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

State Complaint SC2026-565
East Central BOCES

DECISION

INTRODUCTION

On April 20, 2026, the parent ("Parent") of a student ("Student") identified as a child with a disability under the Individuals with Disabilities Education Act ("IDEA")[1] filed a state complaint ("Complaint") against East Central BOCES ("BOCES") and concerning one of its member districts ("District"). The Colorado Department of Education ("CDE") determined that the Complaint identified one allegation subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

The CDE'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 April 20, 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. BOCES did not implement Student's Individualized Education Program ("IEP") from March 15, 2026 to present because it:

[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 BOCES 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.

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

b. Did not provide the following accommodations listed in the IEP, as required by 34 C.F.R. § 300.323(c);

    i. Access to a quiet, low-stimulus testing environment;

    ii. Test materials read aloud;

    iii. Extended time on schoolwork and tests;

    iv. Breaks as needed;

    v. Organizational support, including binder organization; and

    vi. Teacher-provided notes.

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 attended a District middle school ("School") in BOCES[4] in the eighth grade during the 2025-2026 school year. *Exhibit A*, p. 1; *Exhibit F*, p. 1. He qualifies for special education and related services under the disability category of Specific Learning Disability. *Exhibit A*, p. 1.

2. Student is self-motivated, polite, and has a positive attitude toward school. *Interviews with Student's special education teacher ("Teacher") and School's principal ("Principal")*; *Exhibit A*, p. 3. He enjoys video games, fashion, and riding his bike. *Exhibit A*, p. 3.

3. This investigation involves the implementation of Student's IEP dated October 9, 2025 ("the IEP"), which was in effect from that date through the end of the 2025-2026 school year. *Id.* at pp. 1-11. Specifically, Parent raised concerns related to the provision of several accommodations she alleged were required by Student's IEP. *Complaint*, pp. 3-4.

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

[4] BOCES is responsible for providing a free appropriate public education ("FAPE") to all IDEA-eligible children with disabilities attending a school in its member school districts. ECEA Rule 2.03.

B. BOCES's Practices, Procedures and Policies

4. BOCES' Director of Special Education ("Director") described BOCES' efforts to ensure that staff and teachers are knowledgeable about and compliant with their responsibilities under IDEA and Exceptional Children's Education Act ("ECEA") requirements. *Interview with Director*.

5. Director described that BOCES provides training to staff on a regular basis with respect to special education compliance. *Id*. In addition, BOCES has developed an interactive online handbook containing guidance on IDEA and ECEA and examples of best practices for special education. *Id*.

6. Director described that each school district in BOCES makes students' IEPs available to teachers and staff responsible for implementation. *Id*. Specific to District, IEPs are made available to staff via District's online student information management system. *Interviews with Director, Teacher, and Principal.* Staff within District are regularly trained in how to access IEPs through this system. *Id*.

7. In addition, each student's case manager is responsible for ensuring that all teachers and other staff responsible for implementing that student's IEP are familiar with their duties under the IEP. *Interview with Director*. In addition to staff's online access to IEP information, case managers in BOCES also provide hard copies of IEP snapshots—condensed documents outlining the information essential to implementing the IEP's requirements—to students' general education teachers and other staff members. *Id*.

8. BOCES directs staff to implement students IEP with fidelity to the document, and tasks case managers with monitoring the implementation of IEPs as well as student progress toward annual goals. *Id*.

C. Accessibility of Student's IEP to Teachers and Others

9. From the start of the 2025-2026 school year through March 15, 2026, a special education teacher at School ("Former Teacher") was Student's case manager, and oversaw the implementation of his IEP. *Interviews with Principal and Teacher*.

10. Prior to the start of the school year, Former Teacher met with Student's general education teachers and other staff responsible for the implementation of his IEP to review their responsibilities and answer questions. *Interview with Principal*. Former Teacher provided each general education teacher with a binder containing IEP snapshots for each of the students in their classes with IEPs. *Id*.; *Exhibit J*, p. 4. These binders were kept locked in a cabinet in each general education teacher's classroom but could be accessed when the teacher needed to reference the student's IEP requirements. *Interviews with Teacher and Principal.*

11. Additionally, each general education teacher was provided with an accommodations checklist—a document listing each student's IEP accommodations—so that the teacher could ensure all accommodations were provided to the appropriate students. *Id.*; *Exhibit J*, p. 2.

