

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

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**State Complaint SC2025-599**  
**Roaring Fork Re-1 School District**

**DECISION**

**INTRODUCTION**

On August 11, 2025, the parent (“Parent”) of a student (“Student”) not currently identified as a child with a disability under the Individuals with Disabilities Education Act (“IDEA”)<sup>1</sup> filed a state complaint (“Complaint”) against Roaring Fork Re-1 School District (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified two allegations subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

The CDE’s goal in state complaint investigations is to improve outcomes for students with disabilities and promote positive parent-school partnerships. A 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 11, 2024. Information prior to August 11, 2024 may be considered to fully investigate all allegations.

**SUMMARY OF COMPLAINT ALLEGATIONS**

The Complaint raises the following allegations subject to the CDE’s jurisdiction under 34 C.F.R. § 300.153(b)<sup>2</sup> of the IDEA:

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<sup>1</sup> 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.

<sup>2</sup> The CDE’s state complaint investigation determines if District complied with the IDEA, and if not, whether the noncompliance results in a denial of a free appropriate public education (“FAPE”). 34 C.F.R. §§ 300.17, 300.101, 300.151-300.153.

1. District did not develop, review, and revise an Individualized Education Plan (“IEP”) that was tailored to meet Student’s individualized needs from November 23, 2024 to present because it:
  - a. Did not include appropriate measurable postsecondary IEP goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, as required by 34 C.F.R. § 300.320(b); and,
  - b. Did not include the transition services needed to assist Student in reaching postsecondary goals, as required by 34 C.F.R. § 300.320(b) and ECEA Rules 2.52 and 4.03(6).
2. District did not properly end Student’s special education services after the 2024-2025 school year because District awarded a regular high school diploma to Student in May 2025 despite Student not meeting the standards for such a diploma, as prohibited by 34 C.F.R. §§ 300.101 and 300.102 and ECEA Rule 5.01(1)(b)(iii).

### **FINDINGS OF FACT**

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

#### **A. Background**

1. Student is 19 years old and graduated from a District high school (“School”) with a regular high school diploma on May 23, 2025. *Exhibit G*, p. 1.
2. During the 2024-2025 school year, Student qualified for special education and related services under the disability categories of Autism Spectrum Disorder (“ASD”) and Specific Learning Disability (“SLD”). *Exhibit A*, p. 1.
3. Student is highly intelligent, inquisitive, and interesting. *Interviews with Principal, Case Manager, General Education Teacher, and School Social Worker (“Social Worker”)*. He was introverted when he first started at School during the 2023-2024 school year, but he came out of his shell and formed a peer friend group and connections with School staff. *Id.* Student has exceptional visual-spatial abilities, “the ability to see the final picture when creating something,” and can beat “just about anybody at chess.” *Interview with Parent*.
4. At School, Student struggled with time management and often waited until the last minute to complete assignments. *Interviews with Principal, Case Manager, General Education Teacher, Social Worker, and Parent*. He also refused to engage in certain assignments and

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<sup>3</sup> The appendix, attached and incorporated by reference, details the entire Record.

activities from which he could have benefited. *Id.* At home, Student struggled with executive functioning, pragmatic communication, and adaptive behavior skills. *Interview with Parent.*

5. Student had two IEPs in effect during the 2024-2025 school year: one dated February 23, 2024 (“2024 IEP”) and another dated February 19, 2025 (“2025 IEP”). *See Exhibit A*, pp. 1-27, 41-74. On November 22, 2024, Parent and District entered into a Settlement Agreement to resolve a prior state and due process complaint. *See Exhibit N*, pp. 1-5. Under this Settlement Agreement, Parent agreed to waive claims and demands for relief related to the issue of transition goals and services included in Student’s 2024 IEP. *Id.* at p. 6; *Response*, pp. 1, 8. Given this waiver, the CDE will only address Student’s 2025 IEP in assessing District’s development of transition goals and services under Allegation No. 1.

### **B. District’s IEP Development Process: Transition Planning**

6. District maintains a Special Education Procedural Manual (“Manual”) and relies heavily on CDE guidance to inform its IEP development practices related to transition goals and services. *Interview with District Special Education Director (“Director”)*; *see Exhibit P*, pp. 43-62; *Exhibit J*, pp. 8-101.
7. Per CDE guidance, post-school transition goals should focus on what students will do “after exiting the public school system” rather than on achievement during school. *CDE Exhibit 4*, pp. 12-14. For instance, it would be inconsistent with this guidance for a post-school goal to focus on applying to a certain number of jobs or completing a resume independently, as these are school-based objectives rather than future-looking goals. *See id.*; *Consultation with CDE Specialist*.
8. CDE guidance, consistent with the IDEA and ECEA, emphasizes that transition services should be specific, individualized, and framed based on what service the school will provide to the student. *Id.* at pp. 19-23. There should be “alignment between postsecondary and annual goals, transition services, and courses of study.” *Id.* at p. 20.
9. District offered at least four formal trainings on transition planning between 2022 and 2025. *Interview with Director*. These trainings, led by experts in the field, covered how to effectively develop and implement transition goals and services. *Id.* Training materials and resources are electronically available to all District staff. *Id.*
10. District follows CDE’s “Sequencing of Services” (“SOS”) framework to guide its transition planning. *Id.*; *see CDE Exhibit 5*. This framework provides age-based recommendations to support students in achieving six core outcomes: employment, health management, community access, postsecondary opportunities, digital literacy, and self-determination/leadership skills. *CDE Exhibit 5*, p. 1.
11. District also uses data to inform transition planning. *Interview with Director*. District gathers student-specific data from a variety of sources, including formal assessments, transition

assessments, and transition interviews. *Id.* District uses Naviance, an online platform, as an inventory for its transition assessments and student-specific results. *Id.*

12. District built a stronger partnership with the Department of Vocational Resources (“DVR”) in the last few years to help more students access college and career opportunities. *Id.* Historically, District had relied on DVR to support students with significant needs; however, District now connects a broader scope of students, including those with mild and moderate needs, to DVR resources. *Id.*
13. Finally, District offers a “Ready for the World” transition program for 18-21-year-old students who demonstrate ongoing need. *Id.* While this program had been previously geared toward students with significant needs, District is expanding this program to better serve students with mild-to-moderate needs. *Id.*

### **C. February 19, 2025 IEP Team Meeting**

14. On February 19, 2025, Student’s IEP Team convened for Student’s annual IEP review. *Exhibit A*, p. 1; *see Exhibit C*. Attendees included: Student, Parent, Case Manager, Principal, District Superintendent/Chief Academic Officer (“CAO”), General Education Teacher, Social Worker, Speech Language Pathologist (“SLP”), a Board Certified Behavior Analyst (“Nonprofit BCBA”) from a nonprofit provider of services for individuals with ASD (“Nonprofit”), Department of Vocational Resources Counselor (“DVR Counselor”), and Student’s private BCBA (“Private BCBA”). *Exhibit A*, p. 37; *Exhibit C*, p. 2.
15. The IEP team sought to “highlight [Student’s] strengths and discuss the progress on IEP goals and present levels of academic and functional performance, [and] determine services and goals with a focus on postsecondary goals.” *Exhibit C*, p. 2; *see Exhibit C Recording*, 0:00:00 – 0:02:20.
16. Parent expressed concern that there was “no way” for Student to graduate in May based on her understanding of District graduation requirements and Student’s remaining coursework. *Exhibit C Recording*, 0:02:47 – 0:05:30. Still, Parent hoped that Student would finish School at the same time as his peers. *Id.* at 2:03:00 – 2:10:00.
17. Principal explained School’s graduation requirements and Student’s progress toward meeting those requirements. *Id.* at 0:03:33 – 0:04:00; 1:48:17 – 1:53:00. Parent asked: “is there a way, realistically, that [he] is going to graduate with a regular high school diploma by May?” *Id.* at 0:06:00 – 0:06:18. Principal, Case Manager, CAO, and General Education Teacher responded: “yes.” *Id.* When Parent later stated that it would “not be doable” for him to graduate in May, District staff unanimously responded by stating that it would be possible so long as he passed his remaining classes. *Id.* at 1:50:53 – 1:52:17. Principal reemphasized that “everything we’re seeing up to this point, the progress that [Student] has made, leads us to believe [that Student will graduate with a regular high school diploma in May 2025].” *Id.* at 1:50:53 – 1:52:21.

