and called the “Safe to Tell” phone number that teenagers are encouraged to use if they suspect danger. The police came to [Student]’s home to talk with him about his post.

34. The school noted the following about the incident:

Over fall break the school received information that [[Student]] was threatening students. In the first threat, he said ‘There is about to be hell to pay you don’t press the buttons of a bomb and expect it not to blow up and I’m not above terror I’m About to start fucking shit up.’...The school also received information that prior to fall break, [Student] made a direct threat to [name blacked out]. She reported that while they were walking to PE class, he was talking about guns and said that he was going to shoot up the school and shoot her first...Also, he [name blacked out] expressed concern that one of [Student]’s ‘friends’ may have a gun. Exhibit 14.

35. The District performed a threat assessment on [Student] because of the concerns stemming from this post. Under “Other information” in the threat assessment was written the following:

[[Student]] states in his interview he is not suicidal and has not thought of hurting himself or others. Exhibit LL at 4.

36. Based on [Student]’s post, he was suspended from [High School] from October 25, 2021 through November 5, 2021. Then, on November 3, 2021, [Deputy

Superintendent], Deputy Superintendent of the District sent [Parent 1] and [Parent 2] and his wife a letter informing them that the District was extending [Student]'s suspension for 14 additional days, through November 30, 2021. Exhibit Q.

37. On November 12, 2021, [Student] was referred for special education evaluation. Exhibit QQ.

38. After November 30, 2021, [Student] did not return to school; instead, he was given home hospital education pending a manifestation determination hearing; that hearing ended his suspension.

39. In one of his quarters (the undersigned cannot tell which quarter), [Student] received the following grades in 9th grade:

English 9 Honors:	D
AP Human Geography:	F
Algebra 1:	F
Biology Honors:	F
Drawing/Painting 1:	D-
Personal Finance:	F
PE 9 th grade:	F
Advisory 9:	S. Exhibit V.

[Student]'s Manifestation Determination

40. After the above incident about the bomb, [Student] was recommended for expulsion. Prior to expulsion he underwent a Manifestation Determination on February 28, 2022.

41. The Manifestation Report concluded: "The determination after considering school reports parent and teacher input and assessments, the IEP team determined

that [[Student]'s] conduct was a manifestation of a disability.” Exhibit QQ.

Conclusions of Law

Child Find Regulations and Caselaw

The Child Find obligation is found in 34 CFR § 300.111(1), which mandates that:

the State must have in effect policies and procedures to ensure that

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated...

A child with a disability can be a child who has a serious emotional disturbance, which is also referred to as an emotional disturbance. 34 CFR § 300.8 (a)(1).

Emotional disturbance is defined as:

a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems. 34 § 308.8.c.4.(i) (emphasis added).

“Other Health Impairment” 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, that

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(ii) Adversely affects a child’s educational performance.
34 CFR § 300.8.c.9.I and II.

Finally, in *J.N. v. Jefferson Cnty. Bd. of Educ.*, 421 F. Supp. 3d 1288, (N.D. Ala. 2019), the Court held that:

The child-find obligation extends to all ‘[c]hildren who are suspected of being a child with a disability ... and in need of special education, even though they are advancing from grade to grade....However, the child-find obligation ‘does not extend to testing every student who is not successful when factors other than a disability would also explain the failure to progress; evaluations are only required when the evidence is sufficient to cause a school system to have a reasonable belief that such an evaluation is necessary.’ (internal citations omitted and emphasis added).

Discussion

By way of reminder, the Honorable Judge Babcock ordered the undersigned to do the following in this Agency Decision Upon Remand:

On remand, I direct the ALJ to make relevant factual findings as to whether evidence supports a triggering event or continuing violation after March 4, 2020, in order to conclude that the District did or did not have a reasonable suspicion to believe that [Student] was a child with a disability. [citations omitted]. Then, the ALJ must make a determination as to whether the District acted ‘within a reasonable time after school officials [we]re on notice of behavior that [wa]s likely to indicate a disability.’

Was there factual evidence supporting a triggering event or continuing violation after March 4, 2020, in order to conclude that the District did or did not have a reasonable suspicion to believe that [Student] was a child with a disability?

The undersigned concludes as a matter of law that none of the above Findings of Fact support that a triggering event occurred in this case or that a continuing violation existed after March 4, 2020 concerning [Student] such that the District should have had a reasonable suspicion to believe that [Student] was a child with a disability. This is not to say [Student] did not struggle; he did. But the majority of his struggles were due to two things: 1) the pandemic’s effects on students world-wide – such as feelings of isolation, frustration trying to get home computer equipment set up, and difficulty fully participating in online classes; and 2) pain and emotional difficulties stemming from his father and step-mother’s divorce and his grandfather’s passing. These are issues of universal difficulty and pain, and the fact that [Student] was struggling because of these issues would not put the District on reasonable suspicion that [Student] was a child with

a disability. Indeed, there is much evidence in the record of [Student]’s appropriate behavior: emails [Student] sent to his teachers to either apologize, advocate for himself, or ask appropriate questions. Moreover, his teachers and counselor credibly testified that [Student] was doing better behaviorally after March 4, 2020 than he had been in earlier years, and that eighth grade was a better year for him behaviorally. Thus, the answer to Judge Babcock’s first question on Remand is no, there are no facts before the ALJ that would support a conclusion that the District should have had a reasonable suspicion that [Student] was a child with a disability.

Did the District act within a reasonable time after school officials were on notice of behavior that was likely to indicate a disability.

Despite the first conclusion, however, there were two concerning events that elevated the seriousness of [Student]’s actions and possibly could put the District on notice that [Student] was a child with a disability. Evidence of the first incident occurred on October 2, 2021, when District employee [District Employee 2] wrote in PowerSchool:

Category: Note Non-Discipline Title: 2021 Sent out of class

Received info that [[Student]] was sent out of class for saying strange things: ‘I hate gingers, I will kill your mom.’ Information sent to social worker. Exhibit 14.

Evidence of the second concerning event also occurred in October of 2021 when [Student] posted on Snapchat about a bomb. By way of reminder, the school noted the following about the incident:

Over fall break the school received information that [[Student]] was threatening students. In the first threat, he said ‘There is about to

be hell to pay you don't press the buttons of a bomb and expect it not to blow up and I'm not above terror I'm About to start fucking shit up.'...The school also received information that prior to fall break, [Student] made a direct threat to [name blacked out]. She reported that while they were walking to PE class, he was talking about guns and said that he was going to shoot up the school and shoot her first...Also, he [name blacked out] expressed concern that one of [Student]'s 'friends' may have a gun. Exhibit 14.

These two events are alarming. The question before the undersigned is whether or not the District acted within a reasonable time after school officials were on notice of behavior that was likely to indicate a disability. These two events occurred in October of 2021. On November 12, 2021, [Student] was referred for special education evaluation. Exhibit QQ. The undersigned concludes as a matter of law that the District acted within a reasonable time between these two events and the time that [Student] was referred for special education evaluation: the District referred [Student] for special education evaluation only one month (or less) after the two very serious behaviors. The court concludes as a matter of law that a one month or less timeframe is reasonable.

Decision

The District did not violate its Child Find obligation and therefore Parents' requested remedies are denied in their entirety.

This decision is the final decision of the independent hearing officer, pursuant to 34 CFR §§ 300.514(a) and 515(a). In accordance with 34 CFR § 300.516, either party may challenge this decision in an appropriate court of law, either federal or state.

Done and Signed February 18, 2026

/s/ Tanya T. Light
TANYA T. LIGHT
Administrative Law Judge