12. Former Teacher left School on March 15, 2026. *Exhibit J*, p. 21. During the week following Former Teacher's departure, a special education teacher from the nearby elementary school oversaw Student's IEP implementation, and School was closed for spring break during the week after that. *Interview with Principal*. Principal described that during her time at School, the interim teacher had access to student IEPs and ensured that appropriate services and accommodations were provided. *Id*.

13. During that time, Principal identified and hired Teacher, a properly licensed special education teacher with whom she had previously worked at another school, to fill Former Teacher's role for the remainder of the school year. *Interviews with Principal and Teacher*.

14. Teacher described that about one week prior to her first day working at School on April 1, 2026, she was provided access to, and reviewed, student information via District's online student information management system. *Interview with Teacher*. She also contacted each of her students' general education teachers to discuss student IEPs and ensure a smooth transition. *Id*. She described that Student's general education teachers demonstrated familiarity with the IEP and comfort in their implementation of its requirements. *Id*.

15. From April 1, 2026 through the end of the 2025-2026 school year, Teacher acted as Student's case manager and oversaw the implementation of his IEP. *Id*.

D. Relevant Requirements of Student's IEP

16. The IEP was in effect from March 15, 2026 to present, the period relevant to the Complaint's allegation. *Exhibit A*, pp. 1-11.

17. The IEP contains a list of eight accommodations deemed necessary for Student to access general education and make progress. *Id*. at p. 7. In addition, the IEP describes the accommodations to be provided to Student during District and state assessments. *Id*. at p. 8.

18. Parent raised concerns in the Complaint with six accommodations. *Complaint*, pp. 3-4. The IEP does not require the following accommodations as described in the Complaint, or similar accommodations, and thus the CDE finds that BOCES was not required to implement them:

    - "access to [a] quiet, low-stimulus testing environment"
    - "breaks as needed"
    - "organizational support, including binder organization"

    Id.; *Exhibit A*, pp. 7-8.

19. With respect to Parent's concerns in the Complaint regarding the other accommodations the CDE finds that BOCES was required to implement the following:

    - For Parent's concern related to test materials being read aloud to Student, the IEP includes an accommodation which reads: "[e]ncourage [Student] to advocate if he needs assessments read out loud for comprehension purposes."

    - For Parent's concern related to "extended time on schoolwork and tests," the IEP has an accommodation which reads: "[e]xtended time on tests." In addition, the IEP requires that Student receive time-and-a-half extension on District reading and math assessments, and on CMAS English and math assessments. The IEP does not contain language requiring extended time on non-test schoolwork.

    - For Parent's concern related to "teacher-provided notes," the IEP includes an accommodation reading: "[t]eacher guided notes."

    Complaint, pp. 3-4; *Exhibit A*, pp. 7-8.

E. Implementation of Student's IEP Accommodations

Encourage Student to Advocate for Test Materials to be Read Aloud

20. Teacher described that this accommodation required her and Student's other teachers to prompt him to state whether he would like for test materials to be read aloud to him. *Interview with Teacher*. She described while he did not always choose to have the materials read to him, he was consistently given the option to access this accommodation. *Id*.

21. To ensure that Student's accommodations related to testing were provided to him, Teacher and Student's general education teachers collaborated on an online spreadsheet which documented each test administered to Student, as well as any accommodations provided to Student during that testing session. *Interviews with Teacher and Principal*; *Exhibit M*.

22. This spreadsheet documents seven tests—including one standardized CMAS test—administered from March 2026 through the end of the 2025-2026 school year, and contains fields describing the date the test was administered, whether Student used extended time to complete the test, whether the test materials were read aloud to him, whether he was provided with teacher-guided notes, and the location in which he took the test. *Exhibit M*.

