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

State Complaint SC2026-578
Poudre School District

DECISION

INTRODUCTION

On May 5, 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 Poudre School District ("District"). The Colorado Department of Education ("CDE") determined that the Complaint identified three 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 timeline because the parties agreed to participate in mediation, consistent with 34 C.F.R. § 300.152(b)(1)(ii). The mediation resulted in impasse, and the CDE resumed the investigation on June 30, 2026.

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 May 5, 2025. Information prior to May 5, 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:

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

[2] The CDE's state complaint investigation determines if 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 IEP from May 5, 2025 to present that:

    a. Considered the results of the initial or most recent evaluation of Student—specifically the results of Student's 2024 BASC assessment—as required by 34 C.F.R. § 300.324(a)(1)(iii); and

    b. Considered information provided by Parents, specifically, February 2026 clinical letters related to Student's emotional health, as required by 34 C.F.R. § 300.324(b)(ii)(C).

2. District did not consider Student's January 2026 independent educational evaluation ("IEE") in decisions regarding Student's FAPE, specifically during an IEP meeting held in February 2026, as required by 34 C.F.R. § 300.502(c)(1).

3. District did not afford Parent an opportunity to inspect and review Student's education records—specifically, Student's 2024 BASC assessment—after Parent's request on February 25, 2026, as required by 34 C.F.R. §§ 300.501 and 300.613.

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 charter school ("School") in the fourth grade during the 2025-2026 school year. *Exhibit A*, p. 12. He qualifies for special education and related services under the disability category of specific learning disability ("SLD"). *Id*.

2. Student is kind, energetic, and works hard in school. *Interviews with Parent and Student's special education teacher ("Teacher")*. He has strong math skills, loves to be outdoors, and particularly enjoys designing and creating objects using a 3D printer. *Id*.

3. This investigation involves the development, review, and revision of Student's IEP, dated May 5, 2025. *Exhibit A*, pp. 124-140. Specifically, Parents raised concerns related to whether District considered a March 2024 social-emotional assessment, a pair of clinical letters provided to District in February 2026, and a January 2026 private evaluation during IEP meetings from May 2025 to present. *Complaint*, pp. 4-10; *Interview with Parents*. Parents additionally raised a concern relating to their ability to inspect and review the content of the March 2024 social-emotional assessment. *Complaint*, p. 5; *Interview with Parents*

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

B. District's Practices, Procedures, and Policies

4. District's assistant director of special education ("Assistant Director") described that District seeks to ensure that all staff are knowledgeable about and compliant with the requirements of IDEA and ECEA. *Interview with Assistant Director*. He stated that all staff members, including charter school staff, are required to attend professional development training courses related to special education, and that District conducts regular meetings to update staff on developing issues in special education. *Id*.

5. District provides its staff with a procedural manual, accessible online through District's internal website, which outlines District's procedures for administering special education. *Id*.

6. Assistant Director described that during meetings, the IEP Team must carefully consider all available information, including assessments administered to the student, to develop a plan tailored to the student's individualized needs. *Id*.

7. Assistant Director stated that the IEP Team must also carefully consider and discuss outside evaluations and other recommendations provided to the IEP Team by the parent. *Id*.

8. When a parent requests the opportunity to inspect and review educational records, Assistant Director stated that it is District's responsibility to provide access to those records as soon as possible. *Id*.

C. The March 2024 BASC-3 Assessment

9. On March 22, 2024, School's psychologist ("Psychologist") administered the Behavior Assessment System for Children, Third Edition (the "BASC-3 Assessment") to Student as part of his triennial re-evaluation. *Exhibit H*, pp. 24-26.

10. As a social-emotional assessment, the results derive from a series of interviews with Student's teachers (including Teacher and Student's second-grade general education teacher) and Parents. *Id.*; *Interviews with Parents and Teacher*.

11. The results of the BASC-3 Assessment are described in Student's April 22, 2024 evaluation report. *Exhibit H*, pp. 24-26. According to that report, Student's teachers both rated him within the "average" range on 25 of the 26 domains measured, with the general education teacher rating Student as "at risk" in the domain of "learning problems." Parents rated Student as "average" on five domains, "at risk" on five domains, and "clinically significant" in thirteen domains. *Id.* at p. 25.

