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

State Complaint SC2026-535
Pueblo School District 60

DECISION

INTRODUCTION

On February 24, 2026, the parents ("Parents") of a student ("Student") identified as a child with a disability under the Individuals with Disabilities Education Act ("IDEA")[1] filed a state complaint ("Complaint") against Pueblo School District 60 ("District"). The Colorado Department of Education ("CDE") determined that the Complaint identified two allegations subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

The CDE 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 February 24, 2025. Information prior to February 24, 2025, may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT ALLEGATIONS

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

---

[1] 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 develop, review, and revise an Individualized Education Program ("IEP") from August 2025 to present that:

    a. Included appropriate measurable postsecondary IEP goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills, as required by 34 C.F.R. § 300.320(b)(1); and

    b. Addressed information about Student provided to, or by, Parents, and other matters, as required by 34 C.F.R. § 300.324(b)(1)(ii).

2. District did not implement Student's IEP from August 2025 to present because it:

    a. Did not make the IEP accessible to teachers or service providers responsible for its implementation, as required by 34 C.F.R. § 300.323(d); and

    b. Did not provide certain accommodations listed in the IEP—specifically, daily parent communication, fill-in-the-blank options, teacher-provided notes, questions during instruction regarding reading, checks for understanding, and repeated instructions—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 recently completed the 11th grade at a District high school ("School"). *Complaint*, p. 1; *Response*, p. 1. He is eligible for special education and related services under the disability category of Other Health Impairment ("OHI"). *Response*, p. 1; *Exhibit A*, pp. 21. Student has private medical diagnoses of attention-deficit/hyperactivity disorder and Autism Spectrum Disorder ("ASD"). *Response*, p. 1; *Exhibit A*, p. 27.

2. Student is described as a caring, positive young man with a great sense of humor who enjoys taekwondo and watching sports. *Interviews with Student's Special Education Teacher ("Special Education Teacher"), District Psychologist ("Psychologist"), and Parents*. He struggles with attention, self-advocacy, and staying on task. *Id.*

3. Parents expressed concern that the postsecondary goals in Student's IEP are not measurable and that the IEP Team did not review and, as appropriate, revise Student's IEP in October 2025 to address information Parents provided about Student—namely, a 2023 private

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

neuropsychological evaluation—and Student's anticipated postsecondary needs. *Complaint*, pp. 3, 4-6. Parents are further concerned that Student was not provided with certain accommodations listed in his IEP, specifically during his welding class. *Id.* at p. 3. District denies all allegations. *Response*, pp. 1, 5-8.

B. District Policies, Practices, and Procedures

4. District has a comprehensive special education procedural manual ("the Procedure"), which describes, among other things, District's responsibilities regarding IEP development, review and revision, and IEP implementation. *Exhibit J*, pp. 1-275. Under the Procedure, IEPs must be reviewed at least annually and may need to be reviewed more frequently at parents' request, to review progress and/or respond to a lack of progress, or to review any component of the IEP based on a student's changed needs. *Id.* pp. 81, 101; *Interviews with District's Assistant Director of Special Education ("Director") and Student's Special Education Case Manager ("Case Manager")*.

5. The Procedure also describes District's responsibilities related to postsecondary transition planning. *Exhibit J*, pp. 156-59. Beginning with the first IEP developed when a child is 15, but no later than the end of the 9th grade, or earlier if deemed appropriate by the IEP team, a transition plan is required. *Id.* at p. 157. District utilizes transition assessments to inform IEP postsecondary transition plans for students. *Interviews with Director, Special Education Teacher, and Psychologist*. These assessments gather information on students' interests and plans for future education and employment and must be completed each year for transition-aged students as part of the IEP annual review. *Id.*

6. The Procedure indicates the transition plan must be based on newly administered or reviewed age-appropriate transition assessments to develop measurable postsecondary goals, courses of study, transition services, annual goals, and agency linkages. *Exhibit J*, p. 156. District utilizes a variety of transition assessments, including standardized assessments (such as the O*NET Interest Profiler, MajorClarity, or Career Clusters Interest Survey), informal questionnaires and interest inventories, and interviews with students. *Interviews with Director, Case Manager, Special Education Teacher, and Psychologist*.

7. Postsecondary goals must be measurable, focus on what the student will do after exiting school, and should "reflect a *real* intent or plan (not simply stating the hopes and desires of a student, but an intentional plan to achieve the goal)." *Exhibit J*, p. 156 (emphasis in original). As part of a student's postsecondary transition plan, the Procedure outlines the requirements regarding transition services—the "activities/strategies/steps/actions" that teachers and other school staff, outside agencies, and parents provide to help the student achieve the postsecondary goals—courses of study linked to postsecondary goals, and IEP annual goals that will move the student toward achieving the postsecondary goals. *Id.* at pp. 156-57.

8. Outside agencies likely to provide and/or pay for transition services may be invited to IEP meetings discussing transition services with parental consent, if appropriate for a particular

student. *Id.* at p. 157. Agency linkages may be appropriate if requested by a parent or student, or if District staff otherwise determine a student may need community support in achieving postsecondary goals. *Interviews with Director, Special Education Teacher, and Psychologist*.

9. Under the Procedure, special education case managers are responsible for informing all staff of their responsibilities regarding implementation of IEPs as written, general education teachers are responsible for providing accommodations in accordance with the IEP, and special education teachers are responsible for ensuring IEPs are implemented with fidelity, including monitoring students' progress on IEP annual goals. *Exhibit J*, pp. 91-92, 96. At the beginning of the school year, all teachers and services providers receive an IEP "snapshot" for each student with an IEP, including a list of accommodations, which is reviewed with the student's special education case manager. *Interviews with Director and Case Manager*. If an IEP is updated during the school year, whether via an annual review or other IEP amendment, the student's case manager likewise provides a revised IEP snapshot to the relevant teachers and service providers. *Id.*

10. District staff receive training each year regarding IEP compliance, including review and revision of IEPs, transition planning, and IEP implementation. *Interview with Director*. Additionally, District has an electronic "hub" in which pertinent information and virtual training opportunities are provided to staff in these areas. *Id.*

C. 2024 IEP

11. Student's IEP in effect at the beginning of the 2025-2026 school year was dated October 31, 2024 ("2024 IEP"). *Exhibit A*, pp. 1-20. The 2024 IEP details Student's present levels of performance, including extensive academic assessment data, then-current grades of A's and B's, teacher comments, and progress reporting on prior IEP annual goals indicating he was making progress on all goals. *Id.* at pp. 3-6.

