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

State Complaint SC2026-520
Boulder Valley School District

DECISION

INTRODUCTION

On February 6, 2026, an attorney ("Complainant") filed a state complaint ("Complaint") against Boulder Valley School District ("District") on behalf of the Counsel for Youth ("CFY") for a student ("Student") not currently identified as a child with a disability 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'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 February 6, 2025. Information prior to that date 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:

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

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

1. District did not properly determine Student's educational placement on or around October 22, 2025, because it:

    a. Did not ensure the placement decision was made by a group of persons that included parent and others with knowledge of Student, the meaning of the evaluation data, and the placement options, as required by 34 C.F.R. §§ 300.116, 300.321, 300.322, 300.327, and 300.501(c) and ECEA Rule 4.03(8); and

    b. Made a significant change to Student's educational placement without consideration of a reevaluation, as required by ECEA Rule 4.03(8)(b)(ii).

FINDINGS OF FACT

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

A. Background

1. Student is 15 years old and has attended multiple District high schools in the tenth grade during the 2025-2026 season. *Exhibit A*, p. 1. As of the February 6, 2026, filing of this Complaint, Student qualified for special education and related services under the disability categories of Specific Learning Disability and Other Health Impairment. *Id*. As of March 24, 2026, Student no longer qualifies for special education and related services. *Exhibits V and W*.

2. Student has a positive attitude and strong problem-solving skills. *Interview with CFY*. [4] He loves hands-on work and particularly enjoys being a part of the wrestling team. *Interview with CFY*; *Exhibit A*, p. 74.

3. This investigation involves concerns regarding Student's educational placement during the 2025–2026 school year, which is described in his IEP dated April 18, 2025 (the "IEP"). *Complaint*; *Exhibit A*, pp. 1-18. The IEP requires direct instruction in a physical school setting, and notes the least restrictive environment as inside general education more than 80 percent of the time "to build on his social-emotional skills inside a larger group setting with his peers." *Exhibit A*, pp. 16-17. Specifically, Complainant and CFY report that his placement was changed to an online setting outside of the IEP process following a threat assessment ("TA") recommendation in October 2025. *Complaint, p. 4*; *Interviews with Complainant and CFY*.

B. District's Policies, Practices and Procedures

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

[4] A counsel for youth (CFY) is an attorney who represents minors in legal matters. *Interview with CFY*. Unlike a guardian ad litem, which is tasked by the courts to represent the best interests of the child, a CFY advocates for the child's desired outcome from a legal proceeding.

4. District's Director of Special Education ("Director") described the way placement changes are made for students with disabilities. *Interview with Director*. She stated that placement changes should only be made by the IEP team and after an evaluation of the student. *Id*. The IEP team should consider the individual needs of the student in making such a change. *Id*.

5. Director described her understanding that a "significant change of placement," as described in the Exceptional Children's Education Act ("ECEA"), includes any move from in-person instruction to an online-only setting. *Id*.

6. Director described that when information comes to the attention of the District that suggests that there may be a serious safety concern related to a specific student, regardless of IDEA-eligibility, the District convenes a TA team to make a recommendation of how to ensure the safety of the District's students and staff considering those concerns. *Id*.

7. If a TA team's recommendation would result in the removal of an IDEA-eligible student from the school environment described in that student's IEP, an IEP team must be convened as soon as possible to review the recommendation and determine the appropriate placement in light of that student's individualized needs. *Id*. Director stated that an IEP team can override the TA recommendation. *Id*.

8. Director described that District provides regular training and professional development to District staff members to ensure that they are aware of their responsibilities under IDEA. *Id*. In addition, District-level special education staff regularly participate in meetings of building administrators to provide information on special education matters, and Director is a part of a District team that regularly meets to discuss safety issues in the District. *Id*.

C. Student's Removal from School A

9. During the summer prior to the 2025-2026 school year, Student moved from another school district to District and began attending a District high school ("School A"). *Exhibit H*, p. 23.

10. Prior to this, in December 2024, he had pled guilty to a criminal charge of firearm possession by a juvenile arising from an October 2024 arrest. *Reply*, p. 2; *Exhibit O*, p. 1. As a result, Student was assigned one year of probation. *Exhibit O*, p. 14. At the time of his enrollment, District was unaware of this criminal charge. *Interview with the District special education coordinator assigned to School A ("Coordinator")*.

