

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

State Complaint SC2025-633
Poudre School District

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 Poudre 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 November 19, 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 properly reevaluate Student in Fall 2025 because it did not use a variety of assessment tools and strategies to gather relevant functional, developmental, and

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.

academic information about Student—specifically information provided by Parent—as required by 34 C.F.R. § 300.304(b)(1).

2. District did not properly respond to Parent’s requests on or about October 10, 2025 and November 4, 2025 to amend inaccurate or misleading information in Student’s education records—specifically related to the Fall 2025 reevaluation report—as required by 34 C.F.R. §§ 300.618(a)-(c) and 300.619.

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 fourteen years old and began attending a District school (“School”) in the 2025-2026 school year, after transferring from an out-of-state school (“Prior District”). *Response*, p. 4. Student transferred into District due to Parent becoming her legal guardian. *Interviews with Parent and School Psychologist (“Psychologist”).*
2. Student arrived with an out-of-state IEP (“Prior IEP”) setting forth services contemplated to begin for the 2025-2026 school year. *Exhibit R*, pp. 169-177. Prior District completed a reevaluation (“Prior Reevaluation”) in Spring 2025 and determined Student met the criteria for special education eligibility under the categories of Specific Learning Disability (“SLD”) for math and Emotional Disturbance (“ED”). *Id.* at p. 178-196.
3. Student is “very popular,” loves “theater...cooking...and anime comics”, and “has a wicked sense of humor.” *Interviews with Parent and Student’s Case Manager (“Case Manager”).* She has played many sports, with volleyball, basketball, and badminton being her favorite. *Exhibit I*, p. 1; *Interview with Parent.*
4. This investigation involves a District reevaluation of Student in Fall 2025 and a concern with the amendment of Student’s education records. *Interview with Parent; Complaint*, p. 7.

B. District’s Practices, Policies, and Procedures

5. District has written procedures regarding both evaluations and requests to amend educational records, which are available to all District staff. *Exhibit M*, pp. 31-71; *Interview with District’s Director of Special Education (“Director”).*
6. District’s written procedures on evaluations properly describe what constitutes a comprehensive evaluation, including that a variety of assessment tools and strategies must

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

be used. *Id.* at p. 45. The procedures also include a checklist for reevaluations, guidance on parent input for the reevaluation process, and a questionnaire to share with parents to gather their input on a student’s strengths, abilities and needs. *Id.* at pp. 47, 52, 55-56.

7. Director and District’s Assistant Special Education Director (“Assistant Director”) accurately described that a reevaluation requires a variety of assessment tools, including input from the parent. *Interviews with Director and Assistant Director.*
8. District’s written procedure for requests to amend records provides that the request should be in writing and submitted to the building principal. *Id.* Should the principal deny the request, an appeal can be submitted to the assistant superintendent of school services. *Id.* The assistant superintendent must provide an answer within 10 school days. *Id.* If the assistant superintendent denies the appeal, the parent must be advised of their right to request a formal hearing. *Id.*
9. Director explained District’s process for amending educational records, which includes two pathways: (1) If District is in the process of creating an IEP, or working through eligibility, then the IEP team works with the family and makes corrections in real time based on the family’s input and (2) If a record has already been finalized, then District would follow its amendment process provided for in its special education ‘Parent Handbook.’ *Interview with Director.*
10. Finally, District provides a significant amount of professional development. *Id.* This includes a robust onboarding process including three days of new teacher orientation which includes training in evaluations. *Id.* District also has a coaching and mentoring program. *Id.* For example, Director meets with the assistant directors regularly and the assistant directors meet with their individual teams regularly. *Id.*

C. Prior Reevaluation, Prior IEP, and Other Documentation

Prior Reevaluation

11. In August 2025, Parent provided School with the Prior Reevaluation, which had been conducted in Spring 2025 and completed by June 16, 2025. *Exhibit J*, pp. 1; *Exhibit R*, pp. 178-196.
12. Prior Reevaluation assessed Student in areas related to the suspected disability: SLD and ED. *Exhibit R*, p. 179.
13. For SLD, Prior District administered the Woodcock Johnson Test to assess general cognitive ability and academic achievement. *Id.* Student scored in the 17th percentile, placing her in the low average range in general cognitive ability. *Id.* Student scored in the high average range in basic reading skills and reading fluency, the average range in reading comprehension and written expression, in the low range in math calculation skills, and in the low average range in math problem solving skills. *Id.*