12. The 2024 IEP also describes Student's needs and the impact of his disability, noting he needs a significant amount of special education support in the areas of functional skills, reading comprehension, and math application/calculation to close the gap when compared to same-age peers and to be successful in the general education classroom. *Id.* at p. 7. The 2024 IEP also indicates Student struggles to self-advocate when he needs assistance and requires continuous safety monitoring throughout his day. *Id.*

13. The 2024 IEP incorporates input from Parents, including detailed medical history and concerns regarding classes for the following school year. *Id.* at pp. 7-8.

14. The 2024 IEP includes a postsecondary transition plan and describes the age-appropriate transition assessment process used to develop this postsecondary transition plan. *Id.* at p. 6. Student completed the O*NET interest profiler during the 2024-2025 school year, a standardized self-assessment which helps students determine their interests and related occupations. *Interview with Case Manager*; *Consultation with CDE Content Specialist.* This is

an age-appropriate transition assessment for Student. *Interview with Case Manager*; *Consultation with CDE Content Specialist.* In that assessment, Student expressed interest in attending community college to study welding after high school with the goal of becoming a welder. *Exhibit A*, p. 6.

15. The 2024 IEP includes three postsecondary goals:

    - Education/Training Goal: "After high school, [Student] will attend [community college] Welding classes."

    - Employment Goal: "After completion of a welding certificate, [Student] will work as a welder."

    - Independent Living Skills Goal: "[Student] will participate in a personal finance class his senior year to become independent with his future earnings and paying bills."

    Id. at pp. 8-10.

16. The 2024 IEP documents a planned course of study linked to the postsecondary goals of earning his welding certificate and working in a career as a welder, including scheduling Student for Introduction to Manufacturing ("Welding Class") during the 2025-2026 school year and an advanced welding class during his senior year. *Id.* at p. 10. The 2024 IEP also details transition services and activities, describing the roles of the general education teachers, special education teacher, and case manager in delivering instruction and ensuring Student receives the appropriate support to achieve his postsecondary goals. *Id.*

17. The 2024 IEP indicates that no outside agency linkages had been made at that time. *Id.*

18. The 2024 IEP includes four annual IEP goals in the areas of math applications and calculations, reading comprehension, self-advocacy, and expressive/receptive language. *Id.* at pp. 11-13. The 2024 IEP indicates these annual goals are appropriately linked to Student's postsecondary education/training, career, and life skills goals. *Id.*; *Consultation with CDE Content Specialist*. The 2024 IEP also notes that Student made adequate progress on all prior IEP annual goals in math, reading, writing, and speech. *Exhibit A*, pp. 5-6.

19. The 2024 IEP includes 14 accommodations to ensure Student's access to and progress in the general curriculum, including, as relevant here:

    - "Teacher provided notes to supplement his own, fill-in-the-blank notes or notes on Google classroom";

    - "Checks for understanding with repeated instructions";

    - "Daily teacher review in every academic class of planner of listed assignments to be completed"; and

- "Writing support with Who, What, and When prompts to be used during reading assignments."

Id. at pp. 14-15. The 2024 IEP also indicates Student does not require modifications to the general education curriculum. *Id.* at 15.

20. The 2024 IEP's service delivery statement indicates Student will receive direct instruction from a special education teacher in the areas of reading and math to support his IEP goals for 900 minutes per month outside the general education setting and will receive direct speech therapy services by a speech-language pathologist for 40 minutes per month outside the general education setting. *Id.* at p. 18.

21. The 2024 IEP indicates it is appropriate for Student to spend 40% to 79% of the time in the general education setting. *Id.* at p. 19. The IEP Team determined this placement allows Student opportunities to experience grade-level curriculum and peers while also closing the gap in his current skills with direct special education support. *Id.*

22. Prior Written Notice ("PWN") embedded in the 2024 IEP indicates Parents' private neuropsychologist, who had conducted an independent neuropsychological assessment of Student in 2023, attended the IEP meeting at Parents' request. *Id.*

D. Beginning of 2025-2026 School Year: Welding Class

23. Student began his junior year at School on August 19, 2025, and was enrolled in Welding Class as anticipated by the 2024 IEP to support his postsecondary goal of becoming a welder. *Exhibit I*, p. 1; *see Exhibit A*, p. 10. Student's Welding Class teacher ("Welding Teacher") began the course with an introduction to the tools, required safety information, and other academic content. *Response*, p. 3; *Interview with Welding Teacher*. It is important to cover safety information first and extensively due to the inherent safety risks involved with welding, such as risk of severe burns and injuries from sharp materials. *Interview with Welding Teacher*.

24. On September 1, Welding Teacher assigned a required safety test to the Welding Class, which all students must pass with 100% accuracy before proceeding with the practical, equipment-based components of the course. *Response*, p. 3; *see Exhibit K*, p. 1. Many students do not pass the safety test on the first try, and Student did not pass the initial safety test on September 1. *Response*, p. 3; *Interview with Welding Teacher*. Indeed, Student struggled for several weeks to achieve 100% mastery of the safety test, which he took in a variety of environments utilizing the accommodations required by his IEP. *Id.* Specifically, Student took the safety test at least seven times between September 1 and November 17, 2025, during which time staff read Student the questions aloud, administered the test in the special education resource room with support from a paraprofessional, Case Manager, and Psychologist, and provided Student with a copy of the test with answers to help him study at home. *Response*, p. 3; *Interviews with Welding Teacher and Case Manager*.

25. On September 22, School staff informed Parents that Welding Teacher was concerned with Student's safety in class and proposed other electives for Parents' consideration. *Response*, pp. 3-4; *Exhibit K*, p. 2. Staff noted that Student was being supported by a paraprofessional in Welding Class and was being provided the accommodations listed in the IEP. *Exhibit K*, p. 2. However, he had not been able to pass the test with those supports, and the IEP did not provide for modifications to the curriculum, including the safety test. *Id.*

26. Accommodations "involve instructional strategies (materials, manner of presentation, grouping, format), and/or the classroom environment (seating arrangements, lighting, sound, etc.)" to "allow a student to access the curriculum, but do not change the standards or expectations in any way." *Exhibit J*, p. 107. In response, Parents questioned why it took School staff several weeks to inform Parents of their safety concerns and indicated that the alternative electives proposed "would not benefit" Student, as he needs to learn trade skills for postsecondary success. *Id.*; *Exhibit H*, p. 2.

