

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

State Complaint SC2025-634
St. Vrain Valley Public Schools

DECISION

INTRODUCTION

On November 19, 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 St. Vrain Valley 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 November 19, 2024. Information prior to that date 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 Individualized Education Program (“IEP”) that was tailored to meet Student’s individualized needs from August 2025 to present

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.

because it did not consider the concerns of Parent, and the academic, developmental, and functional needs of Student—specifically with respect to Student’s social-emotional needs—as required by 34 C.F.R. § 300.324(a)(1)(ii)-(iv).

2. District did not implement Student’s IEP from August 2025 to present because it:
 - a. Did not make the IEP accessible to teachers or service providers responsible for its implementation, as required by 34 C.F.R. § 300.323(d);
 - b. Did not provide the small group specialized instruction listed in the IEP, as required by 34 C.F.R. § 300.323(c); and
 - c. Did not provide the following accommodations listed in the IEP, as required by 34 C.F.R. § 300.323(c):
 - i. Speech-to-text and text-to-speech software
 - ii. Audiobooks
 - iii. Breaks when requested
 - iv. Teacher check-in for understanding of instruction
 - v. Repeated instructions
 - vi. Shortened assignments as needed
 - vii. Visual models of finished assignments
 - viii. Guided reading strips
 - ix. Preferential seating with visual access
 - x. Test taking in a separate room.

FINDINGS OF FACT

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

A. Background

1. Student is twelve years old and is a sixth grader who began the year at a District K-8 school (“School”). *Exhibit A*, p. 35. Student last attended School on October 24, 2025, and began

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

attending a private school shortly thereafter. *Exhibit G*, p. 4; *Interview with Parents*. He qualifies for special education and related services under the disability categories of Other Health Impairment and Specific Learning Disability. *Exhibit A*, p. 35.

2. Student is energetic and has a strong sense of humor. *Interviews with Parents, Student's special education teacher ("Special Education Teacher"), Student's social studies teacher ("General Education Teacher"), and School's dean of students ("Dean")*. He enjoys math and art class and playing soccer and video games. *Id.*
3. This investigation involves the development and implementation of Student's IEP dated November 20, 2024 ("the IEP"), which was in effect during the 2025-2026 school year through Student's withdrawal from District in October 2025. *Exhibit A*, pp. 2-34.

B. The IEP

4. The IEP documents Student's present levels of educational performance, describing his strengths and interests, detailing his progress on previous annual IEP goals, providing input from teachers, Parents and Student, and describing the impact of Student's disability—noting that he "requires specialized instruction and support in the areas of written expression, math calculation, self-determination and social emotional." *Id.* at pp. 6-8.
5. The IEP's Consideration of Special Factors section notes that Student does not require a behavior intervention plan ("BIP"). *Id.* at p. 9.
6. The IEP contains five annual goals, one each in the areas of social-emotional skills, math computation, self-determination, and two in the area of written expression. *Id.* at pp. 10-29. Relevant to this investigation, the social-emotional goal reads:

"By November 2025, [Student] will demonstrate improved self-regulation skills by using a learned coping strategy (e.g., deep breathing, counting to ten, or asking for a break) to manage frustration or anxiety in classroom settings, reducing instances of reactive behavior by 70% as measured by teacher observations and a behavior tracking chart."

Id. at p. 18.

7. The IEP identifies 18 accommodations as necessary for Student to access general education. *Id.* at p. 29. Listed accommodations relevant to this investigation include:
 - "Use of technology to support writing (i.e., dictation, keyboarding)."
 - "Breaks given when requested."
 - "Teacher check-in for understanding of instruction."

- “Repeated instructions.”
- “Shortened assignments (as needed).”
- “Provide [Student] with visual models of what the finished assignment or product should be.”
- “Use of guided reading strips to help [Student] not skip lines when reading.”
- “Preferential Seating for visual access.”

Id. The listed accommodations do not include reference to the use of text-to-speech software, audiobooks, or a separate location for testing⁴. *Id.*

8. The IEP identifies that Student will be provided 200 minutes per week of “direct specialized instruction in a small group / pull out setting in the areas of reading and writing [...]. Services will include explicit instruction as well as guided practice on concepts taught.” *Id.* at p. 32.
9. The IEP states that the IEP team determined that it was appropriate that Student be in the general education classroom at least 80% of the time. *Id.* at pp. 32-33.