14. For ED, Prior District administered the Revised Children’s Manifest Anxiety Scale (“RCMAS-2”), Children’s Depression Inventory 2nd Edition (“CDI-2”), and Behavioral Assessment System for Children-3rd Edition (“BASC-3”). *Id.* at pp. 182-187. The RCMAS-2 is a self-report instrument designed to assess the level and nature of anxiety in children and adolescents. *Id.* at p. 182. Student self-reported very high levels of social anxiety and worry. *Id.* at p. 183. Student’s self-report for physiological anxiety was in the moderately problematic range. *Id.* She reported the physical effects of her anxiety are difficulty sleeping, tiredness, stomach aches, trouble catching her breath, and headaches. *Id.*
15. The CDI-2 provides a comprehensive assessment of depressive symptoms in children. *Id.* The scores in the CDI-2 mirror the extent or severity of current or recent depressive symptoms. *Id.* Student self-reported experiencing very elevated symptoms in all categories measured related to depression when compared to other girls her age. *Id.* These included in the areas of negative mood/physical symptoms, negative self-esteem, functional problems, ineffectiveness, and interpersonal problems. *Id.*
16. The BASC-3 assesses what behaviors, emotional state, and personality traits look like in the school and home environment and is completed by the child and adults relevant to the child’s education. *Id.* Student endorsed items that resulted in clinically significant Internalizing Problems, Atypicality, Locus of Control, Social Stress, Anxiety, Depression, Sense of Inadequacy, Somatization, Emotional Symptoms, Inattention/Hyperactivity, Attention Problems, Personal Adjustment, Relations with Parents, Interpersonal Relations, and Self-Esteem. *Id.* at p. 184. Her teacher endorsed clinically significant scores in Depression, Anxiety, Somatization, Atypicality, and Withdrawal. *Id.* at p. 185.
17. Student’s biological parents did not provide input for the Prior Reevaluation. *Id.* at p. 188.
18. The Prior Reevaluation reports that Student will occasionally shut down in class or not be able to access class due to an inability to regulate. *Id.*
19. Student’s then present levels of academic achievement included typical or better performance in basic reading, reading comprehension, and written expression. *Id.* She demonstrated below grade level typical performance in math calculation and math reasoning. *Id.* Her then present levels of functional performance included typical or better performance in the areas of working independently and working well with adults, and she demonstrated below typical performance in the functional areas of working when she is dysregulated. *Id.*
20. Prior District qualified Student for special education under the disability categories SLD in math reasoning and math calculation, and ED. *Id.* at p. 191-193.

Prior IEP

21. In August 2025, Parent provided School with the Prior IEP. *Exhibit J*, pp. 1.

22. The Prior IEP outlines Student's strengths, including that she is artistic, attentive, and works diligently. *Exhibit R*, p. 170. Student showed great improvement during the 2024-2025 school year in her academics and confidence. *Id.*
23. Prior IEP includes the results of her 'STAR' Reading and Math scores in the Winter of 2025. Student scored in 72nd percentile in Reading and in the 9th percentile in Math. *Id.* Student struggles with multistep problems and problems she has not seen before. *Id.*
24. There is no parent input included in Prior IEP. *Id.* at p. 171. The present levels of academic performance include the results of Student's Woodcock Johnson Test of Achievement in the categories of calculation and math reasoning, as well as writing samples and spelling. *Id.* at pp. 172-173.
25. Student's functional performance notes that Student's math skills are stronger than she gives herself credit for, and that when Student has a positive attitude toward solving a math problem, she has demonstrated that she can get a basic understanding of math concepts. *Id.* at p. 172. It also notes that though Student may struggle to get started, when given 1:1 or small group support, she is often able to complete tasks independently. *Id.* Student needs frequent check ins to ensure she is on task. *Id.* at p. 173.
26. Prior IEP includes two goals, one in writing and one in math reasoning, as well as numerous accommodations. *Id.* at pp. 172-173, 176. Prior IEP states that Student's placement is primarily in the general education classroom 80% of the time. *Id.* at p. 175.

