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

State Complaint SC2025-618
Denver Public Schools

DECISION

INTRODUCTION

On October 22, 2025, the parent ("Parent") of a student ("Student A") identified as a child with a disability under the Individuals with Disabilities Education Act ("IDEA")[1] filed a state complaint ("Complaint") against Denver Public Schools ("District"). 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 22, 2024. Information prior to October 22, 2024 may be considered to fully investigate all allegations.

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:

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[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 the District complied with the IDEA, and if not, whether the noncompliance results in a denial of a free appropriate public education ("FAPE"). 34 C.F.R. §§ 300.17, 300.101, 300.151-300.153.

1. The District did not implement Student's Individualized Education Program ("IEP") from August 2025 to present because it:

    a. Did not provide the specialized math instruction listed in the IEP, as required by 34 C.F.R. § 300.323(c).

    b. Did not provide the specialized literacy instruction listed in the IEP, as required by 34 C.F.R. § 300.323(c).

    c. Did not provide accommodations listed in the IEP, including frequent check-ins, repeating directions, chunking assignments, home-to-school communication, adult support with organization, and executive functioning strategies, 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. Student A began the 2025-2026 school year as a sixth grader at a District middle school ("School"). *Interview with Parent*. In December 2025, Student A transferred to another District middle school. *Id.*

2. Student A qualifies for special education and related services under the disability categories of Autism Spectrum Disorders, Other Health Impairment, and Speech or Language Impairment. *Exhibit A, p. 1.*

3. Student is described as a kind, creative, and inquisitive young man. *Interviews with Language Arts Teacher, Parent, and Science Teacher.* He engaged with classroom material, especially science, and asked questions. *Interviews with Language Arts Teacher and Science Teacher.* He had difficulty with organization, such as tracking his assignments, and sustained focus. *Id.*

4. Parent's Complaint concerns the District's implementation of certain aspects of Student's IEP during Fall 2025. Complaint, pp. 4-7. Interviews conducted and documents produced during this investigation suggested that the implementation concerns raised in the Complaint may have impacted all students at School whose IEPs required direct specialized math instruction. *Response*, p. 2; *Interview with Special Education Department Lead ("Department Lead")*. The CDE thus requested additional documents to consider and ensure the appropriate future

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

provision of services for all IDEA-eligible students in the District pursuant to the CDE's general supervisory authority. 34 C.F.R. § 300.151(b)(2).

B. Student A's IEP

5. The 2025-2026 school year began on August 18. 2025. *Exhibit G*, p. 1. At that time, Student A's IEP dated January 23, 2025 ("IEP") was in effect. *Exhibit A*, pp. 1-17. That IEP was developed during Student A's fifth-grade year. *Id.*

6. The IEP reviewed Student A's present levels of performance, noting that he performed slightly below grade level on recent math and reading assessments. *Id.* at pp. 4-5. Student A's engagement varied greatly depending on whether the topic or assignment was an area of interest for him. *Id.* at pp. 5-6. Though he made progress on his communication goal, Student A had not made any progress on his executive functioning goal. *Id.* at p. 5.

7. As stated in the IEP, Student A's disabilities impacted his social interactions with others, his mental flexibility, his sustained focus, and his ability to stay regulated. *Id.* at p. 7.

8. The IEP contained five annual goals in the areas of communication, self-determination, writing, mathematics, and executive functioning. *Id.* at pp. 8-11.

9. The IEP listed more than two dozen accommodations designed to increase Student A's access to the general education environment. *Id.* at pp. 11-12. The accommodations targeted the setting and environment, assessments, presentation of materials, and Student A's response. *Id.*

10. The IEP required the following specialized instruction and related services:

    - Specialized Instruction:
        - 60 minutes per week of direct specialized literacy instruction provided by a special education teacher outside the general education classroom; and
        - 150 minutes per week of direct specialized math instruction provided by a special education teacher outside the general education classroom.
    - Psychological Services: 120 minutes per month of direct psychological services provided by a school psychologist outside of the general education classroom.

    Id. at pp. 14-15. The IEP also specified that he receive indirect specialized instruction, speech/language services, and occupational therapy throughout the year. *Id.*

11. Under the IEP, Student A spent 88% of his time in the general education environment. *Id.* at p. 16.

C. Accessibility of Students' IEPs to Teachers and Others

12. At the beginning of the 2025-2026 school year, Department Lead, Special Education Teacher 1, and Special Education Teacher 2 created a document that contained snapshots of all sixth-grade students' IEPs. *Interview with Department Lead*; *Exhibit B*, pp. 1-81. Additional charts identified each student's accommodations and grouped students by accommodation (for example, a list of all students who needed preferred seating). *Exhibit B*, pp. 82-92. School staff provided these documents to teachers electronically and in hardcopy. *Interview with Team Lead; Exhibit I*, p. 15.

13. Language Arts Teacher and Science Teacher—two of Student A's teachers interviewed for this investigation—confirmed receiving this information. *Interviews with Language Arts Teacher and Science Teacher.*

D. School's Special Education Staff Vacancy

14. When the 2025-2026 school year began, Special Education Teacher 1 was responsible for providing 35 students, including Student A (collectively, with Student A, "Students"), with the specially designed math instruction specified in their IEPs. *Interview with Interim Principal; Exhibit O*, pp. 2-3. His caseload included students in sixth, seventh, and eighth grades. *Interview with Interim Principal; Exhibit O*, pp. 2-3. Students' IEPs required anywhere from 40 to 300 minutes per week of math instruction, both inside and outside of the general education classroom. *Exhibit O*, pp. 2-3.