27. Given staff safety concerns, Student's IEP Team convened on October 16 to further discuss Student's performance on the safety test and the continued safety concerns if he remained in the class. *Response*, p. 4; *Exhibit H*, p. 8. The IEP Team again proposed alternative elective courses for Student, and Parents indicated they would review those options. *Exhibit J*, p. 107; *Exhibit H*, pp. 8, 14-15. On October 19, Parents informed School staff that they wanted Student to remain in Welding Class. *Exhibit H*, p. 20.

E. October 2025 IEP Annual Review

28. On October 28, 2025, Student's IEP Team, including Parents, Student, and Student's Advocate, reconvened to conduct his annual IEP review and continue discussion around concerns with Student's safety in Welding Class. *Exhibit A*, p. 21; *Exhibit H*, p. 7. The IEP developed at this meeting ("2025 IEP") is substantially similar to the 2024 IEP, except for the revisions noted below. *Compare Exhibit A*, pp. 1-20, *with Exhibit A*, pp. 21-42.

29. The 2025 IEP includes input from Student, indicating that he liked his schedule and did not have any concerns with IEP annual goals. *Id.* at p. 24. The 2025 IEP also includes input from Parents, including concerns regarding the provision of accommodations. *Id.*

30. The 2025 IEP indicates Student was informally interviewed and given a transition questionnaire by Case Manager in October 2025 as part of the transition assessment process. *Id.* at p. 28. Student stated he wanted to be a welder, but his backup plan was to work in the criminology field; Student had also expressed his interest in criminology to other District staff. *Id.*; *Response*, p. 4.

31. Student's postsecondary goals in the 2025 IEP remained the same as the 2024 IEP, reflecting Student's wishes to attend community college and pursue a career in welding and his planned participation in a personal finance class his senior year to become independent with future earnings and paying bills. *Exhibit A*, p. 29. However, the planned course of study in the 2025

IEP removed the more advanced welding course previously anticipated for his senior year in the 2024 IEP. *Id.* at p. 29; (FF # 16).

32. The 2025 IEP also indicates that no agency linkages had been made regarding Student's postsecondary transition plan, consistent with the 2024 IEP. *Id.* at p. 33. The IEP states that, when available, "case manager will invite [Student] and his family to interagency family nights through the District," but District staff interviewed were not able to explain why specific agency linkages had not been made for Student. *Id.*; *Interviews with Special Education Teacher, Case Manager, and Psychologist*.

33. The 2025 IEP includes five annual goals in the areas of reading comprehension, math, social/emotional, and social communication, all of which link directly to his postsecondary goals of attending community college to become a welder. *Exhibit A*, pp. 33-36.

34. Student's accommodations in the 2025 IEP remained the same as the 2024 IEP. (FF # 19). His placement of 40% to 79% of the time in the general education setting continued. *Exhibit A*, pp. 37, 40-42; (FF # 21). Student's special education service delivery also remained the same, though speech minutes were increased to 60 minutes per month. *Exhibit A*, p. 40; (FF # 20).

35. PWN embedded in the 2025 IEP indicates the Team discussed Student's present class schedule and that no other options were considered or rejected at that time. *Exhibit A*, p. 42.

36. The 2025 IEP does not include any information regarding School staff's safety concerns with Student in Welding Class. *Id.* at p. 24-53. However, the recording from the IEP meeting indicates much of the Team's discussion was around these safety concerns; indeed, School staff expressed serious and legitimate concerns with Student's continued participation in Welding Class, though Parents nevertheless wished for him to remain there. *Exhibit 3*, 1:22:00-0:44. At the time of the IEP Team meeting, staff believed Student's postsecondary goals regarding welding were no longer attainable, given their significant safety concerns. *Interviews with Case Manager, Special Education Teacher, and Psychologist*.

37. Specifically, staff stated that Student had been given the safety test by different adults, in different formats, and in different environments—in Welding Class with support from a paraprofessional, in a small group setting by Case Manager, in an individual setting with Psychologist, and in both written and verbal forms—without success. *Exhibit 3*, 1:22-1:14. Additionally, he was allowed to practice the test using the teacher's notes and answers and given the test and answers to take home to study. *Id.* Nevertheless, at the time of the October annual review, Student had still not achieved 100% accuracy. *Id.* As a result, he had been given alternative assignments in Welding Class, such as simple projects not involving high-tech equipment, assisting Welding Teacher with safe tasks, and academic work related to safety rules. *Id.* However, District staff—including Case Manager, Psychologist, and Welding Teacher—continued to express serious concerns with his and others' safety in class. *Id.*

38. District's Director of Safety also attended the October IEP annual review and expressed his concerns with Student's performance on the safety test, specifically noting the dangers involved in welding in terms of active flames and the use of power tools. *Id.* at 1:07-1:05. Student's low fine-motor dexterity and difficulty with split-second decisions increased those concerns. *Id.* Case Manager also described an incident in which other students were operating a grinder in Welding Class with sparks flying, and Student "kind of froze and was pacing" and had to be moved to a safer area of the shop. *Id.* at 1:05-1:01. Additionally, Welding Teacher recalled Student removing his safety gloves while picking up a hot piece of metal, which fortunately did not result in injury. *Interview with Welding Teacher*.

39. Parents questioned whether Student's accommodations were implemented in Welding Class to allow him to succeed on the safety test, indicating Student's not passing was "an excuse" for not implementing the accommodations in accordance with the IEP. *Exhibit 3*, 1:01-0:58; *Exhibit H*, p. 20; *Interview with Parents*. However, Parents' expectations of the accommodations were greater than what was required by Student's IEP; for example, Parents expected Student to receive 1:1 support from a paraprofessional or other special education staff even though no such support was required by his IEP. *Exhibit 3*, 1:01-0:58; *Interview with Parents*.

40. Specifically, Parents noted Student's challenges indicated in the 2023 neuropsychological report, including attention, executive functioning, fine-motor dexterity, and impulse control, and asked the Team what accommodations could be provided to address those challenges in Welding Class. *Id.* School staff explained that Student's IEP does not require hand-over-hand support or modifications to the curriculum, and Student's accommodations were implemented on the safety test. *Exhibit 3*, 1:01-0:58; *Interviews with Case Manager and School Psychologist*.