12. The results of the BASC-3 Assessment were reviewed and discussed during an eligibility meeting in April 2024. *Interviews with Parents, Teacher, and Assistant Director*; *Exhibit A*, p. 2. During the discussion of the results, Parent described that she believed that her ratings on the questionnaire overstated the severity and frequency of Student's behavioral difficulties in the home setting. *Exhibit E-2* at 1:11:10-1:11:45.

13. Following this meeting, a multidisciplinary team determined that Student was eligible for special education and related services under the criteria for SLD but did not meet the criteria for serious emotional disability. *Exhibit A*, p. 2. Based on this determination and the IEP Team's review of the April 2024 evaluation—including the BASC-3 Assessment—on May 30, 2024, Student's IEP Team met and developed an IEP. *Complaint*, p. 6; *Response*, p. 3.

D. The May 2025 IEP Meeting

14. About one year later, Student's IEP Team reconvened to review Student's IEP. *Exhibit A*, p. 117. During this meeting, the IEP Team developed Student's May 5, 2025 IEP (the "IEP"). *Id*. at pp. 124-140.

15. Over the course of the meeting, the IEP Team reviewed Student's assessment data, summarizing the results of Student's April 2024 evaluation report (which included the BASC-3 Assessment results). *Interviews with Teacher and Parents*. The IEP developed at this meeting describes, in its Present Levels of Educational Performance Summary, the results of each of the assessments administered, including a detailed summary of the findings of the BASC-3 Assessment's questionnaire. *Exhibit A*, pp. 126-128.

16. The parent input documented for this IEP meeting pertains primarily to Student's academic work, describing difficulties in language arts and Latin, and does not indicate that Parents raised concerns related to the BASC-3 Assessment. *Id*. at p. 11.

17. Several accommodations developed during this IEP meeting address potential social-emotional concerns—for example, one accommodation describes scheduled check-ins with Student because he sometimes internalizes feelings after recess. *Exhibit A*, p. 13.

E. The January 2026 Private Evaluation

18. On January 23, 2026, Parents obtained, at their own expense, a neuropsychological evaluation ("Private Evaluation") from a private evaluator ("Private Evaluator"), and shared it with District. *Exhibit H*, p. 40-73.

19. The Private Evaluation is a 73-page report which describes itself as an evaluation of Student's "cognitive, learning, and social/emotional strengths and weaknesses." *Id*. at p. 41. It includes a review of five years of academic, psychological, and medical records relating to Student, as well as a summary of a battery of psychological testing administered during the course of this evaluation. *Id*. at pp. 40-41. Relevant to this Decision, District does not dispute that Private Evaluation meets its criteria for evaluations. *Response*, pp. 7-8.

20. The Private Evaluation concluded that Student is likely impacted by level 1 autism spectrum disorder, a specific learning disability in reading, generalized anxiety disorder, and attention deficit/hyperactivity disorder. *Exhibit H*, p. 57.

21. The Private Evaluation includes 22 recommendations for interventions and accommodations that Private Evaluator suggested might be helpful to Student at school. *Id*. at pp. 59-63.

F. The February 2026 Clinical Letters

22. On February 1, 2026, Student's primary care physician wrote a clinical letter stating that Student was experiencing stress at school, and that that stress contributed to physical symptoms including headaches and stomach pain. *Exhibit I*, p. 51.

23. Around the same time, Student's private occupational therapist wrote a letter stating that Student was suffering from school-related stress which impacted his engagement in therapy. *Id*. at p. 49.

24. On February 19, 2026, Parent attached both of these letters (collectively, the "Clinical Letters") to an email sent to Teacher. *Exhibit 18*, p. 10.