C. District’s Practices, Procedures and Policies

10. District’s assistant superintendent for special education (“Director”) described District’s efforts to ensure that staff and teachers are knowledgeable about and compliant with IDEA and ECEA requirements. *Interview with Director*. These efforts include regular professional development training regarding IEP development, IEP implementation, and other special education topics. *Id.* District also provides written guidance on special education practice, which is made available to all staff through District’s online staff information portal. *Id.*
11. Additionally, a member of District’s special education office attends a special education staff meeting at each District building weekly, at which building-level staff can problem solve issues on their caseload, ask questions regarding special education compliance, and communicate trending concerns that might need to be addressed at the district level. *Id.*
12. Director stated that staff and teachers are directed to monitor each student on an IEP on an ongoing basis to determine whether the IEP continues to meet that student’s needs. *Id.* If staff determine that an IEP is no longer meeting the student’s needs, the IEP team must be convened to review and revise the IEP. *Id.* Staff must also determine whether the IEP team

⁴ The IEP’s “State/District Assessments” section does provide for a separate location for state assessments, but Parents stated that they opted Student out of state assessments, and the allegation in their Complaint related to testing location pertained to non-standardized assessments. *Exhibit A*, p. 31; *Interview with Parents*.

has sufficient information to develop an appropriate IEP – if not, staff should seek consent to re-evaluate the student to gather the necessary information. *Id.*

13. Teachers and staff in District are directed to implement IEPs with fidelity to the IEP document. *Id.* Student IEPs are available for designated staff to access on District’s online student information system. *Id.* At the beginning of each school year, and whenever an IEP has changed, the student’s case manager should send an IEP snapshot to all responsible staff outlining the student’s goals, accommodations, services, and other information necessary to ensure that an IEP is implemented. *Id.*
14. In addition, case managers are directed to meet with all responsible staff throughout the year to answer questions and ensure that all staff understand their responsibilities. *Id.*

D. Student’s Behavioral Concerns at School

15. Parents stated that prior to attending School in August 2025, Student had exhibited social rigidity and difficulty getting along with peers but had not experienced significant disciplinary issues in the school setting. *Interview with Parents; Exhibit K-1* at 2:30. District reported that Student had received no formal discipline prior to the 2025-2026 school year. *Response*, p. 3.
16. On September 26, 2025, Student was seated in the back of the school bus with a peer with whom he knew since third grade and had previously been friendly. *Interview with Parents and Dean; Exhibit F*, pp. 1-11. The two students were engaged in a “roast battle” in which they were insulting each other. *Exhibit F*, pp. 3-4, 7.
17. Student, upset by a comment that peer had made, reported to School staff that he “put [the peer] in a headlock so he couldn’t get air.” *Id.* at p. 4. Another student separated the two, but the incident was not noticed by the bus driver or reported to School staff. *Id.* at pp. 4-5; *Interview with Dean*.
18. The next school day, September 30, 2025, Student again put the peer in a headlock and restricted his breathing following a verbal argument. *Exhibit F*, p. 5. The peer reported both incidents to his parents, who notified Parent. *Id.* at p. 8. Parent notified Special Education Teacher of the incidents that day. *Interview with Parents and Special Education Teacher; Exhibit F*, p. 14.
19. The next day, Special Education Teacher and other District staff requested video footage from the bus to investigate the incidents and determine what happened. *Interviews with Special Education Teacher and Dean; Exhibit F*, pp. 13-14. On October 2, 2025, Special Education Teacher informed Parents by email that she had requested the footage and would continue to update them as they investigated. *Exhibit F*, p. 12.
20. District’s review of the video indicated that Student had placed the peer into a headlock on both dates. *Id.* at p. 6. Dean interviewed Student to summarize his account of the events, and

Student described that he had placed the peer into a chokehold on both dates. *Interview with Dean; Exhibit F*, pp. 4-5.