11. On October 22, 2025, Student's probation officer visited School to verify his attendance and participation, a condition of Student's successful completion of probation. *Exhibit O*, p. 1.

12. Student attended School A on October 23 and 24. *Exhibit H*, p. 13. Beginning October 27, and on each school day through November 6, he was marked absent with the description "School Administration Excused" and the comment "per student support services." *Id*.

13. On October 28, a TA team composed solely of District and School staff convened to review the information learned following the probation officer's school visit and make recommendations related to Student's ability to continue to safely attend School A. *Id.* at pp. 4-12. During this meeting, the TA team considered several factors, including the nature of the charge, Student's conduct at School A, and information related to his access to weapons. *Id*.

14. The TA team determined that "[b]ased on the seriousness of the weapons charge and increasing defiance, we can not create or institute a support plan that would ensure reasonable safety for the students and staff at [School A]." *Id*. at p. 11.

15. On October 31, District's Director of Student Support Services ("Student Support Director") sent an email to Student's legal guardian ("Guardian") informing her of the TA recommendation and stating that District "will be providing [Student's] education through our online programming." *Exhibit L*, pp. 67-68. The email continued: "We will hold an IEP meeting to be sure that his IEP reflects his new setting and his needs," and stated that Student "is still restricted from being on any [District] campus for safety reasons." *Id*. at p. 68.

16. On November 6, Student's enrollment was changed from School A to a District alternative learning program through which he would receive online instruction. *Exhibit H*, p. 23.

17. On November 7, Guardian sent an email to Student Support Director requesting that an IEP meeting be held to discuss Student's change of placement. *Exhibit L*, pp. 78-81. That day, Student Support Director stated in a separate email describing his move to online learning: "We reached this decision through the threat assessment process and high level decision-making." *Id.* at p. 78. At the time, Student's most recent IEP meeting took place April 18, 2025. *Exhibit A*, p. 1.

D. <u>The December 2025 IEP Meeting</u>

18. On December 11, 2025, a properly constituted IEP team, including staff from School A, met to review Student's IEP and discuss his educational placement. *Exhibit A*, pp. 90-94. The IEP team also included Guardian, Student's educational advocate, CFY, two additional attorneys working on Student's behalf, and a representative from the Colorado Department of Health and Human Services. *Id*. at p. 72.

19. During the meeting, the IEP team discussed his performance at School A and educational needs. *Id*. Coordinator recommended that because Student's most recent evaluation had been conducted in May 2024, it might be helpful to conduct a reevaluation. *Id*. at p. 89.

20. During the meeting, Guardian, Student's advocate, and one of Student's attorneys stated that an online learning placement would not meet Student's needs. *Interview with Complainant*; *Exhibit A*, pp. 22-23.

21. At the end of the meeting, the IEP team concluded that Student's placement offer would be in District's alternative learning program through asynchronous online instruction. *Exhibit A*,

pp. 35-37. The prior written notice attached to the IEP described the concerns raised by the members of Student's support team. *Id*.

22. After the meeting, District sent Guardian a consent form proposing to reevaluate Student. *Exhibit C*, pp. 14-16. On January 5, 2026, Guardian consented to the reevaluation. *Id*.

E. Student's Return to School

23. On December 15, four days after the December 2025 IEP meeting, Student successfully completed his term of probation. *Exhibit O*, p. 14. On January 13, 2026, a notice of expungement was issued, removing the conviction from Student's record. *Id*.

24. On January 23, 2026, District determined that Student was able to return to in-person instruction. *Exhibit O*, pp. 13-21.

25. On February 4, 2026, Student was enrolled at a district high school ("School B") at the request of Guardian. *Exhibit H*, p. 23; *Exhibit L*, p. 193; *Interviews with CFY and Coordinator*.

F. Student's Special Education Services: March 2026 to Present

Student's Reevaluation

26. During January and February 2026, Student participated in a variety of assessments as part of his reevaluation process. *Exhibit Q.* An evaluation report was completed in March 2026. *Id*.