Other Out-of-State Documentation

27. Additional documentation provided by Prior District include: (1) From the 2017-2018 school year (a) initial consent for evaluation in 2017, (b) a Coordinated Service Plan, (c) a Behavioral Intervention Plan ("BIP"), and (d) a Safety Plan for elopement behaviors; (2) From the 2019-2020 school year a triennial reevaluation and report card; and (3) Student's 2022-2023 IEP. *Id.* at pp. 6-155.
28. Within the 2017 Coordinated Service Plan, Student's biological mother shared her goal that Student feel comfortable and in a safe space, and "[that she] doesn't have to run out of the classroom every time she is frustrated or upset." *Id.* at p. 13. It contains a summary of Student's resources and supports, which at the time, included Student's biological dad, an aunt, biological dad's fiancé, and maternal grandmother. *Id.* Student's then-present concerns included biological mom's concerns with biological father, an issue with Student's right leg, gross motor delays, and behavioral needs. *Id.* at p. 14.
29. During the 2017-2018 school year, Student exhibited significant behavior problems at school such as "defiance, eloping from classroom and building, physical aggression, and intentional enuresis." *Id.* at p. 17. At this time, Student lived with biological mother and her fiancé. *Id.* Student's attendance in kindergarten included 23 absences and 17 tardies. *Id.*

30. The 2017-2018 BIP identified Student's behavior to increase as compliance and behaviors to decrease include elopement and noncompliance. *Id.* at p. 33-34. In February 2018, Student's BIP was updated to address aggression. *Id.* at p. 53.
31. The 2020 reevaluation resulted in the IEP team determining Student "continues to meet criteria for an Emotional Disturbance with an adverse effect documented with regards to math calculation, math problem solving, and written expression." *Id.* at p. 135.
32. The 2022-2023 IEP notes that Student spent most her elementary school years at an alternative placement due to challenging behaviors. *Id.* at p. 151. By Student's fifth grade year, her behavior at school had improved though her attendance was extremely low, missing 90 days of school. *Id.* At the end of Student's fifth grade year, it was decided that Student would benefit from a less restrictive environment. *Id.* That IEP also notes that Student's behavior had improved at home as well. *Id.* at p. 152.
33. The 2022-2023 IEP included a social and emotional developmental goal around self-control, a math goal on math operations, and a writing goal. *Id.* at pp. 153-155. One of Student's accommodations for the 2022-2023 school year was a full-time paraprofessional for social emotional support. *Id.* at p. 151.

D. Reevaluation

34. At the beginning of the 2025-2026 school year, District determined it would reevaluate Student and develop a new IEP. *Interviews with Psychologist and Case Manager; Exhibit D*, p. 1; *Exhibit N*, p. 2. District determined Prior Reevaluation, and Prior IEP, lacked observations in the classroom, information on interventions Prior District took, and Student's social developmental history. *Interviews with Case Manager and Psychologist*.
35. In the meantime, District developed an interim IEP to provide Student comparable services. *Exhibit A*, p. 1-10; *Exhibit D*, p. 1; *Exhibit C*, p. 1. On September 10, District provided Parent with a prior written notice and consent for reevaluation. *Exhibit H*, pp. 1-3. On September 11, Parent signed consent to evaluate Student in the areas of academic performance and social and emotional status. *Id.* at p. 1.
36. District completed Student's reevaluation and issued an evaluation report ("Reevaluation") on October 31, 2025. *Exhibit I*, pp. 1-7. The Reevaluation assessed Student in all areas identified in the consent to evaluate. *Id.* Student was reevaluated for eligibility as a child with serious emotional disability ("SED") and specific learning disability ("SLD"). *Id.* at p. 1.

Developmental Information

37. The Reevaluation includes background information about Student, mostly provided by Student. *Exhibit I*, p. 1. Student was born out of state to her biological mother and father. *Id.* Student self-reported having trouble sleeping. *Id.* Student reported having vision issues,

asthma, acid reflux, and that she is allergic to pine trees and pollen. *Id.* Student reported currently struggling with depression, anxiety, and Post Traumatic Stress Disorder, and previously struggling with an eating disorder. *Id.* Student is currently living with Parent. *Id.* Student reported she experienced trauma from her biological family. *Id.*

Academic Information

38. Psychologist administered the Wechsler Individual Achievement Test- Fourth Addition (WIAT-4). *Exhibit I*, p. 2. Student scored within the very low range for written expression and mathematics. *Id.* She showed an area of strength in spelling. *Id.*
39. Student's grades as of October 13, 2025 consisted of a B- in Honors Classical Literature, a C- in Honors Earth Science and Latin, a C in Supplemental Studies and Pre-Algebra, and a D in Honors Western Civilization. *Exhibit I*. at p. 3.
40. Student's teachers, including science, math, and literature, were given the opportunity to provide input. *Id.* at pp. 3-4. Her math teachers reported being "mostly concerned with her ability level and confidence and not with behavior." *Id.* at p. 3. Student's literature teacher shared she was late to class most days and her science teacher noted she left class one time before the end of the period. *Id.* No teacher reported any concerns behaviorally. *Id.*