G. The Spring 2026 IEP Meetings

The February 2026 Meeting

25. On February 27, 2026, Student's IEP Team convened a meeting to "review the [Private Evaluation] results as a team, and determine whether any modifications, additions, or updates to the IEP are needed based on the data." *Exhibit E-1*, pp. 1-2. Attendees at the meeting included Parents, Parents' advocate, Teacher, Assistant Director, one of Student's general education teachers, Psychologist, and an assistant principal. *Id*. at p. 1. In addition, Private Evaluator attended the meeting to present the Private Evaluation report to the IEP Team. *Interviews with Parents, Teacher, and Assistant Principal.*

26. Over the course of the meeting, which lasted two hours and fifteen minutes, Private Evaluator presented the findings of her evaluation report to the IEP team using a slideshow and answered questions from the IEP Team members related to her evaluation, and the IEP team discussed Student's present levels of performance and began discussing IEP goals. *Exhibit 97.*

27. Upon reaching the end of the two hours scheduled for the meeting, the IEP Team agreed to adjourn the meeting and reconvene at a later date. *Id*. at p. 46.

The April 2026 Meeting

28. The IEP Team reconvened on April 10, 2026 to resume its review of Student's IEP, scheduling four hours for the meeting. *Exhibit L*, p. 33. Private Evaluator attended the meeting to continue to provide information and answer questions related to the Private Evaluation report. *Id*. at p. 35; *Interviews with Parents, Teacher, and Assistant Director*.

29. During the April 2026 meeting, the IEP Team continued its discussion of Student's evaluation data and his in-school performance. *Interviews with Parents and Teacher*. Parents asked that

the full text of the 73-page Private Evaluation be included in the IEP's description of Student's present levels of educational performance, and the IEP draft created following this meeting reflects that this request was honored. *Interview with Teacher*; *Exhibit A*, pp. 17-31.

30. Participants in this meeting also described that the IEP Team discussed Student's social-emotional concerns. *Interviews with Teacher, Parents, and Assistant Director.* The IEP Team discussed the possibility of adding an annual social-emotional goal to Student's IEP. *Id*. The IEP Team ultimately determined that because Student's social-emotional concerns were only presenting in non-school settings, a social-emotional goal was not appropriate. *Id*.

31. In consideration of the stress concerns outlined in the Clinical Letters, the IEP Team discussed potential accommodations that might reduce Student's exposure to stress during the school day. *Id*.

32. The IEP Team was unable to complete its review and revision of Student's IEP at the April 2026 meeting and again adjourned with the intent to reconvene. *Id*.

The May 2026 Meeting

33. The IEP Team reconvened on May 29, 2026 for two and a half hours to continue its work on Student's IEP. *Exhibit L*, p. 28.

34. At the start of the meeting, Assistant Director noted that at a previous meeting, Parents had expressed interest in considering, in light of the Private Evaluation, whether Student might be eligible for special education and related services in categories other than SLD, and proposed that the meeting begin with a consideration of Student's eligibility. *Exhibit 41*, p. 7. Parents expressed that while they were open to the idea of reconsidering Student's eligibility categories in the future, they did not wish to do so at this meeting and instead preferred to continue with the review and revision of Student's IEP. *Id*. at pp. 8-12.

35. The IEP Team continued to discuss Student's annual goals, with Parents and their advocate proposing an additional reading goal specific to the Orton-Gillingham literacy approach, based on one of the recommendations from the Private Evaluation. *Id*. at pp. 44-45. Teacher described that although she uses Orton-Gillingham strategies in her work with Student, a goal that required the use of a specific teaching strategy would not be appropriate for Student, as other teaching strategies might need to be employed as he makes progress. *Id*. at pp. 46-47.

36. Teacher proposed developing an annual reading goal based on the reading deficits identified in the Private Evaluation—specifically, word reading, pseudo-word decoding, and spelling. *Id*. at p. 51. Based on these factors, the IEP Team developed a reading goal focused on Student's ability to read and decode nonsense words and write and spell sight words. *Exhibit A*, p. 109.

37. During this meeting, the IEP Team resumed its discussion of accommodations that might support Student's social-emotional needs at school. *Exhibit 41*, p. 58.

38. Parent referenced the Clinical Letters, noting that the private providers recommended developing a system to provide adult support to Student during the school day. *Id*. at p. 62. She described that she felt that it would be helpful for Student to be able to ask for adult support by making a hand signal when distressed or dysregulated. *Id*.

39. The IEP Team developed an accommodation addressing this proposal, which stated that Student "will be provided a cue card or hand signal that he could set on his desk to signal that he needs to talk with a trusted adult." *Exhibit A*, p. 110.