27. On February 26, District issued a Notice of Meeting to Guardian inviting her to a meeting on March 13 to review the evaluation data, determine whether Student continued to be eligible for special education services, and, if appropriate, review and revise Student's IEP. *Exhibit S.* Several members of Student's support team were unable to attend a meeting on March 13, so it was rescheduled for March 24. *Interviews with Complainant, CFY, and Coordinator*.

28. From March 4 through March 24, 2026, Student was suspended for a violation of School B's code of student conduct. *Exhibit R*, pp. 14-16; *Exhibit U.*

29. District was not in session from March 16 through March 20 due to spring break. *Exhibit J*. Student was prevented from attending in-person school for nine school days between the first day of suspension on March 5 and the March 24 IEP meeting. *Id*.

30. On March 24, a properly constituted multidisciplinary team ("MDT") convened to review the results of Student's reevaluation. *Exhibits V and W*. The MDT determined that based on the results of the reevaluation, he was no longer eligible for special education. *Id*.

Progress on Annual Goals and Academic Performance

31. Student did not participate in the online instruction from October 27, 2025 through February 4, 2026. *Exhibit H*.

32. Student's March 2026 evaluation provided reports on each of his four annual IEP goals in mathematics, reading, writing, and social-emotional wellness. *Exhibit Q*, pp. 26-27. In each area, the evaluation reported that "Student did not work on this goal," attributing the lack of progress to his lack of engagement in instruction. *Id*.

33. Student's grades for the first semester of the 2025-2026 school year indicate that he failed four classes and received a D in the remaining class. *Exhibit H*, p. 17. As of February 27, 2026—prior to his removal from School B—Student was receiving two As and two Bs in his spring semester classes. *Exhibit Q*, p. 24.

G. District's Acknowledgment and Remedial Action

34. District's concedes that Student's IEP team should have been convened following the October 2025 TA meeting and prior to Student's removal from School A. *Response*, p. 3.

35. Likewise, District acknowledges that Student's move to online-only instruction constituted a significant change of placement, and that such change should not have been made prior to the completion and consideration of Student's reevaluation. *Id*.

36. To ensure these errors do not reoccur, District has developed a memorandum for distribution to District staff discussing the intersection of TA procedures with the requirements of IDEA and ECEA, specifying that a student's IEP team must convene and consider the student's needs prior to a change of placement. *Exhibit P*.

37. District distributed this memorandum to all special education teachers, special service providers, district administrators, and school safety personnel, and stated that it planned to hold several training sessions related to this material. *Exhibit T*.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District did not ensure Student's educational placement in October 2025 was made by a group of persons that included parent and others with knowledge of Student, the meaning of the evaluation data, and the placement options, as required by 34 C.F.R. §§ 300.116, 300.321, 300.322, 300.327, and 300.501(c) and ECEA Rule 4.03(8). District made a significant change to Student's educational placement in October 2025 without consideration of a reevaluation and an IEP team, as required by ECEA Rule 4.03(8)(b)(ii). This noncompliance resulted in a denial of FAPE.

Complainant's concern is that District unilaterally changed Student's placement from School A to online instruction in an alternative learning program outside the IEP Team process. (FF # 3.)

A. Educational Placement Decision

i. *Legal Requirements*

The IDEA details how a student's educational placement must be determined but does not define what constitutes an "educational placement." 34 C.F.R. § 300.116. Colorado law defines the terms "placement" and "educational placement" to "mean to the provision of special education and related services," and federal courts have held that educational placement encompasses a student's educational program, as well as the environment in which the student receives that program. ECEA Rule 4.03(8)(a); *see, e.g.*, *A.W. ex rel. Wilson v. Fairfax Cnty. Sch. Bd.,* 372 F.3d 674, 682 (4th Cir. 2004) (finding "educational placement" means "the environment in which educational services are provided"); *White ex rel. White v. Ascension Parish Sch. Bd.*, 343 F.3d 373, 379 (5th Cir. 2003) (concluding that "educational placement" refers to a student's "educational program—not the particular institution where the program is implemented"). Placement does not refer to a specific location, "such as a specific classroom or specific school." ECEA Rule 4.03(8)(a); *see also D.K. v. Dist. of Columbia*, F. Supp. 2d 138 (D.D.C. 2013); *White*, 343 F.3d at 682.