18. Parent and School acknowledged that Student exhibited newfound motivation between February and March 2025 given his goal of graduating with his peers and the approaching graduation deadline. *Id.* at 1:52:20 – 1:51:40; *Interview with Parent.*
19. Parent voiced concerns that School was inflating Student’s grades to push him out of School. *Exhibit C Recording*, 0:06:57 – 0:09:00; 0:56:00 – 0:58:00; *Interview with Parent.* Parent asked for evidence of Student’s work product and “tangible data” because she doubted that Student could earn passing grades given his sporadic attendance, prior academic record, and functional challenges. *Exhibit C Recording*, 0:56:17 – 1:00:00; *Interview with Parent.*
20. School assured Parent that Student was earning the grades he received, and Student also vocalized that he was completing assignments. *Exhibit C Recording*, 0:44:00 – 1:09:00; *Interviews with Principal, Case Manager, General Education Teacher, CAO, and Social Worker.* School compiled additional Student work samples and Principal sent progress reports to Parent after each block. *Exhibit C Recording*, 0:56:17 – 1:00:00; *see Exhibit H*, pp. 20-63; *Exhibit N*, pp. 9-49.
21. Regarding transition planning, Parent expressed concerns about Student’s readiness for post-school employment, attending college, and independent living given her observations of him. *Exhibit C Recording*, 0:44:00 – 1:47:00; *Interview with Parent.* She requested that School develop measurable goals and provide services to support his real-world communication, executive functioning, and independent living skills, such as applying for jobs, paying rent, budgeting. *Id.* Overall, she worried that Student would not be able to function without her given his challenges. *Exhibit C Recording*, 0:38:00 – 0:44:00; *Interview with Parent.*
22. Student advocated for himself throughout the meeting, noting, for example, that he could cook for himself and get a job at an adventure park. *Exhibit C Recording*, 1:00:00 – 1:01:00. Other participants—including Student’s Case Manager, SLP, DVR Counselor, Nonprofit BCBA, Private BCBA, and Principal—also emphasized Student’s growth and agreed that Student could excel after graduation if given the right supports. *Id.*
23. By the end of the meeting, the IEP Team developed post-school goals and transition services for Student based on Student’s current data, academic performance, transition assessments, academic and functional assessments, strengths and interests, areas of improvement, goals of attending college and graduating in May 2025, and input from Parent, Student, and Student’s teachers and service providers. *Id.* at 0:16:00 – 2:10:00.

#### **D. The 2025 IEP**

24. The February 19 IEP Team meeting resulted in the 27-page 2025 IEP. *See Exhibit A*, pp. 1-27.

#### **Present Levels of Academic Achievement & Functional Performance**

25. Student’s strengths included self-advocacy, visual-spatial skills, and intellectual ability, especially in math. *Id.* at p. 3. Student did best with routine, independence, and working on

tasks that aligned with his interests. *Id.* Student's interests included computer games, independence, music, and photography. *Id.*

26. This section includes detailed summaries of: an interview with Student; progress toward annual goals for the 2024-2025 school year; results from Student's Accuplacer and NWEA Measure of Academic Progress assessments; narrative progress reports from general education teachers; Student's grades; and Student's progress in areas of need. *Id.* at pp. 3-8. Student was passing his four classes at the time. *Id.* at p. 7.
27. Per Student's interview summary, Student was motivated to "get all As" in his classes and was interested "in applying for scholarships at [a community college] . . . He [was] working with a DVR counselor to help him find a job and do employment applications." *Id.* at p. 4. Student's general education teachers, administrators, and peers "specifically commented on what great progress they have seen in [Student] this school year." *Id.*
28. Student made "notable growth" on his social-emotional goal, showing "meaningful strides in independently expressing his needs and emotions during conflict resolution scenarios," regulating his emotions when asked to do a non-preferred task by an adult, and participating in friendly interactions in class and with peers. *Id.* Overall, Student's progress indicated that his social-emotional intelligence was "in alignment with that of his peers" but that Student would nonetheless benefit from practicing "regulating emotions in real-time social interactions." *Id.* at p. 8.
29. Student met his writing goal related to paragraph writing through one-on-one support with his English teacher as demonstrated by writing samples. *Id.* at p. 5. Student's writing reflected "a strong ability to think critically and engage in a high school level analysis of what he has read and studied in and outside of school." *Id.* Though Student benefited from a word processor to polish his conventions, Student could "write a 7 to 10 sentence paragraph that has an appropriate intro/topic sentence, supporting details, and conclusion with less than four errors at least five times." *Id.*
30. Student met his communication goals related to making relevant contributions to conversations and conflict resolution. *Id.* Student was "successful" with all communication tasks in the School setting, but "his ability to carry-over these skills outside of the school setting or when he feels emotionally charged [was] less consistent . . ." *Id.* SLP also noted that he made "good success and progress" on pragmatic communication skills, including asking more thoughtful questions, participating in class, and improving peer relationships. *Id.* at p. 7. Next steps related to pragmatic language skills included "continued work in the areas of flexible thinking, self-advocacy, understanding subtle language . . . and understanding how to respond when he feels his words are taken out of context" as important skills for "school and work settings." *Id.*
31. Student met his executive functioning and self-determination goal related to time management. *Id.* at p. 5. Student completed assignments in a timely manner, was "engaged

for 100% of intervals” observed, used his phone for only five minutes, and was “open, social, and engaged with his peers, staff, and others.” *Id.* at 8.

32. Narrative reports from Student’s teachers indicated that Student was “doing extremely well” as of February 2025: he attended class consistently, showed motivation to earn better grades and improve his grade-point average, and completed assignments on time. *Id.* at pp. 6-7.
33. Finally, this section summarizes Student’s progress related to vocation and post-secondary transition. *Id.* at p. 8. Student had been enrolled in a Career Pathway program and Career Development class, but Student indicated that he did not want to continue in this program. *Id.* To meet Student’s needs and interests, School instead provided one-on-one support every afternoon from 1:30 to 3:00 PM to focus on Student’s academic areas of need and transition. *Id.* During this dedicated time on Thursdays, Student met “with a DVR coach. . . who works closely with [Case Manager] to support [Student] meeting his transition goals,” attended a tour of a community college, and worked on job, college, and scholarship applications. *Id.*; *Interview with Case Manager.*

#### Student Needs and Impact of Disability

34. This section documents Student’s needs in executive functioning, communication, written expression, and social-emotional regulation and relationship building. *Exhibit A*, p. 12.