15. Special Education Teacher 1 served Students from August 18, the first day of school, until his resignation on August 29. *Id.* At that point, School did not have another staff member to offer specialized math instruction. *Id.* Though School employed another full-time special education teacher and one part-time special education teacher, they both provided specialized literacy instruction, not math. *Interviews with Interim Principal, Special Education Teacher 2, and Department Lead.*

16. School hired a new special education teacher ("New Special Education Teacher") in late September, who began serving Students on October 14, 2025. *Interview with Interim Principal.*

E. District's Applicable Procedures and Response to the Vacancy

17. The District has detailed written procedures outlining how District and School staff should address special education staffing gaps. *Exhibit R*, pp. 1-25; *Interviews with Interim Principal and Special Education Instructional Specialist ("SEIS")*. Under District procedures, a staffing gap occurs when a special education teacher "ceases providing special education or specialized services for any reason . . . for longer than eleven consecutive school days." *Exhibit R*, p. 4.

18. If a vacancy may last longer than eleven consecutive school days, the school administrator must complete the District's Staffing Gap Reporting Form within five days from the beginning of the vacancy. *Id.* at p. 7. Next, the school administrator meets with District staff to identify potential solutions to the staffing gap and create provisional staffing solution plans ("PSSPs") for students. *Id.* at pp. 7-8. The PSSPs outline what services will look like for impacted students until the staffing gap has been resolved. *Id.* at p. 8. Upon resolution, School and District staff determine whether the impacted students need compensatory services. *Id.* at pp. 9-10.

19. During the vacancy created by Special Education Teacher 1's resignation, Interim Principal was responsible for complying with the District's staffing gap procedures. *Interviews with Interim Principal and SEIS.* Interim Principal did not complete the Staffing Gap Reporting Form correctly until September 25, more than three weeks after the vacancy began. *Exhibit I*, pp. 19-26; *Exhibit O*, p. 1. No PSSPs were prepared for any of the impacted Students. *Interview with Principal.*

F. Implementation of Students' Math Instruction during the Vacancy

20. Throughout Fall 2025, Student A's IEP required 150 minutes per week of direct specialized math instruction provided by a special education teacher outside the general education classroom. *Exhibit A*, pp. 14-15.

21. The District acknowledges that Students, including Student A, did not receive any specialized math instruction for six weeks from September 2 through October 14, 2025. *Response*, p. 2; *Interviews with Department Lead and Interim Principal.* No one was tracking Students' progress on any related annual goals, though Students continued to attend general education math classes during this period. *Interviews with Department Lead and Interim Principal.*

22. Depending on their IEP, Students missed anywhere from 240 to 1,800 minutes of specialized math instruction as a result of the vacancy. *Exhibit O*, pp. 2-3. The District has not made any determination regarding Students' need for compensatory services, in part due to the pendency of this investigation. *Interview with SEIS.*

G. Implementation of Student A's Literacy Instruction during Fall 2025

23. Throughout Fall 2025, Student A's IEP required 60 minutes per week of direct specialized literacy instruction provided by a special education teacher *outside* of the general education classroom. *Exhibit A*, pp. 14-15.

24. During Fall 2025, Student A attended a sixth-grade language arts class co-taught by Language Arts Teacher and Special Education Teacher 2. *Interviews with Language Arts Teacher and Special Education Teacher 2*. Each day, the class began with a warm-up involving a journal prompt or review of material. *Interview with Special Education Teacher 2*. Then, Language Arts Teacher provided whole-group instruction before the class completed an assignment, either in a group or individually. *Id.*

25. While the class was working, Special Education Teacher 2 walked around the classroom to provide support to students with IEPs, including Student A. *Interviews with Language Arts Teacher and Special Education Teacher 2*. Special Education Teacher 2 often confirmed Student A understood the instructions, ensured he was on task, and reminded him to check his work for mechanics, conventions, and other components. *Interview with Special Education Teacher 2*. At times, Special Education Teacher 2 worked with Student A individually or in small groups to target certain skills, such as writing or reading comprehension. *Id.* Special Education Teacher reported that Student A made good connections between texts in class, followed directions, and engaged with the work. *Id.*

26. The District acknowledges that Student A received his literacy instruction *inside* the general education class, rather than outside the general education class as required by his IEP. *Response*, p. 2; *Interview with Special Education Teacher 2*. However, this adjustment allowed Student A to receive his specialized language arts instruction during his language arts class, instead of missing another core class for pull-out language arts services. *Interview with Special Education Teacher 2*. During Student A's language arts class, Special Education Teacher 2 needed to serve other students inside the general education classroom, leaving her unable to provide services both inside and outside the classroom at once. *Id.*

27. The District claimed the discrepancy in location had no impact on Student A, given that he still received the minutes required by his IEP and made progress on his related annual goal. *Response*, pp. 3-4; *Interview with Special Education Teacher 2*.

H. Implementation of Student A's Accommodations during Fall 2025

28. Throughout Fall 2025, Student A's IEP included, in part, the following accommodations:

- Provide frequent check-ins to ensure understanding of directions and target concepts and to ensure he knows what is coming next, as needed;
- Have Student A repeat back directions to support comprehension, as needed;
- Chunk larger assignments by 50% to focus on mastery of concepts, as needed;
- Utilize frequent home-to-school communication, as needed;
- Provide daily adult support with organization, as needed; and
- Offer access to executive functioning strategies (ready, do, done; backwards planning), as needed.