21. Dean stated that due to the serious nature of the incident, a student would typically receive a three-to-five day out-of-school suspension, but that she assigned Student a two-day suspension because she wanted to maximize Student's time in School. *Interview with Dean*.
22. On the morning of October 6, 2025, Dean notified Parent that Student would receive an out-of-school suspension for October 6 and 7, 2025. *Exhibit F*, p. 3.
23. On October 7, Dean and other School staff created a safety plan to prevent future incidents involving Student. *Id.* at pp. 17-21. The plan required that Student sit in the first three rows of the school bus when riding to and from School, that he have scheduled check-ins and check-outs with Special Education Teacher at the start and end of school days, and identified four trusted adults at school, including Special Education Teacher and Dean, to whom Student could bring peer-related concerns. *Id.* The safety plan was presented to and signed by Parents and Student at a re-entry meeting on October 8. *Id.* at p. 20; *Exhibit K*, pp. 43-44.
24. Special Education Teacher sent an email to Parent on October 15, 2025 to attempt to schedule an IEP meeting to review and revise Student's IEP, proposing to meet on October 23. *Interview with Special Education Teacher; Exhibit 2*, p. 53.
25. Parent declined the meeting proposal, stating that she could not schedule a meeting with one week's notice. *Exhibit 2*, p. 54; *Exhibit K*, p. 160.
26. Special Education Teacher and Parent scheduled an IEP meeting for November 7, 2025. *Exhibit 2*, pp. 58-61; *Exhibit K*, p. 31.
27. On October 24, 2025, Student made a derogatory comment to a peer regarding her weight. *Exhibit F*, p. 1; *Interview with Dean*. He previously made similar comments to this peer. *Id.*
28. Dean spoke to Student about the incident, and Student admitted that he had made the comment in question. *Interview with Dean; Exhibit F*, p. 21.
29. Following the incident, Student worked with Special Education Teacher on a social story to develop strategies to successfully interact with peers. *Exhibit F*, p. 1; *Interview with Special Education Teacher*.
30. Based on this incident, Student was assigned a one-day in-school suspension to be served the next school day, October 27, 2025. *Exhibit F*, p. 1.
31. After School notified Parents of the proposed suspension on October 24, 2025, Parents picked up Student from school early and informed staff that they would be withdrawing Student from School. *Exhibit G*, p. 4.

32. Following the second disciplinary incident, on October 29, 2025, Director sent Parents a Prior Written Notice and Consent for Evaluation, proposing to perform additional evaluations, including a functional behavior assessment, to assess Student's needs in light of Parents' concerns and the disciplinary incidents. *Exhibit B*, pp. 19-20.
33. On November 6, 2025, Special Education Teacher sent Parents a draft IEP for them to review prior to the meeting scheduled for the next day. *Id.* at p. 31. Parents raised concerns with the draft IEP and asked that the November 7 meeting be rescheduled to make changes to the draft. *Id.* at p. 30.
34. The IEP meeting was rescheduled for November 20, 2025, and District sent a Notice of Meeting to Parents on November 12, 2025. *Exhibit C*, p. 1.
35. Parents did not attend the November 20, 2025 IEP meeting, and have not returned the Consent for Evaluation. *Interviews with Parents, Special Education Teacher, and Director.*
36. Student has not returned to School, and in November 2025, enrolled at a private school. *Id.* at p. 3; *Interview with Parents.*

E. Accessibility of Student's IEP to Teachers and Others

37. On August 11, 2025, prior to the start of the 2025-2026 school year, Special Education Teacher, who was Student's *case manager*, met with School's sixth grade general education teachers for about two hours to review the teachers' responsibilities under the IEPs of the students in their classes, including Student. *Interviews with Special Education Teacher and General Education Teacher.*
38. At the meeting, Special Education Teacher shared a picture of Student, described Student's accommodations and goals, and shared information from Student's fifth grade case manager related to the implementation of Student's IEP. *Id.* She also showed the teachers how to access Student's IEP on District's electronic student information management system. *Id.*
39. General Education Teacher stated that she read Student's IEP, and on August 17, 2025, created a reference document for herself to keep track of the accommodations of the students in her class. *Interview with General Education Teacher.* She described that she kept a printed copy of this document on her desk, with her private papers, to reference as needed throughout the year. *Id.*
40. Special Education Teacher regularly checked in with Student's general education teachers during the school year to discuss student progress toward IEP goals and answer any special education questions the teachers encountered. *Interview with Special Education Teacher.*

F. Implementation of Student's Small Group Instruction

41. Parent raised concerns regarding whether Student received the specialized instruction identified in his IEP. *Interview with Parents; Complaint*, p. 7.
42. The IEP required that Student receive 200 minutes per week of “direct specialized instruction in a small group / pull out setting in the areas of reading and writing.” *Exhibit A*, p. 33. These services “will include explicit instruction as well as guided practice on concepts taught. *Id.*”
43. On August 6, 2025, Parent sent an email to Special Education Teacher asking for more information on how Student’s specialized instruction would be delivered during the upcoming school year. *Exhibit K*, p. 41. Special Education Teacher responded later that day, explaining that Student’s seventh period language arts class would be a cotaught class, in which Student would receive small group instruction from Special Education Teacher. *Id.*
44. School’s bell schedule indicates that the seventh period for middle school takes place each day from 1:18 p.m. to 2:20 p.m., a span of 62 minutes. *CDE Exhibit 1*. Accordingly, during a typical five-day week, Student would have spent 310 minutes per week in the co-taught language arts class. *Id.*
45. Special Education Teacher described the cotaught language arts class, stating that during this class period, her small group would work on the same concepts as the larger class, but that her students would receive additional support and instruction while working on ability-appropriate exercises. *Interview with Special Education Teacher*.
46. In addition to the co-taught language arts class, Special Education Teacher intermittently pushed into several of Student’s other general education classes to provide support to him, and had him in her 32-minute “Innovations” class each day, where she worked with students on study skills, executive functioning, grade and assignment tracking, and social-emotional regulation. *Interview with Special Education Teacher; Response*, p. 3; *CDE Exhibit 1*.
47. As of Student’s last day at School on October 24, 2025, Student had completed the first quarter of the school year, and received four As, two Bs, and one “Pass” on his first-quarter classes. *Exhibit G*, p. 2. He had also received one progress report on IEP goals during the 2024-2025 school year, on October 8, 2025. *Exhibit A*, pp. 18-28. Student made progress on each of his five IEP goals. *Id.*
48. Based on these facts, the CDE finds District delivered the specialized instruction required by Student’s IEP during the 2025-2026 school year.

