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

State Complaint SC2025-616
El Paso County School District 11

DECISION

INTRODUCTION

On October 24, 2025, a third-party individual ("Complainant") filed a state complaint ("Complaint") against El Paso County School District 11 ("District"). The Complaint concerns the provision of special education services during the 2025-2026 school year to students who attend a District school ("School") with Individualized Education Plans ("IEPs") that require services from a social worker and/or include a behavioral intervention plan ("BIP") (collectively, "Students"). All Students are identified as children with disabilities under the Individuals with Disabilities Education Act ("IDEA").[1] The Colorado Department of Education ("CDE") determined that the Complaint identified one allegation 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 extended the 60-day investigation due to exceptional circumstances, consistent with 34 C.F.R. § 300.152(b)(1).

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 not more than one year prior to the date the Complaint was properly filed. 34 C.F.R. § 300.153(c). Accordingly, findings of noncompliance shall be limited to events occurring on or after October 24, 2025. Information prior to October 24, 2025 may be considered to fully investigate all allegations.

[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.

SUMMARY OF COMPLAINT ALLEGATIONS

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

1. District did not implement Students' IEPs because it:

    a. Did not make Students' IEPs accessible to the teachers or service providers responsible for their implementation from August 2025 to present, as required by 34 C.F.R. § 300.323(d);

    b. Did not provide the social work services listed in Students' IEPs from August 2025 to present, as required by 34 C.F.R. §§ 300.323(c) and 300.34(14); and

    c. Did not provide the positive behavioral interventions and supports listed in Students' BIPs from August 2025 through September 2025, as required by 34 C.F.R. § 300.323(c).

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. Complainant was employed as a social worker at School from August 7, 2025 to September 23, 2025, when District terminated her contract. *Response*, pp. 1-2; *Exhibit I-2*, p. 1; *Exhibit I-445*, p. 1. Complainant had worked at School full-time: five days and a total of 37.5 hours per week. *Exhibit H-2*, p. 2.

2. District contracts with a staffing agency ("Staffing Agency") to retain mental health providers, such as social workers, when it cannot hire them directly due to nationwide teacher shortages. *Interview with District Interim Director of Special Education ("Interim Director")*. Complainant was hired through Staffing Agency. *Response*, p. 1; *see Exhibit H-2*, pp. 1-2.

3. After Complainant's departure, School hired a new social worker ("Social Worker"), also through Staffing Agency, on October 3, 2025. *Response*, p. 3. Social Worker started at School on October 7, 2025, where she works part-time for two-and-a-half days per week. *Id.*

[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.

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

4. This investigation involves the implementation of IEPs for 28 Students at School ("Student A" through "Student AB,") all in effect during the 2025-2026 school year. *Exhibits B-1 to B-40*; *Interview with District Area Individualized Education Facilitator ("AIEF")*. This investigation also involves the implementation of BIPs between August 2025 and September 2025 for three of those Students: Student A, Student L, and Student Q. *See Exhibit B-1; Exhibit B-2; Exhibit B-3*; *Response*, p. 1.

B. District Policies, Procedures, and Practices

5. District maintains a "SPED Building-Based Mental Health Provider Handbook" ("Handbook") that contains guidance specific to District mental health staff, including school psychologists, social workers, and counselors. *Exhibit H-3*, pp. 3-35. The Handbook outlines: job responsibilities for social workers; expectations for service delivery and documentation of time and effort; protocol for BIP development; and instructions for accessing IEPs. *Id.*

6. All District mental health providers receive this Handbook and attend new-employee and beginning-of-year orientations to review District policies, procedures, and practices related to special education. *Interview with Interim Director*.

7. District mental health providers, including social workers, are "highly valued and critical personnel who directly support the social, emotional, mental health, and behavioral needs of students with disabilities. They have a proactive role in supporting both building and district-wide system improvements and work within a team of special education professionals and other mental health providers at their respective schools." *Exhibit H-3*, p. 3.

8. To support District mental health providers, District assigns mentors to first-year providers and offers additional support through District special education AIEFs, behavioral interventionists, and student success facilitators. *Exhibit H-3*, pp. 3, 6; *Interviews with Interim Director and AIEF*. District's Student Success Facilitator ("SSF") and AIEF conduct weekly meetings with School's special education team. *Exhibit I-259*, p. 1; *Exhibit I-265*, p. 1. Moreover, Interim Director and AIEF send weekly communications to mental health providers and facilitate quarterly support meetings. *Interviews with Interim Director and AIEF*; *see, e.g., Exhibit I-131*, p. 1; *Exhibit I-145*, p. 1; *Exhibit I-117*, p. 1.

Social Worker Role and Responsibilities

9. The Handbook, District's social worker job description, and District's written agreements with Staffing Agency delineate the job responsibilities for District social workers. *Exhibit H-3*, pp. 3-35; *Exhibit H-5*, pp. 1-2; *Exhibit H-4*, p. 10.

10. Job responsibilities for District social workers include: "implementation of IEP service plans" and provision of "direct services through individual, small group, family, and whole class contacts, as identified through students' needs;" scheduling "groups and service delivery time to address IEP minutes and goals;" implementation of BIPs; ensuring compliance with special

education laws related to social/emotional areas; assisting with "social, emotional and behavioral problems;" and, providing "crisis intervention services." *Exhibit H-3*, p. 6; *Exhibit H-5*, pp. 1-2; *Exhibit H-4*, p. 10.

11. District's understanding of the social worker role aligns with the job responsibilities outlined by the Handbook, District's job description, and the Staffing Agency agreement. *Interviews with Interim Director, AIEF, School Assistant Principal ("Assistant Principal"), and Social Worker*. While primary job responsibilities include providing service minutes in accordance with IEPs and implementing BIPs, social workers are also expected to respond to student crises and to be collaborative members of building special education teams. *Id.*

12. School's social worker is a member of School's crisis response team, which also includes Principal, Assistant Principal, School Counselor, and Dean of Students. *Interviews with Interim Director and AIEF*. School's crisis team is responsible for responding to scenarios where student behavior is a danger to themselves or others or when students are engaged in moderate-to-severe behavioral escalations. *Interviews with Assistant Principal, Social Worker, and Fourth Grade Teacher*.

13. By the first week of school, District expects social workers to "[r]eview IEPs for students," including checking service delivery minutes and BIP information, "[d]etermine how services will be delivered (small group, individual, in/out of the classroom) based on review of students with similar goals and objectives," "establish a schedule for group or individual sessions," and communicate the schedule to general education teachers. *Exhibit H-3*, p. 7. Typically, District social workers start providing service minutes to students by the second day of school. *Interview with Interim Director*.

14. Every month, District mental health providers must log all "social-emotional/behavioral minutes with students" in a Medicaid billing system called EzEdMed. *Exhibit H-3*, p. 8; *Interviews with Interim Director, AIEF, and Social Worker*. All District mental health providers must attend training on EzEdMed, and District special education professional developments and communications emphasize EzEdMed. *Exhibit H-3*, p. 8; *see also Exhibit I-23*, p. 1; *Exhibit I-119*, p. 1. Social workers hired through Staffing Agency must also submit monthly EzEdMed logs to the Staffing Agency. *Exhibit I-2*, p. 1.

15. District employs a Medicaid Manager who oversees compliance for EzEdMed billing: she audits service logs for all District mental health providers at random and can also pull logs upon request if District has a concern about a particular provider. *Id.*; *Interview with AIEF*.

16. In addition to EzEdMed logs, District also expects its mental health providers to maintain services logs to track the provision of social work services. *Interviews with Interim Director and AIEF*; *see Response*, p. 2.

Access to IEPs and BIPs

17. District staff—including general education teachers, special education teachers, and mental health providers—have access to IEPs, including BIPs, through an online platform called PowerSchool. *Response*, pp. 3-4; *Exhibit H-3*, pp. 29-30; *Interviews with Special Education Teacher, Social Worker, Complainant*, *Second Grade Teacher 1, and Third Grade Teacher*. PowerSchool flags if a student has a special education plan, such as an IEP or BIP, on main roster pages. *Id.* From there, staff can click into the IEP or BIP for direct access to the document. *Interviews with Second Grade Teacher 1, Third Grade Teacher, and Social Worker*. BIPs appear as a separate document on PowerSchool. *Interview with Third Grade Teacher*.

18. School employs three special education teachers who are responsible for supporting School's special education students. *Interview with Special Education Teacher*.