Exhibit A, pp. 11-12. In her Complaint, Parent alleged that the District did not provide these accommodations to Student A during Fall 2025, resulting in increased frustration, decreased work completion, and lower grades. *Complaint*, pp. 6-7; *Interview with Parent.*

29. As noted above, Language Arts Teacher and Science Teacher acknowledged they knew about Student A's IEP, including his accommodations, at the beginning of the school year. *Interviews with Language Arts Teacher and Science Teacher*. Language Arts Teacher and Science Teacher—who taught two of Student A's core academic classes—were asked during this investigation how they implemented the accommodations at issue. *Id.*

Frequent Check-Ins

30. Both Language Arts Teacher and Science Teacher checked in with Student A during class. *Id.* Science Teacher reported checking in at least three times per class period, including asking him what step he was on or if he knew what question to do next. *Interview with Science Teacher*. In language arts, Language Arts Teacher and Special Education Teacher 2 checked in "frequently" with Student A and monitored students' computer screens to see who needed to be redirected. *Interview with Language Arts Teacher.*

Repeat Back Directions

31. In science and language arts, Student A's teachers asked him to repeat directions to demonstrate he knew what he should be working on and what came next. *Interviews with Science Teacher and Language Arts Teacher*.

Chunking Assignments

32. Science Teacher gave Student A a sticky note identifying certain questions Student A needed to complete (instead of completing the entire assignment). *Interview with Science Teacher*. Language Arts Teacher indicated she chunked assignments for all students in her class by working on in-class assignments for a specific amount of time before moving on to the next topic. *Interview with Language Arts Teacher*.

33. As detailed below, despite any chunking of assignments, Student A still had difficulty completing in-class assignments. *Interviews with Language Arts Teacher, Parent, Science Teacher, and Special Education Teacher 2*.

Frequent Home-to-School Communication

34. Neither Language Arts Teacher nor Science Teacher engaged in frequent communication with Parent. *Interviews with Language Arts Teacher and Science Teacher*. Language Arts Teacher cited a few email chains with Parent to show frequent home-to-school communication; however, these emails concerned back-to-school introductions, a question about a homework assignment, Student A's reevaluation, and a picture of signed assessment results. *Exhibit I*, pp. 112, 199, 208, 218. The correspondence produced by the District does not show frequent communication with Parent. *See id.* pp. 1-228. Instead, the correspondence shows that Parent sometimes received information when she asked, while School staff rarely, if ever, provided her any information proactively. *Id.* Even when Parent asked questions, she had difficulty getting answers from School staff. *Id.; Interview with Parent.*

Daily Adult Support with Organization and Access to Executive Functioning Strategies

35. Science Teacher utilized a checklist in the classroom which showed the tasks for the day. *Interview with Science Teacher*. She also gave students a weekly checklist, so they could mark what they had completed. *Id.*

36. Language Arts Teacher provided executive functioning supports, such as modeling where to click on the computer, giving prompts, using timers to pace assignments, and reminding students to turn in work before class ends. *Interview with Language Arts Teacher.* None of the supports provided by either teacher was specific to Student A. *Interviews with Language Arts Teacher and Science Teacher*.

37. Other than these generalized supports, neither Language Arts Teacher nor Science Teacher provided Student A with "daily adult support with organization" as specified by Student A's IEP. *Id.* Special Education Teacher 2 also did not provide Student A with any daily adult support. *Interview with Special Education Teacher 2*.

I. Student A's Grades and Progress on Annual Goals

Work Completion

38. Throughout Fall 2025, Student A struggled with missing or incomplete assignments. *Interviews with Language Arts Teacher, Parent, Science Teacher, and Special Education Teacher 2*.

39. On October 8—following parent-teacher conferences—Parent voiced concern about the number of assignments Student A had missing. *Exhibit I*, p. 130. At conferences, Parent learned that Social Worker pulled Student A from science each Tuesday for his mental health services. *Id*. Student A did not understand that he needed to make up the work he was missing during pull-out services and, as a result, had "months' worth of missing Tuesday class work." *Id*. Additionally, Student A was missing a "substantial amount of work" in all his other classes. *Id*. Parent indicated that Student A's prior school did not "grade on this system" and questioned why no one had checked in with Student A to see why he was not completing his work: "It sounds like the expectations were not clear to my child and there are no executive functioning supports in place. When I asked yesterday, I kept hearing that these are really big classes so the teachers don't notice." *Id.*

40. According to Parent, Student A did not understand that he needed to finish any incomplete classwork at home until late October. *Interview with Parent*. Science Teacher clarified this to Parent in an email on October 27, more than two months into the school year: "Anytime he does not finish an assignment in class I do want him to finish it even though it is late." *Exhibit I*, p. 45. In response, Parent questioned whether School staff were appropriately chunking Student A's assignments if he routinely could not complete them within the allocated time.

Id. at p. 44. The accumulation of missing assignments negatively impacted Student A's mental health, causing him to come home in distress. *Id.* at p. 219; *Interview with Parent.*

Grades

41. Student A's grades reflected his struggle to complete and turn in his work. *See Exhibit C*, p. 1. Instead of issuing a report card with typical letter grades, School uses two measures to track students' progress: a grade point average ("GPA") and a learning behavior average ("LBA"). *Response*, p. 4; *Interview with Department Lead*.

42. The GPA "indicates a pure reflection of a student's individual mastery of particular skills and concepts." *Response*, p. 4. School calculates the GPA using "scores achieved in a controlled environment," such as work completed at school under teacher supervision, quizzes, and tests. *Id.*; *Interview with Department Lead*. School intends a student's GPA to be calibrated with the Colorado Measures of Academic Success ("CMAS"), such that the GPA would indicate how a student would score on CMAS at that time. *Response*, p. 4.