G. Implementation of Student’s Accommodations

49. Parents raised concerns that ten accommodations were not provided to Student during his time at School during the 2025-2026 school year. *Complaint*, p. 7.

Speech-to-Text and Text-to-Speech Software

50. Student’s IEP includes language requiring the “[u]se of technology to support writing (i.e., dictation, keyboarding),” but does not contain other language requiring speech-to-text software or any language requiring text-to-speech software. *Exhibit A*, p. 29.
51. Special Education Teacher and General Education Teacher described that all students at School use a tablet computer to access their schoolwork. *Interviews with Special Education Teacher and General Education Teacher*. These tablets enable students to speak into a microphone to dictate text into assignments, and to have text on the tablet read to them. *Id.*
52. Special Education Teacher stated that each class has a collection of headsets for students to use to engage in dictation and text-to-speech. *Interview with Special Education Teacher*.
53. General Education Teacher described that at the start of each class period while students are working on warm-up exercises, she checks in with students individually to ensure they are aware of these supports and able to access them. *Interview with General Education Teacher*.
54. Based on these facts, the CDE finds that District provided this accommodation consistent with the IEP during the 2025-2026 school year.

Audiobooks

55. Student’s IEP does not contain an accommodation, or any related reference, concerning the use of audiobooks. See generally, *Exhibit A*.
56. General Education Teacher described that whenever Students are working with text on their tablets, they can have the text read aloud using the technology on the tablet. *Interview with General Education Teacher*. She provided screenshots of these programs, showing that students can tap a button onscreen to have the text read to them. *CDE Exhibit 2*.
57. Special Education Teacher described providing an audiobook for a book Student had chosen to read for his language arts class, *Inkheart* by Cornelia Funke. *Interview with Special Education Teacher*.
58. Based on these facts, the CDE finds that District was under no obligation to provide an accommodation for the provision of audiobooks pursuant to the IEP, but that Student nevertheless had access to them during the 2025-2026 school year.

Breaks when Requested

59. Student’s IEP contains language requiring “[b]reaks given when requested.” *Exhibit A*, p. 29.
60. Special Education Teacher described that at the beginning of the school year, she created a “break pass” for Student to carry with him from class to class, which he could use to take a break when he needed. *Interview with Special Education Teacher*. Special Education Teacher

stated that she carries a radio on her throughout the day, so that any of Student’s teachers could contact her to come pick Student up for a break. *Id.*

61. General Education Teacher stated that in addition to supervised breaks with Special Education Teacher, she also would allow Student to take short, two- to five-minute breaks in the hallway outside the classroom. *Interview with General Education Teacher.*
62. Based on these facts, the CDE finds that District provided this accommodation when requested by Student consistent with the IEP during the 2025-2026 school year.

Teacher Check-In for Understanding of Instructions

63. Student’s IEP includes language requiring “[t]eacher check-in for understanding of instruction.” *Exhibit A*, p. 29.
64. General Education Teacher described that after she gives instructions to the whole class, she walks the room to check in with each student to make sure they understand the expectations for the assignment. *Interview with General Education Teacher.* She stated that she also monitors Student’s work as he completes the assignment—if that work is diverging from the instructions, she will engage further to ensure that Student understands the assignment. *Id.*
65. Special Education Teacher stated that she regularly checks in with the students in her co-taught language arts small group to ensure that they understand the instructions for assignments they are working on. *Interview with Special Education Teacher.* In classes in which Special Education Teacher was not co-teaching, she stated that the checks for understanding would be provided by that class’s general education teacher. *Id.*
66. Based on these facts, the CDE finds that District provided this accommodation consistent with the IEP during the 2025-2026 school year.