19. Each special education teacher maintains a physical binder containing the IEPs of students they support. *Id.* School also maintains physical copies of IEPs, including BIPs, in a locked filing cabinet in the special education room which School special education teachers can access with a key. *Id.*

20. School special education teachers and general education teachers collaborate at the beginning of the year—before students start—regarding strategies for implementing IEPs and BIPs, including provision of service minutes. *Interviews with Special Education Teacher, Second Grade Teacher 1, and Third Grade Teacher*.

21. District also provides general education teachers with written guidance on IEP implementation catered to general education teachers. *See Exhibit I-200*, p. 1; *Exhibit I-201*, p. 1; *Exhibit I-202*, p. 1.

C. Accessibility of Students' IEPs and BIPs to Teachers and Others

22. School special education teachers and general education teachers accessed and familiarized themselves with Students' IEPs on PowerSchool during teacher workdays before school began. *Interviews with School Special Education Teacher, Second Grade Teacher 1, Third Grade Teacher*, *Fourth Grade Teacher, and Second Grade Teacher 2*; *Response*, pp. 3-4.

23. Complainant could not access IEPs on PowerSchool from August 13 to August 21, 2025 due to technical issues with PowerSchool. *Interviews with Complainant and Special Education Teacher*; *see Exhibit I-106*, p. 1; *Exhibit I-107*, p. 1. However, during this period, Complainant received digital copies of Students' IEPs from School's Speech Language Pathologist. *Exhibit I-37*, p. 1; *Exhibit I-38*, p. 1; *Exhibit I-39*, p. 1; *Exhibit I-41*, p. 1; *Exhibit I-50*, p. 1; *Interviews with Complainant, Special Education Teacher, and Third Grade Teacher*. Special Education

Teacher also provided her binder of IEP materials to Complainant so that she could make physical copies of any IEP she needed. *Interview with Special Education Teacher*.

24. By August 14, Complainant indicated she had reviewed Students' IEPs and understood the service hours required by their IEPs. *Exhibit I-42*, p. 1. Moreover, once Complainant could use PowerSchool, Interim Director, Special Education Teacher, and another School special education teacher each ensured that Complainant understood how to access IEPs on PowerSchool. *Exhibit I-91*, p. 1; *Exhibit I-92*, p. 1-2; *Exhibit I-94*, p. 1; *Exhibit I-99*, p. 1. Complainant ultimately used PowerSchool to access IEPs and BIPs. *Interview with Complainant*.

25. As soon as Social Worker was hired in October 2025, she accessed and familiarized herself with Students' IEPs and BIPs on PowerSchool. *Interview with Social Worker*. She regularly uses PowerSchool to review Students' IEPs and BIPs. *Id.* She also discusses best practices for implementing Students' IEPs and BIPs with School special education teachers and SSF. *Id.*

26. Regarding access to BIPs, Second Grade Teacher 2 accessed and became familiar with Student A's BIP on PowerSchool before school began. *Interview with Second Grade Teacher 2*. She also discussed best practices for implementation with special education staff and Student A's teacher from the year prior. *Id.*

27. Third Grade Teacher accessed and became familiar with Student L's BIP on PowerSchool before school began. *Interview with Third Grade Teacher*. She also received a copy of Student L's BIP from Special Education Teacher and discussed best practices for BIP implementation with Student L's teacher from the year before. *Id.*

28. Fourth Grade Teacher accessed and became familiar with Student Q's BIP on PowerSchool at the beginning of the school year. *Interview with Fourth Grade Teacher*. Fourth Grade Teacher also spoke with Special Education Teacher and Student Q's teachers from the previous year to familiarize herself with Student Q's behavioral needs and plan. *Id.*

D. Social Work Services Required by Students' IEPs

29. All Students' IEPs require "counseling/psychology/social work services" provided by School's social worker. *See, e.g., Exhibit B-23*, p. 19; *Exhibits B-4 to B-40*; *Interview with Interim Director*.

30. Students' IEPs distinguish between three types of social-work service minutes: (1) direct minutes inside the general education classroom ("Direct Inside Minutes"), (2) direct minutes outside of the general education classroom ("Direct Outside Minutes"), and (3) indirect minutes ("Indirect Minutes"). *See, e.g., Exhibit B-16*, pp. 29-30; *Exhibit B-30*, p. 14; *Exhibit B-12*, pp. 21-22.

31. For Direct Inside Minutes, the social worker pushes into general education settings to provide in-class support to a student. *Interview with Social Worker*. For instance, a social worker might

coach the student during group work, facilitate taking turns, provide regulation support during classroom transitions, and increase student engagement with peers during recess or lunch. *Id.*

32. For Direct Outside Minutes, the social worker conducts either one-on-one sessions for students who do not work well in groups or small-group sessions with students in the same grade or with similar IEP goals. *Id.* Direct Outside Minutes take place in the social worker's classroom. *Id.* In small groups, students might work on social skills, such as gift-giving and taking turns. *Id.*

33. Indirect Minutes refer to time spent on tasks that support a student but do not involve face-to-face contact, such as collaborating with a student's IEP team, general education teachers, or family to address mental health needs. *Id.*

E. Implementation of Social Work Services

34. Complainant is concerned that Students have not received social work service minutes in accordance with their IEPs since August 2025 due to School's culture of "misusing" the social worker position to handle crisis scenarios, "babysit" students with behavioral needs, and promote "convenience for teachers" over needs of students. *Interview with Complainant*; *Complaint*, pp. 2-3. Complainant alleges that this culture made it impossible for her to implement Students' social work service minutes according to their IEPs because she was constantly "pulled away" to handle other behavioral crises or escalations. *Id.*

35. District acknowledges that Students did not receive social work services per their IEPs between August 13, 2025 and October 6, 2025. *Response*, p. 3; *Interviews with Interim Director, Assistant Principal, AIEF, and Special Education Teacher*. However, District attributes this shortfall in services to Complainant's inability to understand and execute her job functions despite continued coaching rather than any School or District issue. *Id.*

Services Provided by Complainant: August 13 to September 23, 2025

36. Complainant worked as School's social worker for 29 school days, or about six weeks, between August 13 and September 23, 2025. *See Exhibit G*, p. 1; *Response*, p. 3.

37. Complainant struggled with her primary job functions—to create a schedule for and provide social work service minutes to Students in accordance with their IEPs, and to document such service delivery. *Response*, p. 2; *Interviews with Special Education Teacher, Assistant Principal, and AIEF; see, e.g.*, *Exhibit I-399*, pp. 1-5.

38. While District protocol advises social workers to establish a schedule for provision of service minutes by the first week of school, Complainant struggled to create a schedule to determine when to pull Students out of class for "outside" service minutes versus when to push into

class for "inside" service minutes. *Interviews with Complainant, Special Education Teacher, Assistant Principal, and AIEF*; *see, e.g., Exhibit I-144,* p. 1; *Exhibit I-159*, p. 1.

39. Numerous School and District staff members—including general education teachers, Special Education Teacher, Principal, Assistant Principal, AIEF, and SSF—helped Complainant to devise a schedule for service minutes. *Interviews with Complainant, Special Education Teacher, Assistant Teacher, and AIEF*.

40. General education teachers provided Complainant with their class schedules and suggested times for providing outside and inside social work services to Students. *See, e.g., Exhibit I-69*, p. 1; *Exhibit I-73*, p. 1; *Exhibit I-75*, p. 1; *Exhibit I-76*, p. 1; *Exhibit I-77*, p. 1; *Exhibit I-78*, p. 1; *Exhibit I-93*, p.1; *Exhibit I-148*, p. 1; *Interviews with Special Education Teacher, Third Grade Teacher, and Fourth Grade Teacher*.

41. School's special education team shared their schedules and met with Complainant to review scheduling best practices, and Principal supported this process. *Interview with Special Education Teacher*; *see, e.g., Exhibit I-135*, p. 1; *Exhibit I-137*, p. 1; *Exhibit I-144*, p. 1; *Exhibit I-147*, p. 1.

42. AIEF and SSF each met with Complainant to address the scheduling difficulties, and AIEF assisted Complainant to develop a working schedule so that she could start implementing service minutes. *See, e.g., Exhibit I-42*, p. 1; *Exhibit I-74*, p. 1; *Exhibit I-210*, p. 1; *Exhibit I-289*, p. 1. For AIEF, the priority was for Complainant to get into classrooms and start meeting with Students; from there, they could refine an ideal schedule. *Interview with AIEF.*

43. Despite the continued support that Complainant received from District, she still struggled to implement service minutes by September 19, 2025. *See, e.g., Exhibit I-391*, p. 1.

