

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

State Complaint SC2025-623
Mesa County Valley School District 51

DECISION

INTRODUCTION

On October 28, 2025, the parent (“Parent”) of a student (“Student”) identified as a child with a disability under the Individuals with Disabilities Education Act (“IDEA”)¹ filed a state complaint (“Complaint”) against Mesa County Valley School District 51 (“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 October 28, 2024. Information prior to October 28, 2024 may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT ALLEGATIONS

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

1. District did not develop, review and revise an IEP that was tailored to meet Student’s individualized needs from April 17, 2025 to present because it:

¹ The IDEA is codified at 20 U.S.C. § 1400 *et seq.* The corresponding IDEA regulations are found at 34 C.F.R. § 300.1 *et seq.* The Exceptional Children’s Education Act (“ECEA”) governs IDEA implementation in Colorado.

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

- a. Did not consider the academic, developmental, and functional needs of Student—specifically with respect to activities of daily living (“ADL”), as required by 34 C.F.R. § 300.324(a)(1)(iv).
 - b. Did not document Student’s present levels of academic achievement, including how his disability affects his involvement and progress in the general education curriculum, as required by 34 C.F.R. § 300.320(a)(1).
 - c. Did not develop 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)(1).
 - d. Did not include a statement of the special education and related services and supplementary aids and services to be provided to Student, to enable Student to advance appropriately toward attaining annual goals, make progress in the general education curriculum and participate in extracurricular and other nonacademic activities, as required by 34 C.F.R. § 300.320(a)(4), specifically:
 - i. Occupational therapy for ADLs;
 - ii. Special education instruction in math and writing; and
 - iii. Support for student council as a nonacademic activity.
 - e. Did not consider Student’s need for assistive technology devices—specifically for math—as well as services to support use of those devices, as required by 34 C.F.R. §§ 300.5, 300.6 and 300.324(a)(2)(v).
2. Did not have Parent’s agreement to amend Student’s IEP outside of an IEP team meeting on or around September 3, 2025, as required by 34 C.F.R. § 300.324(a)(4), (6).

FINDINGS OF FACT

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

A. Background

1. Student is 15 years old and, during the 2024-2025 school year, was in ninth grade at a District high school (“School”). *Exhibit A*, p. 1. Student is eligible as a child with an other health impairment and an autism spectrum disorder. *Id.*

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

2. Student is hardworking and social and wants to work in hotel management. *Interviews with Parent and student's prior and current special education teachers and case managers ("Case Manager 1" and "Case Manager 2").*
3. He is very committed to earning good grades, but this can become a challenge when he fixates on grades or an incomplete or incorrect assignment. *Interviews with Parent and Case Manager 2.* Student also has physical limitations, such as illegible handwriting and reliance on one hand for typing. *Interview with Parent and Case Manager 1.*

B. District Policies, Procedures and Practices

4. District trains special education staff every fall before school starts and has ongoing trainings one Friday per month. *Interview with District's special education compliance consultant ("Consultant").* The trainings are tailored to any observed needs. *Id.* District also has a procedural guidance manual for staff as well as a guide to walk staff through how to complete IEPs in their data management system. *Id.*
5. Staff are trained to gather a body of evidence including evaluations, state testing and teacher observations to develop IEPs. *Interviews with Consultant and District's special education coordinator ("Coordinator").* This body of evidence is used to determine both the student's eligibility as well as the impacted areas where accommodations, modifications and/or services are required. *Id.* This includes anything that limits the student's access to their education or prevents them from making progress, including physical limitations or other functional needs. *Id.* The student needs and impact of disability ("SNID") statement comes from that body of evidence and should focus on how the identified disability is impacting their access. *Id.*
6. District emphasized transition planning during their training this fall. *Interview with Coordinator.* Transition planning should start when the student is 14 or 15. *Interview with Consultant.* Teachers can administer transition inventories to identify interests. *Id.* They are advised to utilize a two-pronged approach, relying on both formal inventories and informal interviews with the student and their parents. *Interview with Coordinator.* Once the student's goal is identified, the IEP team should identify the skills they need to reach that goal and write the goals around them. *Interviews with Coordinator and Consultant.* Parent input on the transition plan, especially for younger students, is generally gathered at the IEP team meeting. *Interview with Consultant.*
7. Transition planning should include identifying applicable independent living skills so the IEP team can start identifying other services necessary to support independence if needed. *Id.* They are generally looking at whether there is a significant gap between what the student can do and what their peers can do. *Interview with Coordinator.* An independent living skills goal may be appropriate if the body of evidence shows difficulties with adaptive skills like using the bathroom, cooking/eating, transportation or shopping. *Interviews with Consultant and Coordinator.*

8. Service delivery statements (“SDS”) are developed based on the needs identified in the SNID statement. *Interview with Consultant*. The type and intensity of services depends on the severity of the need as well as prior progress and what can be addressed through accommodations. *Id.* District strives to have the whole continuum of services available at every school. *Id.* Staff are trained to adjust if a student’s needs do not fit into the scheduled offerings. *Id.*
9. Occupational therapy services at the high school address sensory needs, fine motor skills and self-regulation. *Interview with District’s occupational therapist (“District OT”)*. Students often move from direct to indirect services as they get older and master the skills they have been working on. *Id.*
10. IEP teams should consider the student’s access to extracurriculars when developing the SDS. *Interviews with Consultant and Coordinator*. District has been training on this recently, including at the end of the 2024-2025 school year, because it can be complicated. *Interview with Consultant*. They do not guarantee every student will have the opportunity to play on a sports team but they do provide varying levels of support to ensure they can participate in extracurricular activities as well as field trips and classes that go off campus. *Id.* Available supports include practicing with the student before the activity, having additional conversations with staff to ensure awareness of the student’s needs or providing additional adult support for the activity. *Interview with Coordinator*.
11. If there is a suspicion that a student requires assistive technology (“AT”) beyond the low-tech options provided by occupational therapists (“OT”) and speech and language pathologists (“SLP”), referrals can be made by parents, teachers or school teams for a statewide assistive technology augmentative and alternative communication (“SWAAAC”) evaluation. *Interviews with Consultant and District’s SWAAAC coordinator (“SWAAAC Coordinator”)*. Once consent is received, an assessment team—an OT, SLP and AT technician—gathers student, teacher and parent input to identify recommendations. *Id.*
12. The assessment team will bring several tools to trial with the student as part of the evaluation. *Interview with SWAAAC Consultant*. SWAAAC evaluations focus on oral communication and written communication, which includes all written output including in math. *Id.* They have several programs to consider for math access on Chromebooks and iPads. *Id.* IEPs generally describe the type of program required—e.g. speech to text or word prediction—while the exact program is identified outside of the IEP team meeting. *Interview with Coordinator*. This is an ongoing process and the SWAAAC team will return to trial different programs and problem-solve if something is not working. *Id.*