Repeated Instructions

67. Student’s IEP included language requiring that he be provided with “[r]epeated instructions.” *Exhibit A*, p. 29.
68. General Education Teacher and Special Education Teacher each described that whenever an assignment was given to students, they would speak the instructions aloud at least once, write the instructions on the whiteboard or display the instructions on a slideshow, and walk the room during the assignment to check in with students to ensure they understand the instructions. *Interviews with General Education Teacher and Special Education Teacher.*
69. Parents submitted with their Complaint a picture of an instruction sheet given to Student on August 19, 2025 for a “Timeline of My Life” assignment. *Exhibit 1*, p. 2. This sheet contains detailed instructions for students to reference outside of the classroom. *Id.* Likewise, General Education Teacher provided an example of a paper instruction sheet she distributed to

students for assignments given on September 22 and 23, 2025, which also details the instructions for the assignments in question. *Exhibit N*, p. 5.

70. Based on these facts, the CDE finds that District provided this accommodation consistent with the IEP during the 2025-2026 school year.

Shortened Assignments as Needed

71. Student's IEP contains a provision requiring that Student receive "[s]hortened assignments (as needed)." *Exhibit A*, p. 29.

72. Special Education Teacher described that in Student's various classes, his teachers would find different ways to shorten Student's assignments when needed. *Interview with Special Education Teacher*. For example, she described that in math class, he would often be required to only complete odd-numbered exercises, and that in language arts classes, he would be asked to complete one CER assignment while other students would be assigned two. *Id.*

73. General Education Teacher provided an example of a social studies assignment that had been shortened for Student. *Exhibit N*. In this assignment, students were asked to choose a world city, and answer several questions regarding the location, geography, inhabitants, and environment of their chosen city. *Id.* For most of Student's peers, each section of the assignment contained 6-7 questions on the topic, but for the version of the assignment given to Student, he was only asked to answer 2-3 question in each section. *Id.* Student's completed assignment was submitted with only the answers to the reduced number of questions. *Id.* at pp. 8-9.

74. Based on these facts, the CDE finds that District provided this accommodation consistent with the IEP during the 2025-2026 school year.

Visual Models of Finished Assignments

75. Student's IEP includes language requiring that Student be provided with "visual models of what the finished assignment or product should be." *Exhibit A*, p. 29.

76. Special Education Teacher and General Education Teacher each described that Student would receive exemplars of what a completed assignment should look like. *Interviews with Special Education Teacher and General Education Teacher*.

77. General Education Teacher provided an example of an instruction sheet given to the class for the world city assignment described above. *Exhibit N*. Embedded within this instruction sheet are two examples of completed assignments for students to model their submissions on. *Id.* at pp. 5-6.

78. Based on these facts, the CDE finds that District provided this accommodation consistent with the IEP during the 2025-2026 school year.

Guided Reading Strips

79. Student's IEP includes language requiring the "[u]se of guided reading strips to help [Student] not skip lines when reading."
80. Parents and General Education Teacher described an understanding that a guided reading strip is an object, like a ruler or a sheet of colored paper, that Student can use to visually isolate the line of text he is reading to be able to focus on just that line. *Interviews with Parents and General Education Teacher.*
81. General Education Teacher stated that in her social studies class, all reading was done on students' tablets, so it did not make sense to distribute guided reading strips. *Interview with General Education Teacher.* She noted that when students are reading text on their tablets, they can highlight each line of text to create similar visual contrast. *Id.* She also noted that when students use the text-to-speech feature, the tablet automatically highlights the line that is being read to the student. *Id.*
82. Special Education Teacher stated that she believed that accommodation was more appropriate for elementary school students and was not typically used in her classes unless Student particularly advocated for it. *Interview with Special Education Teacher.*
83. Based on these facts, the CDE finds that District did not provide this accommodation consistent with the IEP during the 2025-2026 school year.

Preferential Seating with Visual Access

84. Student's IEP includes language requiring "[p]referential seating for visual access." *Exhibit A, p. 29.*
85. Parents, General Education Teacher, and Special Education Teacher each described that Student should be seated close to the front of each class to ensure that he can see the assignments. *Interviews with Parents, General Education Teacher, and Special Education Teacher.*
86. General Education Teacher and Special Education Teacher described that they ensured that Student sat near the front of the room in social studies and language arts classes, respectively. *Interviews with General Education Teacher and Special Education Teacher.*
87. A diagram of the seating chart in Student's fourth period math class, however, shows that Student was seated at a table toward the back of the math classroom. *Exhibit K, p. 193.*
88. Based on these facts, the CDE finds that District did not provide this accommodation consistent with the IEP in math class during the 2025-2026 school year.