44. By this point, special education and general education teachers began to share concerns with School administration, AIEF, SSF, and Interim Director that Students were not receiving required social work minutes. *Interviews with Special Education Teacher, Second Grade Teacher 1, Third Grade Teacher, Assistant Principal, and AIEF; see, e.g., Exhibit I-399*, p. 1; *Exhibit I-319*, p. 1.

45. Complainant acknowledged her own shortfall in provision of social work services. *Interview with Complainant*; *see, e.g., Exhibit I-322*, p. 1 ("I also agree with you regarding mental health service time, it has been slow going, something that has not been ideal and am working to improve."). While Complainant provided service minutes to some Students, she did provide all minutes required by Students' IEPs and did not meet some Students on her caseload. *Interview with Complainant*.

46. Complainant contends that she was unable to provide service minutes consistent with Students' IEPs because School administration improperly relied on her to address behavioral

and crisis situations involving Students. *Interviews with Complainant and Second Grade Teacher 2*.

47. Consistent with the job description of a social worker, School and District expected Complainant to assist with behavioral de-escalation. *Interviews with Assistant Principal, Interim Director, AIEF, and Third Grade Teacher*. For instance, Principal asked Complainant to assist—as her schedule allowed—with providing walking breaks to a student who required de-escalation outside of his classroom. *Exhibit I-330,* p. 1. Third Grade Teacher also expected Complainant to assist in situations involving Student L if he was exhibiting severe behavioral escalations. *Interview with Third Grade Teacher*.

48. School expected Complainant to assist with behavioral intervention as needed, but staff also relied on other members of School's crisis team—such as the counselor, Dean of Students, Assistant Principal, and Principal—to respond and support. *Interviews with Interim Director, AIEF, Third Grade Teacher, and Fourth Grade Teacher*.

49. Situations requiring a member of School's crisis team, such as moderate-to-severe behavioral escalations, occurred around three times a day at the beginning of the year and could take between 20 minutes and one hour to resolve. *Interviews with Assistant Principal and Third Grade Teacher*.

50. Complainant was not expected to support a student for the duration of a behavioral escalation, and different members of the crisis team would take over if the student was not showing signs of de-escalation after a reasonable period. *Interviews with Assistant Principal, AIEF, and Third Grade Teacher*.

51. District emphasized to Complainant that provision of service minutes was the priority. *Interviews with AIEF, Special Education Teacher, and Third Grade Teacher*. Because Complainant worked full time, she would have had ample time to respond to crisis situations and still provide all service minutes. *Interviews with Assistant Principal, Special Education Teacher, Social Worker, and Third Grade Teacher*.

52. Complainant did not document the provision of any social work service minutes for August 2025 or September 2025 in EzEdMed, as required by District and Staffing Agency policy. *Interviews with Complainant and AIEF; Response*, p. 2; *see Exhibit C-2*.

53. Complainant's service log documenting August 2025 social work minutes is imprecise and unreliable. *Compare Exhibit C-2 to Exhibit C-1*; *Response*, p. 2; *Interviews with Assistant Principal, AIEF, Special Education Teacher, and Third Grade Teacher*. For instance, the log indicates the date, student initials, and type of service—direct versus indirect—purportedly provided, but it does not specify the time for which services were provided; instead, it lists "8 AM to 3 PM" for all days. *See Exhibit C-2*. Additionally, Complainant improperly counted response-to-crisis scenarios as "direct" service minutes for Students: as a result, certain

Students appear on the log eight times, sometimes twice per day, while other Students do not appear at all. *See id.*; *Response*, p. 2; *Interview with Third Grade Teacher*.

54. Complainant did not log her provision of social work minutes for September 2025. *Interviews with Complainant and Interim Director*.

55. The Record, including corroboration among witnesses, supports that Complainant did not provide social work service minutes during her tenure. *Response*, p. 3; *Interviews with Complainant, Special Education Teacher, Assistant Principal, Interim Director, AIEF, Social Worker, and Third Grade Teacher*. District understood the importance of providing social work minutes consistent with Students' IEPs, did not misuse the social worker role, provided Complainant as much support as possible, and acted when it was on notice that services were not being provided. *See, e.g., Exhibit I-275*, p. 1; *Exhibit I-393*, p. 1; *Exhibit I-407*, p. 1.

Social Worker Vacancy: September 24 to October 6, 2025

56. School's social worker position was vacant for nine school days between September 23 and Social Worker's first day on October 7. *Exhibit G*, p. 1; *Response*, p. 3.

57. During this time, Students did not receive any social work minutes. *Interviews with AIEF*; *see Response*, p. 3. District acknowledges this shortfall between September 23 and October 7, 2025. *Interviews with Interim Director, Assistant Principal, and AIEF*; *see Exhibit L*; *Exhibit M*.

Services Provided by Social Worker: October 7, 2025 to Present

58. Social Worker has worked as School's social worker from October 7, 2025 to present. *Response*, p. 3. Since she started, it has been "night and day" compared to when Complainant served in the position. *See Interviews with AIEF, Assistant Principal, Special Education Teacher, Second Grade Teacher 1, Third Grade Teacher, and Fourth Grade Teacher.*

59. Within her first week at School, Social Worker developed a spreadsheet to track social work minutes required by Students' IEPs, went into classrooms to build relationships with Students, and started to provide service minutes to Students. *Interviews with Social Worker, Assistant Principal, and AIEF*; *see Exhibit C-5*.

60. School and District have supported Social Worker in ensuring she can deliver social work service minutes per Students' IEPs, including SSF meeting with Social Worker to develop a grouping strategy based on Students' similar IEP goals. *Interview with Social Worker*.

61. Social Worker assists in crisis scenarios, which occur at most once or twice a week, as available. *Id.* School staff do not call her directly to respond; instead, per School's crisis team protocol, Social Worker will respond as necessary and if available. *Id.* Even with a part-time schedule, Social Worker does not struggle to fulfill all job responsibilities of the position. *Interviews with Social Worker, Special Education Teacher, and Assistant Principal*.

62. In October 2025, Social Worker provided as many service minutes as she could to Students but acknowledges that "there will be compensatory minutes needed for October" given that she started on October 7, 2025 and needed a few days to familiarize herself with her caseload before she could provide services. *Interview with Social Worker*; *see Exhibit C-7*.

63. In November and December 2025, Social Worker provided all social work service minutes to Students in accordance with their IEPs. *Interview with Social Worker*; *Exhibit C-8; Exhibit C-9*.

64. Students look forward to working with Social Worker, and School staff report that all Students have benefited from Social Worker's consistent delivery of services, relationship-building, and assistance in behavioral and crisis scenarios. *Interviews with Special Education Teacher, Assistant Principal, and Third Grade Teacher*.

F. Missed Social Work Services for Students

65. From August 13, 2025 through as late as November 13, 2025, depending on the Student, District concedes that Students did not receive all social work services outlined in their IEPs. *See Response*, pp. 2-3; *Exhibit L; Exhibit M; Interviews with Interim Director and AIEF.*

66. Similarly to District, the CDE also finds that all 28 Students who attended School during the shortfall periods—when Complainant did not provide social work services (August 13 to September 23, 2025), there was no social worker (September 24 to October 6, 2025), and/or before Social Worker could provide all minutes in accordance with Students' IEPs (October 7 to as late as November 13, 2025, depending on the Student)—did not receive social work services consistent with their IEPs during these periods. *Exhibit M*, pp. 1-53.

Student A

67. Student A has attended School throughout the 2025-2026 school year, including 9 weeks between August 13, 2025 and October 14, 2025. *Exhibit E*, pp. 1-2; *Exhibit M*, p. 25.

68. Student A's IEP required 120 Direct Outside Minutes per month. *Exhibit B-21*, p. 34; *Exhibit C-4*.

69. Based on these facts, the CDE finds that District did not provide Student A with 270 Direct Outside Minutes between August 13, 2025 and October 14, 2025. *See Exhibit M,* p. 25.

Student B

70. Student B has attended School throughout the 2025-2026 school year, including 11 weeks between August 13, 2025 and November 6, 2025. *Exhibit E*, pp. 3-4; *Exhibit M*, p. 30.

71. Student B's IEP required 90 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-23*, p. 19; *Exhibit C-4*.

72. Based on these facts, the CDE finds that District did not provide Student B with 248 Direct Outside Minutes and 165 Direct Inside Minutes between August 13, 2025 and November 6, 2025. *See Exhibit M*, p. 30.

Student C

73. Student C has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 30, 2025. *Exhibit E*, pp. 5-6; *Exhibit M*, p. 19.

74. Student C's IEP required 60 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-17*, p. 16; *Exhibit C-4*.

75. Based on these facts, the CDE finds that District did not provide Student C with 150 Direct Outside Minutes and 150 Direct Inside Minutes between August 13, 2025 and October 30, 2025. *See Exhibit M*, p. 19.