23. School's testing accommodations spreadsheet indicates that during four of the six non-standardized tests administered during this period, Student asked for materials to be read aloud to him and School staff provided this accommodation. *Exhibit M*.

24. During two non-standardized tests, the spreadsheet describes that Student was asked if he would like materials read aloud to him, and he declined the offered assistance. *Id*.

25. During the CMAS testing administration, the spreadsheet describes that materials were not read aloud to Student because Student's IEP did not permit the use of this accommodation during state assessments. *Id*.

26. Based on these facts, the CDE finds BOCES made this accommodation available to Student consistent with his IEP from March 2026 through the end of the 2025-2026 school year.

Extended Time on Tests

27. Teacher described that this accommodation required that Student receive 50% more time to complete assessments than his peers without accommodations. *Interview with Teacher.*

28. When Student was scheduled for a test, he would either take that test in her resource room or in the school office, so that he could take the time he needed without being disrupted by the rest of the class's test schedule. *Id.* She noted Student would not often need the additional time to complete his test—in such situations, she would not hold him out of continuing to his next class period—but whenever he had not completed the test, she would encourage him to take additional time to complete the test before continuing his school day. *Id*.

29. School's testing accommodations spreadsheet noted that on five of the six non-standardized tests administered between March 2026 and the end of the school year, Student completed the test without using extended time. *Exhibit M*. During one science test on April 17, the spreadsheet describes that Student "used additional time beyond the class period to complete the test." *Id*.

30. During the standardized CMAS test administration, the spreadsheet describes that Student "tested in small group testing room with accommodations for extended time." *Id*.

31. Based on these facts, the CDE finds that BOCES made this accommodation available to Student from March 2026 through the end of the 2025-2026 school year.

Teacher-Guided Notes

32. Teacher described that the accommodation related to "teacher-guided notes" required that Student be provided with a printed worksheet that contained notes for each class pre-prepared by that class's teacher. *Interview with Teacher*. When first provided to Student, these guided notes would often include fill-in-the-blank prompts for Student to complete while listening to the class lecture, allowing him to focus on absorbing the class material. *Id*.

33. Teacher described that during tests, Student would be allowed to use his own completed notes, or, if he did not have his notes with him, would be provided by the test administrator a version of the teacher-guided notes with the fill-in-the-blank prompts completed. *Id.* She described that Student frequently did not have his own notes, so she typically provided him with the completed version during tests. *Id*.

34. School's testing accommodations spreadsheet described that for each of the six non-standardized test administrations from March 2026 through the end of the 2025-2026 school year, "teacher guided notes were provided and used." *Exhibit M.*

35. For the standardized CMAS test administration, the spreadsheet states: "The state does not allow notes to be utilized on tests. Not required in IEP." *Id*.

36. Based on these facts, the CDE finds that BOCES made this accommodation available to Student from March 2026 through the end of the 2025-2026 school year.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: BOCES ensured that staff had access to and an understanding of responsibilities for implementing Student's IEP, as required by 34 C.F.R. §300.323(d). BOCES also implemented Student's IEP, as required by 34 C.F.R. § 300.323(c). BOCES complied with the IDEA.

Parent raised concerns that Student did not receive accommodations required by his IEP. (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. 386, 391 (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 are made available to the child in accordance with the IEP. 34 C.F.R. §§ 300.323(d), 300.323(c)(2).

B. IEP Accessibility to Teachers and Others

A school district must ensure that each regular education teacher, special education teacher, related services provider, and any other service provider responsible for implementing an IEP is informed of "his or her specific responsibilities related to implementing the child's IEP," as well

as the "specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP." 34 C.F.R. § 300.323(d).