Functional Information

41. Psychologist conducted an interview with Student. *Id.* at p. 4. Student reported struggling with anxiety and depression. *Id.* She noted getting triggered in crowded rooms, when faced with repetitive questions, with people who debate with her, and with people who stare at her. *Id.* She engaged in therapy both in and out of school where she previously lived but had not since moving to Colorado. *Id.* She reported struggling with anger in her new home. *Id.*
42. Parent and Case Manager completed the Conners 4th Edition, which is used to gather information about "conditions and difficulties experienced by the youth age 6-18 in several domains", including executive dysfunction, hyperactivity, impulsivity, emotional dysregulation, depressed mood, and anxious thoughts. *Id.* at p. 4-5. Case Manager endorsed a slightly elevated score in the anxious thoughts categories; but Case Manager and Parent reported Student as being in the average range in every other category. *Id.*
43. Psychologist conducted a file review of Prior Reevaluation. *Id.* at p. 5. This included the RCMAS-2, the CDI-2, and BASC-3. *Id.* at pp. 5-7; *Interview with Psychologist*. The Reevaluation includes a summary of the results. *Exhibit I*, pp. 5-7. The Reevaluation did not incorporate the specific scores from these assessments or provide an explanation of the different categories tested. *Id.* The Reevaluation reflects that Prior Reevaluation determined that Student made great improvements during the 2024-2025 school year. *Id.*

44. Psychologist's file review also included a 2017 evaluation report, when Student was first found eligible for special education services. *Id.* That year, Student transferred to an alternative school for students with significant challenges in areas of academic, social, emotional or behavior when she was in first grade. *Id.*
45. Case Manager conducted a classroom observation of Student during Supplemental Studies. *Id.* at pp. 6-7. Student was prepared for class and had a cordial demeanor. *Id.* She drew in her sketchbook for the first ten minutes of class but put her work away when asked to focus on schoolwork. *Id.* at p. 7. Case Manager assisted Student when she began struggling with a problem. *Id.* She was "attentive, cooperative, and productive for nearly an hour." *Id.* This represented a normal Supplemental Studies period for her. *Interview with Case Manager.*
46. The Reevaluation summary notes that part of the file review included the Woodcock Johnson, which was included in the Prior Reevaluation. *Exhibit I*, p. 7. The Reevaluation itself did not incorporate the results or an analysis of the Woodcock Johnson. *Id.* at pp. 1-7.

Parent Input

47. Parent's concern is that District did not conduct a comprehensive evaluation because it did not incorporate her input. *Interview with Parent; Complaint*, p. 7.
48. On September 17, 2025, Psychologist emailed Parent informing her she had begun the reevaluation process with Student by gathering some social and health history information. *Exhibit N*, p. 14. Psychologist asked Parent for additional background information, including Student's "birth history, health history such as when she was diagnosed with anxiety and depression and what the trauma in her background is." *Id.* Psychologist also noted that Student shared she has PTSD but could not remember why. *Id.* Psychologist asked Parent to share any additional information she might have related to why Student was eligible for special education services as a child with ED per Prior District. *Id.*
49. Psychologist emailed Parent again on September 19 noting that Student mentioned Parent was upset she had not emailed her in addition to speaking with Student to gather information for the reevaluation. *Exhibit N*, p. 16. Psychologist asked if Parent had seen her prior email and asked if she would like to meet. *Id.*
50. Psychologist forwarded her September 17 email to a new email address for Parent on September 22, 2025. *Id.* at p. 14. On the same day, Psychologist also sent the Connors 4th Edition to Parent for her to complete for Student's evaluation. *Id.* at pp. 18-19.
51. Parent emailed Psychologist on September 22 with background information for Student. *Id.* at pp. 30-32. This included that Student had previously experienced "instability/neglect." *Id.* at p. 32. Parent noted that Student's past experiences can "affect anxiety, trust with unfamiliar adults, start-of-term transitions, and focus." *Id.* Parent believed that Student "responds well to predictable routines and clear expectations." *Id.* She believed

accommodations that work are visual schedules, first/then, written directions, structured break card, reduced-stimulus testing environment, and positive reinforcement. *Id.*