Student D

76. Student D has attended School throughout the 2025-2026 school year, including 9 weeks between August 13, 2025 and October 14, 2025. *Exhibit E*, pp. 6-7; *Exhibit M*, pp. 21-22.

77. Student D's IEP required 90 Direct Outside Minutes and 90 Direct Inside Minutes per month, and 30 Indirect minutes per month. *Exhibit B-16*, p. 30; *Exhibit C-4*.

78. Based on these facts, the CDE finds that District did not provide Student D with 203 Direct Outside Minutes, 203 Direct Inside Minutes, and 68 Indirect Minutes between August 13, 2025 and October 14, 2025. *See Exhibit M*, p. 21.

Student E

79. Student E attended School for 6 weeks between August 13, 2025 and September 16, 2025, but then withdrew. *Exhibit M*, p. 23. Student E reenrolled and began to receive social work services from Social Worker on November 11, 2025. *Id.*

80. Student E's IEP required 60 Direct Outside Minutes and 30 Direct Inside Minutes per month. *Exhibit B-18*, p. 17; *Exhibit C-4*.

81. Based on these facts, the CDE finds that District did not provide Student E with 90 Direct Outside Minutes and 45 Direct Inside Minutes between August 13, 2025 and September 16, 2025. *See Exhibit M*, p. 23.

Student F

82. Student F has attended School throughout the 2025-2026 school year, including 8 weeks between August 13, 2025 and October 7, 2025. *Exhibit E*, pp. 9-10; *Exhibit M*, p. 52.

83. Student F's IEP required 90 Direct Outside Minutes and 30 Direct Inside Minutes per month. *Exhibit B-38*, pp. 26-27; *Exhibit C-4*.

84. Based on these facts, the CDE finds that District did not provide Student F with 180 Direct Outside Minutes and 60 Direct Inside Minutes between August 13, 2025 and October 7, 2025. *See Exhibit M*, p. 52.

Student G

85. Student G has attended School throughout the 2025-2026 school year, including 8 weeks between August 13, 2025 and October 7, 2025. *Exhibit E*, pp. 11-12; *Exhibit M*, pp. 40-41.

86. Student G's IEP required 60 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-29*, p. 16; *Exhibit C-4*.

87. Based on these facts, the CDE finds that District did not provide Student G with 120 Direct Outside Minutes and 120 Direct Inside Minutes between August 13, 2025 and October 7, 2025. *See Exhibit M*, pp. 40-41.

Student H

88. Student H has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 28, 2025. *Exhibit E*, pp. 13-14; *Exhibit M*, p. 1.

89. Student H's IEP required 60 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-9*, p. 16; *Exhibit B-10*, p. 16; *Exhibit C-4*.

90. Based on these facts, the CDE finds that District did not provide Student H with 150 Direct Outside Minutes and 150 Direct Inside Minutes between August 13, 2025 and October 28, 2025. *See Exhibit M*, p. 1.

Student I

91. Student I has attended School throughout the 2025-2026 school year, including 9 weeks between August 13, 2025 and October 14, 2025. *Exhibit E*, pp. 15-16; *Exhibit M*, p. 3.

92. Student I's IEP required receive 120 Direct Outside Minutes per month. *Exhibit B-7*, pp. 25-26; *Exhibit C-4*.

93. Based on these facts, the CDE find that District did not provide Student I with 270 Direct Outside Minutes between August 13, 2025 and October 14, 2025. *See Exhibit M*, p. 3.

Student J

94. Student J has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 22, 2025. *Exhibit E*, pp. 17-18; *Exhibit M*, p. 38.

95. Student J's IEP required that Student J receive 120 Direct Outside Minutes per month. *Exhibit B-26*, pp. 30-31; *Exhibit B-27*, pp 30-31; *Exhibit C-4*.

96. Based on these facts, the CDE find that District did not provide Student J with 300 Direct Outside Minutes between August 13, 2025 and October 22, 2025. *See Exhibit M*, p. 3.

Student K

97. Student K has attended School throughout the 2025-2026 school year, including 8 weeks between August 13, 2025 and October 7, 2025. *Exhibit E*, pp. 19-20; *Exhibit M*, p. 13.

98. Student K's IEP required 90 Direct Outside Minutes and 30 Direct Inside Minutes per month. *Exhibit B-17*, pp. 17-18; *Exhibit C-4*.

99. Based on these facts, the CDE finds that District did not provide Student K with 180 Direct Outside Minutes and 60 Direct Inside Minutes between August 13, 2025 and October 7, 2025. *See Exhibit M*, p. 13.

Student L

100. Student L has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 18, 2025. *Exhibit E*, pp. 21-22; *Exhibit M*, p. 7.

101. Student L's IEP required 90 Direct Outside Minutes and 90 Direct Inside Minutes per month. *Exhibit B-5*, p. 20; *Exhibit C-4*.

102. Based on these facts, the CDE finds that District did not provide Student L with 225 Direct Outside Minutes and 220 Direct Inside Minutes between August 13, 2025 and October 18, 2025. *See Exhibit M*, p. 7.

Student M

103. Student M has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 30, 2025. *Exhibit E*, pp. 23-24; *Exhibit M*, p. 26.

104. Student M's IEP required 90 Direct Outside Minutes and 30 Direct Inside Minutes per month. *Exhibit B-19*, p. 17; *Exhibit C-4*.

105. Based on these facts, the CDE finds that District did not provide Student M with 225 Direct Outside Minutes and 75 Direct Inside Minutes between August 13, 2025 and October 30, 2025. *See Exhibit M*, p. 26.

Student N

106. Student N has attended School throughout the 2025-2026 school year, including 11 weeks between August 13, 2025 and November 6, 2025. *Exhibit E*, pp. 25-26; *Exhibit M*, p. 15.

107. Student N's IEP required 60 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-12*, pp. 21-22; *Exhibit C-4*.

108. Based on these facts, the CDE find that District did not provide Student N with 165 Direct Outside Minutes and 165 Direct Inside Minutes between August 13, 2025 and November 6, 2025. *See Exhibit M*, p. 15.

Student O

109. Student O has attended School throughout the 2025-2026 school year, including 9 weeks between August 13, 2025 and October 15, 2025. *Exhibit E*, pp. 27-28; *Exhibit M*, p. 17.

110. Student O's IEP required 60 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-13*, p. 20; *Exhibit C-4*.

111. Based on these facts, the CDE finds that District did not provide Student O with 135 Direct Outside Minutes and 135 Direct Inside Minutes between August 13, 2025 and October 15, 2025. *See Exhibit M*, p. 17.

Student P

112. Student P has attended School throughout the 2025-2026 school year, including 11 weeks between August 13, 2025 and November 6, 2025. *Exhibit E*, pp. 29-30; *Exhibit M*, p. 42.

113. Student P's IEP required 15 Indirect Minutes per month. *Exhibit B-30*, p. 14; *Exhibit C-4*.

114. Based on these facts, the CDE finds that District did not provide Student P with 42 Indirect Minutes between August 13, 2025 and November 6, 2025. *See Exhibit M*, p. 42.

Student Q

115. Student Q has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 30, 2025. *Exhibit E*, pp. 31-32; *Exhibit M*, p. 34.

116. Student Q's IEP required 90 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-24*, p. 18; *Exhibit C-4*.

117. Based on these facts, the CDE finds that District did not provide Student Q with 225 Direct Outside Minutes and 150 Direct Inside Minutes between August 13, 2025 and October 30, 2025. *See Exhibit M*, p. 34.

Student R

118. Student R has attended School throughout the 2025-2026 school year, including 9 weeks between August 13, 2025 and October 14, 2025. *Exhibit E*, pp. 33-34; *Exhibit M*, p. 46.

119. Student R's IEP required 60 Direct Outside Minutes and 30 Direct Inside Minutes per month. *Exhibit B-33*, pp. 26-27; *Exhibit B-34*, pp. 26-27; *Exhibit C-4*.

120. Based on these facts, the CDE finds that District did not provide Student R with 135 Direct Outside Minutes and 68 Direct Inside Minutes between August 13, 2025 and October 14, 2025. *See Exhibit M*, p. 46.

Student S

121. Student S has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 23, 2025. *Exhibit E*, pp. 35-36; *Exhibit M*, p. 5.

122. Student S's IEP required 120 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-31*, pp. 30-31; *Exhibit C-4*.

123. Based on these facts, the CDE finds that District did not provide Student S with 300 Direct Outside Minutes and 150 Direct Inside Minutes between August 13, 2025 and October 23, 2025. *See Exhibit M*, p. 5.