Test Taking in a Separate Room

89. Student’s IEP contains language requiring a separate testing location for state standardized assessments but does not contain any language requiring a separate testing location for other testing. *Exhibit A*, p. 31.
90. Parents stated that they opted Student out of state standardized assessments. *Interview with Parents*.
91. General Education Teacher and Special Education Teacher stated that they did not believe that Student’s IEP required that he be provided with a separate testing location for non-standardized tests. *Interviews with General Education Teacher and Special Education Teacher*. As a result, Student typically took tests in the classroom alongside his peers. *Id.*
92. Based on these facts, the CDE finds that Student’s IEP did not require a separate testing location for tests other than state standardized assessments, and that Student was opted out of all state standardized assessments during the 2025-2026 school year. Accordingly, there was no instance in which this accommodation would have been required.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District responded to Student’s behavioral concerns demonstrated during the 2025-2026 school year consistent with 34 C.F.R. § 300.324(b). District complied with the IDEA.

Parents’ concern is that District did not adequately consider or address information related to Student’s social-emotional needs. (FF #s 15-36).

A. Legal Obligation to Review and Revise IEPs

The IDEA requires school districts to offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. *Endrew F. ex rel Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 580 U.S. 386, 399. The IDEA does not promise a particular educational or functional outcome for a student with a disability, but it does provide a process for reviewing an IEP to assess achievement and revising the program and services, as necessary, to address a lack of expected progress or changed needs. *Id.* at 400. To that end, school districts have an affirmative duty to review and revise a student’s IEP at least annually. 34 C.F.R. § 300.324(b). However, the IDEA’s procedures contemplate that a student’s IEP may need to be reviewed and revised more frequently to address any lack of expected progress toward the annual goals, the results of any reevaluation, “[i]nformation about the child provided to, or by, the parents,” “[t]he child’s anticipated needs,” or other matters. *Id.*; see *Endrew F.*, 580 U.S. at 400.

The U.S. Department of Education confirmed that an “IEP Team also may meet periodically throughout the course of the school year, if circumstances warrant it.” *Questions and Answers on Endrew F.*, 71 IDELR 68 (EDU 2017). This includes monitoring and revising an IEP as necessary,

particularly if appropriate progress is not occurring, to ensure the goals remain individualized and appropriately ambitious for the child. *Id.*

B. Student's Behavioral Concerns

Parents' concerns regarding Student's social-emotional needs stem primarily from two behavioral incidents which took place during the 2025-2026 school year. (FF #s 15-32).

The first incident, which took place on September 26 and 30, 2025, involved a peer conflict which resulted in Student putting the peer into a headlock and restricting the peer's breathing. (FF #s 16-18). When School was first notified of this conflict, it investigated the incident by requesting and reviewing video footage and interviewing Student. (FF #s 19-20). Following School's investigation of the incident, Student received a two-day out-of-school suspension. (FF # 21). During Student's suspension, School staff created a safety plan to attempt to prevent further incidents involving Student, which included provisions ensuring that Student would be supervised on the school bus, identified trusted adults for Student to go to with issues with peers, and established check-ins and check-outs with Special Education Teacher each day. (FF # 23). District also sought to review Student's IEP considering this incident, proposing to schedule an IEP meeting for October 23, 2025. (FF # 24). Parent asked for a later meeting, and the IEP meeting was scheduled for November 7, 2025. (FF #s 24-25).

A second incident occurred on October 24, 2025, when Student made a derogatory remark to a peer. (FF # 27). School investigated the incident, spoke to the involved students, and Special Education Teacher worked with Student on a social story to develop strategies to successfully interact with peers. (FF #s 28-29). Student was assigned a one-day in-school suspension, but when Parents were notified of this decision, they removed Student from School that afternoon, and Student has not returned to School or any school in District. (FF #s 31, 36).

Following the second incident, District requested consent to perform further evaluations, including a functional behavior assessment, to determine whether Student's needs were being met by his IEP. (FF #34). Parents have not consented to that evaluation. (FF # 35). Parents requested that the November 7, 2025, IEP meeting be rescheduled for November 20, 2025, and ultimately did not attend the IEP meeting. (FF #s 33-34).

The process for reviewing and revising, as appropriate, a child's IEP considering newly emerged concerns is well-established. 34 C.F.R. § 300.324(b). It involves convening the IEP team and possibly seeking consent from the child's parents for a reevaluation to ensure the child's IEP continues to be reasonably calculated to enable the child to make progress that is appropriate in light of the child's circumstances. *Questions and Answers on Andrew F.*, 71 IDELR 68 (EDU 2017).