41. Student's Advocate expressed to the Team that she had been in contact with staff from a local community college regarding effective accommodations for Student in Welding Class and asked whether agency linkages with the community college or the Colorado Department of Vocational Rehabilitation might be appropriate for Student. *Exhibit 3*, 0:54-0:44; *Interview with Parents*. School staff indicated they would look into these options, but no agency linkages were indicated in the 2025 IEP. *Exhibit 3*, 0:54-0:44; *Interview with Case Manager*.

42. The IEP Team "concluded this discussion point with no decision made [regarding Student's participation in welding class] and parents and [Student] still would like to be in the class." *Response*, p. 4; *Exhibit H*, p. 3.

F. Accessibility of IEPs to Teachers and Others

43. At the beginning of the 2024-2025 school year, Case Manager provided all of Student's teachers with a snapshot of the 2024 IEP, including a list of accommodations, and met with those teachers individually to go over the IEP and answer any questions. *Interview with Case Manager*. Likewise, following the October 2025 IEP annual review (FF # 27), Case Manager

provided an updated snapshot of Student's 2025 IEP to all teachers. *Id.* All staff interviewed credibly reported receiving a copy of Student's IEPs (or an IEP snapshot), having continuous access to the IEPs electronically via District's Infinite Campus system, and understanding their responsibilities under the IEPs. *Interviews with Case Manager, Special Education Teacher, Psychologist, and Welding Teacher*.

G. Implementation of IEP Accommodations

44. Parents are concerned that Student's accommodations were not implemented in accordance with the 2024 and 2025 IEPs from August 2025 to present, specifically regarding daily parent communication, fill-in-the-blank options, teacher-provided notes, questions during instruction regarding reading, checks for understanding, and repeating instructions. *Complaint*, pp. 2-3.

Daily Parent Communication

45. Neither the 2024 nor 2025 IEP includes an accommodation of "daily parent communication." *Exhibit A*, pp. 14-15, 37. Both IEPs contain an accommodation requiring "Daily teacher review in every academic class of planner of listed assignments to be completed." *Id.* Parents requested staff communicate with them regarding any concerns, and staff did so consistently, even though neither IEP requires *daily* parent communication. *Id.*

46. Parents expected daily parent communication based on prior discussions with school staff and understood the accommodation to mean that they would be provided with notes after "daily teacher review" of Student's outstanding assignments. *Interview with Parents*. Parents also contend "the IEP team decided that [Student] requires daily check-ins and daily parent communication." *Complaint*, p. 3.

47. Alternatively, School staff understood this accommodation to require teachers to monitor Student's academic assignments to ensure he stays on task and turns in his work; staff did not interpret this accommodation as requiring daily communication with Parents. *Interviews with Case Manager, Welding Teacher, and Special Education Teacher*.

48. Staff monitored Student's academic assignments daily and provided support to ensure those assignments were completed. *Interviews with Case Manager and Special Education Teacher*. Staff also frequently communicated with Parents regarding their concerns and responded to Parents' concerns appropriately and in a timely manner. *Exhibit H*, pp. 1-2, 8, 14-16, 25, 30-31, 34, 36-37, 40.

49. For these reasons, the CDE finds that District provided this accommodation consistent with the 2024 and 2025 IEPs from August 2025 to present.

Fill-in-the Blank Options and Teacher-Provided Notes

50. Both the 2024 and 2025 IEPs include an accommodation of "Teacher provided notes to supplement his own, fill-in-the-blank notes or notes on Google classroom." *Exhibit A*, pp. 15, 37.

51. Parents expected this accommodation to require teachers to provide notes to Student to support his work completion in the classroom. *Interview with Parents*.

52. School staff understood this accommodation to require teachers to provide notes to supplement Student's own notes, given his struggle to take notes in a timely fashion during class at times, and to provide fill-in-the-blank options for testing and note-taking. *Interviews with Special Education Teacher and Welding Teacher*.

53. Staff described providing models and notes for Student, either in hard copy or via Google Classroom, to supplement Student's own notes when necessary. *Interviews with Special Education Teacher and Welding Teacher*. For instance, Welding Teacher provided Student with a fill-in-the-blank copy of the safety test with answers to support his studying, as well as safety-related notes and instruction. *Interview with Welding Teacher*.

54. Parents contend that this accommodation was not provided because they had to request a copy of the safety test with answers for him to study, and School staff did not provide Parents copies of all his failed safety tests. *Interview with Parents*. However, the Record indicates that Welding Teacher did provide notes and the test with answers to Student. (FF # 53).

55. For these reasons, the CDE finds that District provided this accommodation consistent with the 2024 and 2025 IEPs from August 2025 to present.

Questions During Reading Instruction

56. Neither the 2024 nor 2025 IEP includes an accommodation regarding "questions during reading instruction." *Exhibit A*, pp. 15, 37. However, the IEPs do provide an accommodation requiring "[w]riting support with Who, What, and When prompts to be used during reading assignments." *Id.*

57. Parents expected this accommodation to require teachers to ask Student questions during reading instruction to ensure understanding of the material and task completion. *Interview with Parents*.

58. School staff understood this accommodation to require teachers to prompt Student to include all information—such as who is the subject of the assignment, what happened, and when—required by a reading and writing assignment. *Interview with Special Education Teacher*.

59. Staff described prompting Student to include all required information when assigning reading connected to writing assignments and to help guide Student to think about whether he included all required elements in his written product, such as prompting Student to consider and include "when" an event occurred. *Id.*

60. Parents do not indicate why this accommodation was purportedly not provided. *Complaint*, pp. 3-4; *Interview with Parents*. However, the Record reflects that District did provide this accommodation, and progress reporting indicates Student did make progress on his reading goal this school year. *Exhibit G*, pp. 5-6. (FF # 59).

61. For these reasons, the CDE finds that District provided this accommodation consistent with the 2024 and 2025 IEPs from August 2025 to present.

Checks for Understanding and Repeated Instructions

62. Both the 2024 and 2025 IEPs include an accommodation of "Checks for understanding with repeated instructions." *Exhibit A*, pp. 15, 37.