Student T

124. Student T has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 30, 2025. *Exhibit E*, pp. 37-38; *Exhibit M*, p. 9.

125. Student T's IEP required 90 Direct Outside Minutes and 30 Direct Inside Minutes per month. *Exhibit B-8*, pp. 26-27; *Exhibit C-4*.

126. Based on these facts, the CDE finds that District did not provide Student T with 225 Direct Outside Minutes and 75 Direct Inside Minutes between August 13, 2025 and October 30, 2025. *See Exhibit M*, p. 9.

Student U

127. Student U attended School for 6 weeks from August 13, 2025 to September 26, 2025, when he transferred out of District. *Interview with AIEF*.

128. Student U's IEP required 60 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-14*, pp. 23-24.

129. Based on these facts, the CDE finds that District did not provide Student U with 90 Direct Outside Minutes and 90 Direct Inside Minutes between August 13, 2025 and September 26, 2025. *See id.*

Student V

130. Student V has attended School throughout the 2025-2026 school year, including 12 weeks between August 13, 2025 and November 13, 2025. *Exhibit E*, pp. 39-40; *Exhibit M*, p. 28.

131. Student V's IEP required 30 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-20*, p. 23; *Exhibit C-4*.

132. Based on these facts, the CDE finds that District did not provide Student V with 90 Direct Outside Minutes and 180 Direct Inside Minutes between August 13, 2025 and November 13, 2025. *See Exhibit M*, p. 28.

Student W

133. Student W has attended School throughout the 2025-2026 school year, including 8 weeks between August 13, 2025 and October 7, 2025. *Exhibit E*, pp. 41-42; *Exhibit M*, p. 44.

134. Student W's IEP required 90 Direct Outside Minutes and 30 Direct Inside Minutes per month. *Exhibit B-31*, p. 23; *Exhibit C-4*.

135. Based on these facts, the CDE finds that District did not provide Student W with 180 Direct Outside Minutes and 60 Direct Inside Minutes between August 13, 2025 and October 7, 2025. *See Exhibit M*, p. 44.

Student X

136. Student X has attended School throughout the 2025-2026 school year, including 9 weeks between August 13, 2025 and October 14, 2025. *Exhibit E*, pp. 43-44; *Exhibit M*, p. 36.

137. Student X's IEP required 90 Direct Outside Minutes and 30 Direct Inside Minutes per month. *Exhibit B-25*, p. 18; *Exhibit C-4*.

138. Based on these facts, the CDE finds that District did not provide Student X with 203 Direct Outside Minutes and 68 Direct Inside Minutes between August 13, 2025 and October 14, 2025. *See Exhibit M*, p. 36.

Student Y

139. Student Y has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 28, 2025. *Exhibit E*, pp. 45-46; *Exhibit M*, p. 48.

140. Student Y's IEP required 60 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-35*, pp. 23-24; *Exhibit C-4*.

141. Based on these facts, the CDE finds that District did not provide Student Y with 150 Direct Outside Minutes and 150 Direct Inside Minutes between August 13, 2025 and October 28, 2025. *See Exhibit M*, p. 48.

Student Z

142. Student Z has attended School throughout the 2025-2026 school year, including 10 weeks between August 13, 2025 and October 28, 2025. *Exhibit E*, pp. 47-48; *Exhibit M*, p. 50.

143. Student Z's IEP required 60 Direct Outside Minutes and 60 Direct Inside Minutes per month. *Exhibit B-36*, pp. 23-24; *Exhibit B-37*, pp. 23-24; *Exhibit C-4*.

144. Based on these facts, the CDE finds that District did not provide Student Z with 150 Direct Outside Minutes and 150 Direct Inside Minutes between August 13, 2025 and October 28, 2025. *See Exhibit M*, p. 50.

Student AA

145. Student AA has attended School since September 18, 2025, including 4 weeks between September 18, 2025 and October 7, 2025. *Exhibit M*, p. 32.

146. Student AA's IEP required 30 Direct Outside Minutes and 15 Indirect Minutes per month. *Exhibit B-40*, pp. 1-2; *Exhibit C-4*.

147. Based on these facts, the CDE finds that District did not provide Student AA with 30 Direct Outside Minutes and 15 Indirect Minutes between September 18, 2025 and October 7, 2025. *See Exhibit M*, p. 32. However, he no longer receives social work services as of November 2025 because of the progress he made toward his annual goals. *Interview with Case Manager.*

Student AB

148. Student AB has attended School since September 28, 2025, including 3 weeks between September 18, 2025 and October 7, 2025. *Exhibit M*, p. 11; *Interview with AIEF*.

149. Student AB's IEP required 30 Indirect Minutes per month. *See id.*

150. Based on these facts, the CDE finds that District did not provide Student AB with 30 Indirect Minutes between September 18, 2025 and October 7, 2025. *See Exhibit M*, p. 11.

G. District's Proactive Efforts to Remediate Missed Social Work Services

151. District has proactively identified the shortfall in social work services, calculated the missing number of minutes owed to each Student, developed a District-specific process for providing compensatory service minutes to each Student based on District's calculations, and has begun to provide compensatory service minutes. *See Exhibit M*, pp. 1-53; *Interviews with AIEF, Interim Director, and Social Worker*; *Response*, p. 3.

152. District also acknowledges that Students were impacted educationally by the shortfall in social work services. *Interviews with Special Education Teacher, Assistant Principal, Third Grade Teacher, and Fourth Grade Teacher.* Special Education Teacher reported that the shortfall in social work services "impacted Students very heavily"—especially given School's status as a Title I School and the associated mental-health challenges that students in Title I schools might face, such as homelessness. *Interview with Special Education Teacher*. Assistant Principal reported that Students were more susceptible to emotional dysregulation because they did not have safe spaces to calm down and did not have a safe adult to teach them de-escalation skills. *Interview with Assistant Principal*. Third Grade Teacher reported that Students she taught had more severe behavioral outbursts that affected their ability to remain in the general education environment and access instruction. *Interviews with Third Grade Teacher*. Similarly, Fourth Grade Teacher reported that Students she taught were harmed by the shortfall because they were not learning the social/emotional skills that would allow them to be more successful in the general education classroom; as a result, these Students missed entire academic lessons and forfeited positive peer relationships. *Interview with Fourth Grade Teacher*.

153. District calculated the amount of social work services missed for each Student by looking at each IEP to determine how many minutes per month a Student was supposed to receive, dividing that monthly figure to determine how many minutes per week that Student was to receive, and multiplying the weekly figure by the number of weeks that the Student went without services between August 13, 2025 and the date that Student started to receive services from Social Worker. *See Exhibit M; Interview with AIEF*. District calculated separate totals for missing Direct Inside Minutes, Direct Outside Minutes, and Indirect Minutes, depending on the services required by Students' IEPs. *Id.*

154. The CDE independently verified District's calculations as to the number of service minutes not provided to Students. *See Exhibit M*. The CDE's findings, as summarized in Section F above, are almost entirely aligned with District's.[4] *See id.*

155. Under District's plan, Social Worker and a School Psychology Intern, who is fully licensed and able to provide services on his own, are responsible for providing compensatory services.

[4] For four Students—Student D, Student H, Student X, and Student AB—District calculated a slightly higher number of missed minutes. *Id.* For one Student—Student P—District calculated a slightly lower number of missed minutes than the CDE. *See Exhibit M*. These minor discrepancies are addressed in the Remedies section below.

Interviews with AIEF and Social Worker. School Psychology Intern works at School on Mondays and Fridays, when Social Worker is not scheduled to work. *Interview with Social Worker*. Social Worker and School Psychology Intern have started to provide compensatory services to Students during the school day as of January 2026, mostly through small-group pull-out sessions ranging from 10 to 30 minutes. *See, e.g., Exhibit M*, pp. 5, 7, 13, 17, 19, 25, 26, 28, 32, 34, 36, 40, 46, 48. *Interviews with Social Worker and AIEF*. Social Worker and School Psychology Intern have also provided a handful of individual pull-out sessions of between 5, 15, 30, and 40 minutes. *Id.* at pp. 1, 23, 50, 52.

156. Per District's plan, District anticipates providing all compensatory services to Students by the end of the 2025-2026 school year; if District cannot meet this timeline, it plans to offer services over the summer and Social Worker has already agreed to assist over the summer if necessary. *Interview with AIEF*.

H. Students' BIPs

157. Three Students had BIPs in effect between August and September 2025: Student A, Student L, and Student Q. *Exhibit B-2*, *Exhibit B-1*, *Exhibit B-3*; *Response*, pp. 4-5.