52. On September 25, Psychologist emailed Parent noting she wanted to gather “as much information about [Student’s] past including any diagnosis so that [District] can have the most comprehensive evaluation report.” *Id.* at p. 30. Psychologist asked Parent to either email additional information or for them to schedule a time for a phone call. *Id.* Parent states she never received this email. *Interview with Parent.* However, the email was sent to the same account Parent used to respond on September 22 and continued to use in correspondence with other District staff. *Exhibit N*, pp. 30-88.
53. When trying to email Parent on September 26, Psychologist received an email message that her delivery failed. *Id.* at pp. 37-38. The autogenerated message stated “it appears that [the recipient’s] email system isn’t accepting connection requests from your email system.” *Id.* at p. 37. Again, following this day, Parent continued receiving and responding to email messages with other District employees via this email address. *Id.* at pp. 39-88.
54. District determined there may be communication issues between Psychologist and Parent and thus had Case Manager step in to facilitate communication and gather additional information. *Interviews with Case Manager and Psychologist.*
55. On October 1, Case Manager asked Parent to complete the Conners 4th Edition. *Exhibit N*, p. 42; *Interviews with Case Manager and Psychologist.* On or around that time he also sent the Conners 4th Edition questionnaire home to Parent through Student’s communication folder. *Interview with Case Manager.* With that, he made a note that it was very important Parent complete it. *Id.* He reminded Parent on October 6, 2025. *Exhibit N.* at p. 45. Parent completed the Conners 4th Edition. *Interviews with Case Manager, Psychologist, and Parent.*
56. On October 8, Case Manager asked Parent to complete the “Social/Developmental History” form. *Exhibit N*, p. 49. Case Manager also sent a physical copy home with Student and encouraged Parent to “complete the items you can.” *Id.* He reminded her again on October 17, telling her to “complete the sections you can.” *Id.* at p. 50. On October 24, Parent responded that she had tried contacting Student’s biological parents but could not reach them. *Id.* at pp. 51-52. Parent did not otherwise fill out the form. *Interviews with Case Manager and Parent.*

E. Parent’s Disagreement with the Reevaluation

57. Parent received a physical copy of the Reevaluation on October 27, 2025. *Exhibit N*, p. 52.
58. On November 4, 2025, approximately four hours before a scheduled eligibility meeting, Parent emailed District with information to “clarify and supplement” the Reevaluation. *Exhibit N*, pp. 57; *Exhibit K*, pp. 1-13. Parent requested that her addendum (“Addendum”) “be

permanently attached to [Student's] evaluation and eligibility documentation in her educational record." *Exhibit N*, p. 57.

59. The Addendum noted the following concerns with the Reevaluation: (1) medical details were not provided or verified by Parent, including Student taking medication for depression, having asthma, or pulmonary issues; (2) Parent has not observed Student having difficulty sleeping; (3) the classroom observations included are brief, isolated moments; (4) Student's report of her biological parents' diagnoses of ADHD and bipolar disorder are not verified through medical documentation; (5) Parent requested the Reevaluation differentiate between verified and unverified information; (6) Parent requested the section of the Reevaluation which included that there was no parent input in the Prior Reevaluation be corrected to clarify the change in guardianship to Parent; (7) Parent disagreed with Student's self-report of having anger at home, and would classify it as emotional withdrawal; and (8) Parent wanted to ensure the tardies from the 2025-2026 school year not be considered as relevant to any behavioral or emotional concerns since Parent reports she was not aware of the correct school start time. *Exhibit K*, pp. 4-8.
60. Parent includes in the Addendum that she is withholding her signature on the Reevaluation "pending the correction of the inaccuracies and the inclusion of her written addendum." *Id.* at p. 8. She noted that the Addendum "serves as [her] formal disagreement with portions of the current evaluation and eligibility summary. It must be permanently attached to [Student's] educational record." *Id.* at p. 8.
61. The Addendum stated that "[d]ue to repeated inaccuracies, omission of guardian input, and failure to verify information....[she was] therefore requesting a new evaluator or independent educational evaluation conducted by a different professional." *Id.* at p. 12.
62. Case Manager and Psychologist were uncertain of Parent's specific request from the Addendum, whether it be to amend the Reevaluation, to attach it to the Reevaluation, to request an independent education evaluation ("IEE"), or a combination thereof. *Interviews with Case Manager and Psychologist*. They immediately consulted with Assistant Director ahead of the eligibility meeting and planned to seek clarification during the meeting. *Interview with Assistant Director*.

F. The Eligibility Determination Meeting

63. On November 4, School convened a multidisciplinary team ("MDT"), including Parent, to consider the Reevaluation and determine eligibility for special education. *Exhibit C*, p. 3.
64. District invited Parent to actively participate and share input at the beginning of the meeting, at which point Parent read the Addendum in its entirety, including its requests. *Interviews with Case Manager, Psychologist, and Parent*.