63. Parents expected this accommodation to require daily check-ins with Student and repeated instructions to ensure Student's understanding of the material and task completion. *Complaint*, p. 3; *Interview with Parents*.

64. School staff understood this accommodation to require teachers to check for Student's understanding of classroom material and expectations on a frequent basis, as well as monitor Student's progress in the general curriculum and on IEP annual goals. *Interviews with Special Education Teacher and Welding Teacher*.

65. Staff described constantly circulating the classroom to check on students, including Student, to ensure an understanding of the task at hand and the expected outcome. *Interview with Special Education Teacher*. Specifically, staff described asking him often whether he understood the directions given or had any questions on the material, repeating directions as needed for understanding, as well as monitoring his progress on a regular basis and reporting any issues to Case Manager. *Interviews with Special Education Teacher and Welding Teacher*.

66. While Parents may have expected teachers to conduct daily check-ins with Student, that is not an accommodation required by either IEP, and the Record reflects that teachers frequently checked in with Student regarding his understanding of tasks and materials and repeated directions as needed. (FF #s 63, 65).

67. For these reasons, the CDE finds that District provided this accommodation consistent with the 2024 and 2025 IEPs from August 2025 to present.

H. Status of Welding Class After IEP Annual Review

68. On November 5, 2025, District staff emailed Parents regarding Student's safety in Welding Class, indicating that safety is the top priority for District and noting that, while accommodations are required and encouraged, modifications that change or lower the safety standards are neither permitted nor required by Student's IEP. *Exhibit H*, p. 30-31.

69. On November 11, Parents were notified that Student was removed from Welding Class due to not passing the safety test and concerns for Student's and others' safety as a result. *Response*, p. 5; *Exhibit H*, p. 37; *Exhibit K*, p. 25. He was then reassigned to a criminology class based on his stated interest in that field. *Id.*

70. On or around November 17, Student passed the safety test, and on November 18, Student was returned to Welding Class. *Response*, p. 5; *Exhibit H*, p. 36; *Exhibit K*, p. 26. Given District's 4-day-per-week class schedule, Student was removed from Welding Class for a total of four days. *Response*, p. 5; *see Exhibit I*, p. 1. Student remained enrolled in Welding Class throughout the school year; however, Welding Teacher and other school staff continued to have concerns with his safety in operating equipment and exposure to dangers that Student may not fully appreciate due to his challenges with attention, staying on task, and fine-motor dexterity. *Response*, p. 5; *Interviews with Case Manager, Psychologist, and Welding Teacher*.

I. Student's Progress on Annual Goals, Attendance, and Grades

71. Student regularly attended school during the first semester of the 2025-2026 school year and received A's, B's, and C's in his classes, including an A in Welding Class. *Exhibit F*, p. 3. Although Student was unable to fully participate in all Welding Class activities, Welding Teacher expressed that Student earned an "A" in class due to his continued effort and participation. *Interview with Welding Teacher*.

72. Student's progress reporting on his IEP annual goals reflects that he made progress on all five of the 2025 IEP's annual goals as of December 2025. *Exhibit G*, pp. 1-6.

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 review and, as appropriate, revise Student's IEP from August 2025 to present to address Student's lack of progress in the general curriculum and Student's anticipated postsecondary needs, as required by 34 C.F.R. § 300.324(b)(1)(ii)(A), (D). This noncompliance resulted in a denial of FAPE. District reviewed and, as appropriate, revised Student's IEP to address information provided by Parents at the October 2025 IEP annual review, as required by 34 C.F.R. § 300.324(b)(1)(ii)(C). District complied with IDEA in this regard.

A. 2024 IEP

Parent alleges that Student's 2024 IEP did not include appropriate, measurable postsecondary goals and that District did not review and revise his IEP to address a change in Student's needs related to his postsecondary goals. (FF # 3).

i. *IEP Development: Legal Requirements*

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. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 994 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Ed. v. Rowley*, 458 U.S. 176, 181 (1982)). The IDEA requires districts to offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. *Endrew F.*, 137 S. Ct. at 999. An analysis of the adequacy of an IEP begins with the two-prong standard established by the United States Supreme Court in *Board of Education v. Rowley*, 458 U.S. 176 (1982). The first prong determines whether the IEP development process complied with the IDEA's procedures; the second prong considers whether the IEP was reasonably calculated to enable the child to receive an educational benefit. *Id.* at 207. If the answer to the question under each prong is yes, then the IEP is appropriate under the law. *Id.* Taken together, these two prongs assess whether an IEP is procedurally and substantively sound. *Id.*

ii. *Development Process for the 2024 IEP*

Parents' allegations do not concern the IEP development process under the first prong, so the CDE turns directly to consider the second prong of whether the 2024 IEP was substantively adequate. *Rowley*, 458 U.S. at 207.

iii. *Substantive Adequacy of the 2024 IEP*

Beginning with the first IEP developed at age 15, but no later than the end of ninth grade, an IEP must include a transition plan. ECEA Rule 4.03(6)(d). Such plan must identify "appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills," as well as the transition services, including a course of study, the student needs to reach those goals. *Id.*; *see also* 34 C.F.R. § 300.320(b). Postsecondary goals describe what "the student will do after exiting the public school system." *Colo. Dep't of Ed.*, *Writing Quality Secondary Transition IEPs* (Oct. 2024), *available at* https://www.cde.state.co.us/cdesped/qualitysecondaryiepgoals [hereinafter *Writing Quality Secondary Transition IEPs*].

A student's individual needs inform the development of the student's annual goals and transition plan. 34 C.F.R. § 300.320(a)(2). However, neither the ECEA nor the IDEA requires development of an independent living skills goal. ECEA Rule 4.03(6)(d); 34 C.F.R. § 300.320(b). Instead, such a goal is discretionary and only required "where appropriate." *Id.* The IDEA does not require progress

reporting for transition goals; however, there should be "a relationship between the academic and functional goals of a transition-aged student and that student's postsecondary goals." *Letter to Pugh*, 69 IDELR 135 (OSEP 2017).

Here, Student's 2024 IEP included three postsecondary transition goals: one education/training goal, one career employment goal, and one independent living skills goal. (FF # 15). The education and career goals indicated Student would attend community college to study welding and eventually work as a welder. (*Id.*) The education/training and employment goals were results-oriented and developed based on appropriate transition assessments, including the O*NET interest profiler, as well as a review of Student's performance and input from staff, Student, and Parents. (FF #s 13-15).