43. Meanwhile, the LBA reflects the student's class participation and effort and includes typical "participation grades," as well as "partner or group assignments that don't necessarily measure the performance of one individual student." *Id.*; *Interview with Department Lead*.

44. School considers an average of 2.6 or higher on the GPA or the LBA to be a passing grade. *Interview with Department Lead*.

45. On October 6, the day before Student A's parent-teacher conference, his grades were:

COURSE	CLASS GPA	CLASS LBA
LANGUAGE ARTS	2.17	3.04
MATH	0.50	2.38
SCIENCE	Blank	1.88
SOCIAL STUDIES	1.89	3.00

Exhibit I, p. 132. Student A had a failing GPA in at least three classes and a failing LBA in two of his four classes. *Id.* By October 29 progress, Student A's grades were:

COURSE	CLASS GPA	CLASS LBA
LANGUAGE ARTS	1.89	2.66

MATH	0.33	2.47
SCIENCE	3.12	2.31
SOCIAL STUDIES	2.83	2.29

Student A had a failing GPA in two of his classes and a failing LBA in three of his four classes. *Exhibit C*, p. 1. His overall GPA was 2.22, placing his overall performance as "on watch." *Id.*

Progress on Annual Goals

46. During the first trimester of the 2025-2026 school year, Student A made progress on some, but not all, of his IEP goals. *Id.* at pp. 3-11. His progress report acknowledged that Student A did not work on his math goal during first trimester. *Id.* at p. 8. A math diagnostic administered at the beginning of the school year placed Student A's math skills at a fourth-grade level. *Id.*

47. Student A's IEP included a writing goal targeting paragraph composition. *Id.* at pp. 5-6. This goal sought to improve Student A's ability to "write informative/explanatory texts that provide a clear focus" by including an introductory sentence, three supporting details, and a concluding sentence. *Id.* Student A made progress on each of the objectives under this goal during Fall 2025. *Id.*

48. Another one of Student A's goals targeted his executive functioning strategies, asking Student A to use a "self-monitoring checklist" during check-ins with a special education teacher to facilitate work completion and organization. *Id.* at p. 10. With the checklist, Student A would evaluate whether he had his materials ready, used his time productively, and completed quality work. *Id.* Social Worker created and circulated a draft checklist for Student A to use in September but, as late as October 14, 2025, no system had been implemented. *Exhibit I*, pp. 50, 206.

49. According to email correspondence, on October 15, Special Education Teacher 2 sent Parent a list of missing assignments that Special Education Teacher 2, Social Worker, and Student A created. *Id.* at p. 1. Within two weeks, Parent reached out to School staff to request a current list of missing work, noting that the existing document had not been updated. *Id*. at pp. 44-45.

50. The progress report, dated October 28, 2025, indicated that School staff did not use the self-monitoring checklist; instead "the social worker and two special educators met with [Student A] and tried a checklist of missing work, with the goal of being able to add upcoming work." *Exhibit C*, p. 10. However, staff reported that the "checklist proved overwhelming and was discontinued." *Id.*

J. Students' Progress on Annual Goals

51. The District provided progress reports for Students for the 2025-2026 school year. *Exhibit S*. The CDE reviewed these reports to determine whether the lack of specialized math instruction during Fall 2025 impacted Students' progress on annual math goals. *Id.*

52. Seven Students (Students B, D, I, O, T, X, and FF) showed a lack of expected progress during the 2025-2026 school year on their math goals. *Id.* Many of these students made progress on their goals during the 2024-2025 school year, only to regress or stagnate during the 2025-2026 school year. *Id.* The progress reports for the remaining 26 Students contained no information regarding their progress on math goals during the 2025-2026 school year. *Id.* at pp. Those reports contained no summary statement (such as "progress made"), no commentary, and no data points. *Id.* The progress report for Student AA indicated School staff were unable to measure her progress due to significant absences. *Id.* As of December 19, 2025, Student AA had missed 74% of school days during the 2025-2026 school year. *Id.*

K. Student A's Transfer

53. On December 1, 2025, Student A transferred to another District middle school. *Interview with Parent.*

54. After receiving Student A's progress reports in October, Parent became concerned about his school performance and hired tutors to help Student A in math and language arts. *Id.* Since October 2025, Parent has spent approximately $400 per month for tutoring. *Id.*

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 responsibilities for implementing Students' IEPs, including Student A, as required by 34 C.F.R. § 300.323(d). The District did not provide Impacted Students with the specialized math instruction specified in their IEPs, as required by 34 C.F.R. § 300.323(c). Additionally, the District did not provide Student A with the accommodations listed in his IEP, as required by 34 C.F.R. § 300.323(c). This noncompliance resulted in a denial of FAPE for Impacted Students, including Student A.

The sole allegation in Parent's Complaint concerns implementation of Student's IEP during Fall 2025. Specifically, Parent asserted that the District had not provided Student the specialized math instruction, specialized literacy instruction, and certain accommodations required by his IEP.

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 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, the Findings of Fact demonstrate that the District fulfilled this duty. School special education staff provided snapshots of all sixth-grade students' IEPs to sixth grade teachers, both electronically and in hardcopy. (FF #s 12-13.) To ease implementation of accommodations, they also prepared charts grouping students by accommodation. (*Id.*). These actions by School staff ensured Student A's teachers had access to his IEP and satisfied the District's obligation under the IDEA. The CDE finds and concludes that District complied with 34 C.F.R. § 300.323(d).