65. At this point, Case Manager understood Parent wanted her Addendum attached to the Reevaluation and that a new reevaluation be conducted. *Interview with Case Manager.* Psychologist understood Parent wanted to add verified or unverified to certain pieces of information within the Reevaluation. *Interview with Psychologist.* Psychologist wanted to explain the reasoning for why the Reevaluation did or did not include information, but the MDT ultimately did not have the opportunity to have those discussions. *Id.*
66. After Parent finished reading the Addendum, Student became upset. *Interviews with Case Manager, Psychologist, and Parent.* Parent and Student stepped out in the hallway to speak with one another. *Id.* When the two returned to the room, Parent confirmed she would not sign an eligibility determination agreeing the Reevaluation was comprehensive and requested the Reevaluation be void. *Interview with Psychologist and Parent.* Parent's intent at that point was to request an IEE. *Interview with Parent.* Parent did not wish to proceed with the eligibility determination. *Id.*
67. District provided the procedural safeguards notice with Parent, specifically pointing out the page with information on what to do if she disagreed with the Reevaluation. *Interviews with Case Manager and Parent.*
68. On November 7, 2025, Parent notified District via email of her intent to "formally place [Student]'s reevaluation in dispute and request an Independent Educational Evaluation." *Exhibit N*, pp. 63-64.
69. District issued a Prior Written Notice ("PWN") on November 10 to reflect what occurred at the meeting. *Exhibit D*, pp. 4-5. The PWN notes that following the meeting, District attempted to reconvene the team and in response Parent notified District of her request for an IEE and to "void the reevaluation." *Id.* at p. 4.
70. Following the meeting, District attached Parent's Addendum to the Reevaluation. *Interviews with Case Manager, Psychologist, and Assistant Director.* It is also available in the online system District uses to house educational records. *Interviews with Case Manager and Psychologist.*
71. District considered Parent's November 7 email correspondence as confirmation that her ultimate request was for an IEE and not to amend the educational record. *Interviews with Psychologist, Case Manager, and Assistant Director.* District responded to the request. *Id.* On November 11, 2025, District granted Parent's request for an IEE. *Interview with Director; Exhibit N*, p. 66.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District used a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about Student—

specifically information provided by Parent—as required by 34 C.F.R. § 300.304(b)(1). District complied with IDEA.

Parent’s concern is that District did not conduct a comprehensive evaluation because it did not use a variety of assessment tools and strategies to gather information about Student, specifically information provided by Parent. (FF # 55).

A. Legal Requirements: Evaluation Procedures

As part of a reevaluation, school districts must review any existing evaluation data on the child, including (1) evaluations and information provided by the parent of the child, (2) current assessments and classroom observations, and (3) observations by teachers and related service providers. 34 C.F.R. § 300.305(a)(1). Based on this review, including input from the child’s parents, the school district must identify what additional data, if any, are needed to determine whether the child continues to have a disability and the educational needs of that child. 34 C.F.R. § 300.305(a)(2).

The reevaluation itself must assess a student “in all areas related to the suspected disability.” 34 C.F.R. § 300.304(c)(4). Reevaluations must be sufficiently comprehensive to identify all of the child’s special education needs, whether or not commonly linked to the disability category with which the child has been identified. 34 C.F.R. § 300.304(c)(6). The reevaluation must also “use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent” that may assist in determining “the content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum.” 34 C.F.R. § 300.304(b)(1)(i-ii).

B. Student’s Reevaluation: Information Provided by Parent

Here, consistent with IDEA, District gathered existing evaluation data, reaching out to Prior District for Student’s educational records. (FF #s 11, 21, 27). District then reviewed these records which spanned from 2017, when Student was first found eligible for special education services, through Spring 2025. (FF #s 2, 12-33). Her file included notices of meetings, an initial Coordinated Service Plan and BIP from 2017, Student’s 2020 triennial evaluation and report card, Student’s 2022-2023 IEP, Prior Reevaluation, and Prior IEP. (FF #s 12-33). Encapsulated within the files were the results of prior academic testing, functional development notes, relevant behavioral history, Student’s response to prior interventions, and past family life. (*Id.*). Importantly, the files contained some, though minimal, comments from Student’s biological parents. (FF #s 28-29).