40. In addition, the IEP Team developed several other accommodations designed to reduce school-related stress, such as by reducing homework load and providing alternatives to tasks that have caused frustration for Student in the past. *Id*. at p. 114; *Exhibit 41*, pp. 71-74.

41. At the end of the meeting, the IEP Team determined that it would benefit from continuing to discuss the concerns raised in the Spring 2026 IEP meetings and scheduled a follow-up meeting for August 20, 2026. *Exhibit A*, p. 113.

42. Following the May 2026 meeting, District developed a lengthy prior written notice ("PWN") describing the determinations made by the IEP Team over the course of the Spring 2026 IEP meetings. *Id*. at pp. 113-116. District finalized the IEP developed at the May 2026 meeting, and as of the date of this Decision, that IEP remains in effect. *Exhibit 28*.

H. Parent's Request to Inspect and Review Records

43. On January 30, 2026, Parent visited District's records office to review Student's physical educational records file. *Interviews with Parents and District's student records manager ("Records Manager A")*.

44. During that visit, Parent filed a records request form with a District student records manager ("Records Manager B") asking for all of Student's special education records from 2022 to present, including testing books from assessments. *Exhibit N*. In response to the request for testing materials, Records Manager B made copies of all testing materials in the physical file that included information specific to Student (omitting blank pages and instruction pages). *Interviews with Parents and Records Manager A*.

45. On the morning of February 25, 2026, Parent returned to the records office to ask for the computerized report developed from the 2024 administration of the BASC-3 Assessment, describing that this information was not included in the records provided to her in her previous visit. *Id*. During this visit, Parent filed a records request form asking for the electronic components of the BASC-3 Assessment. *Exhibit O*.

46. That day, Records Manager B, upon learning that the electronic components of the BASC-3 Assessment were not available to her, reached out to Psychologist to ask him to send her copies of the electronic records. *Interview with Records Manager A*; *Exhibit 33*.

47. At 1:28 p.m. on February 25, 2026, Records Manager B sent a secure email to Parent, including the electronic components of the BASC-3 Assessment. *Exhibit 98.* On February 27, 2026, Records Manager B sent a follow-up email to Parent, asking her to confirm that she received the BASC-3 Assessment computerized report. *Exhibit 99*. Parent confirmed her receipt of the report. *Id*.

48. The BASC-3 Assessment computerized report contained an itemized listing of Parents' responses to the questionnaires administered to them in March 2024, as well as a summary of the data derived from those questionnaires. *Exhibit 8*.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District reviewed and, as appropriate, revised Student's IEP from May 2025 to present to address the results of Student's evaluations and information about Student provided by Parents, as required by 34 C.F.R. §§ 300.324(a)(1)(iii), 300.324(b)(1)(ii)(B), and 300.324(b)(1)(ii)(C). District complied with IDEA.

Parent raised concerns that Student's IEP Team did not consider the BASC-3 Assessment results at a May 5, 2025 IEP meeting and the Clinical Letters at Spring 2026 IEP meetings. (FF # 3).

A. Legal Requirements: IEP Review and Revision

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. ex rel Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 399. The IDEA does not promise a particular educational or functional outcome for a student with a disability, but it does provide 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's procedures contemplate 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, 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.*

B. May 2025 IEP Meeting

i. Consideration of Evaluations and Related Results

In developing a child's IEP, the IEP team must consider the "results of the initial or most recent evaluation of the child." 34 C.F.R. § 300.324(a)(1)(iii). In reviewing and revising a child's IEP, the IEP team must consider the "results of any reevaluation conducted." 34 C.F.R. § 300.324(b)(1)(ii)(B). Developing an appropriate IEP depends on first gathering information on and understanding the student's current performance. *Questions and Answers on Endrew F. v. Douglas County School District. Re-1,* 71 IDELR 68 (EDU 2017).

Here, as an initial matter, the CDE finds that the first and most in-depth consideration of the BASC-3 Assessment results took place during Student's April 2024 eligibility meeting, shortly after the administration of the assessment. (FF # 12-13.) At this meeting, the multidisciplinary team reviewed the data underlying the assessment, including the results of questionnaires completed by Parents and two of Student's teachers. *Id*. During that discussion, Parents and their advocate described that despite their high ratings of Student's social-emotional struggles, they believed that the teachers' ratings more accurately reflected Student's needs. *Id*. As a result, the multidisciplinary team did not find Student eligible under serious emotional disability. (FF # 13.)