C. IEP Implementation: Math Instruction

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. App'x 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*.

A material failure results in a denial of FAPE and substantive noncompliance with the IDEA. *Van Duyn*, 502 F.3d 811 at 822. Courts look at the individual circumstances of the case to determine whether a material failure occurred. *A.P. v. Woodstock Bd. of Educ.*, 370 Fed. App'x 202, 205 (2d Cir. 2010). Implementation errors become material where "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" and where "substantial," "significant," or "necessary" IEP provisions have not been provided. *Van Duyn*, 502 F.3d 811 at 818, 822.

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.*, 927 F.3d at 1214 (emphasis in original). This 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?

Prong 1: Was there a Shortfall in Services?

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

Here, the District acknowledges that a shortfall in specialized math instruction occurred. (FF #s 21-22.) For six weeks during Fall 2025, Student A did not receive any of the specialized math instruction specified by his IEP due to a special education teacher vacancy. (FF # 21.) At that time, Student A's IEP required 150 minutes per week of direct specialized math instruction. (FF # 20.)

This shortfall extended beyond Student A to Students—the 34 other students at School whose IEPs required direct specialized math instruction. (FF #s 14, 21, 22.) The CDE finds and concludes

that a shortfall in specialized math instruction from September 2, 2025 to October 14, 2025 affected Students.

Prong 2: Was the Shortfall Material?

The CDE must next determine whether the shortfall in math instruction represents a material failure to implement Students' IEPs.

As a result of the vacancy, Student A missed 900 minutes, or 15 hours, of specialized math instruction. (FF #s 20-21.) During this period, Student A continued to attend general education math classes but received no specialized instruction at his level or targeting his annual goals. (FF # 21.) He made no progress on his related annual goal during Fall 2025 and failed math class with a 0.33 class GPA during the first trimester. (FF # s 45-46.) Student A struggled in math without the support of his specialized instruction.

With regard to the remaining Students, their IEPs required anywhere from 40 to 300 minutes of direct specialized math instruction per week. (FF # 14.) During the six-week lapse in services, the least impacted Student missed 240 minutes of direct instruction, while the most impacted Student missed 1,800 minutes of direct instruction. (FF # 22.) Even assuming Students were able to access any of the instruction offered in the general education class, they were unable to directly target their annual IEP goals, and no one was tracking their progress on those goals. (FF # 21.) The lack of progress monitoring continued, even after New Special Education Teacher began serving Students. (FF #s 51-52.) Including Student A, 27 out of 35 Students' progress reports contained no information regarding that Student's progress on their math goal. (FF # 52.) These progress reports included no summary statement (such as "progress made"), no commentary, and no data points for the 2025-2026 school year. (*Id.*) Without any information, the CDE cannot find that these Students made expected progress on their math goals.

The progress reports for seven Students (specifically, Students B, D, I, O, T, X, and FF) showed a lack of expected progress on math goals during the 2025-2026 school year. (FF # 52.) Many of these Students advanced towards their goals during the 2024-2025 school year, only to regress during the 2025-2026 school year. (*Id.*) The lack of expected progress—or, even, regression—shows that the shortfall in math instruction was material.

The progress for the final Student, Student AA, could not be measured due to Student AA's significant absences. (*Id.*) According to the progress report, Student AA missed 74% of school days during Fall 2025. (*Id.*) Therefore, the Record does not support finding the shortfall to be material as to Student AA. Even if the math instruction had been offered during the six-week vacancy, Student AA likely would not have attended to receive the instruction.

For the reasons outlined above, the CDE finds the shortfall in math instruction to be material as to all Students, except Student AA ("Impacted Students"). Accordingly, the CDE finds and concludes that the District did not implement Impacted 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. IEP Implementation: Literacy Instruction

The two-prong standard discussed above similarly applies to the analysis of implementation of Student A's literacy instruction.

Prong 1: Was there a Shortfall in Services?

First, the CDE determines whether there was a shortfall between the services required by Student A's IEP versus those provided to Student A. 34 C.F.R. § 300.323(c)(2).

Here, Student A's IEP required him to receive 60 minutes per week of specialized literacy instruction *outside* of the general education classroom. (FF # 23.) The District asserts that Student A received all the specialized literacy instruction required by his IEP, albeit in the wrong location. (FF # 24.) Instead of providing his literacy instruction outside of the general education environment, School staff provided Student A's instruction inside a co-taught general education language arts class during Fall 2025. (FF # 24.) This caused a shortfall in the amount of literacy instruction Student A received outside of the general education environment. The shortfall lasted from August 18, 2025 until Student A transferred to a new school around November 28, 2025. (FF #s 24, 52.)

Prong 2: Was the Shortfall Material?

The CDE must next determine whether the shortfall in literacy instruction amounted to a material failure to implement Student A's IEP.

The District admittedly provided Student A's literacy instruction inside the general education classroom, instead of outside the general education classroom as specified in his IEP. (FF # 24.) However, Student A still received his literacy instruction, and the setting did not interfere with Student A's ability to derive an educational benefit from the instruction. *See Denver Pub. Schs.*, 125 LRP 15695 (SEA CO 05/29/25). The shortfall lasted approximately 14 weeks. (FF #s 24, 52.) During this period, Student A still made progress on each objective under his related annual goal. (FF # 47). Special Education Teacher 2—who provided Student A's literacy instruction—reported that he made good connections between the texts in class, followed directions, and engaged with the work. (FF # 25.) Despite this, Student A had a class GPA in language arts (FF # 45); however, as explained below, his grade can be attributed more to the lack of accommodations, rather than the location of his instruction. For these reasons, the CDE finds and concludes that the shortfall was not material, and thus that District did implement Student A's IEP in this respect, as required by 34 C.F.R. § 300.323(c).