This review, specifically of Prior Reevaluation and Prior IEP, guided District in determining the additional data needed through the Reevaluation to determine whether Student continued to have a disability and her educational need. (FF # 34). Specifically, District wanted to gather more information on Student’s ED needs and developmental history. (*Id.*). District reached out to

Parent and conducted interviews with Student. (FF #s 35, 37-38, 41-42, 48-56). District conducted two formal assessments: the WIAT-4 and Conners 4th Edition. (FF #s 38, 42). This allowed District to have even more current assessments than what was included in Prior Reevaluation, specifically assessments done while Student was in her new environment. (FF #s 22-26, 38, 42). District conducted a classroom observation and gathered teacher observations from numerous teachers, including her science, math, and literature teachers. (FF #s 40, 45). Throughout the entirety of the reevaluation process, District identified the need for additional parent input and continuously reached out to Parent from mid-September through the end of October. (FF #s 48-56).

Parent's main concern is that District did not include information from her in the Reevaluation. (FF # 47). However, the evidence in the Record shows that District involved Parent in the Reevaluation by using a variety of assessment tools and strategies to gather functional, developmental, and academic information about Student, specifically from Parent. (FF #s 11, 21, 35, 37-46, 48-56, 58-59, 64, 70). District attempted to gather information from Parent numerous times via emails from both Psychologist and Case Manager, as well as through the Conners 4th Edition questionnaire and a social history questionnaire. (FF #s 42, 48-56). Parent responded via email once to Psychologist and completed the Conners 4th Edition. (FF #s 51, 55). District considered Parent's email and included within the Reevaluation her responses to the Conners 4th Edition. (FF #s 42, 51-52).

District then completed a report based on the Reevaluation with the information it collected and shared it with Parent ahead of an eligibility meeting scheduled in coordination with Parent. (FF #s 36, 57). The Reevaluation included developmental information (a Student interview on her developmental history and an excerpt from Student's 2017 initial evaluation), academic information (the WIAT-4, Student's grades, and teacher feedback), and functional information (a student interview, the Conner 4th Edition, a classroom observation, and a file review of Prior Reevaluation which included the RCMAS-2, CDI-2, and BASC-3). (FF #s 36-46). The Reevaluation summary noted District also reviewed an additional formal academic assessment, the Woodcock Johnson, from Prior Reevaluation. (FF # 46).

Finally, even though Parent emailed extensive substantive information to District the morning of the eligibility meeting on November 4 (i.e., the Addendum), District considered this information, allowed Parent to share her related concerns during the meeting, and even attached the Addendum to the Reevaluation. (FF #s 58-59, 64, 70). Parent then prevented District from moving forward with the eligibility determination, indicating that she did not wish to proceed any further and asked that the Reevaluation be void. (FF # 66).

The IDEA recognizes the important role parents play in the special education process and "places special emphasis on parental involvement." *Systema v. Academy Sch. Dist.* 20, 538 F. 3d 1306, 1312 (10th Cir. 2008). The IDEA's collaborative process allows parents to advocate for their child, and it even requires IEP Teams to consider a parent's concerns "for enhancing the education of their child." 34 C.F.R. § 300.324(a)(ii). However, it does not give a parent the right to dictate all

aspects of the child's education. *See Roaring Fork Sch. Dist.*, 124 LRP 34383 (SEA CO 12/26/23) (noting that parents do not have "veto power" over IEP Team decisions).

In this case, District collected and meaningfully considered input from Parent. (FF # 11, 21, 42, 48-56, 58-59, 62-67, 70-71). That Parent disagreed with the Reevaluation does not require District to invalidate the Reevaluation. Instead, as described below for Allegation No. 2, there is a well-established process under IDEA for a parent to use when a parent disagrees with a District evaluation. 34 C.F.R. § 300.502. For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.304(b).

Conclusion to Allegation No. 2: Parent did not request an amendment of Student's educational records. Accordingly, District was not required to comply with 34 C.F.R. §§ 300.618(a)-(c) and 300.619.

Parent is concerned that District refused her request to amend the Reevaluation on or around November 4, 2025. (FF # 58-61). Parent received the Reevaluation on October 27, 2025. (FF # 57). Parent asserts her request to amend the Reevaluation occurred via the November 4 email with the Addendum and at the eligibility determination meeting (FF # 58, 64, 66).

A. Legal Requirements: Amendment of Records at Parent's Request

The IDEA establishes a procedure by which parents can request amendment of a student's educational records. 34 C.F.R. § 300.618. Specifically,

a parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the student may request that the participating agency that maintains the information to amend the information.

Id. § 300.618(a). The school district must decide "within a reasonable period of time" whether to amend the information. *Id.* § 300.618(b). If the school district declines to amend the records, it must inform the parent of the refusal and advise the parent of the right to a hearing. *Id.* § 300.618(c). The SCO must first determine whether Parent requested to amend an educational record.