#### Parent/Student Input

35. Parent expressed, in part, that she needed to see work samples for “better proof” of how Student passed classes. *Id.* at p. 12. Parent stated that transition planning was “almost nonexistent” and that he was “not even close to being prepared for life after high school.” *Id.* at p. 13. She questioned “[w]here are the specific goals for independent living, job readiness, or executive functioning?” *Id.* at p. 13. She also worried that Student’s IEP goals involved “controlled, hypothetical scenarios” and thus did not assist him in applying skills in real-world settings. *Id.* at p. 14.

#### Post-Secondary Transition Plan

36. The IEP includes four measurable post-school goals:
- Post-School Education/Training Goal: “After graduation, [Student] will attend college to become a photographer.”
  - Career Employment Goal: “[Student] will work as a photographer.”
  - Independent Living Skills Goals: “[Student] will live in dorms while attending college” and “[Student] will live independently in his own home, direct his own supports, schedule medical and work appointments, pay his own bills, acquire various types of insurance, and access services in his community.”

*Id.* at pp. 14-15.

37. The IEP contains a summary of results for transition assessments that District administered. *Id.* District conducted: (1) a 16 Personalities assessment on January 16, 2025; (2) a transition interview with Student on February 6, 2025; (3) a Strengths Explorer assessment on August 29, 2024; (4) a transition records review on February 7, 2025; and (5) the Holland Code Career Test on February 13, 2025. *Id.* at pp. 8-12. District conducted other transition assessments to develop prior transition goals. *Interview with Case Manager.*
38. Case Manager relied on results from Student’s transition assessments to inform Student’s post-school goals. *Interview with Case Manager; see Exhibit A*, pp. 8-11, 14; *Exhibit C Recording*, 1:09:45 – 1:19:19.
39. Student’s 16 Personalities assessment, Strengths Explorer, and Holland Code Career Test—as well as conversations that Case Manager had with Student to reflect on assessment results—demonstrated that Student is a “big thinker,” creative, has unique ways of looking at the ordinary, and has strengths in analytical thinking. *Interview with Case Manager; Exhibit A*, pp. 8-11; *Exhibit F*, 15-22. These traits align with his goal of becoming a photographer. *Interview with Case Manager; see Exhibit A*, pp. 8-11, 14; *Exhibit C Recording*, 1:09:45 – 1:19:19.
40. For Student’s transition interview, Case Manager asked questions related to education, career, community/independent living, community resources, communication and social interaction, and recreation and leisure. *See Exhibit Q*, pp. 1-3. Student emphasized his desire to attend community college, live independently, and work as a photographer during this interview. *Interview with Case Manager.* This interview directly informed Student’s goals of attending college, becoming a photographer, and living independently. *Id.; Exhibit A*, p. 14.
41. While inventory-type transition assessments, such as 16 Personalities, would have been most appropriate for a younger high school student, they were age-appropriate here considering that Student started at School during his junior year, often changed his mind regarding specific interests, and refused to complete certain transition assessments, such as YouScience, offered by Case Manager. *Interview with Case Manager; Exhibit C Recording*, 1:09:45 – 1:19:19; *Consultation with CDE Specialist; see CDE Exhibit 3*, pp. 5-8.
42. In addition to transition assessments, Case Manager also relied on the “whole body of knowledge” on Student—including his holistic performance reflected in his 2025 IEP, personal interests and preferences, academic abilities, and input from the IEP Team—to develop post-school goals. *Interview with Case Manager.* This holistic development process resulted in post-school goals that were well-developed, measurable and outcome-based, and geared toward transitioning Student out of school. *Id.; Consultation with CDE Specialist.*
43. Student’s post-secondary transition plan includes a planned course of study. *Exhibit A*, p. 15. As of February 19, 2025, Student needed to earn 7.5 credits in English, Social Studies, and

Science, complete his capstone portfolio and presentation, and pass the Accuplacer Writing test to graduate with a regular high school diploma. *Id.* at pp. 15-16.

44. Student's transition services and activities included:

- Education/Instruction and Related Services:
  - General Education Teacher will provide direct, one-on-one instruction in writing;
  - Case Manager will provide instruction and modeling in “how to advocate for his learning needs in college courses;”
  - Case Manager and Nonprofit BCBA will provide support in executive functioning, including daily planner checks, creation of an assignment tracking system, and incorporation of strategies related to attention, time management, and assignment completion;
  - Financial Literacy Teacher will provide “direct instruction in real world application of practical math skills, including creating a budget, understanding taxes, balancing a checking account, and determining interest changes on credit cards in order to live independently in the community;” and
  - SLP will provide “specially designed instruction” to support Student’s pragmatic language skills and Student’s professionalism, flexible thinking, self-advocacy, and appropriate responses.
  
- Education/Instruction and Related Services:
  - Case Manager will provide career assessments and exploration of the photography field, campus tours of technical colleges and community colleges with photography programs, instruction in creating a professional resume, support with college enrollment paperwork, instruction in self-disclosing his disability to employers, instruction on how to file taxes, create a budget, and pay bills, “job shadowing and job exploration activities that include access to job tours in the community in every career cluster to provide exposure to alternative career and lifestyle choices;”
  - General education teachers will encourage Student to reflect on career options by asking him to write about his community experiences;
  - Nonprofit BCBA and Case Manager will provide travel training and adaptive skills to support Student’s healthy relationships, executive functioning, and time management to help Student access other community locations;
  - Case Manager will collaborate with DVR Counselor to connect Student with continued services post-graduation.
  
- Community Experiences: School will provide community experiences, such as “job shadowing, community projects, recreational activities, and community exploration.”

- Agency Linkages: School referred Student to DVR for job coaching and transition services and Nonprofit for behavior support.

*Id.* at pp. 17-18.

### Annual Goals

45. The 2025 IEP contained four annual goals, each with corresponding grade-based standards and connected to Student's post-school goals. *Id.* at pp. 18-21.
46. The IEP contained one social/emotional wellness goal: "[i]n order to meet the requirements of his post-secondary goal of attending college to study photography, [Student] will demonstrate growth in emotional regulation and conflict resolution by independently applying appropriate coping strategies, expressing his needs and emotions effectively, and regulating his responses in social interactions in 4 out of 5 opportunities by the date of his next annual IEP." *Id.* at p. 18. This goal had three objectives. *Id.* at p. 19.
47. The IEP also contained one writing goal: "[i]n order to meet the requirements of his post-secondary goal of attending college to study photography, [Student] will [engage] in revision and editing process of a rough draft to complete a polished 5 paragraph research article for publication in his ICAP/Capstone portfolio that uses standard English conventions using a word processor, graphic organizer/outlines and sentence prompts as measured by a score of 80% or better on the [School] writing rubric by date of his next IEP." *Id.*
48. It also had one language goal: "[i]n order to meet the requirements of his post-secondary goal of attending college to study photography, [Student] will demonstrate flexible thinking through [meeting three objectives]." *Id.* at p. 20. This goal had three objectives. *Id.*
49. The IEP featured one self-determination goal: "[i]n order to meet the requirements of his post-secondary goal of attending college to study photography, [Student] will complete tasks on or before their deadline in 4 out of 5 opportunities. These include school tasks as well as tasks supported by DVR (Job Applications, Cover Letters, Scholarships, etc.)." *Id.* at pp. 20-21. This goal had three objectives. *Id.* at p. 21.

### Special Education and Related Services in the Least Restrictive Environment

50. The 2025 IEP required Student to receive the following special education and related services:
- Counseling: 240 minutes per month of direct support from a mental health provider outside of the general education classroom.
  - Academic Instruction: 55 minutes per week of direct support from a special education teacher outside of the general education classroom.