E. IEP Implementation: Accommodations

The two-prong standard discussed above also applies to the analysis of implementation of Student A's accommodations.

Prong 1: Was there a Shortfall in Services?

The CDE must first determine whether there was a shortfall between the accommodations required by Student A's IEP versus those made available to Student A. 34 C.F.R § 300.323(c)(2). In her Complaint, Parent questioned whether Student A received the benefit of six specific accommodations during Fall 2025. (FF # 28.) Collectively, these accommodations sought to ensure Student A knew what he was doing and what was coming next, was able to complete his work, and had organizational and executive functioning support, while keeping Parent in the loop. (*Id*.)

Here, the Record shows that Student's teachers provided him with frequent check-ins to ensure he understood directions and what was coming next. (FF # 30.) They had Student A repeat directions back, as needed. (FF # 31.) The CDE finds these accommodations were implemented; however, implementation of the remaining accommodations at issue fell short in several ways.

Though Language Arts Teacher and Science Teacher both asserted that they chunked Student A's assignments, the facts suggest otherwise. (FF #s 32-33, 39-40.) According to language arts teacher, assignments were chunked for all students in her class, eliminating any need to specifically chunk assignments for Student A. (FF # 32.) Science Teacher indicated she provided Student with a note identifying the questions he should complete on assignments. (*Id*.) However, because Student A received pull-out mental health services during science each Tuesday, Student A missed nearly 20% of his classwork and did not know until late October that he needed to complete those assignments later. (FF #s 39-40.) This fact demonstrates that Student A's work was not appropriately chunked to accommodate both his disability and his related services. (*Id*.) At the same time, Student A also did not understand that incomplete classwork became homework until Parent inquired in late October. (FF # 40.) If Student A was routinely completing in-class work outside of class or not turning in in-class work, it shows that his assignments were not appropriately modified to meet his needs.

Additionally, School staff did not provide Student with the level of organizational and executive functioning support required by his IEP. Even though his IEP required daily adult support with organization, his teachers used the same strategies for Student A as they did for all students in their classes. (FF #s 35-37.) He received little individualized executive functioning support. (*Id.*) This component of Student A's IEP was especially critical in a year where he transitioned from elementary to middle school and where the expectations around homework changed. Without that support, Student A continued to accrue missing or incomplete assignments that negatively impacted his grades and became emotionally overwhelming. (FF #s 38-45.) The accumulation of

missing work should have prompted Student A's teachers to ask questions, especially given the focus on Student A's executive functioning deficits in his IEP.

Finally, Student A's IEP required School staff to use frequent home-to-school communication as needed. (FF #s 9, 28.) Staff-initiated communication tended to be administrative—for example, related to Student A's reevaluation or an assessment completed at School—and rarely provided Parent updated information on how Student A was doing at School. (FF # 34.) When Student A's struggle became apparent, Parent sought information on why he was having such a hard time and how she could help. (FF #s 39-40.) In response, she received little information. (FF #s 34, 39-40.)

For these reasons, the CDE finds and concludes that Student A did not receive the accommodations required by his IEP, resulting in a shortfall during Fall 2025.

Prong 2: Was the Shortfall Material?

The CDE must next determine whether the shortfall in implementation of Student A's accommodations represents a material failure to implement his IEP.

A lack of fidelity in implementing a student's accommodations might not show meaningful impact on the student, but this investigation demonstrates how impactful accommodations can be for some students. Here, School staff did not provide Student A with appropriate chunking of assignments, executive functioning and organizational supports, and home-to-school communication from August 18, 2025 to November 28, 2025. If even one of these accommodations had been properly implemented, it would be minimized by the negative impact caused by another missing accommodation. But, as it were, Student A struggled to complete in-class assignments and keep track of his homework. (FF #s 38-40.) Student A also lacked understanding of expectations surrounding assignments, not knowing that he was expected to complete unfinished in-class work at home and make up classwork missed during his mental health services. (*Id.*) This resulted in Student A accruing a significant amount of missing work and falling behind in his classes. (FF #s 38-45.) Once Parent raised concerns about the amount of missing work, School staff created a list of missing work for Student A to tackle, but the list was not kept updated for even two weeks. (FF #s 48-50.)

For these reasons, the CDE finds and concludes the shortfall in accommodations to be material. Accordingly, the CDE finds and concludes that the District did not implement Student's IEP, as required by 34 C.F.R. § 300.323(c)(2), resulting in a denial of FAPE. *Van Duyn*, 502 F.3d 811 at 822; *see, e.g., McLaughlan v. Torrance Unified Sch. Dist.*, 2021 WL 3494636 (C.D. Cal. Feb. 12, 2021) (finding that a material shortfall in implementing a student's IEP denied student a FAPE and constituted substantive noncompliance with the IDEA).

F. 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. Sch. Dist. of Philadelphia*, 612 F.3d 712, 717-18 (3d Cir. 2010).