Here, District followed that process—it sought to schedule an IEP meeting to review and revise, as appropriate, Student's IEP, and it sought consent to reevaluate on Student. (FF #s 24-26, 32-33). Parents, instead of participating in the special education process, withheld Student from School and chose not to attend Student's IEP meeting. (FF #s 31, 36). Where a parent, through

their own actions and decisions, chooses not to meaningfully participate in the IEP development process, any resulting procedural defects do not result in a denial of FAPE. *Sytsema by Sytsema v. Academy Sch. Dist. No. 20*, 530 F.3d 1306, 1315 (10th Cir. 2008).

For these reasons, the CDE finds and concludes that District responded to concerns regarding Student's behavior consistent with 34 C.F.R. 300.324(b). District complied with the law.

Conclusion to Allegation No. 2: District ensured that staff had access to and an understanding of responsibilities for implementing Student's IEP, as required by 34 C.F.R. § 300.323(d). District also implemented Student's IEP, as required by 34 C.F.R. § 300.323(c). District complied with the IDEA.

Parents raised concerns that Student did not receive the specialized instruction described in his IEP, and that a number of Student's accommodations were not implemented. (FF #s 43, 49).

A. IEP Implementation: Legal Requirements

The IDEA seeks to ensure that all children with disabilities receive a FAPE through individually designed special education and related services pursuant to an IEP. 34 C.F.R. § 300.17; ECEA Rule 2.21. 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.*, 580 U.S. at 392 (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Ed. v. Rowley*, 458 U.S. 176, 181 (1982)). As soon as possible after an IEP is developed, school districts must implement the IEP by ensuring that: (1) teachers and related service providers responsible for implementation have access to and an understanding of their obligations under the IEP, and (2) special education and related services are made available to the child in accordance with the IEP. 34 C.F.R. §§ 300.324(d), 300.324(c)(2).

B. IEP Accessibility to Teachers and Others

A school district must ensure that each regular education teacher, special education teacher, related services provider, and any other service provider responsible for implementing an IEP is informed of "his or her specific responsibilities related to implementing the child's IEP," as well as the "specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP." 34 C.F.R. § 300.323(d).

Here, District staff responsible for implementing Student's IEP were aware of their responsibilities and had access to information regarding Student's IEP. Special Education Teacher met with all of Student's teachers to review his IEP and their responsibilities. (FF #s 37-38). At that meeting, Special Education Teacher ensured that the teachers knew how to access information regarding Student's IEP through District's electronic student information system. (FF # 38). Special Education Teacher also checked in with these teachers throughout the time Student attended School. (FF # 40). General Education Teacher, one of the teachers who went through this process, demonstrated familiarity with Student's IEP, creating a reference sheet to keep track

of student accommodations and accurately describing a detailed understanding of Student's accommodations described in this investigation. (FF #s 39, 50-92).

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

C. IEP Implementation: Specialized Instruction and Accommodations

In implementing an IEP, a school district must provide special education and related services "in conformity with" the IEP. 34 C.F.R. §§ 300.17, 300.324(c)(2); see *Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J*, 502 F.3d 811, 821 (9th Cir. 2007). Not providing special education and related services in conformity with an IEP can result in the denial of FAPE. 34 C.F.R. § 300.17; ECEA Rule 2.21(4). However, "there is no statutory requirement of perfect adherence to the IEP." *Van Duyn*, 502 F.3d at 821. In other words, not every shortfall in services between those required by an IEP and those provided will result in a denial of FAPE. *Id.* To result in a denial of FAPE, there must be "more than a minor or technical gap between the [IEP] and reality; *de minimis* shortfalls [that do not themselves deprive a student of the education promise of the IDEA] are not enough." *L.J. by N.N.J. v. Sch. Bd. of Broward Cnty.*, 927 F.3d 1203, 1211 (11th Cir. 2019); see, e.g., *L.C. and K.C. v. Utah State Bd. of Educ.*, 125 Fed. Appx. 252, 260 (10th Cir. 2005) (holding that minor deviations from the IEP's requirements which did not impact the student's ability to benefit from the special education program did not amount to a "clear failure" of the IEP); *T.M. v. District of Columbia*, 64 IDELR 197 (D.D.C. 2014) (finding "short gaps" in a child's services did not amount to a material failure to provide related services). Thus, a "finding that a school district has failed to implement a requirement of a child's IEP does not end the inquiry." *In re: Student with a Disability*, 118 LRP 28092 (SEA CO 5/4/18). Instead, "the [CDE] must also determine whether the failure was material." *Id.*

Material failures to implement an IEP constitute a denial of FAPE and substantive noncompliance with the IDEA. *Van Duyn*, 502 F.3d 811 at 822. "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP." *Id.* Courts will consider a case's individual circumstances to determine if there is a "material failure of implementing the IEP." *A.P. v. Woodstock Bd. of Educ.*, 370 Fed. Appx. 202, 205 (2d Cir. 2010). Material failures include shortfalls in implementing "substantial," "significant," or "necessary" IEP provisions. *Id.* at 818. The materiality standard has qualitative and quantitative components: the CDE should "determine *how much* [of a service] was withheld and *how important* the withheld services were in view of the IEP as a whole." *L.J. v. N.J.J. v. Sch. Bd. of Broward Cnty.*, 927 F.3d 1203, 1214 (11th Cir. 2019). The materiality standard "does not require that the child suffer demonstrable educational harm to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been more than a minor shortfall in the services provided." *Van Duyn*, 502 F.3d 811 at 822.