- Transition Services: 55 minutes per week of direct support from a special education teacher and DVR youth services coordinator outside of the general education classroom, including support on “job applications, college applications, scholarships, resume writing, interview skills, self advocacy at the job place, researching college programs and costs.”
- Academic Support: 225 minutes per week (45 minutes per day) from special education teacher during School’s “healthy start time” block.
- Speech Language/Specialized Instruction: 200 minutes per month of direct support from SLP to be provided outside of the general education classroom.
- Behavior Intervention: 60 minutes per week of direct instruction from Behavior Technician inside the general education classroom.

*Id.* at pp. 24-25.

51. Finally, Student spent between 40 and 79% of his time in general education. *Id.* at pp. 25-26.

#### **E. State, District, and School Graduation Requirements**

52. In Colorado, local school boards determine high school graduation requirements provided that these requirements meet or exceed Colorado graduation guidelines adopted by the CDE. *CDE Exhibit 1*, p. 1; *Exhibit J*, p. 5.

53. Colorado graduation guidelines require that students meet minimum scores on at least one approved measure of college- and career-readiness in Reading, Writing, and Communication (“RWC”) and one in Math to graduate with a regular high school diploma. *Id.* CDE’s “Menu of College and Career-Ready Demonstrations” provides a list of approved measures from which districts can choose. *CDE Exhibit 1*, p. 1.

54. Colorado graduation guidelines do not require students to complete a specific number of courses or credits. *CDE Exhibit 2*, p. 7. However, Colorado maintains two legislated course requirements: students must complete (1) one course in “Civics,” which includes teaching of history, culture, and civil government, and (2) one course that incorporates “Genocide and Holocaust Studies.” *Id.* at pp. 7-8; see C.R.S. §§ 22-1-204 and 22-2-127.3. Local school boards determine which courses satisfy these legislated requirements. *CDE Exhibit 2*, p. 8.

55. Here, District’s school board developed its graduation requirements—Policies IKF and IKF-E—consistent with Colorado graduation guidelines. See *Exhibit J*, pp. 1-7; *CDE Exhibit 1*, pp. 1-2; *Interview with CAO*.

56. Per District graduation requirements, students qualify for a regular high school diploma if they: (1) meet or exceed the cut score on at least one designated RWC and one designated

Math measure, selected from the CDE’s Menu of College and Career-Ready Demonstrations, and (2) complete specific coursework. *Exhibit J*, pp. 1-2, 5-7; *Interview with CAO*.

57. District’s graduation policy does not contain a minimum attendance requirement, nor is one required by Colorado graduation guidelines. *See Exhibit J; Consultation with CDE Specialist*.
58. For measures of college- and career-readiness, District offers the Next-Generation Accuplacer assessment (among others). *Exhibit J*, pp. 5-7. Students must score at least 241 on Reading or 236 on Writing and at least 255 on Arithmetic or 230 on Quantitative Reasoning, Algebra, and Statistics (“QAS”) to demonstrate college- and career-readiness. *Id.* District’s cut scores are the same as CDE’s. *Compare Exhibit J*, p. 5 with *CDE Exhibit 1*, p. 1.
59. For coursework, District requires completion (defined as a “passing grade”) of a designated number of credits in English, Social Studies, Mathematics, Science, Physical Education, Health, Fine Arts, Capstone, and Electives. *Exhibit J*, pp. 1-3. Students must also fulfill sub-credit requirements, such as taking 5 credits each of physics, chemistry, environmental science, and life science. *Id.* at p. 2. District policy<sup>4</sup> does not require students to earn a specific total number of credits, nor does it cap the number of elective credits a student can earn. *See id.*
60. School is an alternative education campus (“AEC”) that caps its enrollment at 100 students, thus offering a smaller student population and more one-on-one support than District’s comprehensive high schools. *Interviews with Principal and CAO*. Because of School’s AEC designation, School has more flexibility in class scheduling and allows students to choose between “standard” and “career and technical education” pathways. *Interview with CAO*. Students on the “standard” pathway are expected to graduate with a regular high school diploma. *Id.*; *see Exhibit O*.
61. School operates on a six-week-block schedule with six blocks per year. *Interviews with Principal and CAO*. Each block is divided into eight periods, where students generally take between five and six academic courses and two or three support-based courses. *Interview with Principal*; *see Exhibit H*, p. 19. Students earn 2.5 credits per course. *Interviews with Principal and CAO*; *see Exhibit H*, p. 18.
62. District’s graduation policy includes a carve-out for School to allow for flexibility given School’s AEC designation and block schedule:

“\*[Students at School] are required to complete approved coursework, including both academic and career pathway courses, and have their transcripts reviewed to ensure that they meet core academic standards and an appropriate breadth of topics in each subject area. Additionally, [students at School] will remain enrolled in math and language arts courses according to their postsecondary goals and at

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<sup>4</sup> District has since changed Policy IFK to require a minimum number of credits and additional coursework, but this change does not affect students who graduated in 2025. *Interview with CAO*.

least until a measure of academic readiness approved by the state and/or district is passed.”

*Exhibit J, p. 1.*

63. This provision functions as an exception to District’s coursework requirements and sub-requirements outlined in Policy IKF. *Interviews with CAO and Principal; see Exhibit J, pp. 2-3.* This provision was included to “ensure that people understood that students at [School] were expected to complete a rigorous and full depth and breadth of course work, even though they were not being asked to complete specific classes in core content areas [given School’s pathway options].” *Interview with Principal.*
64. Per this exception, students at School can complete a modified set of course requirements to graduate with a regular high school diploma. *Interviews with CAO and Principal; Exhibit C Recording, 1:47:00 – 1:53:00; Exhibit 12, at p. 1; see Exhibit O.* It is permissible for school graduation requirements to differ from district requirements, so long they are addressed by board policy and still align with Colorado graduation guidelines. *Consultation with CDE Specialist.*
65. School maintains a separate “Paths to Graduation” resource which outlines coursework requirements for School’s standard and career pathways. *Exhibit O; Interview with Principal.* To graduate under the standard pathway and receive a regular high school diploma, students at School must complete:
- 30 English credits\*
  - 30 Mathematics credits\*
  - 30 Social Studies credits, including World and US History, Geography, and must include 5 Civics credits
  - 30 Science credits, including Physical and Biological with lab
  - 5 Health credits
  - 30 Elective credits, [which] may include Pathway, ACE, Physical Education, Fine Arts, and World Language, but must cover at least 3 different subject areas
  - Past, Present, Future *Capstone* Project

*Exhibit O, p. 1 (emphasis in original).*

66. Notably, the asterisks for English and Math indicate that “course requirements in Math and English are met by demonstrating readiness on CDE[-]approved Measures of College and Career Readiness **and taking and passing at least 20 credits each in English and Math.**” *Exhibit O, p. 1 (emphasis in original).* Thus, students at School who have demonstrated readiness on one CWR and one Math measure only need to take 20, rather than 30, credits in English and Math respectively. *Id.; Interviews with Principal and CAO.*