A student's placement must be determined by the IEP Team, including parents, and must be individualized. 34 C.F.R. §§ 300.116(a)(1), 300.327; ECEA Rule 4.03(8)(a). A placement decision must be determined by a group of persons, including parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. 34 C.F.R. § 300.116(a); *see also id.* §§ 300.321(a)(1), 300.324, 300.501(c).

ii. *Student's Educational Placement Decision*

Here, Student's IEP, in effect in October 2025, required that he receive direct special education services and that he be in the general education classroom at least 80 percent of the time at School A. (FF # 3.) District learned on October 22, 2025, that Student was serving a one-year term of probation. (FF # 11.) Student was permitted to attend School A the next two days, but beginning the following Monday, October 27, his attendance records reflect that he was absent for administrative reasons, attributed to "student support services." (FF # 12.) On October 31, Guardian received an email from Student Support Director indicating a TA team had determined that Student would receive his education through online programming, and that he is "restricted from being on any [District] campus for safety reasons." (FF # 15.) On November 6, Student's enrollment was changed to District's alternative learning program. (FF # 16.) Student's IEP team had not met since April 2025, and his most recent revaluation happened in May 2024. (FF #s 17, 19.) Student Support Director stated that the decision to move him to online learning was reached "through the threat assessment process and high level decision-making." (FF # 17.) Student's IEP Team met and endorsed his placement at District's alternative learning program after the fact on December 11, 2025. (FF # 21.)

The CDE must first determine whether District changed Student's educational placement. Here, the IEP required that Student receive special education services at School A in general education

at least 80 percent of the time. (FF # 3.) On October 27, 2025, District changed Student's educational placement from School A to instruction in an online-only setting with no access to peers. (FF #s 12-15.) Thus, the CDE finds and concludes that District changed Student's educational placement in October 2025.

The CDE must next determine whether this change was made by Student's IEP team. The parties agree that it was not, and the Record supports that position. No IEP team meeting was held to consider Student's placement—indeed, the removal decision was made by a TA team composed exclusively of District staff members. (FF # 13-17.) Student Support Director stated contemporaneously that "[w]e reached this decision through the threat assessment process and high level decision-making." (FF # 17.) Student's IEP team did not weigh in on his placement until after he had already been removed from School for about one and a half months. (FF # 18.)[5]

Accordingly, the CDE finds and concludes that District did not ensure Student's educational placement decision was made by a group of persons that included parent and others with knowledge of Student, the meaning of the evaluation data, and the placement options, as required by 34 C.F.R. §§ 300.116, 300.321, 300.322, 300.327, 300.501(c), and ECEA Rule 4.03(8).

B. Significant Change in Placement

i. *Legal Requirements*

A significant change in placement for educational purposes includes "when the student moves or is moved from in-person learning to online or at-home learning or from a brick-and-mortar school to an online school/program or vice versa." ECEA Rule 4.03(8)(b)(ii)(A)(III). Any significant change in placement must be made upon consideration of reevaluation and "only by an IEP Team with the addition of those persons conducting such reevaluation unless the parent and the administrative unit or state-operated program mutually agree to change the IEP after the annual IEP meeting in a school year consistent with 34 C.F.R. § 300.324(a)(4)." ECEA Rule 4.03(8)(b)(ii)(B); *see Weld RE-5J Sch. Dist.*, 77 IDELR 148 (SEA CO 07/14/2020) (holding that a move to a placement where student was completely removed from the general education environment and taught one-on-one by a special education teacher constituted a significant change in placement).

ii. *Student's Significant Change in Placement*

Here, the CDE must determine whether Student's change of educational placement was "significant" and if so, whether District complied with ECEA Rule 4.03(8)(b)(ii)(B). On October 27, 2025, Student was administratively removed from in-person instruction at School A. (FF #s 12, 16.) District stated that Student was "restricted from being on any [District] campus for safety reasons," and would be receiving online instruction. (FF # 15.) At the time this determination was

[5] Complainant raised a concern during this investigation is that Student's suspension from March 4 through March 24, 2026 constituted an improper change of placement. (FF #s 28-29.) The CDE finds and concludes that because this disciplinary removal lasted for fewer than 10 consecutive school days, and it was not part of a series of removals that constitute a pattern, it was not a change of placement under 34 C.F.R. §§ 300.530 and 300.536.