Therefore, to assess implementation concerns, the CDE engages in a two-pronged inquiry: (1) was there a shortfall in the provision of services and accommodations required by the IEP, and

(2), if so, did the shortfall amount to a material failure to implement the IEP and thus a denial of FAPE?

1. *Pronq 1: Was there a Shortfall in Services and Accommodations?*

The CDE must first determine whether there was a shortfall between the services and accommodations required by the IEP and those made available to Student. 34 C.F.R § 300.323(c)(2).

With respect to Student’s small group specialized instruction, the Record shows that Student received 310 minutes of instruction per week, more than the 200 minutes per week required by his IEP. (FF #s 40-47). Accordingly, the CDE finds that there was not a shortfall in the services made available to Student under his IEP.

With respect to the ten accommodations identified by Parents, the Record shows that eight accommodations were provided (or not required to be provided), and two accommodations were not provided. (FF #s 50-92). Accordingly, the CDE finds that there was a shortfall in the accommodations made available to Student under his IEP.

2. *Pronq 2: Was the Shortfall Material?*

Because there was a shortfall in the provision of two accommodations required by the IEP, the CDE must next determine whether this shortfall represents a material failure to implement the IEP such that Student was denied FAPE.

Here, the shortfall concerns the implementation of two of Student’s 18 accommodations. (FF #s 83, 88). With respect to the use of guided reading strips, staff described that although text was highlighted for contrast to aid Student with reading from screens, physical reading guides were not typically provided. (FF #s 79-84). With respect to the provision of preferential seating, staff reported that Student was seated at the front of the classroom in language arts and social studies, but the Record shows that Student was not seated toward the front of the classroom in math class. (FF #s 84-88). Nevertheless, Student’s performance at School showed that Student was making meaningful progress toward his IEP goals and achieving good grades. (FF # 47).

When looking at Student’s IEP as a whole, the shortfalls described above amount to a minor discrepancy between what was promised by the text of the document and what was delivered in the classroom—Student’s services were delivered, and most of his accommodations were also delivered. The Record does not show evidence that the absence of guided reading strips or preferential seating in math class materially impacted Student’s ability to receive a FAPE.

For these reasons, the CDE finds and concludes that the shortfall was not material, and thus District implemented Student’s IEP, as required by 34 C.F.R § 300.323(c)(2); *see Van Duyn*, 502 F.3d at 821 (“There is no statutory requirement of perfect adherence to the IEP.”)

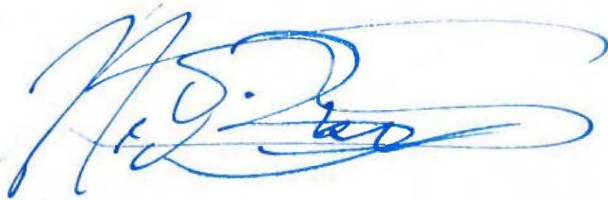
REMEDIES

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 13th day of January, 2026.

A handwritten signature in blue ink, appearing to read "Nick Butler", with a large, stylized flourish extending to the right.

Nick Butler
State Complaints Officer

APPENDIX

Complaint, pages 1-9

- Exhibit 1: Various documents supporting the Complaint

Response, pages 1-11

- Exhibit A: IEPs
- Exhibit B: Evaluation
- Exhibit C: Notices of Meeting
- Exhibit D: n/a
- Exhibit E: n/a
- Exhibit F: Disciplinary Records
- Exhibit G: Schedule, Grades, and Attendance
- Exhibit H: Progress Monitoring
- Exhibit I: District Calendar
- Exhibit J: District Policies and Procedures
- Exhibit K: Correspondence
- Exhibit K.1: Recording of Conversation between Parent and Director
- Exhibit L: n/a
- Exhibit M: Verification of Delivery
- Exhibit N: Additional Documentation

Reply, pages 1-5

- Exhibit 2: Correspondence
- Exhibit 3: IEP Draft

Telephone Interviews

- Parents: December 19, 2025
- Special Education Teacher: December 17, 2025
- Dean: December 17, 2025
- General Education Teacher: December 17, 2025
- Director: December 18, 2025