67. For the capstone requirement, seniors at School must assemble a physical portfolio of work, including a: resume; cover letter; reflection; future plan; and research project or paper on a topic of their choosing. *Interviews with General Education Teacher and Principal*. The capstone culminates in a slideshow presentation where the presenting senior speaks to a group of staff and peers about their time in high school, self-discoveries, and future plans. *Id.*
68. All seniors at School take three courses that directly support completion of the capstone portfolio: (1) a capstone research paper class in Block 1, (2) a capstone completion class in Block 5, and (3) a “futures” course where students complete the resume, cover letter, reflection, and future plan components of the capstone portfolio. *Interview with General Education Teacher; see Exhibit H*, p. 18. Additionally, all seniors take a “CREW” advisory class, where advisors maintain visual checklists to track progress on capstone completion. *Id.* Some students also choose to take a cultural identities or science fair class to complete a capstone research project in lieu of a research paper. *Interview with Case Manager*.
69. School discusses this “Paths to Graduation” resource with all students and parents at intake, when students enroll at School. *Interview with Principal*. Students at School are all familiar with the document because they regularly discuss the requirements during advisory periods and School incorporates the requirements into individualized plans of study. *Id.; see Exhibit A*, pp. 17-18.
70. District provided Parent with this “Paths to Graduation” resource and used it to explain School’s credit requirements and Student’s progress on meeting such requirements multiple times, including at an in-person meeting in December 2024 and at the February 19, 2025 IEP meeting. *See Exhibit C Recording*, 0:04:00 – 0:06:00; 1:47:00 – 1:53:00; *Interviews with Principal and CAO; Exhibit K*, pp. 6-7; *Exhibit H*, pp. 17-18.

#### **F. Student’s Graduation and End of Services**

71. Parent’s concern is that Student should not have graduated with a regular high school diploma in May 2025 because of his low standardized test scores, credit shortfalls, and passing grades that did not reflect his academic struggles and sporadic attendance. *Reply*, pp. 3-4, 7-12; *Interview with Parent*. Specifically, Parent alleges that School inflated grades and completed Student’s capstone research paper for him to push him to graduation. *Reply*, pp. 7-8; *Complaint*, pp. 12-17; *Interview with Parent*.
72. Student wanted to graduate in May 2025 with a regular high school diploma. *Interviews with Parent, Case Manager, Principal, CAO and Social Worker*. Student’s IEP Team also projected that he would graduate with a regular high school diploma by May 2025. *Exhibit A*, p. 60. Staff did not doubt Student’s ability to graduate, but they recognized that he would need intrinsic motivation and would likely wait until the last moment to complete requirements. *Interviews with Principal, Case Manager, General Education Teacher, and Social Worker*.

Student’s College- and Career-Readiness Measures

73. On December 4, 2024, Student scored a 259 on the QAS Math Next-Generation Accuplacer test where the cut score was 230. *Exhibit F*, p. 1. Student’s score was the highest at School that year. *Exhibit A*, p. 3.
74. On February 21, 2025, Student scored a 245 on the Writing Next-Generation Accuplacer where the cut score was 236. *Exhibit F*, p. 3.
75. As such, the CDE finds that Student satisfied the graduation requirement of demonstrating college- and career-readiness by exceeding cut scores on one approved measure in CWR and one in Math by February 21, 2025. *See Exhibit F*, pp. 1-3; *Response*, p. 7. Because Student met the minimum scores on one Math and one CWR measure, Student did not also need a certain score on the SAT. *See Exhibit J*, pp. 5-7; *CDE Exhibit 1*.

Student’s Coursework

76. Since Student exceeded cut scores on the Accuplacer in CWR and Math, he could meet School’s English and Math credit requirements by taking and passing 20 credits—rather than 30—in those subjects. *See Exhibit O; Interviews with Principal, Case Manager, and CAO.*<sup>5</sup>
77. By May 2025, Student completed School’s coursework requirements:

<b>Subject</b>	<b>School Requirement</b>	<b>Credits Earned</b>	<b>Courses Passed to Satisfy Requirement</b>
English	20 credits	20	<ul style="list-style-type: none"> <li>• Literature (10 credits)</li> <li>• Research and Writing (10 credits)</li> </ul>
Math	20 credits	25	<ul style="list-style-type: none"> <li>• Algebra 1 (5 credits)</li> <li>• Math 1 (7.5 credits)</li> <li>• Math 2 (12.5 credits)</li> </ul>
Social Studies	30 credits, including World and US History, Geography, and 5 Civics Credits	30	<ul style="list-style-type: none"> <li>• Geography (7.5 credits)</li> <li>• World History (5 credits)</li> <li>• US History (7.5 credits)</li> <li>• Civics (5 credits)</li> <li>• Financial Literacy (2.5 credits for Social Studies Elective)</li> <li>• Psychology (2.5 credits for Social Studies Elective)</li> </ul>

<sup>5</sup> Parent’s concerns related to Student’s credit deficiencies assume that Student needed to complete coursework per District’s Policy IFK rather than School’s specific Paths to Graduation coursework requirements. *See Reply*, p. 8; *compare Exhibit J*, pp. 2-3 with *Exhibit O*.

Science	30 credits, including Physical and Biological with lab	30	<ul style="list-style-type: none"> <li>• Pre AP Biology with lab (5 credits)</li> <li>• Physical Science with lab (2.5 credits)</li> <li>• Integrated Science (2.5 credits)</li> <li>• Biology (7.5 credits)</li> <li>• Earth and Space Science (7.5 credits)</li> <li>• Chemistry (5 credits)</li> </ul>
Health	5 credits	5	<ul style="list-style-type: none"> <li>• Health (5 credits)</li> </ul>
Electives	30 credits, which may include ACE, Physical Education, Fine Arts, and World Language, but must cover at least 3 different subject areas	More than 30 <sup>6</sup>	<ul style="list-style-type: none"> <li>• Coding (5 credits)</li> <li>• Spanish I (5 credits)</li> <li>• Strength and Conditioning (15 credits)</li> <li>• Art I (2.5 credits)</li> <li>• Financial Literacy (2.5 credits)</li> </ul>
Capstone	Completion of portfolio and presentation	2.5	<ul style="list-style-type: none"> <li>• Capstone portfolio and presentation completed by May 22 (2.5 credits)</li> </ul>

See Exhibit O; Exhibit H, pp. 64-65; Interviews with Principal, Case Manager, and CAO.

78. Student’s transcript was automatically populated from District’s academic record-keeping system. *Interview with Principal*. Therefore, Student’s “credit summary” accurately captures his credit hours earned based on the type of credit fulfilled by a course. *Id.*; see Exhibit H, pp. 64-65. For instance, his credits in Financial Literacy (2.5) and Psychology (2.5) would automatically populate under the “Social Studies Elective” category because, per District, these classes fulfill that credit type. *Id.* Because he passed these courses, he earned 5 total credits in “Social Studies Elective.” *Id.* District staff cannot manipulate Student’s transcript. *Interview with Principal*.

79. For legislated course requirements, Student earned five Civics credits and completed Civics, World History, and US History, which included genocide and Holocaust content. *Exhibit H*, p. 64; *Interviews with Principal and CAO*.

80. Regarding Parent’s contention that School inflated Student’s passing grades, the CDE finds that the Record, including corroboration among witnesses and documents, demonstrates that Student earned the grades he received. See *Exhibit A*, pp. 6-7; *Exhibit H*, pp. 35-63; *Exhibit N*, pp. 9-54; *Interviews with Case Manager, Principal, General Education Teacher, CAO, and Social Worker*.

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<sup>6</sup> For electives credits, courses listed in the “Courses Passed to Satisfy Requirement” column of the table illustrate that Student met the electives requirement; however, because electives credits are not at-issue, this list is not exhaustive. See *Exhibit H*, pp. 63-65.