made, Student's most recent evaluation had been conducted in May 2024. (FF # 19.) And as stated above, District changed Student's placement through the TA process and without an IEP team. (FF # 13.) When the IEP team finally met in December 2025 and affirmed the TA team's decision to move him from in-person to online instruction, it did not consider a reevaluation. (FF #s 18-22.) Accordingly, the CDE finds and concludes that District made a significant change of placement without consideration of reevaluation and without an IEP team, as required by ECEA Rule 4.03(8)(b)(ii)(B).

C. Denial of FAPE

Procedural noncompliance results in a denial of FAPE only if it (1) impedes a student's right to a FAPE, (2) significantly impedes the parent's opportunity to participate in the decision-making process, or (3) causes a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *Knable ex rel. Knable v. Bexley Sch. Dist.*, 238 F.3d 755, 765-66 (6th Cir. 2001); *see also Jefferson Cnty.*, 66 IDELR 148 (finding a denial of FAPE when District did not hold an IEP Team meeting before changing Student's placement and did not issue PWN to Parent).

In this case, District effected a significant change in the Student's educational placement through the TA process, not the special education process. (FF # 17.) Although Student's IEP team later convened in December 2025 and endorsed the change of placement, he was unable to attend School A (or any District brick-and-mortar school) for about one and a half months. (FF #s 12-25.) During that time, Student did not access online instruction at all. (FF # 31.) Student's most recent evaluation indicates that he did not make progress toward his IEP goals during the 2025-2026 school year, and he failed most of his fall semester classes. (FF #s 32-33.)

Furthermore, during that time, Guardian was unable to participate in the decision-making process related to Student's placement. For these reasons, the CDE finds and concludes that District's noncompliance—until District determined Student was no longer eligible for services on March 24, 2026—impeded his right to a FAPE, significantly impeded Guardian's ability to participate in the decision-making process and caused a deprivation of educational benefit. Accordingly, the CDE finds and concludes that District's noncompliance resulted in a denial of FAPE.

During the pendency of this investigation, District determined Student is no longer eligible for special education and related services. (FF # 30.) However, the IDEA authorizes remedies designed to restore a student to the position he would have been in if the noncompliance had not occurred, even if the student is later deemed no longer eligible for special education. *See, e.g.*, *San Dieguito Union High School District v. Guray-Jacobs*, 105 LRP 56315 (S.D. Cal. 2005) (finding that a student's graduation does not cut off the district's obligation to remedy its past denial of FAPE). Likewise, OSEP has indicated that a student's right to compensatory education is independent of any current right to FAPE. See *Letter to Riffel*, 33 LRP 6361 (OSEP 2000).

Here, District's noncompliance impacted Student's ability to make progress in the school setting. (FF # 31-33.) Accordingly, the CDE has ordered student-specific remedies—in the form of an

academic support program designed to promote success in general education—to address the denial of FAPE which occurred while Student was eligible for special education services.

Systemic IDEA Noncompliance: This investigation does not demonstrate noncompliance that is systemic in nature and will likely 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, 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, the noncompliance stemmed from District's insufficient written policies and procedures governing changes of placement for students with disabilities. (FF #s 34-35.) In acknowledgment, during this investigation District started to develop written guidance and train relevant staff on those expectations. (FF # 36-37.) The CDE finds and concludes that District has addressed any concern that the noncompliance is systemic and likely to impact the future provision of services through its development of written guidance and provision of training which are consistent with the requirements of 34 C.F.R. §§ 300.116, 300.321, 300.322, 300.327, and 300.501(c) and ECEA Rule 4.03(8). (FF # 36.)

REMEDIES

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

1. Ensuring the placement decision was made by a group of persons that included the parent and others with knowledge of Student, the meaning of the evaluation data, and the placement options, as required by 34 C.F.R. §§ 300.116, 300.321, 300.322, 300.327, and 300.501(c) and ECEA Rule 4.03(8); and

2. Making a significant change to Student's educational placement in consideration of a reevaluation, as required by ECEA Rule 4.03(8)(b)(ii).