At the May 2025 IEP meeting, Parents' concerns pertained primarily to Student's reading, rather than social-emotional needs. (FF # 16.) Nevertheless, in reviewing Student's present levels of educational performance, the IEP Team reviewed the results of the BASC-3 Assessment and included a detailed summary of the assessment's results in the IEP. (FF # 15.) In addition, the IEP Team developed accommodations designed to address Student's emotional internalization. (FF # 17.)

For these reasons, the CDE finds and concludes that District reviewed and, as appropriate, revised Student's IEP to address the results of the BASC-3 Assessment, in compliance with 34 C.F.R. § 300.324(a)(1)(ii) and 300.324(b)(1)(ii)(B).

C. Spring 2026 IEP Meetings

i. Information Provided by Parents

An IEP meeting "serves as a communication vehicle between parents and school personnel and enables them, as equal participants, to make joint informed decisions regarding the services that are necessary to meet the unique needs of the child." *Letter to Richards*, 55 IDELR 107 (OSEP 2010). To that end, IDEA requires consideration of information about the child provided to, or by, the parents in reviewing and, as appropriate, revising a student's IEP. 34 C.F.R. §§ 300.321(a), 300.322, 300.324(b)(1). However, districts are not obligated to adopt recommendations from evaluators or medical providers. *See, e.g. Roaring Fork Sch. Dist.*, 124 LRP 34383 (SEA CO 2023) (finding that the district considered a private evaluation where it addressed some, but not all, of the concerns raised in the evaluation); *Denver Pub. Schs.*, 125 LRP 30506 (SEA CO 2025) (finding

that a district was not obligated to evaluate a student whose parent submitted a doctor's note suggesting she work with the school to evaluate the student).

In this case, on February 19, 2026, Parents provided District with the Clinical Letters—one written by Student's primary care provider and one written by student's private occupational therapist—expressing that Student was experiencing difficulties outside of school and hypothesizing that school-related stress may be causing those issues. (FF #s 22-24.)

District reviewed and revised Student's IEP over the course of three meetings during spring 2026, discussing Student's social-emotional needs in depth during the April 2026 and May 2026 meetings. (FF #s 25-42.) During those meetings, the team directly considered the information provided in the Clinical Letters and developed several accommodations responsive to the recommendations of the letters. (FF #s 31, 38.) For example, the IEP team developed and adopted an accommodation directly responsive to the letters' recommendation that Student be able to use hand signals to request a conversation with a trusted adult when dysregulated. (FF #s 38-39.)

For these reasons, the CDE finds and concludes that District reviewed and, as appropriate, revised Student's IEP at the May 5, 2025 IEP meeting to address information provided by Parents, in compliance with 34 C.F.R. § 300.324(b)(1)(ii)(C).

Conclusion to Allegation No. 2: District considered the results of the Private Evaluation in decisions regarding Student's FAPE in Spring 2026 IEP meetings, as required by 34 C.F.R. § 300.502(c)(1). District complied with IDEA.

Parent alleges that District did not consider the results of the Private Evaluation while reviewing and, as appropriate, revising Student's IEP during IEP meetings in Spring 2026. (FF # 3.)

A. Requirement to Consider an IEE

If a parent obtains an IEE at public expense or shares with a school district an evaluation obtained at private expense, the results of the evaluation must be considered by the school district, if it meets school district criteria, "in any decision made with respect to the provision of FAPE to the child." 34 C.F.R. § 300.502(c). Though a school district must consider the results of the evaluation, the district is not obligated to accept the evaluator's recommendations or conclusions. *T.S. v. Bd. of Educ. of the Town of Ridgefield*, 10 F.3d (2d Cir. 1993); *G.D. v. Westmoreland Sch. Dist., 17 IDELR 751* (1st Cir. 1991).