Here, a denial of FAPE resulted from the lack of specialized math instruction provided to Impacted Students, as well as the missed accommodations required by Student A's IEP. The CDE must determine whether the District's noncompliance warrants an award of compensatory services. Impacted Students' IEP teams determined that they needed specialized math instruction to make progress in the general education curriculum and advance towards their annual goals. (FF # 14.) During the vacancy, Students received none of their specialized math instruction. (FF # 21.) This affected Impacted Students' academic performance and hindered their ability to make progress on their related annual goals. In fact, none of Impacted Students' progress reports shows adequate progress on annual math goals during the 2025-2026 school year. (FF # 52.) As detailed above, Impacted Students' progress reports either show inadequate progress or contain no information. (*Id.*) Accordingly, the CDE finds and concludes that compensatory services are necessary to place Impacted Students, including Student A, in the position they would have been but for the District's noncompliance. As detailed below, the CDE has awarded Impacted Students 35% of the missed service minutes. To be clear, no compensatory services have been awarded to Student AA, given that the District's noncompliance did not result in a denial of FAPE as to Student AA.

In addition, Student A's IEP Team outlined the accommodations he needed to access the general education curriculum. (FF #s 9, 28.) Without those accommodations, Student A struggled to transition to middle school—not understanding the expectations surrounding work completion and accruing a significant amount of missing work. (FF #s 38-50.) This impacted his academic growth and his ability to make progress on his annual goals. (*Id.*) The facts present here differ significantly from those in *Denver Pub. Schs.*, 122 LRP 13572 (SEA CO 02/18/22), a prior decision cited by the District to argue that not all noncompliance warrants compensatory services. In that decision, the CDE declined to award compensatory services where a student "achieved good grades in all classes" and "made progress toward her annual goals." *Denver Pub. Schs.*, 122 LRP 13572 (SEA CO 02/18/22). As detailed in the Record, Student did not achieve good grades in his classes; indeed, he had a failing GPA in two of four classes and a failing LBA in three of four classes. (FF # 45.) He made inconsistent progress on his annual goals and made no progress on the goal targeting his executive functioning skills. (FF #s 46-50.) Many of the accommodations at issue in this investigation targeted Student's executive functioning deficits. (FF # 28.) As such, the CDE finds and concludes that compensatory services are necessary to place Student A in the position he would have been but for the District's noncompliance.

<u>Systemic IDEA Noncompliance</u>: This investigation does not demonstrate noncompliance that is systemic in nature and likely to impact the future provision of services for all children with disabilities in the District if not corrected. 34 C.F.R. § 300.151(b)(2).

Pursuant to its general supervisory authorities, the CDE must also consider and ensure the appropriate future provision of services for all IDEA-eligible students in the BOCES. 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, the Record does not demonstrate systemic concerns regarding IEP implementation. The noncompliance in this investigation arose from circumstances specific to this case, including a special education staffing vacancy, a delayed response to the vacancy by School staff, and imperfect implementation of Student A's accommodations. These circumstances undoubtedly impacted Student A, as well as Students, but nothing suggests that this noncompliance is likely to impact the future provision of services for all children with disabilities in the District. As such, the CDE finds and concludes that the noncompliance is not systemic.

<u>REMEDIES</u>

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

1. Implementation of Students' IEP, as required by 34 C.F.R. § 300.323.

To demonstrate compliance, the District is ORDERED to submit a corrective action plan ("CAP") by **<u>Friday, April 17, 2026</u>** that adequately addresses how the cited noncompliance will be corrected through the completion of the following remedies:

1. <u>Final Decision Review</u>

a. Special Education Director, SEIS, Interim Principal, School's special education staff, Interim Principal, Language Arts Teacher, Science Teacher, and Math Teacher must read this Decision in its entirety, as well as the requirements of 34 C.F.R. § 300.323 by **<u>Friday, April 24, 2026</u>**. If these individuals are no longer employed by the District, the District may substitute individuals occupying identical roles to demonstrate compliance with this remedy. A signed assurance of this information has been read and reviewed must be provided to the CDE by **<u>Wednesday, April 29, 2026</u>**.

2. <u>Compensatory Services</u>

a. Student A shall receive 315 minutes of direct specialized math instruction. At Parent's discretion, this instruction may provided by Student A's existing math tutor at District's expense or by a special education teacher selected by the District.

b. The other Impacted Students shall receive direct specialized math instruction provided by a licensed special education teacher selected by the District in the amounts listed below:

Student B	315 minutes
Student C	441 minutes
Student D	210 minutes
Student E	294 minutes
Student F	473 minutes
Student G	252 minutes
Student H	315 minutes
Student I	368 minutes
Student J	252 minutes
Student K	630 minutes
Student L	420 minutes
Student M	315 minutes
Student N	252 minutes
Student O	273 minutes
Student P	315 minutes
Student Q	410 minutes
Student R	410 minutes
Student S	378 minutes
Student T	378 minutes
Student U	473 minutes
Student V	357 minutes
Student W	189 minutes
Student X	504 minutes
Student Y	315 minutes
Student Z	315 minutes
Student BB	630 minutes
Student CC	252 minutes
Student DD	441 minutes
Student EE	315 minutes
Student FF	378 minutes
Student GG	441 minutes

Student HH	515 minutes
Student II	378 minutes

c. In addition, Student A shall receive 7 hours of executive functioning tutoring.

d. The direct instructional services and the executive functioning tutoring described in this section may be provided by a licensed special education teacher selected by the District, whether that teacher is a District employee or not.

e. By **Friday, April 24, 2026**, the District shall submit to the CDE for review a draft letter to be sent to the parents of each Impacted Student. The letter shall notify parents that their student was identified in a recent state complaint decision as a student who requires compensatory services as a result of the District's noncompliance. The letter should provide information on where parents can find the decision.

    i. The letter may be a form letter but must include an individualized section identifying the services the Impacted Student did not receive during the vacancy.

    ii. The letter must include a section requiring parents of each Impacted Student to sign, acknowledging the receipt of the letter and understanding of its contents, as well as a section requiring parents to consent or opt out of the compensatory services.

    iii. The CDE will approve the draft letter, approve it with modifications, or reject it by **Friday, May 1, 2026**.

f. By **Friday, May 8, 2026**, the District shall send the approved letter to Impacted Students' parents.