Here, the Record shows that BOCES and School staff responsible for the implementation of Student's IEP were familiar with, and had access to, Student's IEP. (FF #s 9-15.) Prior to the start of the school year, Former Teacher sent each of Student's general education teachers an IEP snapshot, as well as an accommodations checklist, detailing their responsibilities under Student's IEP. (FF #s 10-11.) During the week prior to joining School staff on April 1, 2026, Teacher accessed Student's IEP via District's online student information management system, and familiarized herself with the requirements of the IEP. (FF # 14.) Student's general education teachers also had access to Student's IEP via the online student information management system, and Teacher described that these teachers were familiar with their responsibilities when she joined School staff. (FF #s 6, 14.) Specific to Student's accommodations, Teacher and Student's general education teachers regularly contributed to an online spreadsheet documenting the administration of Student's testing accommodations. (FF #s 21-22.) Based on these facts, the CDE finds and concludes that District complied with 34 C.F.R. § 300.323(d).

C. IEP Implementation: 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. App'x 252, 260 (10th Cir. 2005) (holding that minor deviations from the IEP's requirements which did not impact the student's ability to benefit from the special education program did not amount to a "clear failure" of the IEP); *T.M. v. District of Columbia*, 64 IDELR 197 (D.D.C. 2014) (finding "short gaps" in a child's services did not amount to a material failure to provide related services). Thus, a "finding that a school district has failed to implement a requirement of a child's IEP does not end the inquiry." *In re: Student with a Disability*, 118 LRP 28092 (SEA CO 5/4/18). Instead, "the [CDE] must also determine whether the failure was material." *Id*.

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 to prevail. However, the child's educational progress, or lack of it, may be probative of whether there has been more than a minor shortfall in the services provided." *Van Duyn*, 502 F.3d 811 at 822.

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

Prong 1: Was there a Shortfall in Accommodations?

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

The IEP does not require the provision of three accommodations described in Parent's Complaint. (FF # 19.) Based upon this fact, the CDE finds that there was no shortfall in the provision of these three accommodations to Student. With respect to the remaining three accommodations described in Parent's Complaint, the Record shows that BOCES made these three accommodations available to Student from March 2026 through the end of the 2025-2026 school year. (FF #s 20-36.)

Based on these facts, the CDE finds and concludes that there was no shortfall between the accommodations required by the IEP and those made available to Student.

Prong 2: Was the Shortfall Material?

Because there was no shortfall in the implementation of Student's IEP accommodations, the CDE does not need to address the second question of whether any shortfall was material. For this reason, the CDE finds and concludes that District complied with its implementation obligations under 34 C.F.R § 300.323(c)(2).

REMEDIES

The CDE concludes that BOCES complied with the requirements of IDEA. As a result, no remedies are ordered.

CONCLUSION

The Decision of the CDE is final and is not subject to appeal. *CDE's State Complaint Procedures*, Section E, ¶ 2. If either party disagrees with this Decision, the filing of a Due Process Complaint is available as a remedy provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. *Id.*; *see also* 34 C.F.R. § 300.507(a); 71

Fed. Reg. 156, 46607 (August 14, 2006). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer ("SCO").

Dated this 18th day of June, 2026.



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Nick Butler
Senior State Complaints Officer

APPENDIX

Complaint, pages 1-14

- Exhibit 1: March 15, 2026 email from Principal
- Exhibit 2: Parent Timeline of Events
- Exhibit 3: Parent Statement on Testing Environment and Accommodations
- Exhibit 4: Parent Statement on CMAS Read-Aloud Accommodation

Response, pages 1-8

- Exhibit A: Student's IEPs
- Exhibit B: Student's Evaluation
- Exhibit C: Notices of Meetings
- Exhibit D: Prior Written Notices
- Exhibit E: Documentation from IEP meetings
- Exhibit F: Student's schedule, grade reports, and attendance records
- Exhibit G: Progress Monitoring
- Exhibit H: BOCES Calendar
- Exhibit I: BOCES Policies and Procedures
- Exhibit J: Correspondence
- Exhibit K: Information for BOCES staff with knowledge related to Complaint
- Exhibit L: Verification of Delivery of Response
- Exhibit M: Testing Accommodations Spreadsheet

Reply, pages 1-5

- Exhibit 5: May 15, 2026 email from math teacher
- Exhibit 6: May 15, 2026 email from Teacher

Telephone Interviews[5]

- Teacher: May 28, 2026
- Principal: May 28, 2026
- Director: May 27, 2026

[5] Parent declined to participate in an interview for this investigation.