C. 2023 Evaluation

13. District’s most recent evaluation was completed in May 2023 (“Evaluation”). *Exhibit B*, p. 1. The Evaluation included a formal cognitive assessment which found that Student had average verbal comprehension skills, low average working memory and extremely low visual spatial,

fluid reasoning and processing speed. *Id.* at pp. 10-12. Visual spatial skills “are important in helping us think abstractly, visualize verbal information, and recognize how details are related to big picture ideas.” *Id.* at p. 11. Thus, weakness in this area impacts basic skills like letter formation and complex skills like “reading comprehension, math (e.g. estimation, geometry, trigonometry, calculus), and social skills.” *Id.* Fluid reasoning, another weakness for Student, is the ability to “apply logic and reasoning to a new situation.” *Id.* at p. 12.

14. The Evaluation also included the Adaptive Behavior Assessment System, which gathered information about Student’s adaptive skills from Parent and a teacher. *Id.* at pp. 22-23. Both raters indicated significant concerns about Student’s adaptive skills, especially “practical skills” or the ability to “take care of home, work, and classroom settings, address personal and health needs, and function within a community.” *Id.* at p. 23.
15. On a test of visual-motor integration Student could copy only vertical, horizontal and diagonal lines and a circle, so he did not earn a standard score. *Id.* at p. 27. He also scored in the very low range in the section requiring him to find matching forms. *Id.* On another test of fine motor control and manual coordination, Student exhibited skills in the four- to five-year-old age range. *Id.* at pp. 27-28.
16. Student’s teacher at the time reported moderate sensory difficulties in many areas, while Parent reported moderate to severe difficulties. *Id.* at p. 28-29. Consistent responses included that Student tended to walk into objects or people, spill or drop objects, and speak too loudly or quietly. *Id.* Formal gross motor testing indicated abilities consistent with a three- or four-year-old, with a few relative strengths consistent with a five-year-old. *Id.* at pp. 29-30.

D. 2025 IEP

17. Student’s IEP (“2025 IEP”) was developed across three IEP team meetings in March and April 2025. *Exhibit A*, p. 22. Members of the IEP team included Parent, Student, District OT, Coordinator, Case Manager 1 and Case Manager 2. *Exhibit C*, pp. 9, 16.

Present Levels of Academic Achievement and Functional Performance

18. The present levels section of the 2025 IEP reviewed Student’s grades and feedback from several teachers. *Exhibit A*, p. 4. Student was earning As in his classes, except his ELA classes, where he was earning Bs. *Id.* General education teachers noted that Student was an active participant in class, asking clarifying questions as needed. *Id.* He enjoyed interacting with peers but could be disruptive at times. *Id.* Case Manager 2 noted that he had some difficulty showing work and demonstrating what he knew in math class. *Id.*
19. On District’s standardized tests, Student scored at the 10th percentile in math, which was a drop from his two prior scores. *Id.* at p. 5. He scored in the 41st percentile in reading, which was an improvement on his prior scores. *Id.* The IEP noted that if his next score was as high, the IEP team should discuss whether he still required a special education reading class. *Id.*

20. Student met his prior reading and math goals. *Id.* Student was writing only single paragraphs, not three paragraph responses and the IEP noted he would need to use speech to text to increase the length and depth of his writing. *Id.* He met his adapted physical education goal and made progress on his speech goals. *Id.* at p. 6. He did not have an occupational therapy goal. *Exhibit 1*, pp. 25-28. District OT noted that Student was “proficient when using his assistive technology while writing” and he used “technology to complete and turn in his class assignments.” *Exhibit A*, p. 6. She recommended that he continue receiving “occupational therapy to support his writing goal through the use of assistive technology.” *Id.*
21. Parent’s concern is that the IEP team did not consider Student’s functional needs or difficulties with activities of daily living when developing the 2025 IEP. *Interview with Parent.* The IEP team did not talk much about Student’s functional needs. *Interview with Coordinator, Case Manager 1 and District OT.* There is no mention of the Evaluation or Student’s limited adaptive skills in the 2025 IEP. *Exhibit A*, pp. 3-8.
22. Student had a locker with an adaptive key and left classes early but was mostly navigating the building independently. *Id.* Initially Student needed a paraprofessional to help him find the bus at the end of the day. *Interview with Case Manager 2.* According to the meeting minutes, the 2025 IEP team discussed a plan to help fade that support, but neither the need for that support nor the plan to fade it is included in the 2025 IEP. *Exhibit A*, p. 1-22. By the end of the year, Student was going to the bus independently. *Interview with Case Manager 2.*
23. At one point during the 2024-2025 school year, Student was having trouble serving himself lunch, so District OT worked with him on tongs usage during some sessions. *Interview with District OT.* Student mentioned during the meeting that he got help opening his milk cartons “by talking to people” and advocated that “he still need[ed] some support moving through the hallway.” *Exhibit A*, p. 10. During the fall of 2024, Case Manager 1 and her son took Student off campus for lunch to see how he navigated in the community because he was not comfortable leaving campus. *Interviews with Parent and Case Manager 1.* Student struggled to navigate corners because he was not aware of his surroundings. *Interview with Case Manager 1.* He also needed to work on understanding things like how to use crosswalk buttons. *Id.* Navigating the community was a challenge for Student, and it was Case Manager 1’s understanding that Parent was going to work with him on those skills. *Id.* The IEP team did not discuss these concerns. *Interviews with Parent, Case Manager 1 and Coordinator.*

Student Needs and Impact of Disability

24. The SNID statement included his areas of eligibility and a list of his accommodations. *Id.* at p. 9. It also included a health summary noting his diagnoses and prior health procedures. *Id.* The listed diagnoses included agenesis of the corpus callosum (“ACC”), but the SNID did not describe how that or any other health conditions impacted his access to education. *Id.* The health summary noted that Student “has difficulty recognizing dangerous situations” and “needs monitoring for his personal safety, especially during transitions.” *Id.* Student had a health plan to help him “develop independence and self-advocacy” to address hydration and

toileting. *Id.* Finally, the SNID statement included that he required specialized instruction to address gross motor skill deficits and “occupational therapy services to support his writing goal through the use of assistive technology, graphic organizers.” *Id.* The SNID statement does not fully capture his need for direct instruction in academics. *Interview with Coordinator.*