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

    ii. The District must send the letter via email (if the District has parent's email address) and U.S. mail.

    iii. The District must simultaneously submit a signed assurance to the CDE that the approved letters were sent to Impacted Students' parents, along with a list of Impacted Students' parents' names, Impacted Students' names, contact information, and the date the letter was sent to each parent.

    iv. If an Impacted Student no longer attends any District school or program, the District must make reasonable efforts to contact parents using any last

known phone numbers, email addresses, or physical addresses to verify parents' current contact information.

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

g. By **Friday, May 22, 2026**, Impacted Students' parents shall provide written consent for the provision of compensatory services to the District. If parents do not provide written consent for services by this date, the District will be excused from providing compensatory services.

i. By **Friday, May 29, 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 the CDE by **Friday, June 19, 2026**.

i. If District and any Consenting Parent cannot agree to a schedule by **Friday, June 19, 2026**, the District and that Consenting Parent must meet either in person or via video conference to resolve scheduling complications by **Friday, June 26, 2026** and submit the schedule by **Wednesday, July 1, 2026**.

ii. If the District and any Consenting Parent cannot agree to a scheduled by **Friday, June 26, 2026**, the District must submit to the CDE all documentation evidencing diligent attempts to schedule the compensatory services in collaboration with that/those Consenting Parent(s), including, but not limited to, copies of correspondence sent to Consenting Parent(s) 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 **Wednesday, July 1, 2026**.

iii. By **Wednesday, July 8, 2026**, the CDE will, in its sole discretion, either determine the schedule for compensatory services or determine that the District is excused from providing the compensatory services.

i. Consenting Parents may at any time opt out of some or all of the remaining compensatory services. In such case, the District shall submit evidence of Consenting Parents' written request to opt out of the compensatory services.

j. Monthly consultation between the provider(s) delivering the compensatory services and Students' Case Manager(s) shall occur to evaluate Impacted Students' progress towards 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. The District must submit documentation that these consultations have occurred **by the second Monday of each month**, once services begin, 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 Impacted Students received the services required by this Decision, the District must submit logs to the CDE **by the second Monday of each month**, once services begin, 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.

l. These compensatory services will be in addition to any services Impacted Students currently receive, or will receive, that are designed to advance them toward IEP goals and objectives. The direct compensatory services must be provided to Impacted Students outside of the regular school day (such as before and/or after school, on weekends, or during school breaks) to ensure Impacted Students are not deprived of the instruction they are entitled to (including time in general education).

m. If for any reason, including illness, Impacted Students are 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 Consenting Parents, as well as notify the CDE of the change in the log.

NOTE: CDE Special Education Monitoring and Technical Assistance Consultant will contact the 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 the District's timely correction of the areas of noncompliance. If the District does not meet the timelines set forth above, it may adversely affect the District's annual determination under the IDEA and subject the 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 27th day of March, 2026.

Ashley Schubert
_____

Ashley E. Schubert
Senior State Complaints Officer

APPENDIX

Complaint, pages 1-9

- Exhibit 1: Supporting Documents

Response, pages 1-8

- Exhibit A: Student A's IEPs
- Exhibit B: Accommodations Documentation
- Exhibit C: Progress Reports
- Exhibit D: Grade Reports
- Exhibit E: Notices of Meeting
- Exhibit F: Prior Written Notices
- Exhibit G: School Year Calendar
- Exhibit H: District Policies and Procedures
- Exhibit I: Email Correspondence
- Exhibit J: Witness List
- Exhibit K: Blank
- Exhibit L: List of Students
- Exhibit M: Students' IEPs
- Exhibit N: Blank
- Exhibit O: Staffing Gap Documentation
- Exhibit P: Blank
- Exhibit Q: Blank
- Exhibit R: Staffing Gap Policies and Procedures
- Exhibit S: Students' Progress Reports

Reply, pages 1-6

- Exhibit 2: Email Correspondence
- Exhibit 3: Email Correspondence
- Exhibit 4: Email Correspondence
- Exhibit 5: Grade Documentation
- Exhibit 6: Student A's IEP
- Exhibit 7: Email Correspondence
- Exhibit 8: Email Correspondence
- Exhibit 9: Email Correspondence
- Exhibit 10: Email Correspondence
- Exhibit 11: Email Correspondence
- Exhibit 12: Email Correspondence
- Exhibit 13: Email Correspondence
- Exhibit 14: Email Correspondence

- Exhibit 15: Email Correspondence
- Exhibit 16: Email Correspondence
- Exhibit 17: Email Correspondence
- Exhibit 18: Grade Documentation
- Exhibit 19: Vacancy Letter
- Exhibit 20: Draft IEP

Telephone Interviews

- Interim Principal: January 13, 2026
- Language Arts Teacher: January 13, 2026
- Parent: December 5, 2025
- Science Teacher: January 13, 2026
- Special Education Department Lead: December 2, 2025
- Special Education Instructional Specialist: January 14, 2026
- Special Education Teacher 2: December 2, 2025