81. School meticulously tracked Student's progress on meeting coursework requirements over Student's two-year enrollment. *Interviews with Principal and CAO; see Exhibit C Recording, 1:47:00 – 1:53:00; Exhibit K, pp. 6-7, 11-15, 18-36.* For instance, on December 16, 2024, Principal and CAO met with Parent to address her concerns that Student was enrolled in non-credit-bearing courses. *Interview with Principal; Exhibit K, pp. 6-7, 11-14.* Principal provided an updated plan of study and explained how Student's plan aligned with his IEP and positioned him to graduate with a regular high school diploma by May 2025. *Interview with Principal; see Exhibit H, p. 17-18.*
82. At the February 19 IEP meeting, the IEP Team reiterated that Student needed to pass all classes in his last three blocks to earn a regular high school diploma. *Exhibit C Recording, 1:47:00 – 1:53:00; Exhibit A, pp. 15-16; Interviews with Principal and Case Manager.* While "it would be tight" and there was "no room for error," it was still "100-percent possible" for him to graduate with a regular high school diploma. *Interviews with Principal and Case Manager.*
83. On April 23, 2025, Principal updated Parent on Student's coursework progress and noted the outstanding items Student needed to complete to graduate: (1) complete and pass English, Geography, and Science, (2) resolve incomplete grades in Psychology and English; and (3), complete and present his capstone project. *Exhibit 9, p. 1.* School was "very happy to see [Student] engaging in and pushing to the finish during this block. He is close!" *Id.*
84. Student completed his required coursework in part because he was "highly motivated" to graduate with a regular high school diploma at the same time as his peers. *Interviews with Principal, Case Manager, General Education Teacher, CAO, and Social Worker.* Student wanted to establish independence and attend college, and he saw graduation as an avenue for that goal. *Interviews with Principal and Social Worker.*
85. Student's academic performance also improved markedly during his senior year because he benefited from School interventions, took advantage of resources, and attended School more frequently. *Interviews with Principal, Case Manager, CAO, and Social Worker.* Student did "all the things he needed to do to pass classes that he was not always doing in previous years." *Interview with Case Manager.* Per Student's general education teachers, Student was doing "extremely well," was "very self[-]directed and motivated," and was having "his best block by far" by February 2025. *Exhibit A, pp. 6-7.*
86. Progress reports, work samples, and notes from SLP sessions also show that Student earned his passing grades. *Exhibit H, pp. 20-29, 35-63; Exhibit N, pp. 9-54.* For instance, on April 16 and April 23, he advocated for shorter SLP sessions so that he "could complete homework and missing assignments" and indicated that he was "grinding away" to complete assignments. *Exhibit N, p. 53.* On May 14, Student reported to SLP that he was confident he could "complete the assignments he has left." *Id.* at p. 54. His work samples from between February and May 2025 show that he earned A grades on final exams, wrote multi-paragraph essays, and completed short-answer assignments. *Id.* at pp. 9-39. He also met or made

progress toward all IEP goals, thus addressing his areas of improvement and improving his likelihood of graduation. *Exhibit H*, pp. 20-29.

87. As such, the CDE finds that Student satisfied the coursework required to graduate School with a regular high school diploma.

### *Student's Capstone Portfolio*

88. Student submitted his final capstone portfolio as a physical binder on May 22, 2025: the day before graduation. *Interviews with Principal and Case Manager; Exhibit 11*, p. 1; *see Exhibit S*. Given his procrastination tendencies, School expected him to complete this graduation requirement at the last minute and only when motivated by an urgent deadline. *Interviews with Principal, Case Manager, General Education Teacher, and Social Worker; see Exhibit N*, p. 54.

89. Student's capstone portfolio included all required components: a research paper; resume; entrance essay; reflection; future plan; and, personal statement. *See Exhibit S*.

90. Student presented his capstone to a group of staff and students on May 2, 2025. *Interviews with Case Manager and General Education Teacher; Exhibit N*, p. 54; *Exhibit 5*, p. 2. He had not yet completed his capstone portfolio, but he was still able to present because the presentation component did not rely on the research paper. *Interview with Case Manager*.

91. Student wrote his capstone research paper on "What Makes a Good Photographer Compared to a Normal One," and his essay met the standard of "80% or above" on School's writing rubric. *Exhibit H*, pp. 24-25.

92. Parent alleges that School completed Student's capstone research paper for him, including the research and citations. *Reply*, pp. 8, 14; *Interview with Parent*. Student reports that, while he sat on a couch on his phone, General Education Teacher and Case Manager wrote his paper for him and "put words in his mouth." *Interview with Parent*.

93. Student did not pass his Block 1 Research and Writing class—designed to support all students in completing the capstone paper—because he did not complete his capstone paper during that block. *Interviews with General Education Teacher and Case Manager; see Exhibit H*, p. 64. Since Student did not complete his paper during the designated capstone writing class, Student instead worked on the paper in Blocks 4, 5, and 6. *Interviews with Case Manager and General Education Teacher*. School used the capstone paper to target Student's IEP writing goals. *Interview with Case Manager; see Exhibit A*, p. 19. As such, he worked one-on-one with General Education Teacher and Case Manager on research strategies, organization, grammar, and punctuation for his capstone paper. *Id.*

94. General Education Teacher maintains that Student completed the paper himself. *Interview with General Education Teacher*. General Education Teacher provided side-by-side editing and proofreading to Student and Student would accept or reject those edits. *Id.* Because "the

whole point of the capstone research paper is for [students] to show they have the capacity to be in the world and to graduate,” writing a paper for a student would “take away the whole value in the assignment” and “the whole victory of the graduation.” *Id.*

95. Case Manager also asserts that Student completed the paper himself and that she did not write any portion of his paper. *Interview with Case Manager*. Case Manager provided Student a couple of articles on photography to model the process of finding and capturing information from sources. *Interview with Case Manager*. Student then found articles himself and summarized his own sources using her model. *Id.* Case Manager also proofread Student’s paper and provided feedback on grammar given his IEP goal related to punctuation and grammatical errors. *Id.*; see *Exhibit A*, p. 19; *Exhibit R.7*, p. 1. Case Manager emphasized that the capstone paper requires students to reflect on the research process and assess how their thinking on a subject has changed; as such, it is a personal paper that does not lend itself to forgery. *Interview with Case Manager*.
96. Student’s progress reports and draft documents also reflect that he completed the capstone research paper himself, albeit in a compressed timeframe. See *Exhibit H*, pp. 24-25, 32-34; *Exhibit R.1-R.7*; *Interviews with Social Worker, Case Manager, and General Education Teacher*.
97. On January 17, 2025, Student expressed to Principal and Social Worker that he wanted to start working on his completing his capstone. *Exhibit H*, p. 32. On January 21, 2025, Student completed a “Personal Essay Survey,” decided on photography as a topic, and created an outline with General Education Teacher to “chunk” his paper into manageable pieces. *Id.* at pp. 32, 34. Around March 17, 2025, Student planned to “get started soon” on his research paper, borrowed General Education Teacher’s camera case so he could take pictures, and reviewed his paper outline. *Id.* at p. 34. By April 17, 2025, Student “finished the first step” of the writing process and “was making progress” but “still ha[d] much to do on his paper.” *Id.* at pp. 23-24; *Interview with General Education Teacher*; see *Exhibit A*, p. 7.
98. Student turned in a complete draft to Case Manager on May 19, 2025. *Exhibit R.1*, p. 2; *Interview with Case Manager*. Case Manager responded that his paper had “great ideas” but would need “some editing, including adding punctuation . . . to bring this up to a passing [score].” *Exhibit R.1*, p. 1. In response to this feedback and with editing support from Case Manager and General Education Teacher, Student revised his draft five additional times between May 19 and May 22, 2025. *Exhibit R.1-R.7*. By the end of this drafting process, he completed a polished paper that he incorporated into his capstone portfolio. *Interviews with General Education Teacher and Case Manager*; see *Exhibit R.6*; *Exhibit H*, pp. 24-25; *Exhibit S*.
99. Based on the evidence in the Record—including the corroboration among District witnesses, Student’s demonstrated tendency to procrastinate but produce satisfactory work, and Student’s drafts—the CDE finds District witnesses credible on the issue of whether Student completed his capstone paper himself. See *Interviews with Principal, Case Manager, General Education Teacher, and Social Worker*; *Exhibit H*, pp. 24-25, 32-34; *Exhibit R.1-R.7*.