25. Parent’s concern is that the SNID statement in the 2025 IEP does not adequately describe Student’s needs, as compared to the SNID statement in his prior IEP (“2024 IEP”). *Interview with Parent.* The SNID statement in the 2024 IEP included additional information about how Student’s areas of eligibility impacted his access, including difficulty generalizing across settings, limited endurance, and benefiting from rephrasing and reminders to focus. *Id.* It also explained that Student has ACC, a congenital birth defect where the corpus callosum which “is a band of tissue connecting the left and right sides of the brain” “does not develop normally.” *Exhibit 1*, p. 20. For Student, this resulted in “motor coordination problems, learning challenges, and autism traits.” *Id.*
26. Student had a “unique cognitive profile with average level verbal comprehension, low average working memory, and significantly impaired processing speed, fluid reasoning, and visual-spatial abilities.” *Id.* The 2024 SNID further stated that Student’s “fine motor deficit also impact[ed] his activities of daily living and his ability to produce writing.” None of that information is included in the 2025 IEP and there is no mention of sensory concerns or fine motor deficits. *Exhibit A*, pp. 1-22.
27. Parent believed Student was doing well but wondered about a need for additional adult support in some programs. *Id.* at p. 10. She also noted that he was having issues keeping his pants up “related to a health concern” as well as sensory challenges. *Id.*; *Exhibit 1*, pp. 10-16. Student was having trouble keeping his pants up throughout the day, and they completely fell at least once. *Exhibit 1*, pp. 10-16. Parents were trying to find solutions and working with a private OT, but it continued to be a struggle. *Id.* The IEP team discussed adding a toggle to the drawstring on Student’s pants to help him tighten them and having him wear longer shirts. *Interview with District OT.* Overall, however, District OT believed this was an issue best addressed by Parents and it is not discussed in the IEP. *Id.*; *Exhibit A*, pp. 1-20.
28. While parents are responsible for purchasing clothing, sensory issues related to clothing can impact a student’s access to their education. *Interview with CDE Content Specialist 1.* A student whose clothing feels too constricting may be unable to focus on lessons. *Id.* They also must keep clothing on while in the school building. *Id.* If clothing is impacting a student’s access to their education, the IEP team may need to address the root cause, such as seeking to reduce sensory sensitivity or identify more functional alternatives. *Id.*

Annual Goals and Accommodations

29. The 2025 IEP included goals in the areas of reading, writing, math, adapted PE, and speech. *Id.* at pp. 13-15. Student also required AT including speech recognition software, text to

speech and speech to text word processing software, word prediction software and technology to “capture and create editable documents.” *Id.* at p. 11.

30. The 2025 IEP listed 25 accommodations, including: (1) a top locker with an adaptive key in an “easy access area of the school”; (2) leaving classes early “for safety and time to transition/use of locker”; (3) “[a]daptive tools in all courses to address weakness/motor skill deficits which may include items such as adaptive culinary tools”; (4) “extra time (up to 10 seconds) to process and respond” to verbal information and “time and opportunity to verbally process his thinking/answers” due to ACC; (5) “[a]lternative methods to allow him to show what he knows (oral, scribe, technology, images)”; and (6) “[a]ccess to math apps to improve the visual-spatial organization when completing math problems.” *Id.* at pp. 15-16. AT has come a long way but does not always exist to meet every need. *Interview with CDE Content Specialist 1.* In those cases, the IEP team may need to rely on other options like a scribe or an adaptive keyboard. *Id.*
31. During the 2024-2025 school year, he was using SnapType to complete his math assignments. *Interviews with Parent and Case Manager 2.* During the meetings, Parent asked about other programs to support him with writing down answers as he transitioned to algebra. *Interviews with Parent and Case Manager 1.* Parent suggested ModMath as a possible option and District agreed to look into it. *Interviews with Parent, Case Manager 1 and District OT.*

Post-Secondary Transition Plan

32. For the transition plan, Case Manager 1 administered the Transitional Planning Inventory (“TPI”). *Id.* at p. 7. She did not complete formal parent or teacher interviews, but had ongoing discussions with Parent about Student’s transition plans. *Id.*; *Interview with Case Manager 1.* The TPI consists of three sections: student, parent, and a teacher. *Interview with CDE Content Specialist 2.* Comparison of all three helps ensure that a student’s goals are realistic. *Id.* Best practice when developing the transition plan is to identify if there is a gap between the student’s current skills and the desired outcome and determine how staff will address that gap. *Interviews with Coordinator and CDE Content Specialist 2.*
33. Student identified that he wanted to be in hotel management, which would require continuing his education beyond high school. *Id.* at p. 8. Student was interested in learning about the hospitality program and his options for living with roommates. *Id.* To attain this goal, the 2025 IEP noted that Student would need to “learn more about working with the public, as well as how to manage people.” *Id.* It was also suggested that he could take culinary classes which he might “need when working with a hotel kitchen staff.” *Id.* Culinary classes would be challenging for Student given his fine motor deficits. *Interview with Parent.*
34. Student’s education goal was to “be employed as a hotel manager” after high school. *Id.* at p. 11. The post-school goal should identify what education or training the student is going to pursue, for instance “Student will earn a certificate in hospitality.” *Interview with CDE Content*

Specialist 2. His career goal was to “be employed in the field of hotel management.” *Exhibit A*, p. 11. This is a measurable goal. *Interview with CDE Content Specialist 2*.