The independent living skills goal indicated Student would take a personal finance class his senior year to independently manage future earnings and bills. (FF # 15). As written, this goal focuses on a course of study to develop Student's financial skills; the goal does not identify what Student will do after finishing high school. (*Id.*). As an example, if the goal were developed with the end in mind, it might read: Following graduation, Student will independently use money-management and budgeting skills to create a personal budget and pay his bills. *See Writing Quality Secondary Transition IEPs.* Despite its wording, this goal was still reasonably calculated to allow him to receive a reasonable educational benefit. That is, regardless of the format of the goal, Student was ultimately scheduled to take a personal finance class that would develop his financial literacy, even if the goal, as written, focused on a course of study.

Moreover, to support his postsecondary goals, District provided Student 900 minutes per month of direct special education support related to IEP annual goals. (FF # 20). Indeed, District was to provide direct instruction in math, reading, self-advocacy, and speech-language. (FF # 20). District included a course of study within Student's transition plan which listed the specific course credits that Student needed to graduate, including two welding classes directly related to his postsecondary goals. (FF # 16). Finally, Student's annual goals—which he either met or made progress toward—each corresponded with his post-school goals and course of study. (FF # 18). For these reasons, the CDE finds and concludes that the 2024 IEP was reasonably calculated to allow Student to make progress appropriate in light of his circumstances, including appropriate postsecondary goals, as required by 34 C.F.R. § 300.320(b); ECEA Rule 4.03(6)(d); *see Endrew F.*, 137 S. Ct. at 999.

B. 2025 IEP

Parents' next concern is that District did not review and revise Student's IEP, from August 2025 to present, to address Student's anticipated needs regarding postsecondary goals, lack of progress in Welding Class, and information Parents provided about Student, particularly regarding the 2023 private neuropsychological evaluation. (FF # 3).

i. *IEP Review and Revision: Legal Requirements*

The IDEA requires school districts to offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. *Endrew F.*, 580 U.S. at 399. Though the IDEA does not promise a particular educational or functional outcome for a student with a disability, it provides a process for reviewing an IEP to assess achievement and revising the program and services, as necessary, to address a lack of expected progress or changed needs. *Id.* at 400. To that end, school districts have an affirmative duty to review and revise a student's IEP at least annually. 34 C.F.R. § 300.324(b). However, the IDEA contemplates that a student's IEP may need to be reviewed and revised more frequently to address any lack of expected progress toward the annual goals or in the general curriculum, the results of any reevaluation, "[i]nformation about the child provided to, or by, the parents," "[t]he child's anticipated needs," or other matters. *Id.*; *see Endrew F.*, 580 U.S. at 400. The U.S. Department of Education confirmed that an "IEP Team also may meet periodically throughout the course of the school year, if circumstances warrant it." *Questions and Answers on Endrew F.*, 71 IDELR 68 (EDU 2017). This includes monitoring and revising an IEP as necessary, particularly if appropriate progress is not occurring, to ensure the goals remain individualized and appropriately ambitious for the child. *Id.*

ii. *Annual Review of Student's IEP*

Here, the IEP Team convened for Student's annual IEP review on October 28, 2025. (FF # 27). The IEP Team, including Parents, Student, and Student's Advocate, discussed Student's accommodations, goals, and services, and revised them as necessary based on teacher observations and Parents' and Student input, including revising the annual goals to include a new social communication goal. (FF #s 28-34). The 2024 IEP was originally developed on October 31, 2024. (FF # 11). Therefore, the CDE finds and concludes that District met its obligation to review and revise Student's IEP at least annually, as required by 34 C.F.R. 300.324(b)(1)(i).

iii. *Ongoing Review and Revision of Student's IEP*

In addition to the required annual IEP review, school districts must also review a student's IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general curriculum, information about the child provided by the parents, the child's anticipated needs, and other matters. 34 C.F.R. § 300.324(b)(1)(ii).

a. *Review and Revision to Address Lack of Progress and Student's Anticipated Needs*

Here, the 2025 IEP developed at the annual review meeting does not include any indication of District staff's significant safety concerns regarding Student's Welding Class. (FF # 36). This omission occurred despite the IEP Team spending most of the meeting discussing those concerns. (FF #s 36-42). Instead, the Team carried over the same postsecondary goals regarding Student's interest in welding from the 2024 IEP, based largely on Parents' desire for him to remain in Welding Class rather than on age-appropriate transition assessments, which indicated he had a variety of interests and was not certain of what field he wanted to pursue after high school. (FF

#s 29-30, 36, 42). At the same time, the Team eliminated Student's planned course of study of an advanced welding class his senior year due to their continued safety concerns and understanding that his goal of becoming a welder might not be attainable. (FF # 31). As a result of this inconsistency, Student's postsecondary goals in the 2025 IEP were not specific, measurable, *attainable*, and forward-looking, as required by the IDEA and ECEA Rules and as recommended by CDE guidance. *See* 34 C.F.R. § 300.320(b); ECEA Rule 4.03(6)(d); *Writing Quality Secondary Transition IEPs*.

Given their safety concerns and Student's expressed uncertainty in his post-school plans, the IEP Team had several options, including conducting further transition assessments regarding Student's needs, strengths, preferences, and interests to develop more appropriate goals, or establishing agency linkages with appropriate outside agencies to further Student's goal of becoming a welder, as suggested by Parents and Advocate at the October 25 annual review. (FF #s 32, 41). Instead, the Team carried over the same postsecondary goals from the 2024 IEP despite significant concerns, while also removing an advanced welding class from his course of study and establishing no agency linkages. (FF #s 31-32, 36). His transition plan remained unchanged, even though his postsecondary goals no longer appeared to meet his needs. Thus, the CDE finds and concludes that District did not review and, as appropriate, revise Student's IEP during Fall 2025 to address Student's lack of expected progress in the general education curriculum (i.e., specifically Welding Class) and his changed needs regarding his postsecondary goals given their significant safety concerns, as required by 34 C.F.R. §§ 300(b), 300.324(b)(1)(ii)(A), (D).

b. *Review and Revision to Address Information Provided by Parents*

During the October 2025 annual review, the IEP Team discussed information provided by Parents and Student's Advocate, including the results of the 2023 neuropsychological evaluation and their concerns that Student's accommodations were either insufficient or not being implemented in Welding Class. (FF # 28-29, 36, 39-42). The Team reviewed this information in detail, answered questions, and provided suggestions, including offering alternative courses in line with Student's interests outside of welding. (FF #s 25-27, 36-42). Further, Student's private neuropsychologist attended the 2024 IEP meeting to provide input on the 2023 neuropsychological report. (FF # 22). The 2024 IEP was developed at this meeting and incorporated this information, much of which included again in the 2025 IEP. (*Id.*). For these reasons, the CDE finds and concludes that District reviewed and, as appropriate, revised Student's IEP at the 2025 annual review to address information about Student provided by Parents, as required by 34 C.F.R. § 300.324(b)(1)(ii)(C).