Accordingly, the CDE finds and concludes that Student satisfied the capstone graduation requirement. *See Exhibit S.*

### Student's Regular High School Diploma

100. School issued Prior Written Notice ("PWN") to Parent and Student stating that he would be graduating with a regular diploma on May 23, 2025 because he had met graduation requirements established by District's school board. *Exhibit G*, p. 1. The PWN explained that his graduation with a regular diploma would "permanently end" his entitlement to FAPE and special education and related services. *Id.* It also stated that the IEP Team had considered enrolling him in District's 18-21 transition program, but it rejected this option given that he was already connected to DVR's adult services program and wanted to enroll in college. *Id.*
101. On May 23, 2025, School issued Student a regular high school diploma. *Response*, p. 7; *Exhibit H*, p. 64; *Exhibit G*, p. 1. Upon graduation with a regular high school diploma, Student no longer qualified for District special education services. *Exhibit G*, p. 1; *Interviews with Principal, Case Manager, and CAO.*
102. That same day, Parent emailed Principal and Case Manager to express concern that Student's graduation with a regular diploma was "premature and inappropriate" and requested compensatory transition services, placement in a program for 18-21-year-olds, or "reversal of the graduation decision." *Exhibit K*, pp. 75-77; *Response*, p. 7. Principal and CAO responded to Parent and reiterated that Student had met or exceeded graduation requirements. *Exhibit 11*, pp. 1-2.
103. School issued another PWN dated June 6, 2025 explaining its decision to refuse Parent's request to revoke Student's diploma or enroll him in an 18-21-year-old transition program. *Exhibit G*, p. 4. School considered these options but decided against them because Student had: completed state and district requirements for graduation; scored proficiently on math and writing assessments; advocated to live independently and attend college; and, been set up with community resources, such as DVR, to support his goal of attending college. *Id.*
104. While Student benefited from support and structure, enrollment in an 18-21-year-old transition program would not have been appropriate given his stated desires to graduate from high school with a regular diploma, live independently, and attend college. *Interviews with Director, Principal, Case Manager, and Social Worker; Consultation with CDE Specialist.*

### CONCLUSIONS OF LAW

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

**Conclusion to Allegation No. 1: District developed an IEP that was tailored to meet Student’s individualized needs from November 23, 2024 to present, as required by 34 C.F.R. § 300.320(b) and ECEA Rule 2.52 and 4.03(6). District complied with the law.**

Parent’s concerns are that Student’s 2025 IEP did not contain appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, employment, and independent living skills, and did not include the transition services necessary to assist Student in reaching his post-secondary goals. (FF #s 21, 35.)

**A. Legal Standard for IEP Development**

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)). The IDEA requires districts to offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. *Andrew F.*, 137 S. Ct. at 999.

An analysis of the adequacy of an IEP begins with the two-prong standard established by the United States Supreme Court in *Board of Education v. Rowley*, 458 U.S. 176 (1982). The first prong determines whether the IEP development process complied with the IDEA’s procedures; the second prong considers whether the IEP was reasonably calculated to enable the child to receive an educational benefit. *Id.* at 207. If the answer to the question under each prong is yes, then the IEP is appropriate under the law. *Id.* Taken together, these two prongs assess whether an IEP is procedurally and substantively sound. *Id.*

**B. Development of the 2025 IEP**

Parent’s allegation does not concern the IEP development process under the first prong, so the CDE turns directly to consider the second prong of whether the 2025 IEP was substantively adequate. *Rowley*, 458 U.S. at 207.

**C. Substantive Adequacy of the 2025 IEP**

Beginning with the first IEP developed at age 15, but no later than the end of ninth grade, an IEP is required to include a transition plan. ECEA Rule 4.03(6)(d). Such plan must identify “appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills,” as well as the transition services, including a course of study, the student needs to reach those goals. *Id.*; see also 34 C.F.R. § 300.320(b). As defined in the IDEA, “transition services” refers to:

- (a) A coordinated set of activities for a child with a disability that—

- (1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- (2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes: instruction, related services, community experiences, the development of employment and other post-school adult living objectives; and, if appropriate, acquisition of daily skills and provision of a functional vocational evaluation.

34 C.F.R. § 300.43(a); *see also* ECEA Rule 2.52.

A student's individual needs inform the development of the student's annual goals and transition plan. 34 C.F.R. § 300.320(a)(2). However, neither the ECEA nor the IDEA require development of an independent living skills goal. ECEA Rule 4.03(6)(d) and 34 C.F.R. § 300.320(b). Instead, an independent living skills goal is discretionary and only required "where appropriate." *Id.* While IDEA does not specifically require reporting on student progress on transition goals, OSEP anticipates "a relationship between the academic and functional goals of a transition-aged student and that student's postsecondary goals." *Letter to Pugh*, 69 IDELR 135 (OSEP 2017).

Here, the 2025 IEP contained four post-school transition goals: one education/training goal, one career employment goal, and two independent living skills goals. (FF # 36.) The education and career goals focused on Student attending college to work as a photographer. (*Id.*) The independent living goals emphasized that Student would direct his own supports, such as paying his own bills and accessing community services, to live independently in college. (*Id.*) All goals were results-oriented and developed based on appropriate transition assessments. (FF #s 36-42.) Through transition assessments—as well as a holistic review of Student's performance and input from staff, Student, and Parent—School identified Student's individual needs, strengths, preferences, and interests to develop appropriate goals. (FF #s 37-42.) All goals are specific, measurable, attainable, and forward-looking, as recommended by CDE guidance and consistent with the IDEA and ECEA Rules. (FF #s 36-42.)

To support Student meeting his post-secondary goals, District provided at least 55 minutes a week of direct special education support related to transition goals (FF # 50.) Moreover, District ensured that all service providers worked with Student on transition goals. (FF # 44.) Indeed, District was to provide direct instruction in writing, advocacy, executive functioning, financial literacy, and speech language. (*Id.*) District would also provide support in career, employment, and adult living objectives from Case Manager, general education teachers, Nonprofit BCBA, and DVR. (*Id.*) Such support included, for example, career assessments, college tours, help with college enrollment paperwork, and behavioral training related to travel, time management, and

executive functioning. (*Id.*) District also agreed to provide community experiences, such as recreational activities, community exploration, and work with DVR Counselor on disability self-disclosure (*Id.*) District also connected Student to DVR for job coaching and transition services and Nonprofit for behavioral support. (*Id.*) District included a course of study within Student’s transition plan which listed the specific course credits that Student needed to graduate (FF # 43.) Finally, Student’s annual goals—which he either met or made progress toward—each corresponded with his post-school goals and course of study. (FF #s 43, 45-49, 86)

For these reasons, the CDE finds and concludes that the 2025 IEP contained appropriate post-secondary goals and the transition services necessary for Student to reach those goals, as required by 34 C.F.R. § 300.320(b) and ECEA Rules 2.52 and 4.03(6).