Student A's BIP

158. Student A's BIP identifies that he engages in task-avoidant behavior when asked to perform academic tasks. *Exhibit B-2*, p. 1. Task-avoidant behaviors include hitting "his head forcefully on hard objects such as desks, walls, chairs," eloping, and hiding under furniture. *Exhibit B-2*, p. 1.

159. To reduce the impact of triggers, staff can use three "setting event strategies:" provide access to a quiet area in the classroom, allow breaks, and offer noise-cancelling headphones. *Id.* at p. 2. Staff can also employ "antecedent strategies" to decrease the likelihood that the behavior will occur. *Id.* Antecedent strategies include: reducing the amount of pre-learning skills expected; providing high-interest tasks; reducing the number of tasks; and providing opportunities for Student A to present knowledge in a variety of verbal and non-verbal methods. *Id.*

160. Regarding teaching positive alternative behaviors, staff can teach Student A how to request breaks or delays to ultimately increase his tolerance for work. *Id.* Staff can also employ "first, then" strategies, such as requiring Student to "first complete a task" and "then take a break," to communicate expectations and encourage completion of tasks. *Id.*

Student L's BIP

161. Student L's BIP identifies that he demonstrates task-avoidant behaviors—such as screaming, jumping over his desk, throwing items, laying on the ground, or hiding—when

asked to complete academic tasks. *Exhibit B-1*, p. 1. Student L is more likely to exhibit these behaviors when his self-perception is low. *Id.*

162. To reduce the impact of triggers, staff can work with Student L on identifying his positive qualities and taking responsibility for his own actions. *Id.* To decrease the likelihood that Student L will engage in task-avoidant behaviors, staff can implement "antecedent strategies," such as pre-prompting regarding the task and expectations, giving choices, providing high-interest topics, allowing breaks, and allowing multiple methods of demonstrating content knowledge. *Id.*

163. Staff, including Student L's general education teachers, can teach appropriate replacement behaviors by modeling how to request a delay if needed and to tolerate wait periods between requesting help and adult responses. *Id.*

164. If Student L's behavior is unsafe or escalated, staff must move Student L to a different location, keep a neutral tone of voice, and continue to present the task to Student L. *Id.*

Student Q's BIP

165. Student Q's BIP identifies that she engages in loud vocal outbursts, such as screaming, to avoid tasks. *Exhibit B-3*, p. 1. This behavior "is intensified by a lack of fundamental academic skills." *Id.*

166. Staff can build Student Q's academic skills, provide pre-prompting regarding the task and expectations, use high-interest topics, give choices for assignment completion, and allow for breaks within tasks to reduce the impact of Student Q's triggers and decrease the likelihood that she will engage in task-avoidant behavior. *Id.*

167. If Student Q continues to escalate and refuses to complete the task, she must move to a different location and complete additional tasks before returning to her classroom. *Id.*

I. Implementation of BIPs

168. Complainant is concerned that general education teachers did not implement Students' BIPs because School culture prioritized convenience for teachers over student behavioral needs. *Interview with Complainant*; *Complaint*, p. 3. As a result, Students faced "increased emotional struggles" and disruption within the classroom environment. *Complaint*, p. 3.

169. From School's perspective, Students faced increased emotional struggles between August and September 2025 because Complainant did not provide social work services and refused to support classroom teachers with student behavioral challenges. *Interviews with Assistant Principal, Special Education Teacher, Third Grade Teacher, and Fourth Grade Teacher*.

170. Complainant raised concerns to School administration that general education teachers were not following Students' BIPs, but Complainant's rationale was that "if teachers were

following behavior plans, then Students would not exhibit escalated behaviors." *Interview with Assistant Principal; Response*, p. 4*; see Interview with Complainant*. However, even with perfect implementation of a behavior plan, students with BIPs will not exhibit "perfect" behavior and will likely still have moments of escalation. *Interviews with Assistant Principal*, *Third Grade Teacher, and Fourth Grade Teacher*.

171. Assistant Principal observed that Second Grade Teacher implemented Student A's BIP, Third Grade Teacher implemented Student L's BIP, and Fourth Grade Teacher implemented Student Q's BIP. *Interview with Assistant Principal*. Managing student behavior was harder for these teachers because Complainant was not assisting, but each teacher still implemented all elements of Students' BIPs and collaborated with other staff, such as special education teachers, to refine behavioral intervention strategies. *Id.*

172. Second Grade Teacher 2 implemented Student A's BIP with fidelity between August and September 2025. *Interviews with Second Grade Teacher 2, Assistant Principal, and Special Education Teacher; see Exhibit B-2*. Student A's behavior is mostly managed through support he receives from a one-on-one paraprofessional. *Interview with Second Grade Teacher 2*. Second Grade Teacher 2 provides scaffolded work, incentives, short breaks after completion of a portion of an assignment, and movement breaks to support Student A's behavior. *Id.*; *see Exhibit B-2*, p. 2. Student A has not engaged in the most concerning behaviors identified on his BIP, such as hitting his head against hard objects and eloping, and he is not very disruptive in class. *Interview with Second Grade Teacher 2*; *Exhibit B-2*, p. 1.

173. Third Grade Teacher implemented Student L's BIP with fidelity between August and September 2025. *Interviews with Third Grade Teacher, Assistant Principal, and Special Education Teacher*; *see Exhibit B-1*. She has observed Student L's challenging behaviors, such as becoming angry and banging his head on his desk when faced with difficult academic tasks. *Interview with Third Grade Teacher*. His behavior can escalate to "severe" and require a crisis response if Student L begins injuring himself or damaging School property. *Id.* In response to Student L's task-avoidant behaviors, Third Grade Teacher provides "first, then" statements, uses "red and green" cards for Student L to identify his needs, allows for choice, and uses "planned ignoring" to minimize attention-seeking behavior. *Id.; see Exhibit B-1*, p. 2.

174. Student L's behavior has improved significantly since Social Worker began supporting him inside and outside of class. *Interview with Third Grade Teacher*.

175. Fourth Grade Teacher implemented Student Q's BIP with fidelity between August and September 2025. *Interviews with Fourth Grade Teacher, Assistant Principal, and Special Education Teacher*; *see Exhibit B-3*. At the beginning of the year in particular, Student Q would scream very loudly and slam doors to avoid non-preferred academic tasks. *Interview with Fourth Grade Teacher*; *see Exhibit B-3*, p. 1. In response, Fourth Grade Teacher focused on setting clear expectations for Student Q, using a behavioral chart and visual schedule to segment Student Q's day, and allowing Student Q to demonstrate her knowledge verbally or

through drawing rather than in writing. *Interview with Fourth Grade Teacher*. She also provided Student Q with three cards that she could use to advocate for breaks. *Id.*

176. Student Q's behavior has improved significantly since the beginning of the year, and she no longer receives positive behavioral interventions and supports through a BIP given her growth. *Interviews with Fourth Grade Teacher and Social Worker*.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District ensured that staff had access to and an understanding of the responsibilities for implementing Students' IEPs, as required by 34 C.F.R. § 300.323(d). District did not implement Students' IEPs from August 13, 2025 to present, as required by 34 C.F.R. § 300.323(c). This resulted in a denial of FAPE.

Complainant is concerned that District did not provide social work services in accordance with Students' IEPs and the support required by Student A, Student L, and Student Q's BIPs. (FF #s 34, 168).

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." *Endrew 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, including accommodations, are made available to the child in accordance with the IEP. 34 C.F.R. §§ 300.324(d), 300.324(c)(2).

The IDEA does not excuse noncompliance with IEP implementation due to staff shortages. *E.g., El Paso Cty. Sch. Dist. 20*, 122 LRP 39732 (SEA CO 6/5/22) (finding an ongoing obligation to provide FAPE pursuant to a student's IEP during a staffing shortage); *see also In re: Student with a Disability*, 121 LRP 38674 (SEA KS 10/20/21) (finding an ongoing obligation to provide FAPE pursuant to a student's IEP during a staffing shortage); *see also Denver Public Sch.,* 124 LRP 15404 (SEA CO 5/2/2024); *Denver Public Sch.*, 124 LRP 34377 (SEA CO 1/19/2024); *Academy Sch. Dist. 20*, 124 LRP 34397 (SEA CO 3/22/2024).