When making decisions with respect to the provision of FAPE, a district must ensure that parents are afforded the opportunity to participate in decisions related to their student's educational decisions. 34 C.F.R. § 300.501. Specifically, district IEP team members must enter an IEP team meeting with an open mind and meaningfully consider the parents' input. *See*, *e.g.*, *H.B. v. Las Virgenes Unified Sch. Dist*., 109 LRP 24785 (C. D. Cal. 2008).

Meaningful parent participation occurs where the IEP team listens to parental concerns with an open mind, exemplified by answering questions, incorporating some requests into the IEP, and

discussing privately obtained evaluations, preferred methodologies, and placement options, based on the individual needs of the student. *O'Toole v. Olathe Dist. Schs. Unified Sch. Dist. No. 233*, 144 F.3d 692, 703 (10th Cir. 1998). Meaningful participation does not require that a district simply agree to whatever a parent has requested. *Jefferson Cnty. Sch. Dist. RE-1*, 118 LRP 28108 (SEA CO 2018). However, parental participation must be more than "mere form." *R.L. v. Miami-Dade Cnty. Sch. Bd.*, 757 F.3d 1173, 1188 (11th Cir. 2014). "It is not enough that the parents are present and given an opportunity to speak at an IEP meeting." *Id.* Evidence that a district "was receptive and responsive at all stages" to the parent's position, even if it was ultimately rejected, is illustrative of parental participation. *Id.*

B. Consideration of the Private Evaluation

Here, Parents obtained an evaluation at their own expense—the Private Evaluation—and shared it with District in January 2026. (FF # 18.) The Private Evaluation reviewed Student's assessment history and provided information related to a battery of additional assessments conducted by Private Evaluator for the purposes of the evaluation. (FF # 19.) It concluded that Student may be impacted by autism, anxiety, ADHD, and a specific learning disability in reading, and proposed a number of recommendations related to Student's education. (FF #s 20-21.) District did not dispute that the Private Evaluation meets agency criteria and convened a meeting to review and consider its results. (FF #s 19, 25.)

The IEP team first convened on February 27, 2026 with the stated purpose to "review the [Private Evaluation] results as a team, and determine whether any modifications, additions, or updates to the IEP are needed based on the data." (FF # 25.) In total, the IEP Team met three times from February to May 2026 for more than nine hours to discuss the Private Evaluation and develop an IEP in consideration of the information provided. (FF #s 25-42.) Private Evaluator attended the first two meetings, presented a slideshow discussing her findings, answered questions from the IEP team, and contributed to discussions related to the development of the IEP. (FF #s 26, 28.)

As the IEP Team developed the IEP, it relied on the information provided in the Private Evaluation to do so—as an example, the IEP Team used the data presented in the Private Evaluation to develop a reading goal targeted toward the specific reading fluency areas identified as areas of need in the report. (FF # 35-36.) Likewise, considering social-emotional and other concerns described in the Private Evaluation, the IEP Team considered re-examining Student's eligibility under additional categories—declining to proceed to such consideration when Parents described their wish to defer such discussion to a later date. (FF # 34.) Finally, at Parents' request, the IEP Team incorporated the Private Evaluation into the IEP's present levels of educational performance section. (FF # 29.)

Based on these facts, the CDE finds and concludes that District considered the results of the Private Evaluation during decisions made with respect to the provision of FAPE for Student, consistent with 34 C.F.R. § 300.502(c)(1). District complied with the law.

<u>Conclusion to Allegation No. 3</u>: District permitted Parents to inspect and review Student's education records without unnecessary delay and before the February 27, 2026 IEP meeting, as required by 34 C.F.R. § 300.613(a). District complied with IDEA.

A. <u>The Right to Inspect and Review Education Records</u>

One of the procedural safeguards afforded to parents under the IDEA is the right to inspect and review their child's education records. 34 C.F.R. § 300.613(a). Thus, a school district "must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency." *Id.* A district must comply with a request from a parent to review his or her child's education records "without unnecessary delay and before any meeting regarding an IEP," and "in no case more than 45 days after the request." *Id.*

The IDEA borrows the definition of "education records" from the Federal Educational Rights and Privacy Act ("FERPA"). 34 C.F.R. § 300.611(b). Under FERPA, "education records" are "those records, files, documents, and other materials which: (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a party acting for the agency or institution." *Id.* § 99.3.