35. His independent living skills (“ILS”) goal was to “live with family and then live independently” after high school. *Exhibit A*, p. 11. Parent’s concern is that the IEP team did not discuss or address whether Student had the skills to live independently. *Interview with Parent*. The 2025 IEP does not identify if there is a gap between Student’s current skills and the skills needed for independent living. *Id.* However, members of the IEP team were aware that he had difficulties eating independently in the cafeteria and that he had challenges navigating the community independently. *See*, FF # 22.
36. The transition plan also included a detailed course of study and a list of the special education and related services Student would receive. *Exhibit A*, pp. 11-12. However, the only transition-related service he was to receive was support exploring career options. *Id.* There were no services specific to his transition goals. *Interview with CDE Content Specialist 2*. Community experiences would be provided by his family. *Exhibit A*, p. 12. It is not clear what this means or how it is related to his transition goals. *Interview with CDE Content Specialist 2*. The transition plan also does not acknowledge Student’s physical limitations or address how those limitations may impact his transition goals. *Id.*

Service Delivery Statement

37. The IEP team agreed that Student continued to require special education instruction inside general education for ELA and math, in the form of co-taught classes. *Interviews with Parent, Case Manager 1, Coordinator*. The SDS and service delivery grid (“grid”) required 420 minutes of specially designed instruction in co-taught general education classes for math and ELA. *Exhibit A*, pp. 18-19.
38. During the 2024-2025 school year, Student was enrolled in a special education study skills class. *Interviews with Parent, Case Manager 1 and Coordinator*. At the end of the year, District planned to discontinue the study skills class, which had functioned as a “catch all.” *Interview with Coordinator*. Instead, District replaced study skills with more targeted interventions. *Id.* Most students were in study skills for support with executive functioning (“EF”), so School offered a new class, “Strategies for Success” with a defined EF curriculum. *Id.* Students who needed help with reading and math would get support in other targeted classes. *Id.* Since Student did not need help with EF, the team agreed that he would not take the new Strategies for Success class. *Interview with Case Manager 1, Coordinator and Parent*. However, the SDS said Student would benefit from 210 minutes per week (“MPW”) of specialized instruction in a study skills class. *Exhibit A*, p. 18.
39. The IEP team considered Student’s standardized ELA scores and discussed removing him from his special education ELA class. *Interview with Parents, Case Manager 1, and Coordinator*. However, they agreed he continued to benefit from instruction in writing and reading comprehension. *Id.* This course is not described in the SDS. *Exhibit A*, p. 18.

40. The IEP team also discussed whether Student would need more support for math the following year. *Interview with Case Manager 1, Coordinator, and Parent*. They talked about a few different ways to provide support but did not reach a final decision. *Id.* The SDS says Student would “benefit from specialized instruction that includes direct instruction in Algebra 1. Lab or pull out class?” *Exhibit A*, p. 18. The grid said Student would participate in two pull-out special education classes but did not specify which two. *Id.* at p. 19.
41. The IEP team agreed to transition Student to indirect occupational therapy services to “support the use of assistive technology for successful writing.” *Interviews with Parent, Coordinator, and District OT*. At that point, Student was using his AT independently, so the monthly check-ins were not necessary. *Interview with District OT*. The IEP team did not consider whether Student required OT support to address any other functional needs. *Id.* Parent had concerns about Student’s lack of progress on his writing goal and did not think the IEP team had a clear enough understanding of Student’s need for OT support with ADLs. *Interview with Parent*. The 2025 IEP included 30 minutes per month (“MPM”) of indirect instruction from an occupational therapist. *Exhibit A*, pp. 18-19.
42. The SDS indicated that Student would receive “Personal Care Services” for hydration and toileting and “monitoring for his personal safety, especially during transitions” because Student had “difficulty recognizing dangerous situations.” *Id.* at p. 18. The IEP team agreed Student would continue to receive direct adaptive physical education and speech and language services, which was reflected in the SDS and grid. *Id.* at pp. 18-19; *Interviews with Parent, Coordinator and Case Manager 1*. Finally, the 2025 IEP said to participate in extracurricular activities, Student required “additional communication with staff at the activity to be sure [he] is monitored for personal safety.” *Exhibit A*, p. 18.
43. The embedded PWN noted that the IEP team reconvened after the first meeting but did not include any rejected options or other factors considered. *Id.* at pp. 20-21. The 2025 IEP was implemented after it was completed in April, except the IEP team agreed not to change his schedule until the following year. *Interviews with Case Manager 1 and Coordinator*.

E. Fall 2025 Schedule Change

44. The 2025-2026 school year started on August 6, 2025. *Exhibit G*, p. 2. At the time, Student was enrolled in choir, a co-taught English language arts (“ELA”) class, Strategies for Success, a co-taught algebra class, unified PE, physics, a special education ELA class and student counsel. *Exhibit I*, pp. 62-63.
45. On August 12, Parent emailed Case Manager 2 because Student was struggling with algebra and the Strategies for Success class was not helping him because his EF skills were strong. *Id.* at p. 66. Parent wondered whether he needed a “math special education class, as [they] had initially agreed to in his IEP.” *Id.* It took Student 45 minutes to answer six algebra questions because it took time to talk through them verbally and “typing his answers also add[ed] time.”

Id. at p. 65. The algebra teacher agreed to allow Student to answer fewer problems and to answer questions verbally. *Id.*

46. On August 18, Parent requested a meeting to amend the IEP to adjust the SDS to reflect what was agreed to at the IEP team meetings and discuss what supports were necessary to “help him make progress with math and his math goal.” *Id.* at p. 67. Starting August 20, District adjusted Student’s schedule to replace Strategies for Success with a special education math class, but this also required changing two other classes in Student’s schedule. *Id.* at pp. 70-71. Student was very stressed by these changes, as he liked the teachers/classes from which he was removed. *Id.* at pp. 68, 70.
47. On August 22, Case Manager 2 and Parents agreed to return Student to his prior schedule but replace Strategies for Success with a “student mentor” class where Student could work with Case Manager 2 on math. *Id.* at pp. 72-73. During that period, Case Manager 2 provided specialized instruction to a group of students on IEPs. *Interview with Case Manager 2.* Student helped with organizing supplies and other things but also had time to work on and get additional help with his math assignments. *Id.*; *Exhibit 1*, p. 72. Case Manager 2 helped him talk through problems and utilize new AT programs. *Id.*; *See, e.g. Exhibit 1*, pp. 76, 82, 99, 102.
48. On September 4, District convened a meeting with Parents, Student, Case Manager 2, Student’s special education teacher in his co-taught math class (“Math Teacher”), and District OT. *Exhibit 1*, pp. 81-84. The purpose of the meeting, which was not an IEP team meeting, was “to determine if small changes in supporting [Student] with Algebra [were] working” or if they needed to brainstorm more. *Exhibit 1*, p. 85. Before the meeting they had adjusted to have Student complete fewer problems and gave him more space to do so. *Exhibit 1*, p. 82. This had allowed Student to complete algebra homework in less time. *Id.*
49. During the meeting, Math Teacher noted that Student’s existing AT program, SnapType, did not have algebraic functions or graphing features and that Student’s challenges with fine motor precision were an ongoing challenge. *Exhibit 1*, p. 86. They discussed whether ModMath would be a better program, but District was still looking into licensing. *Id.* Parent noted that the lack of speech to text in ModMath had previously frustrated Student. *Id.*
50. Case Manager 2 agreed to review Student’s progress at the end of the quarter. *Id.* They agreed to provide Student with copies of the notes so he would not have to “juggle listening, note-taking, and photographing worksheets.” *Id.* at p. 88. They would also provide Student with a list of steps to follow in algebra and practice using the new AT tool with him. *Id.*
51. Parent’s concern is that Student does not have access to AT that supports speech to text, text to speech, symbol prediction and editable graphing to support his algebra needs. *Interview with Parent; Exhibit 4*, p. 9. District has trialed several programs this fall, including some suggested by Parent. *See, e.g., Exhibit 1*, pp. 76, 97, 101-107, 112, 114-116. Student is using various tools, including Desmos, ModMath and MathNotes on his IEP to access his algebra