To demonstrate compliance, District is ORDERED to submit a corrective action plan ("CAP") by **Thursday, May 7, 2026** that adequately addresses how the cited noncompliance will be corrected through the completion of the following remedies:

1. **Final Decision Review**

    a. Director, Student Support Director, and all District special education coordinators must review this Decision, as well as the requirements of 34 C.F.R. §§ 300.116, 300.321, 300.322, 300.327, 300.501, and ECEA Rule 4.03(8). This review must

occur no later than **Monday, May 18, 2026**. A signed assurance that these materials have been reviewed must be completed and provided to the CDE no later than **Monday, May 25, 2026**.

2. **Academic Support Program**

   a. Student shall be enrolled in a mutually agreed upon enrichment program. Enrollment in such a program shall support Student's academic performance. If the District does not have an appropriate program, the District shall pay **up to $600** to enroll Student in an appropriate program or activity in the community. This program must be completed by **Thursday, December 31, 2026**, though Guardian and Student may opt out if they wish.

   b. By **Monday, June 8, 2026**, the District and Guardian shall agree upon an appropriate program or activity. A meeting is not required to arrange this program, and the parties may collaborate, for instance, via e-mail, telephone, video conference, or an alternative technology-based format to arrange for this program. The District shall submit the plan for this program to the CDE no later than **Monday, June 15, 2026**. If District and Guardian cannot agree to a program by **June 8, 2026**, the parties shall provide the CDE a description of the programs or activities they are considering and the CDE will determine the program by **Monday, June 22, 2026**.

      i. The parties shall cooperate in selecting the program. If Guardian refuses to meet with the District within this time, the District will be excused from paying for the program, provided that the District diligently attempts to meet with Guardian and documents such efforts. A determination that the District diligently attempted to meet with Guardian, and should thus be excused from paying for the program, rests solely with the CDE.

   c. To verify that Student has participated in the program required by this Decision, the District must submit proof of enrollment as well as proof of District's payment of any applicable fees by **Monday, December 7, 2026** and proof of completion no later than **Monday, January 18, 2027**. Proof of completion must include the date and duration of any services.

   d. Services received through this program will be in addition to any services Student currently receives, or will receive, that are designed to support Student's academic performance. If for any reason, including illness, Student is not available for the scheduled program or portion thereof, the District will be excused from providing the service scheduled for that session. If for any reason the District fails to provide the program or funding or the program is cancelled and the District is reimbursed, the District and Guardian must work together to identify another

mutually agreed upon alternative. The District must immediately notify the CDE of the change.

e. The services through the program must be provided to Student outside of the regular school day (such as before and/or after school, on weekends, or during school breaks) to ensure Student is not deprived of the instruction Student is entitled to (including time in general education).

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 3rd day of April, 2026.



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Nick Butler
State Complaints Officer

APPENDIX

Complaint, pages 1-11

- Exhibit 1: Various documents supporting Complaint allegations

Response, pages 1-8

- Exhibit A: IEPs
- Exhibit B: Behavior Plans
- Exhibit C: Evaluations
- Exhibit D: Notices of Meeting
- Exhibit E: n/a
- Exhibit F: n/a
- Exhibit G: Disciplinary History
- Exhibit H: Schedule, Grades, Attendance
- Exhibit I: n/a
- Exhibit K: District Policies and Procedures
- Exhibit L: Correspondence
- Exhibit M: Persons with knowledge related to the Complaint allegations
- Exhibit N: Verification of Delivery
- Exhibit O: Threat Assessment Documentation
- Exhibit P: District Proposed Written Guidance
- Exhibit Q: Evaluation Report from March 2026
- Exhibit R: Information related to March 2026 suspension
- Exhibit S: March 2026 Notices of Meeting
- Exhibit T: Email re: updated guidance, March 2026
- Exhibit U: March 2026 Suspension Letter
- Exhibit V: PWN from March 24, 2026 Meeting
- Exhibit W: Eligibility Checklist from March 24, 2026 Meeting.

Reply, pages 1-6

Telephone Interviews

- Complainant: March 10, 2026 and March 17, 2026
- CFY: March 10, 2026 and March 17, 2026
- Coordinator: March 10, 2026
- Director: March 12, 2026