C. Denial of FAPE

The CDE finds and concludes that District's noncompliance related to the review and revision of Student's IEP resulted in a denial of FAPE. *See D.S. v. Bayonne Bd. Of Ed*., 602 F.3d 553, 565 (3d. Cir. 2010) (finding that the content of an IEP relates to its substance, not to the IDEA's procedural requirements). Specifically, District retained Student's postsecondary goals in the 2025 IEP, despite Student not yet passing the safety test required to participate fully in Welding Class. (FF

#s 24-27, 31). Though this issue was a key point of discussion at the October 2025 annual review—and staff had significant, ongoing safety concerns—the IEP Team left the postsecondary goals unchanged, rather than developing goals that met Student's needs at that time and giving Student the opportunity to explore other vocational areas. (FF #s 36-42). The CDE recognizes Student ultimately passed the safety test and remained enrolled in Welding Class throughout the school year but observed safety concerns continued. (FF # 70). As a result, the CDE will order corrective action to address this denial of FAPE and ensure Student's IEP meets his present postsecondary needs.

Conclusion to Allegation No. 2: District ensured that teachers and service providers had access to and an understanding of responsibilities for implementing Student's IEPs from August 2025 to present, as required by 34 C.F.R. § 300.323(d), and implemented the accommodations listed in the IEPs, as required by 34 C.F.R. § 300.323(c). District complied with IDEA.

Parent alleges that District did not implement Student's IEP from August 2025 to present because it did not provide certain accommodations required by Student's IEPs, particularly in Welding Class. (FF # 3).

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. ex rel Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 392, 399 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Ed. v. Rowley*, 458 U.S. 176, 181 (1982)). As soon as possible after an IEP is developed, school districts must implement the IEP by ensuring that: (1) teachers and related service providers responsible for implementation have access to and an understanding of their obligations under the IEP, and (2) special education and related services, including accommodations, are made available to the child in accordance with the IEP. 34 C.F.R. §§ 300.323(d), 300.323(c)(2).

B. Student's 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, both Student's 2024 and 2025 IEPs were accessible to teachers and service providers responsible for their implementation, both electronically and in hard copy via IEP snapshots. (FF # 43). Additionally, Case Manager met with each teacher individually to review the 2024 IEP snapshot, including Student's accommodations, and provided a copy of the updated 2025 IEP to

all teachers after the October 2025 annual review. (*Id.*). Further, all teachers serving students with disabilities receive training on, among other things, IEP review and revision, transition planning, and IEP implementation, and all staff interviewed credibly reported understanding their responsibilities under Student's IEPs. (FF #s 10, 43). For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.323(d).

C. Student's IEP: Implementation of Accommodations

In implementing an IEP, a school district must provide special education and related services "in conformity with" the IEP. 34 C.F.R. §§ 300.17, 300.323(c)(2); *see Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J*, 502 F.3d 811, 821 (9th Cir. 2007). Not providing special education and related services in conformity with an IEP can result in the denial of FAPE. 34 C.F.R. § 300.17; ECEA Rule 2.21(4). However, "there is no statutory requirement of perfect adherence to the IEP." *Van Duyn*, 502 F.3d at 821. In other words, not every shortfall in services between those required by an IEP and those provided will result in a denial of FAPE. *Id.* To result in a denial of FAPE, there must be "more than a minor or technical gap between the [IEP] and reality; *de minimis* shortfalls [that do not themselves deprive a student of the education promise of the IDEA] are not enough." *L.J. by N.N.J. v. Sch. Bd. of Broward Cnty.*, 927 F.3d 1203, 1211 (11th Cir. 2019); see, *e.g.*, *L.C. and K.C. v. Utah State Bd. of Educ.*, 125 Fed. Appx. 252, 260 (10th Cir. 2005) (holding that minor deviations from the IEP's requirements which did not impact the student's ability to benefit from the special education program did not amount to a "clear failure" of the IEP); *T.M. v. District of Columbia*, 64 IDELR 197 (D.D.C. 2014) (finding "short gaps" in a child's services did not amount to a material failure to provide related services). Thus, a "finding that a school district has failed to implement a requirement of a child's IEP does not end the inquiry." *In re: Student with a Disability*, 118 LRP 28092 (SEA CO 5/4/18). Instead, "the [CDE] must also determine whether the failure was material." *Id*.

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

Therefore, to assess implementation concerns, the CDE engages in a two-pronged inquiry: (1) was there a shortfall in the provision of services required by the IEP, and (2), if so, did the shortfall amount to a material failure to implement the IEP and thus a denial of FAPE?

1. *Prong 1: Was there a Shortfall in Accommodations?*

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

Parent is concerned that District did not implement certain accommodations, specifically, daily parent communication, fill-in-the blank options, teacher-provided notes, questions during instruction regarding reading, checks for understanding, and repeated instructions. (FF # 3). As detailed below, there was no shortfall in the implementation of accommodations at issue in this investigation. (FF #s 49, 55, 61, 67).

As an initial matter, no accommodation in either IEP required "daily parent communication." (FF # 45). However, District staff communicated frequently with Parents regarding any concerns and otherwise provided the accommodation in both IEPs requiring daily teacher review of assignments. (FF # 47-48). The Record also reflects that staff provided fill-in-the-blank options and teacher-provided notes in Welding Class, including providing a fill-in-the-blank safety test with the answers included; prompted Student with questions during reading instruction to support his writing; and frequently checked in with Student regarding his understanding of directions and tasks and repeated directions as necessary to ensure his engagement with classroom instruction. (FF #s 53-54, 59-60, 65-66).