class. *Interview with Case Manager 2*. With these tools and his special education supports, Student is maintaining passing grades in the class and demonstrating understanding. *Id.*

52. District has provided Parent with a prior written notice and consent for reevaluation form to complete an updated SWAAAC evaluation to find the best supports for Student's communication needs including for math. *Exhibit C*, pp. 1-3. To date, Parent has declined to sign the consent form. *Interview with Parent; Exhibit I*, pp. 160, 168.

F. October IEP Amendment

53. District's procedural manual advises that an IEP can be changed without an IEP meeting only if the parent 1) agrees not to meet and 2) signs the amendment paperwork. *Exhibit H*, p. 24. Otherwise, changes can only be made through IEP meetings. *Id.* Amendments can be used to correct typos or internal conflicts in the document or adjust service minutes, as long as the change would not result in a change to the student's least restrictive environment. *Id.*
54. After agreeing to replace Strategies for Success with the student mentor period, Case Manager 2 did not immediately amend his IEP because he and Parent discussed waiting to see if these new services were working. *Interview with Case Manager 2*. They tried the pull-out math class, but it did not work for Student. *Id.* He wanted to give it some time to see if the mentor period would provide Student with the necessary support. *Id.*
55. On October 9, Case Manager 2 emailed Parent at the end of the quarter. *Exhibit A*, p. 27. He reviewed their prior discussions and proposed amending the IEP to remove Strategies for Success and the question around math supports as the intervention class did not work for Student. *Id.* Parent agreed to and signed the amendment the next day. *Id.* at p. 26.
56. The 2025 IEP, as amended, included co-taught classes for math and ELA. *Id.*, at p. 51. However, the grid reflects one of those services as ending before the IEP was finalized. *Id.* at p. 52. This was an inadvertent clerical error, and Student has remained enrolled in both co-taught classes this year. *Interview with Case Manager 2; Exhibit E*, p. 5. There were no changes to the adaptive PE, occupational therapy or speech and language pathology services. *Exhibit A*, pp. 18-19, 51-52.
57. Strategies for Success and math intervention were removed from the SDS. *Exhibit A*, pp. 51-52. There is still no mention of the reading intervention class in the SDS, but Student remained enrolled in the class. *Id.*; *Interview with Case Manager 2; Exhibit E*, p. 5. The amended grid included direct special education instruction outside of general education for the equivalent of one class period. *Exhibit A*, p. 52.
58. Having students on IEPs act as mentors for special education teachers is something new School is trying to support students who used to get that kind of support in study skills. *Interview with Consultant*. Case Manager 2 believed the mentor period was not specially designed instruction because being a mentor is something general education students do.

Interview with Case Manager 2. Therefore, he did not include it in the amended IEP. *Id.* However, all the students in the period with Student had IEPs, and Student was getting specialized instruction on his math work from a special education teacher. *Interview with Coordinator and Consultant.* Thus, this should have been included in Student's IEP. *Id.*

59. As of the end of the first quarter, Student had made progress on his math and reading comprehension goals. *Exhibit F*, pp. 1-3. It is unclear if he made progress on his writing goal as he had made insufficient progress in May 2025 and had not completed a three-paragraph essay as of October 2025. *Id.*

G. Student Counsel

60. At School, Student Counsel ("STUCO") is a class of student leaders from each grade that work together to plan all major events like the homecoming dance and to build inclusivity and school spirit in the building. *Interview with the teacher and program advisor ("STUCO Teacher").* Most kids join as freshmen and stay in the class all four years. *Id.* Student was invited to join as a sophomore after being in STUCO Teacher's history class. *Interviews with Parent and STUCO Teacher.* Student joined STUCO in part to practice talking with different people, to facilitate his goal of becoming a hotel manager. *Interview with Case Manager 1.*
61. Although it is a class, students are trusted to leave campus as needed to get supplies or set up for events. *Interview with STUCO Teacher.* Students are also expected to attend or work extracurricular events like movie nights or football games outside of school hours. *Id.* STUCO's unique expectations are generally shared with families when students join as freshmen. *Id.* Because Student was joining STUCO late, in May 2025, STUCO Teacher asked to meet to discuss what STUCO would look like for him. *Id.; Exhibit I*, p. 57. He wanted to make sure they were aware of any extra safety measures required for Student. *Interview with STUCO Teacher.*
62. It was not certain whether Student would be joining STUCO until May 2025. *Interview with Case Manager 1.* On May 19, Parent, STUCO Teacher, Case Manager 1 and Student met. *Exhibit I*, pp. 54-57. During the meeting they discussed Student requiring support to cross the street if leaving School and potential dangers associated with Student's use of tools like a paper cutter or glue gun. *Exhibit I*, p. 55. They considered holding off on having Student leave campus "until more practice happen[ed]" and how to reduce his need for support over time. *Id.* Parent said they would be working on the same skills at home. *Id.*
63. Student worked on "safely navigating parking lots and crossing streets" with his private OT. *Id.* at p. 87. However, on September 5, Parent emailed STUCO Teacher to follow up on the spring meeting as she did not believe he was safe to leave campus with just students. *Id.* STUCO Teacher confirmed that there would be plenty of important things for Student to help with on campus while some students went to get supplies. *Id.* He also scheduled another meeting with Parents, Case Manager 2 and Student to discuss options for Student. *Id.*