B. <u>Parents' Request to Inspect and Review Student's Education Records</u>

First, the CDE must determine whether the BASC-3 Assessment computerized report requested by Parent was an "education record" within IDEA's definition at 34 C.F.R. § 300.611(b). The report requested included an itemized list of Parents' responses to the BASC-3 Assessment questionnaires, and a summary of those results. (FF # 48.) Accordingly, the CDE finds that this record contains information directly related to Student. Moreover, this report was maintained by Psychologist, acting on behalf of School and District, and he produced the report upon Parents' request. (FF #s 45-46.) Therefore, the CDE finds that the record was maintained by an educational agency or institution. Based upon these findings, the CDE concludes that the BASC-3 Assessment computerized report was an education record within IDEA's definition.

On January 30, 2026, Parent visited the District records office and submitted a request for copies of testing books from special education assessments administered to Student. (FF #s 43-44.) That day, Records Manager A made copies of all test materials that included information specific to Student and provided those copies to Parent. (FF # 44.)

On February 25, 2026, Parent returned to the records office, noting that she wished to review an electronic report created as part of the BASC-3 Assessment, and filing a records request for that document. (FF # 45.) Records Manager B reached out to the psychologist who administered the BASC-3 Assessment, requesting access to the electronic report. (FF # 46.) On the afternoon of the day on which Parent made this request, Records Manager B sent a secure email to Parent containing the electronic BASC-3 Assessment report she requested. (FF # 47.)

Following Parent's January 30 request, District immediately provided all available records responsive to the request. (FF #s 43-44.) When Parent requested additional records not maintained in District's physical files on February 25, District acted quickly to obtain and provide those records to Parent, doing so within hours of the request. (FF #s 45-46.) In any case, all records were provided to Parent within 45 days of the request, and prior to the February 27, 2026 IEP meeting. (FF #s 25, 43-47.) Accordingly, the CDE finds and concludes that District complied with 34 C.F.R. § 300.613(a).

REMEDIES

The CDE concludes that District complied with IDEA. Accordingly, no remedies are ordered.

CONCLUSION

The Decision of the CDE is final and is not subject to appeal. ECEA Rule 7.06(3); *CDE's State Complaint Procedures*, Section E, ¶ 2. If a party disagrees with this Decision, that party may file a Due Process Complaint if the law permits a due process hearing on the issue in dispute. ECEA Rule 7.06(3); *CDE's State Complaint Procedures*, Section E, ¶ 2; 34 C.F.R. § 300.507(a); 71 Fed. Reg. 46,607 (August 14, 2006). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer ("SCO").

Dated this 12th day of August, 2026.



Nick Butler
Senior State Complaints Officer

APPENDIX

Complaint, pages 1-14

- Exhibit 1: 2022 District Evaluation
- Exhibit 2: 2023 Outside Evaluation
- Exhibit 3: August 2023 Email
- Exhibit 4: December 2023 IEP
- Exhibit 5: January 2024 IEP meeting recording
- Exhibit 6: April 2024 eligibility meeting recording
- Exhibit 7: December 2025 emails
- Exhibit 8: 2024 BASC-3 documentation
- Exhibit 9: 2024 District Evaluation
- Exhibit 10: KTEA-3 Protocol
- Exhibit 11: April 2024 emails
- Exhibit 12: May 2025 IEP
- Exhibit 13: September 2025 READ Plan
- Exhibit 14: October 2025 PWN
- Exhibit 15: December 2025 PWN
- Exhibit 16: January 2026 Outside Evaluation
- Exhibit 17: Letter from Private Evaluator
- Exhibit 18: January and February 2026 emails
- Exhibit 19: Clinical Letter from Primary Care Provider
- Exhibit 20: Clinical Letter from Occupational Therapist
- Exhibit 21: February 2026 Affidavit
- Exhibit 22: February 2026 Recording of Conversation with Director
- Exhibit 23: February 2026 IEP Meeting Recording
- Exhibit 24: February 2026 PWN
- Exhibit 25: April 2026 IEP Meeting Recording
- Exhibit 26: Psychologist Credentials
- Exhibit 27: Teacher Credentials