B. Parent Did Not Request Amendment of Student's Records

Here, Parent was concerned with multiple statements in the Reevaluation including largely that background information provided by Student was at times inaccurate and had not been confirmed by Parent or verified through medical documentation (FF # 58-59). Parent voiced her concern via an email with an attachment she labeled as an "Addendum" to the Report (FF # 58). This email was sent to District hours before the eligibility meeting. (*Id.*). District did not have time to respond to the email ahead of the meeting and intended to seek clarification at the meeting as to Parent's request. (FF # 62). The Addendum made multiple requests as to how Parent wanted

to fix the perceived inaccuracies, including to change the Reevaluation itself, to attach it to the Reevaluation in Student's records, and for an IEE. (FF #s 58-61). The MDT considered the Addendum at the eligibility meeting, to include allowing Parent to share her concerns and ultimately making the Addendum as part of the Reevaluation. (FF #s 64-65, 70).

Parent concedes that by the time the meeting concluded, her request was for an IEE. (FF # 66). Parent confirmed she was requesting an IEE via email following the meeting. (FF # 68). For these reasons, the CDE finds and concludes that Parent did not request amendment to Student's educational records. Accordingly, District was not required to comply with 34 C.F.R. §§ 300.618(a)-(c) and 300.619.

C. Parent's Request for an IEE

Although Parent's request for an IEE falls outside the scope of this investigation, it is closely related to the accepted allegation given that Parent did not seek amendment of Student's educational records. Thus, "some clarification on this issue may assist the parties moving forward." *Denver Public Schools*, 124 LRP 34289 (SEA CO 8/13/24). Under the IDEA, parents have the right to seek an IEE at public expense if they disagree with an evaluation completed by the school district. 34 C.F.R. § 300.502(b)(1). An "IEE" is an evaluation conducted by a qualified examiner who is not employed by the child's school district. *Id.* § 300.502(a)(3)(i). Once a parent requests an IEE, the district must "without unnecessary delay" either: (1) file a due process complaint to request a hearing to show that the district's evaluation was appropriate; or (2) provide the IEE at public expense. *Id.* § 300.502(b)(2).

Here, Parent requested an IEE because she disagreed with the Reevaluation. (FF # 68, 71). Within three days of receiving Parent's request, District granted the IEE. (FF # 68). Accordingly, the CDE finds and concludes District complied with the requirements of 34 C.F.R. § 300.502(b)(1).

REMEDIES

The CDE concludes that District complied with the requirements of 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 16th day of January, 2026.

Tara Carone

Tara Carone
State Complaints Officer

APPENDIX

Complaint, pages 1-49

Response, pages 1-15

- Exhibit A: IEPs
- Exhibit C: NOMs
- Exhibit D: PWNs
- Exhibit E: Meeting Notes
- Exhibit F: Student's Schedule, Grades, Attendance
- Exhibit G: Progress Reports
- Exhibit H: Consents for Evaluation
- Exhibit I: Evaluations
- Exhibit J: Special Education Documents Provided by Parent
- Exhibit K: Requests to Amend Information
- Exhibit L: Calendar 2025-2026
- Exhibit M: Policies and Procedures
- Exhibit N: Correspondence
- Exhibit O: Contact Information
- Exhibit P: Verification of Delivery
- Exhibit Q: Cited Special Education Documents
- Exhibit R: All Special Education Documents

Reply, pages 1-2

- Exhibit 1: Parent Response to IEPs
- Exhibit 2: Parent Response to NOMs
- Exhibit 3: Parent Response to PWNs
- Exhibit 4: Parent Response to Meeting Notes
- Exhibit 5: Parent Response to Student's Schedule, Grades, Attendance
- Exhibit 6: Parent Response to Progress Reports
- Exhibit 7: Parent Response to Consents for Evaluation
- Exhibit 8: Parent Response to Evaluations
- Exhibit 9: Parent Response to Special Education Documents Provided by Parent
- Exhibit 10: Parent Response to Requests to Amend Information
- Exhibit 11: Parent Response to Calendar
- Exhibit 12: Parent Response to Policies and Procedures
- Exhibit 13: Parent Response to Correspondence
- Exhibit 14: Parent Response to Cited Special Education Documents
- Exhibit 15: Parent Response to All Special Education Documents

Telephone Interviews

- Assistant Director of Special Education: December 15, 2025
- Director of Special Education: December 17, 2025
- Case Manager: December 17, 2025
- Psychologist: December 17, 2025
- Parent: December 30, 2025