64. Case Manager 2 is not aware of any reason why Student cannot leave campus safely. *Interview with Case Manager 2*. However, at the meeting this fall they agreed to have Student focus on activities at School, including helping with trash clean up. *Exhibit I*, p. 93. This is one of the STUCO committees that students help with. *Interview with STUCO Teacher*. Student is paired with trusted students to pick up trash around the building. *Interviews with STUCO Teacher, Case Manager 2 and Parent*. The other students are expected to look out for him while he can practice navigating curbs and parking lots. *Id.*
65. After that meeting, Parent formally requested an evaluation to assess his motor skills and address her concerns about his ability to safely and independently access the community. *Exhibit I*, pp. 95-96. District was not sure which type of provider would be most appropriate to address these concerns. *Id.* at p. 123. However, they agreed that they needed more information, which would best be pursued through an evaluation. *Exhibit D*. District issued a prior written notice and consent for reevaluation form to include Student's motor abilities on October 8. *Exhibit C*, pp. 1-3; *Exhibit I*, p. 173. Parent did not believe the proposed evaluation fully captured her concerns. *Exhibit I*, p. 168. To date, she has not signed consent for the evaluation. *Interviews with Parent and Coordinator*.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: From April 2025 to present, District did not develop an IEP that was reasonably calculated to allow Student to make appropriate progress as it did not consider Student's functional needs, or describe the special education and related services to be provided to Student, as required by 34 C.F.R. §§ 300.320(a)(4) and 300.324(a)(1)(iv). This resulted in a denial of FAPE.

The IDEA requires a school to offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. *Andrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 999 (2017). 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 question under each prong can be answered affirmatively, then the IEP is appropriate under the law. *Id.* Taken together, these two prongs assess whether an IEP is procedurally and substantively sound.

A. Development of the 2024 IEP

An IEP is "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 *Bd. of Educ. v. Rowley*, 458 U.S. 176, 181 (1982)). To ensure the IEP is

individualized to the child's unique needs, IDEA requires that IEP teams consider specific things, including the "academic, developmental, and functional needs of the child." 34 C.F.R. § 300.324(a)(1)(iv).

Parent's concern is that the IEP team did not consider Student's functional needs when developing the 2025 IEP. (FF # 21.) Here, when the 2025 IEP was developed, Student required paraprofessional support to find the bus after school. (FF # 22.) The IEP team discussed a plan to help fade that support and, by the end of the year, he was finding the bus independently. (*Id.*) However, neither that need nor the plan to fade the support is included in the IEP. (*Id.*) When Parent brought up Student's difficulties keeping his pants up due to health and sensory concerns, the IEP team offered suggestions, like having Student wear longer shirts, for Parents to address this at home. (FF # 27.) Nothing was added to the IEP to address this concern. (*Id.*)

Further, Student had several other functional needs the IEP team did not discuss. District's most recent Evaluation of Student found extremely low visual spatial skills, which causes challenges with abstract thinking and relating details to big picture ideas. (FF # 13.) The Evaluation also showed significant concerns with adaptive skills including taking care of home, addressing personal needs and functioning in a community. (FF # 14.) Student also exhibited sensory sensitivities and fine and gross motor delays. (FF #s 15, 16.) The IEP does not include this information from the Evaluation. (FF #s 13-16, 21.)

During the 2024-2025 school year, District OT helped Student with how to use tongs to serve himself lunch after he had difficulties. (FF # 23.) During the meeting, Student mentioned that he needed help opening his milk carton at lunch. (*Id.*) Case Manager 1 also took Student off campus and observed that he lacked awareness of his surroundings and did not know how to use crosswalks. (*Id.*) The IEP team did not discuss these concerns or talk much about Student's functional needs. (FF #s 21-23.)

Overall, the CDE finds and concludes that District did not consider Student's functional needs, as required by 34 C.F.R. § 300.324(a)(1)(iv) and thus did not comply with the IDEA's procedural requirements under the first prong of the *Rowley* standard. *Rowley*, 458 U.S. at 207. Consideration of a student's unique needs is key to developing an IEP that is individually tailored to those needs. In this case, many of Parent's concerns with the substance of the 2025 IEP are directly related to her concerns about consideration of Student's functional needs. For instance, she was concerned that the 2025 IEP did not describe how Student's disability impacts his access to his education because it does not describe things like his limited endurance and motor coordination problems. 34 C.F.R. § 300.320(a)(1); (FF #s 25, 26). She was also concerned that the IEP team did not consider Student's functional needs in the transition planning, including considering whether challenges like fine motor deficits, keeping his pants up or navigating the community would impact his ability to live independently or work in hotel management. 34 C.F.R. § 300.320(b)(1); (FF #s 32-36). She was also concerned that the IEP team did not consider whether he required occupational therapy services for activities of daily living or additional support to participate in nonacademic activities like STUCO. 34 C.F.R. § 300.320(a)(4); (FF #s 41, 42, 60-65). Because the development of the 2025 IEP did not comply with the IDEA's procedural requirement

to consider Student’s functional needs, the CDE will not turn to the second prong and consider the substantive adequacy of the 2025 IEP in those respects. *Rowley*, 458 U.S. at 207. However, the CDE will consider the substantive adequacy of other aspects of the 2025 IEP. *Rowley*, 458 U.S. at 207.

B. Substantive Adequacy of the 2024 IEP

Special Education and Related Services

An IEP must be reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. *Endrew F.*, 580 U.S. at 399. To that end, an IEP must include the special education and related services and supplementary aids and services that will be provided to allow the child to (1) attain the annual goals, (2) be involved and make progress in the general education curriculum and (3) participate in nonacademic activities. 34 C.F.R. § 300.320(a)(4). An IEP must “include information about the services that will be provided to the child, so that the level of the agency’s commitment of resources will be clear to parents and other IEP Team members.” *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46667 (August 14, 2006).