Response, pages 1-12

- Exhibit A: IEPs
- Exhibit B: n/a
- Exhibit C: Notices of Meeting
- Exhibit D: PWNs
- Exhibit E: IEP Meeting Documentation
- Exhibit F: Schedule, grades, attendance
- Exhibit G: Progress Reports
- Exhibit H: Evaluations
- Exhibit I: Documentation from Parents

- Exhibit J: School Calendar
- Exhibit K: Policies and Procedures
- Exhibit L: Correspondence
- Exhibit M: Contact Information for Staff with Knowledge
- Exhibit N: January 30, 2026 Records Request Form
- Exhibit O: February 25, 2026 Records Request Form

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- Exhibit 28: June 2026 Email
- Exhibit 29: Emails related to May 2026 Meeting
- Exhibit 30: CMAS Score Reports
- Exhibit 31: Notice of Meeting
- Exhibit 32: CDE Procedural Guidance
- Exhibit 33: Documentation related to records production
- Exhibit 34: CORE Reading Assessment Profile
- Exhibit 35: Emails related to reading, spelling, and grading
- Exhibit 36: Emails related to spelling
- Exhibit 37: Emails related to writing assignment
- Exhibit 38: Emails related to recess
- Exhibit 39: Emails related writing assignment
- Exhibit 40: CMAS Score Report
- Exhibit 41: May 2026 IEP Meeting Recording and Transcript
- Exhibit 42: October 2025 IEP Meeting recording and Transcript
- Exhibit 43: Parent Teacher conference recording
- Exhibit 44: Parent-Principal meeting recording
- Exhibit 45: Emails re eligibility
- Exhibit 46: May 2026 PWN
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- Exhibit 48: Emails following May 2026 IEP meeting
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- Exhibit 50: Emails from Private Evaluator
- Exhibit 51: NWEA Score Report
- Exhibit 52: Writing Work Samples
- Exhibit 53: Audio Recording of Student
- Exhibit 54: December 2025 IEP meeting recording
- Exhibit 55: Emails re PWN
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- Exhibit 57: Written Parent Input Statement
- Exhibit 58: Supplemental Letter to CDE
- Exhibit 59: Student Project Report
- Exhibit 60: BCBA School Observation Report
- Exhibit 61: Homework Samples

- Exhibit 62: April 2026 Emails
- Exhibit 63: April 2026 Email
- Exhibit 64: Parent Video Recordings
- Exhibit 65: Emails following December 2025 IEP Meeting
- Exhibit 66: November 2025 Email
- Exhibit 67: August 2025 Email
- Exhibit 68: December 2025 Email
- Exhibit 69: May 2026 Email
- Exhibit 70: January 2026 Email
- Exhibit 71: March 2026 Email
- Exhibit 72: February 2025 Email
- Exhibit 73: January 2026 Email
- Exhibit 74: January 2026 Email
- Exhibit 75: January 2026 Email
- Exhibit 76: January 2026 Email
- Exhibit 77: January 2026 Email
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- Exhibit 79: May 2026 Email
- Exhibit 80: May 2026 Email
- Exhibit 81: May 2026 Email
- Exhibit 82: January 2026 Email
- Exhibit 83: October 2025 Email
- Exhibit 84: May 2025 Email
- Exhibit 85: August 2023 Email
- Exhibit 86: April 2024 Email
- Exhibit 87: First Grade Report Card
- Exhibit 88: Fourth Grade Report Card
- Exhibit 89: Third Grade Report Card
- Exhibit 90: Second Grade Report Card
- Exhibit 91: April 2026 Emails re progress data
- Exhibit 92: Draft IEP Access Link
- Exhibit 93: May 2026 IEP meeting Recording
- Exhibit 94: May 2026 Draft IEP
- Exhibit 95: May 2025 Draft IEP
- Exhibit 96: December 2023 IEP
- Exhibit 97: Transcript and Slideshow for February 2026 IEP Meeting
- Exhibit 98: February 2026 Email with BASC records
- Exhibit 99: Emails following BASC records request

Telephone Interviews

- Parents: July 24, 2026
- Teacher: July 22, 2026

- Records Manager A: July 27, 2026
- Assistant Director: July 27, 2026