Accordingly, the CDE finds and concludes there was no shortfall in the implementation of these accommodations required by Student's IEPs.

2. *Prong 2: Were the Shortfalls Material?*

Because there was no shortfall in the provision of accommodations required by the IEPs, the CDE does not need to address the second question of whether any shortfall was material. For these reasons, the CDE finds and concludes that District complied with its implementation obligations under 34 C.F.R. § 300.323(c).

Systemic IDEA Noncompliance: This investigation does not demonstrate noncompliance that is systemic and likely to impact the future provision of services for all children with disabilities in the District if not corrected.

Pursuant to its general supervisory authority, CDE must 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 SEA'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 Disability and Preschool Grants for Children with Disabilities, 71 Fed. Reg. 46601 (Aug. 14, 2006).

Here, District's Procedure is consistent with IDEA's requirements around IEP review and revision and postsecondary transition planning, and staff demonstrated an understanding of their responsibilities under those requirements. (FF #s 4-8). Specifically, the Procedure instructs that postsecondary goals must be based on age-appropriate transition assessments and must be measurable and reflect a clear intent, rather than merely a student's or parents' wishes. (FF #s 5-7). The noncompliance here with respect to 34 C.F.R. § 300.324 appears to stem from District staff's deviation from the Procedure in this instance rather than a systemic concern. (FF #s 35-40, 68). Accordingly, the CDE finds and concludes that District's noncompliance is not systemic and is not likely to impact the future provision of services for all IDEA-eligible students in District.

REMEDIES

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

1. District did not review and, as appropriate, revise Student's IEP to address any lack of expected progress in the general curriculum and Student's anticipated postsecondary needs, as required by 34 C.F.R. §§ 300.320(b), 300.324(b)(1)(ii).

To demonstrate compliance, District is ORDERED to submit a corrective action plan ("CAP") by **August 4, 2026**, that adequately addresses how the cited noncompliance will be corrected through the completion of the following remedies:

1. **Final Decision Review**

    a. Director, Special Education Teacher, Case Manager, School Psychologist, and Welding Teacher must each read this decision in its entirety, as well as review the requirements of 34 C.F.R. §§ 300.320 and 300.324, by **August 11, 2026**. 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 that this information has been read and reviewed must be provided to the CDE by **August 14, 2026**.

2. **Updated Monitoring Protocol for IEP Compliance**

    a. By **August 25, 2026**, District must submit an approach for internally monitoring compliance with District's procedure to ensure compliance with 34 C.F.R. §§ 300.320(b) and 300.324. This approach must include a review of updated student IEPs, specifically students' transition plans. District may submit an approach it is currently using or another plan for approval by CDE Special Education Monitoring and Technical Assistance Consultant.

b. Starting on **October 1, 2026**, District must evidence to the CDE that District is implementing the approved or existing procedure by completing a review of updated student IEPs, specifically students' transition plans. District must submit records of this review using the CDE-approved approach outlined above to the CDE by the second Monday of each month.

   i. By **September 1, 2026**, the District shall submit a list or spreadsheet containing the name and student identification number for all transition-aged students in the District. The CDE will utilize this list to randomly sample students to verify that the District is implementing the approved or existing procedure.

   ii. The records required to be submitted may vary based on the approach approved in 2(a) above; however, the records submitted must include the selected students' current IEPs.

c. Submission of records will continue at least monthly through **May 10, 2027** or until District has two consecutive months of 100 percent compliance, whichever comes first.

d. The CDE may, in its sole discretion, request additional documents to verify compliance, as needed.

e. Based on the District's submissions, the CDE shall determine whether the District complied with 34 C.F.R. §§ 300.320(b) and 300.324. The CDE may, in its sole discretion, require correction if such noncompliance is identified.

f. The CDE will collaborate with District to revise relevant policy, procedures, and practice and to provide technical assistance, professional development, and resources to ensure compliance. Any findings of noncompliance identified through the review of updated data must be corrected consistent with 34 C.F.R. § 300.600(e) within 60 days of notification of the noncompliance.

3. **IEP Meeting**

a. District must convene Student's IEP Team, at a mutually agreeable date and time, by **September 1, 2026**. In consideration of all recent evaluations of Student and the concerns identified in this Decision, Student's IEP Team must review and, as appropriate, revise Student's postsecondary transition plan and annual goals consistent with 34 C.F.R. §§ 300.320 and 300.324.

b. If Parents refuse to participate in the IEP meeting, District may convene a meeting without Parents, provided District diligently attempts to secure Parents' participation at a mutually agreeable time and place and documents such efforts. A determination that District diligently attempted to secure Parents' participation

rests solely with the CDE. Regardless, unless Student is withdrawn from District, District must still convene Student's IEP Team.

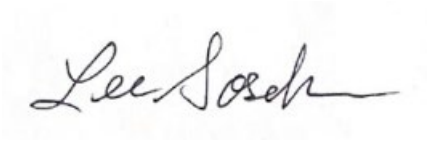
c. By **September 8, 2026**, District must provide notice of the IEP meeting, proof the meeting was scheduled at a mutually agreeable date and time, proof of attendance of IEP Team members (such as a signature page), and a finalized IEP to the CDE. The IEP submitted for the CDE's review must include a postsecondary transition plan and measurable goals to address Student's needs as described in this Decision.

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 (Aug. 14, 2006). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer ("SCO").

Dated this 7th day of July, 2026.



_____

Lee Sosebee, Esq.
State Complaints Officer

APPENDIX

Complaint, pages 1-9

- Exhibit 1: Documentation
- Exhibit 2: IEP Meeting Transcript
- Exhibit 3: IEP Meeting Recording

Response, pages 1-10

- Exhibit A: IEPs
- Exhibit B: Notices of Meeting
- Exhibit D: Meeting Documentation
- Exhibit F: Grades, Attendance, and Schedule
- Exhibit G: Progress Monitoring
- Exhibit H: Service Logs
- Exhibit I: District Calendar
- Exhibit J: Policies and Procedures
- Exhibit K: Correspondence
- Exhibit M: Verification of Delivery

Telephone Interviews

- Special Education Teacher: April 6, 2026
- Director: April 6, 2026
- Case Manager: April 6, 2026
- Psychologist: April 6, 2026
- Welding Teacher: April 6, 2026
- Parents: April 8, 2026