This statement, commonly known as a service delivery statement, must be sufficiently detailed for parents to understand what specific services and supports the school district is offering to provide. *Tamalpais Union Sch. Dist. v. D.W.*, 70 IDELR 230 (N.D. Cal. 2017) (noting that “Parents can’t make an informed decision on whether to accept a proposed IEP if the document includes only a vague description of the student’s services”); *see also Douglas Cnty. Sch. Dist.*, 118 LRP 35788 (SEA CO 7/6/18). The service delivery statement must clearly specify the amount and type of services that will be provided to a student. *Adams 12 Five Star Schs.*, 75 IDELR 86 (SEA CO 2019). This includes describing the setting in which a particular service will be provided. *See, e.g., S.H. v. Mount Diablo Unified Sch. Dist.*, 70 IDELR 98 (N.D. Cal. 2017) (finding that the district violated the IDEA when it failed to spell out whether the 40 minutes of speech and language services would be delivered to the student individually or in a group setting).

Related services mean supportive services, including speech and language pathology, psychological services and physical and occupational therapy, that “are required to assist a child with a disability to benefit from special education.” 34 C.F.R. § 300.34. Related services must be included in a student’s IEP when they are necessary for the student to benefit from special education. *Colorado Springs School District 11*, 124 LRP 34343, (SEA CO 2023) (finding that student did not require direct physical or occupational therapy to access his school environment or his self-care needs); *See, also, In re: Student with a Disability*, 65 IDELR 160 (SEA ID 2015) (holding that an IEP need not include a one-to-one aide where other options are available for facilitating communication between school and home).

Here, the 2025 IEP team determined that Student required direct instruction in reading comprehension and writing in a pull-out ELA class. (FF # 39.) That class is not included in the 2025

IEP. (*Id.*) The 2025 IEP team also determined that Student did not require the new Strategies for Success class. (FF # 38.) Nevertheless, the 2025 IEP continued to require enrollment in study skills. (*Id.*) Finally, the IEP team considered whether Student required additional special education instruction for math. (FF # 40.) However, they did not reach a conclusion and left the question in the final IEP. (*Id.*) As a result of these clerical errors and the lack of a decision about math services, the statement of services was unclear and prevented Parents from making an informed decision about the services in the 2025 IEP. In addition, the errors caused Student to be enrolled in different classes than what the IEP team agreed upon. (FF # 44.) Although he was still enrolled in the reading intervention class, he was also enrolled in Strategies for Success and not in any additional math supports. (*Id.*)

Because the IEP team did not include a clear and accurate statement of the services they agreed to, the CDE finds and concludes that the 2025 IEP was not reasonably calculated to allow Student to be involved in the general education setting and make progress on his annual goals, because it did not include a statement of the special education and related services he required, as required by 34 C.F.R. § 300.320(a)(4).

Assistive Technology

In developing an IEP, the IEP team must consider whether the student “needs assistive technology devices and services.” 34 C.F.R. § 300.324(a)(2)(v). Any AT devices that are necessary for the student to receive a FAPE must be included in their IEP. *Letter to Anonymous*, 18 IDELR 627 (OSEP 1991). However, the student’s needs in this respect can be described in sections other than the “assistive technology” portion of the IEP. *See District of Columbia Pub. Schs.*, 120 LRP 22532 (SEA DC 06/21/20) (finding that a district sufficiently described a student’s need for a laptop for writing assignments in the “other aides and services” section of his IEP).

Here, the 2025 IEP required AT including speech recognition software, text to speech, speech to text, word prediction and technology to allow Student to photograph and complete worksheets electronically. (FF # 29.) It also required adaptive tools to support motor skill deficits, and math applications to support his “visual-spatial organization when completing math problems.” (FF # 30.) Finally, in addition to allowing him to use technology to respond, the 2025 IEP required other alternative methods to show what he knows, including providing oral responses or using a scribe. (*Id.*) At the time the 2025 IEP was written, Student’s existing AT was meeting his needs in math. (FF # 31.)

Parent’s concern is that Student does not have access to a program that supports speech to text, text to speech, symbol prediction and editable graphing for algebra. (FF # 51.) Student has experienced difficulties since transitioning to algebra. (FF #s 45-52.) However, to address that, District has trialed several different programs, including the one Parent suggested at the IEP team meetings in the spring. (FF #s 31, 51.) District also offered to conduct a SWAAAC evaluation to assess Student’s written communication needs in math. (FF # 52.) Parent declined to sign consent for that evaluation. (*Id.*) With the tools he currently has, Student is passing algebra,

demonstrating understanding, and the time it takes him to complete each problem has decreased. (FF #s 48, 51.)

Thus, the CDE finds and concludes that District considered Student's need for AT for math, as required by 34 C.F.R. §300.324(a)(4), (6).

C. Denial of FAPE

The United States Supreme Court has stressed the importance of complying with the IDEA's procedural requirements. *Bd. Of Educ. v. Rowley*, 458 U.S. 176, 205-06 (1982). However, procedural noncompliance is only actionable to the extent it impedes the child's right to a FAPE, significantly impedes the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE or causes a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *Systema v. Academy Sch. Dist. No. 20*, 538 F.3d 1306 (10th Cir. 2008).

Here, in developing the 2025 IEP, District did not consider Student's functional needs, as required by 34 C.F.R. § 300.324(a)(1)(iv). This significantly impeded Parent's opportunity to participate in the decision-making process regarding whether the provision of a FAPE required addressing those functional needs. Parent's right to participate in the decision-making process was further impeded by the fact that the 2025 IEP did not include a clear statement of the special education and related services that would be provided to Student.

Further, Student joined STUCO so he could practice customer service skills that would be necessary for his goal of working in hotel management. (FF # 60.) However, once Student joined STUCO, STUCO Teacher, Case Manager 1, Student and Parent met and determined that Student required more practice before leaving campus. (FF # 62.) However, because the 2025 IEP did not consider his functional needs, it did not include any services to support Student in navigating the community safely. (FF #s 17-42.) As a result, at a meeting this fall, Parent, Case Manager 2 and STUCO Teacher again agreed to have Student participate in alternative activities instead of going out in the community with his peers, where he could work on his customer services skills. (FF #s 63, 64.) Because Student is unable to practice his customer services skills in the community, this has impeded his right to a FAPE.

Thus, the CDE finds and concludes that the noncompliance resulted in a denial of FAPE. As such, CDE will require District to convene an IEP team, including Parent, to review, and as necessary, revise the 2025 IEP in consideration of Student's functional needs as well as the services agreed upon by the IEP team.

Conclusion to Allegation No. 2: District amended Student's IEP without an IEP team meeting or getting Parents' consent in a written document, as required by 34 C.F.R. § 300.324(a)(6). This noncompliance did not result in a denial of FAPE.