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, Students' IEPs and BIPs were available to all District staff—including Complainant, Social Worker, and School special education and general education teachers—online through PowerSchool. (FF #s 17, 22, 24-28). Special Education Teacher, Second Grade Teacher 1, Third Grade Teacher, Fourth Grade Teacher, Second Grade Teacher 2, and Social Worker each familiarized themselves with Students' IEPs and BIPs through PowerSchool before beginning to support Students. (FF #s 22, 25-28). Complainant could not access IEPs and BIPs on PowerSchool until August 21, 2025, but she received digital and hard copies of all IEPs and BIPs for Students from School's Speech Language Pathologist before school started. (FF # 23). For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.323(d).

C. IEP Implementation: Social Work Services and BIPs

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 in order 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 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. *Prong 1: Was there a Shortfall in Execution of Students' IEP?*

The CDE must first determine whether there was a shortfall between the services required by Students' IEPs and BIPs versus those made available to Students. 34 C.F.R § 300.323(c)(2).

As District has acknowledged, there was a shortfall in the provision of social work services for Students between August 13, 2025 and November 2025. (FF #s 35, 65-66). All 28 Students did not receive social work services per their IEPs because they attended School either when Complainant was not providing services (August 13, 2025 to September 23, 2025), when there was no social worker (September 24, 2025 to October 6, 2025), and/or when Social Worker was still onboarding and could not complete all service minutes (October 7, 2025 to as late as November 13, 2025, depending on the Student). (FF #s 35-58, 62-63, 65-150).

There was not a shortfall in the provision of behavior supports listed in Student A, Student L, and Student Q's BIPs. (FF #s 157-176). The general education teachers of Student A, Student L, and Student Q were all familiar with their BIPs and each teacher provided detailed examples of how they implement the BIPs in class. (FF #s 172-176). Moreover, Assistant Principal reported observing all general education teachers implementing BIPs for Student A, Student L, and Student Q. (FF # 171). Complainant contended that the BIPs were not being implemented because these Students were exhibiting escalated behaviors at the beginning of the school year; however, implementing BIPs with fidelity does not guarantee perfect behavior. (FF #s 168, 170). The Record instead supports that District provided behavioral support as required by Student A, Student L, and Student Q's BIPs between August and September 2025. (FF #s 158-176). Student Q's behavior improved such that Student Q no longer requires support through a BIP. (FF # 176). Moreover, the Record also indicates that Students were exhibiting escalated behaviors, such as increased emotional dysregulation and heightened behavioral outbursts, at the beginning of a school year in large part due to the lack of social work services and not due to a lack of behavioral support. (FF # 169).

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

Because there was a shortfall in the provision of social work services required by Students' IEP, the CDE must next determine whether this shortfall represents a material failure to implement the IEPs such that Students were denied FAPE.

Here, for between three and four months at the beginning of the school year, 28 elementary-aged Students did not receive all social work services required by their IEPs. (FF #s 65-150). For two of those months, when Complainant worked at School, these Students did not receive *any* of the social work services required by their IEPs. (FF #s 36-55). These missed services therefore represent more than a minor discrepancy between the social work services provided and those required by Students' IEPs: Students missed social work service minutes for most of a semester at the beginning of a new school year. (FF #s 36-62). During this shortfall period, as District staff consistently reported, the educational impact on Students was material. (FF #s 151-152). Students struggled: they faced increased emotional dysregulation, heightened behavioral outbursts, and difficulty accessing the general education curriculum because of the shortfall in services. (FF # 152). As soon as Social Worker began working at School and providing social work minutes, Students showed improvement—School has been "night and day" for these Students. (FF # X). District determined, on its own, that Students required compensatory services to address the harm caused by the shortfall in services. (FF #s 58, 63-64). For these reasons, the CDE finds the shortfall was material as to all Students. Accordingly, the CDE finds and concludes that District did not implement Students' IEPs, as required by 34 C.F.R. § 300.323(c)(2), resulting in a denial of FAPE. *See Van Duyn*, 502 F.3d 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.)."

D. Compensatory Services

Compensatory services are an equitable remedy intended to place a student in the same position he would have been in if not for noncompliance. *Reid v. Dist. of Columbia*, 401 F.3d 516, 518 (D.C. Cir. 2005). Compensatory services need not be an "hour-for-hour calculation." *Colo. Dep't of Ed.*, 118 LRP 43765 (SEA CO 6/22/18). The guide for any compensatory award should be the stated purposes of the IDEA, which include providing children with disabilities a FAPE that meets the particular needs of the child, and ensuring children receive the services to which they are entitled. *Ferren C. v. School District of Philadelphia*, 612 F.3d 712, 717-18 (3d Cir. 2010).

Here, District has already recognized the need for minute-for-minute compensatory services for Students and has undertaken its own process to identify and offer those services. (FF #s 66, 151-156). However, because that process remains ongoing and was developed unilaterally by District, the CDE has outlined the parameters to which District's offer of compensatory services must adhere in the Remedies section below. (FF #s 151-156); s*ee, e.g., Denver Pub. Schs.*, 124 LRP 15404 (SEA CO 5/2/24). All Students require compensatory services except for Student AA, who stopped receiving such services in November 2025 due to the progress he made on annual goals. (FF # 66-150).

<u>Systemic IDEA Noncompliance</u>: This investigation does not demonstrate noncompliance that is systemic in nature. 34 C.F.R. § 300.151(b)(2).

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

Here, District has robust policies and procedures to ensure that District mental health providers both understand and can execute the responsibilities of their roles—namely, provision of mental health service minutes pursuant to student IEPs. (FF #s 5-16). District not only maintains detailed policies and procedures, but it also provides continual training and support to ensure that District mental health providers, including social workers, are equipped to provide services to students with disabilities. (FF #s 6-8). Here, Complainant did not provide social work minutes in accordance with Students' IEPs because she struggled to perform the duties of a school social worker. (FF #s 36-55). District attempted to support Complainant at all levels to assist her in developing a schedule for provision of services and to encourage her to begin supporting Students. (FF #s 39-43). When it became clear that Complainant could not perform the social worker role as expected, even with intense intervention, District terminated Complainant's contract on September 23, 2025. (FF #s 1, 44, 55). Complainant worked at School for only about six weeks. (FF # 1). Within two weeks of terminating Complainant, District hired Social Worker—who has been a tremendous support for Students and who has prioritized delivery of social work services minutes in accordance with IEPs since her start on October 7, 2025. (FF #s 58-63). While Complainant contended that she could not provide services because District and School misused the social worker role, the Record does not support this perspective. (FF #s 46-51). District policies, procedures, and practices specify that the role of the social worker involves provision of service minutes and support in behavior management and crisis response. (FF #s 10-16, 47-51). District sets the expectation that service delivery is the most important function of the role, and it provides sufficient time, training, and support for social workers to meet that expectation. (FF #s 6-8, 10-13). Indeed, Social Worker has not struggled to deliver services in accordance with Students' IEPs even though she works at School for only two-and-a-half days per week compared to Complainant's five days. (FF #s 1, 3). For these reasons, the CDE finds and concludes that the noncompliance is not systemic.

<u>REMEDIES</u>

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

1. Implementing Students' IEPs, as required by 34 C.F.R. § 300.323(c).

To demonstrate compliance, District is ORDERED to submit a corrective action plan ("CAP") by **April 20, 2026** that adequately addresses how the cited noncompliance will be corrected through the completion of the following remedies:

1. **Final Decision Review**

    a. Interim Director, AIEF, Assistant Principal, and Social Worker must each read this Decision in its entirety, as well as review the requirements of 34 C.F.R. § 300.323(c) by **Monday, April 27, 2026**. If these individuals are no longer employed by District, District may substitute individuals occupying identical roles to demonstrate compliance with this remedy. A signed assurance that this information has been read and reviewed must be provided to the CDE by **Wednesday, April 29, 2026.**