**Conclusion to Allegation No. 2: District properly ended Student’s special education services after the 2024-2025 school year by awarding Student a regular high school diploma in May 2025, consistent with 34 C.F.R. §§ 300.101 and 102 and ECEA Rule 5.01(1)(b)(iii). District complied with the law.**

Parent’s concern is that District awarded Student a regular high school diploma to exit him from special education services, despite Student not meeting the requirements for such a diploma. (FF #s 16, 19, 35, 71.)

IDEA does not establish graduation requirements. *See, e.g., Letter to Richards*, 17 IDELR 288 (OSERS 1990). Instead, under the IDEA, students who meet state and/or local graduation requirements and receive a regular high school diploma no longer qualify for special education services. *Id.* As a general matter, students are eligible for a FAPE between the ages of 3 and 21. 34 C.F.R. § 300.101(a). However, a student’s right to FAPE ends if the student either: (1) reaches age 21, or (2) graduates “from high school with a regular high school diploma.” 34 C.F.R. §§ 300.101(a), 300.102(a)(3)(i); *see also* ECEA Rule 5.01(1)(b)(iii). A “regular high school diploma” means:

the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the [Every Student Succeeds Act (“ESSA”)]. A regular high school diploma does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

34 C.F.R. § 300.102(a)(3)(iv).

Thus, under the IDEA, “FAPE ends once a [regular high school] diploma has been received by the student.” CDE, *Secondary Transition: Transition Services for 18-21 Year Olds* at p. 1 (October 2022), available [https://www.cde.state.co.us/cdesped/ta\\_transitionservices18-21-0](https://www.cde.state.co.us/cdesped/ta_transitionservices18-21-0); *see* 34 C.F.R. §§ 300.101(a), 300.102(a)(3)(i); *Letter to Richards*, 17 IDELR 288 (OSERS 1990). Once a

student accepts a regular high school diploma, they also no longer qualify for 18-21 transition services. *Id.* Per CDE Guidance, a student who meets minimum graduation requirements but has ongoing transition needs can participate in a “social graduation” but cannot accept a high school diploma and still receive 18-21 services. *Id.* Social graduations allow a student to participate in graduation ceremonies with peers, but, in these scenarios, the district does not grant the official high school diploma until after the student exits from 18-21 services. *Id.*

Here, to graduate from School with a regular high school diploma in May 2025, Student needed to: (1) achieve minimum scores on one approved measure of college- and career-readiness in RWC and one in Math, and (2) complete coursework requirements, including a capstone portfolio. (FF #s 53-54, 56, 58-67.) As alluded to in District’s graduation policy, School maintains separate coursework requirements given its AEC designation. (FF #s 59-66.) Still, School’s graduation requirements are consistent with Colorado graduation guidelines and result in the award of a regular high school diploma. (FF # 64.)

Student completed all School graduation requirements by May 22, 2025. (FF # 73-99.) As such, District awarded Student a regular high school diploma on May 23, 2025 (FF # 101.) Student’s graduation with a regular high school diploma was consistent with his post-secondary and annual IEP goals, plan of study, and transition services, which emphasized Student’s desire to graduate, live independently, and attend community college and identified the services necessary to support Student in progressing toward these goals. (FF #s 27, 36-50, 72). The Record also reflects that Student earned the passing grades he received. (FF #s 76-78, 80-87). While Student received support consistent with his IEP to finish his capstone research paper, the Record demonstrates that Student completed capstone requirements without improper assistance from teachers. (FF #s 88-99.) District considered whether Student could benefit from 18-21 transition services, but it appropriately rejected this option given Student’s strong desire to graduate with his peers, attend college, and live independently. (FF #s 76, 100-104.) Because Student received his regular high school diploma on May 23, 2025, he is no longer eligible for FAPE and District has no obligation to provide Student continued special education services. (FF # 101.)

The CDE thus finds and concludes that School properly ended Student’s services after he earned a regular high school diploma on May 23, 2025, consistent with 34 C.F.R. §§ 300.101 and 300.102 and ECEA Rule 5.01(1)(b)(iii).

### **REMEDIES**

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

### **CONCLUSION**

The Decision of the CDE is final and is not subject to appeal. *CDE’s State Complaint Procedures*, Section E, ¶ 2. If either party disagrees with this Decision, the filing of a Due Process Complaint is available as a remedy provided that the aggrieved party has the right to file a Due Process

Complaint on the issue with which the party disagrees. *Id.*; see also 34 C.F.R. § 300.507(a); 71 Fed. Reg. 156, 46607 (August 14, 2006). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer (“SCO”).

Dated this 10th day of October, 2025.

A handwritten signature in blue ink that reads "Elizabeth Stonehill". The signature is written in a cursive style and is centered on the page.

Elizabeth “EP” Stonehill  
State Complaints Officer

## APPENDIX

### **Complaint, pages 1-42**

- Exhibit 1: Communications, IEPs, Report Cards, Progress Reports

### **Response, pages 1-11**

- Exhibit A: IEPs
- Exhibit B: BIPs
- Exhibit C: Documentation from IEP meetings
- Exhibit C Recording: Recording of February 19, 2025 IEP Meeting
- Exhibit D: N/A
- Exhibit E: Other meeting documentation
- Exhibit F: Recent evaluations
- Exhibit G: PWNs
- Exhibit H: Schedule, grade reports, attendance, transcript, diplomas, credit reports
- Exhibit I: District calendar
- Exhibit J: District policies
- Exhibit K: Correspondence
- Exhibit L: Contact information
- Exhibit N: Settlement Agreement, student work samples
- Exhibit O: School Pathways to Graduation
- Exhibit P: Special Education Handbook
- Exhibit Q: Transition interview template
- Exhibit R: Capstone drafts
- Exhibit S: Student's Capstone Portfolio

### **Reply, pages 1-13**

- Exhibit 2: SAT scores
- Exhibit 3: Due Process Decision
- Exhibit 4: Report Cards
- Exhibit 5: Block 5 summary documents
- Exhibit 6: Communications
- Exhibit 7: Schoology reports
- Exhibit 8: Tutorial Log and Spreadsheet
- Exhibit 9: Communications re: Block 6
- Exhibit 10: Communications re: grades
- Exhibit 11: Communications re: Summary of Performance
- Exhibit 12: District graduation requirements handout
- Exhibit 13: Additional documentation
- Exhibit 14: Sept. 26, 2025 email reply

- Exhibit 15: Transition plan concerns

### **CDE Exhibits**

- CDE Exhibit 1: Graduation Menu
- CDE Exhibit 2: Graduation Guidelines FAQs
- CDE Exhibit 3: Secondary Transition Assessment Finder
- CDE Exhibit 4: Writing Quality Secondary Transition IEPs
- CDE Exhibit 5: Sequencing of Services Framework

### **Telephone Interviews**

- Principal: September 16, 2025
- Case Manager: September 16, 2025; September 23, 2025
- CAO: September 16, 2025
- Director: September 16, 2025
- General Education Teacher: September 23, 2025
- School Social Worker: September 24, 2025
- CDE Specialist: September 15, 2025; September 22, 2025
- Parent: September 19, 2025