A. Amendment of the IEP

The IDEA allows an IEP to be amended in one of two ways: (1) by the entire IEP Team at an IEP Team meeting, or (2) in a written document outside of an IEP Team meeting, as long as the parent and the school district agree. 34 C.F.R. § 300.324(a)(6). When the IEP is changed by agreement, “such a change would clearly require the consent of the parents.” See *K.A. v. Fulton County Sch. Dist.*, 59 IDELR 248 (N.D. Ga. 2012), *aff’d*, 62 IDELR 161 (11th Cir. 2013).

In this case, Parent and Case Manager 2 agreed to adjust Student’s services at the start of the 2025-2026 school year to align with the agreements of the IEP team and because Student was struggling with algebra. (FF #s 44-47.) However, they did not have an IEP team meeting to discuss those changes and Case Manager 2 did not provide Parent with a written document to get consent to make the changes without an IEP team meeting. (FF #s 48-50, 54.) About six weeks later, on October 9, Case Manager 2 sent Parent the IEP amendment form, which she signed. (FF # 55.) Because District amended Student’s IEP without an IEP meeting and six weeks before getting Parent’s consent in a written document, the CDE finds that District did not comply with the requirements of 34 C.F.R. § 300.324(a)(6).

B. No Denial of FAPE

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

In this case, District was amending the 2025 IEP to better meet Student’s needs and to correct a clerical error that left study skills in the IEP when the IEP team agreed that it would not benefit Student. (FF #s 38, 44-47.) As such, changing Student’s services before amending the IEP did not impede his right to a FAPE or cause a deprivation of educational benefit. Parents were also aware of and in agreement with all the changes, even if they did not sign a written document to that effect until later. (FF #s 44-50.) As such, the CDE finds and concludes that this noncompliance did not result in a denial of FAPE.

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

Pursuant to its general supervisory authority, CDE must consider and ensure the appropriate future provision of services for all IDEA-eligible students in District. 34 C.F.R. § 300.151(b)(2). Indeed, the U.S. Department of Education has emphasized that the state complaint procedures are “critical” to the SEA’s “exercise of its general supervision responsibilities” and serve as a “powerful tool to identify and correct noncompliance with Part B.” *Assistance to States for the Education of Children with Disability and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46601 (Aug. 14, 2006).

Here, District has appropriate policies and procedures regarding the development of IEPs. (FF #s 4-12.) Instead, the noncompliance in this case appears to stem from Student’s unique profile and functional needs. (FF #s 13-16.) District also has accurate policies and procedures for amending an IEP. (FF # 53.) Case Manager 2 waited to amend the IEP because having students act as mentors is something new District is trying and he wanted to see if it would work. (FF #s 54, 58.) Thus, the CDE finds and concludes that the noncompliance in this case is not systemic.

REMEDIES

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

1. Considering Student’s academic, developmental and functional needs, as required by 34 C.F.R. § 300.324(a)(1)(iv).
2. Including a statement of the special education and related services required for Student to make progress and participate in general education and nonacademic activities, as required by 34 C.F.R. § 300.320(a)(4).
3. Amending the IEP without an IEP team meeting or getting Parent’s consent in a written document, as required by 34 C.F.R. § 300.324(a)(6).

To demonstrate compliance, District is ORDERED to submit a corrective action plan (“CAP”) by **January 30, 2026** that adequately addresses how the cited noncompliance will be corrected through the completion of the following remedies:

1. Final Decision Review

- a. Consultant, Coordinator, Case Manager 1, Case Manager 2 and District OT must read this Decision in its entirety, as well as review the requirements of 34 C.F.R. §§ 300.320 and 300.324, by **Friday, January 30, 2026**. If these individuals are no longer employed by District, District may substitute individuals occupying identical roles to demonstrate compliance with this remedy. A signed assurance that this information has been read and reviewed must be provided to the CDE by **Friday, February 6, 2026**.

2. IEP Meeting

- a. District must convene Student’s IEP team, at a mutually agreeable date and time, by **Friday, February 13, 2026**. In consideration of the concerns identified in this Decision, Student’s IEP team must review, and as appropriate, revise Student’s IEP consistent with 34 C.F.R. §§ 300.320 and 300.324.
- b. If Parent refuses to participate in the IEP meeting, District may convene a meeting without Parent, provided District diligently attempts to secure Parent’s participation at a mutually agreeable time and place and documents such efforts.

A determination that District diligently attempted to secure Parent's participation rests solely with the CDE.

- c. By **Friday, February 27, 2026**, District must provide notice of the IEP meeting, proof the meeting was scheduled at a mutually agreeable date and time, proof of attendance of IEP Team members (such as a signature page), and a finalized IEP to the CDE. The IEP submitted for the CDE's review must address Student's needs as discussed in this Decision.

NOTE: CDE Special Education Monitoring and Technical Assistance Consultant will contact District with specific instructions for securely submitting the documentation detailed above. The CDE will approve or request revisions that support compliance with the CAP. After approval of the CAP, the CDE will arrange to conduct verification activities to confirm District's timely correction of the areas of noncompliance. If District does not meet the timelines set forth above, it may adversely affect District's annual determination under the IDEA and subject District to enforcement action by the CDE.

CONCLUSION

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

Dated this 23rd day of December, 2025.



Rachel Dore
Senior State Complaints Officer

APPENDIX

Complaint, pages 1-63

- Exhibit 1: Various Documents

Response, pages 1-10

- Exhibit A: IEPs
- Exhibit B: Evaluation
- Exhibit C: PWNs
- Exhibit D: IEP Meeting
- Exhibit E: Attendance Data
- Exhibit F: Progress Reports
- Exhibit G: District Calendar
- Exhibit H: District Policies and Procedures
- Exhibit I: Correspondence

Reply, pages 1-10

- Exhibit 2: Various Documents
- Exhibit 3: Various Documents
- Exhibit 4: Correspondence
- Exhibit 5: Correspondence

Telephone Interviews

- November 21 and December 3, 2025: Parent
- December 1, 2025: Case Manager 2
- December 1, 2025: Coordinator
- December 1, 2025: SWAAAC Coordinator
- December 1, 2025: STUCO Teacher
- December 1, 2025: Case Manager 1
- December 1, 2025: Consultant
- December 5, 2025: District OT