2. **Compensatory Services for Students**

    a. Students shall receive, from appropriately licensed school mental health provider(s), these compensatory services:

        i. **Student A:** 270 direct social work minutes

        ii. **Student B:** 413 direct social work minutes

        iii. **Student C:** 300 direct social work minutes

        iv. **Student D**: 406 direct and 68 indirect social work minutes

        v. **Student E**: 135 direct social work minutes

        vi. **Student F**: 240 direct social work minutes

        vii. **Student G**: 240 direct social work minutes

        viii. **Student H**: 300 direct social work minutes

        ix. **Student I**: 270 direct social work minutes

        x. **Student J**: 300 direct social work minutes

        xi. **Student K**: 240 direct social work minutes

        xii. **Student L**: 445 direct social work minutes

        xiii. **Student M**: 300 direct social work minutes

        xiv. **Student N**: 330 direct social work minutes

xv. **Student O**: 270 direct social work minutes

xvi. **Student P:** 42 indirect social work minutes

xvii. **Student Q**: 375 direct social work minutes

xviii. **Student R**: 203 direct social work minutes

xix. **Student S**: 450 direct social work minutes

xx. **Student T**: 300 direct social work minutes

xxi. **Student U**: 180 direct social work minutes

xxii. **Student V**: 270 direct social work minutes

xxiii. **Student W**: 240 direct social work minutes

xxiv. **Student X**: 271 direct social work minutes

xxv. **Student Y**: 300 direct social work minutes

xxvi. **Student Z**: 300 direct social work minutes

xxvii. **Student AB**: 30 indirect social work minutes

b. All compensatory services must be provided to Students no later than **Friday, December 18, 2026**. These services must be designed to advance Students toward annual IEP goals. All compensatory services yet to be provided through District's proactive plan as of the date of this final decision must be provided outside of the regular school day to ensure Students are not deprived of the instruction Students are entitled to receive during the school day (including time in general education). **District may account for compensatory services that it has already provided to Students from January 2026 to the date of this final decision, including minutes provided during the school day, but these services must be logged per the specifications outlined below.** As such, District is not required to provide more compensatory services to Students than they are entitled under section 2.a(i) through 2.a(xxvii) above: in other words, District must provide Students with the compensatory minutes they are owed (per section 2.a), but it can count compensatory service minutes it has already provided between January 2026 and the date of this final decision toward these compensatory services.

c. If District anticipates that some or all compensatory services would more effectively target Students' goals if provided in a small-group setting *and* a small-group setting can only be provided during school hours, District can request

approval to provide services during school hours. To get such approval, District must submit Students' current IEPs, the proposed schedule of services along with Students' daily schedules, a written explanation of why such a schedule is more appropriate for Students' individualized needs, and an assurance that the proposed schedule does not interfere with services Students are already entitled to receive or change their LRE placements. A final determination that services provided during the school day would best serve Students rests solely with the CDE.

d. For any Student who no longer attends a District school or program, compensatory services must be provided by an appropriately licensed provider or private contractor agreed to by District and Student's new district.

e. By **April 27, 2026**, District shall submit to the CDE for review a draft letter to be sent to the parents of each Student. This letter shall notify parents that their student was identified in a recent state complaint decision (with information on where to find the decision) as a student who requires compensatory services as a result of District's noncompliance as identified in the Decision.

    i. This may be a form letter, but it must indicate the amount of services each Student has been awarded by this decision.

    ii. The letter must include a section indicating that District had already initiated the provision of compensatory services as of January 2026.

    iii. The letter must include a section requiring parents of each Student to sign, acknowledging their receipt of the letter and understanding of its contents.

    iv. The letter must include a section requiring parents of each Student to consent or opt out of the compensatory education services.

    v. The CDE will approve the draft letter, approve it with modifications, or reject it by **May 4, 2026.**

f. By **May 11, 2026**, District shall send the approved letter to the parents of Students.

    i. District must translate the approved letter as necessary to provide it to any parents with limited English proficiency in their native language.

    ii. District must send the letter via both email and postal mail.

    iii. District must simultaneously submit a signed assurance to the CDE that the approved letters were sent to Students' parents, along with a list of the

parents' names, Students' names, contact information, and the date that the letter was sent to each.

iv. If a Student no longer attends any District school or program, the District must make reasonable efforts to contact parents using any last known number or email address to verify the parents' current contact information.

v. If District is unable to reach parents whose student no longer attends a school in the District, the District will be excused from delivering compensatory services for that student, provided that District diligently attempts to reach parents and documents such efforts consistent with 34 C.F.R. § 300.322(d). A determination that District diligently attempted to contact parents whose student no longer attends a District school, and thus should be excused from providing compensatory services, rests solely with the CDE.

g. By **May 26, 2026**, parents of Students shall provide written consent for the provision of compensatory services to District. If parents do not provide written consent for services by this date, District will be excused from providing compensatory services.

i. By **June 1, 2026**, District shall provide the written consent forms to the CDE Special Education Monitoring and Technical Assistance Consultant.

h. The District shall schedule compensatory services in collaboration with each parent who has consented to compensatory services ("Consenting Parents"). The District shall submit the schedule of compensatory services to CDE by **June 8, 2026.** A meeting is not required to arrange this schedule, and the parties may collaborate, for instance, via e-mail, telephone, video conference, or an alternative technology-based format to arrange for compensatory services. The schedule shall include the full names(s) of the appropriately licensed provider(s) as well as the dates, times, and durations of planned sessions.

1. Any delay in beginning the provision of compensatory services must be approved by the CDE.

2. If the District and any Consenting Parent cannot agree to a schedule by **June 8, 2026,** the District and Consenting Parent must meet either in person or via video conference to resolve scheduling complications by **June 15, 2026** and submit the schedule by **June 22, 2026**

3. If the District and any Consenting Parent cannot agree to a schedule by **June 22, 2026**, the District must submit to the CDE all documentation

evidencing diligent attempts to schedule the compensatory services in collaboration with Consenting Parent, including but not limited to: copies of correspondence sent to the Consenting Parent and any responses received (such as e-mails), contact logs (such as records of telephone calls made or attempted and the results of those calls), and meeting notes, by **June 29, 2026**.

4. **By July 6, 2026,** the CDE will, in its sole discretion, either determine the schedule for compensatory services or determine that District is excused from providing the compensatory services.

i. Consenting Parents and District shall cooperate in determining how compensatory services will be provided for Students. If any Consenting Parent refuses to meet with the District within this time, the District will be excused from delivering compensatory services, provided that District diligently attempts to meet with Parents and documents such efforts. A determination that District diligently attempted to meet with Consenting Parent, and should thus be excused from providing compensatory services, rests solely with the CDE. Consenting Parents may opt out of some or all compensatory services.

j. For compensatory education yet to be provided by District as of the date of this final decision, monthly consultation between the provider(s) delivering compensatory services and Students' case managers, shall occur to evaluate Students' progress toward IEP goals and adjust instruction accordingly. The purpose of this consultation is to help ensure that compensatory services are designed and delivered to promote progress on IEP goals. District must submit documentation that these consultations have occurred **by the second Monday of each month** until compensatory services have been completed. Consultation logs must contain the name and title of the provider and the date, the duration, and a brief description of the consultation.

k. To verify that Students have received the services required by this Decision, the District must submit records of service logs to the CDE by **the second Monday of each month** until all compensatory services have been furnished. The name and title of the provider, as well as the date, the duration, and a brief description of the service must be included in the service log. District's first service log submission must document any compensatory minutes provided under District's proactive plan prior to the date of this final decision.

l. These compensatory services will be in addition to any services Students currently receive, or will receive, that are designed to advance Students toward IEP goals and objectives. These compensatory services must be provided to Students outside of the regular school day (such as before and/or after school, on

weekends, or during school breaks) to ensure Students are not deprived of the instruction Students are entitled to (including time in general education).

m. If for any reason, including illness, a Student is not available for any scheduled compensatory services, the District will be excused from providing the service scheduled for that session. If for any reason the District fails to provide a scheduled compensatory session, the District will not be excused from providing the scheduled service and must immediately schedule a make-up session in consult with the Consenting Parent and notify the CDE of the change in the appropriate service log.

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

CONCLUSION

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

Dated this 30th day of March, 2026.



_____

Elizabeth "EP" Stonehill
State Complaints Officer

APPENDIX

Complaint, pages 1-7

- Exhibit 1: Email Documentation

Response, pages 1-7

- Exhibit A: Complainant caseload
- Exhibits B-1 to B-40: Students' BIPs and IEPs
- Exhibits C-1 to C-9: Social worker service logs
- Exhibit D: List of staff providing social work services
- Exhibit E: Students' attendance records
- Exhibit F: N/A
- Exhibit G: District calendar
- Exhibits H-1 to H-6: District policies
- Exhibits I-1 to I-450: Correspondence
- Exhibit J: Contact information
- Exhibit K: Verification of Delivery
- Exhibit L: Compensatory service minutes
- Exhibit M: Revised compensatory service minutes

Telephone Interviews

- Complainant: January 16, 2026
- Special Education Teacher: January 22, 2026
- Interim Director of Special Education: January 22, 2026
- Assistant Principal: January 23, 2026
- Social Worker: January 23, 2026
- Area Individualized Education Facilitator ("AIEF"): January 23, 2026
- Second Grade Teacher 1: January 27, 2026
- Third Grade Teacher: January 27, 2026
- Fourth Grade Teacher: January 28, 2026
- Second Grade Teacher 2: February 20, 2026