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

State Complaint SC2026-557
Douglas County School District

DECISION

INTRODUCTION

On April 7, 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 Douglas County School District ("District"). The Colorado Department of Education ("CDE") determined that the Complaint identified one allegation subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

The CDE extended the 60-day investigation due to exceptional circumstances, consistent with 34 C.F.R. § 300.152(b)(1).

The CDE's goal in state complaint investigations is to improve outcomes for students with disabilities and promote positive parent-school partnerships. A final written decision serves to identify areas for professional growth, provide guidance for implementing IDEA requirements, and draw on all available resources to enhance the quality and effectiveness of special education services.

RELEVANT TIME PERIOD

The CDE has the authority to investigate alleged noncompliance that occurred not more than one year prior to the date the Complaint was properly filed. 34 C.F.R. § 300.153(c). Accordingly, findings of noncompliance shall be limited to events occurring on or after April 7, 2025. Information prior to April 7, 2025, may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT ALLEGATIONS

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

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

[2] The CDE's state complaint investigation determines if 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 during the 2025-2026 school year that:

    a. Considered the use of positive behavioral interventions and supports, and other strategies to address behavior impeding Student's learning or that of others, as required by 34 C.F.R. § 300.324(a)(2)(i); and

    b. Considered the concerns of Parents for enhancing the education of Student—specifically Student's social-emotional needs—as required by 34 C.F.R. § 300.324(a)(1)(ii).

FINDINGS OF FACT

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

A. Background

1. During the 2025-2026 school year, Student was a fourth grader at a District elementary school ("School"). *Complaint*, p. 2; *Response*, p. 2. She is a twice-exceptional student and is eligible for special education and related services under the disability categories of Autism Spectrum Disorder ("ASD") and Other Health Impairment ("OHI"). *Response*, p. 2; *Exhibit A*, p. 2.

2. Student is a social, artistic student who enjoys the outdoors and animals. *Interviews with School's social worker ("Social Worker") and Parents*. She struggles with peer relationships and communication. *Id.*

3. In their Complaint, Parents alleged that District did not review and, as necessary, revise Student's IEP during the 2025-2026 school year to address Student's behavior and Parents' concerns regarding her social-emotional needs. *Complaint*, pp. 2, 4-5.

B. District Policies, Practices, and Procedures

4. District relies on the CDE's IEP Procedural Guidance manual ("CDE manual") to ensure compliance with IDEA's requirements related to developing, reviewing, and revising IEPs. *Response*, p. 15; *see CDE Exhibit 1*. District's Director of Special Education ("Director") described those requirements and how District follows the CDE manual in its practices and procedures. *Interview with Director*.

5. Under District practice, and consistent with IDEA's requirements and the CDE manual, IEPs are required to be reviewed at least annually. *Id.*; *see CDE Exhibit 1*, pp. 13, 51. Additionally, IEPs may be reviewed and, as appropriate, revised more frequently to address a student's lack of progress, any new information on the student provided by school staff or parents, or

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

the results of a new evaluation. *Interview with Director; CDE Exhibit 1*, pp. 13, 51. For students with behavioral challenges, new or atypical behaviors will also obligate an IEP Team to review and, if appropriate, revise the student's IEP. *Interview with Director*.

6. Generally, District grants a parent's request for an IEP meeting outside of the annual review to consider concerns or new information; however, IEP Teams are only obligated to *consider* parent's feedback or suggestions. *Id.* If an IEP Team decides not to accept a parent's suggestions in reviewing and revising an IEP, District must issue prior written notice ("PWN") explaining its decision. *Id.*

7. Staff receive extensive training on IEP compliance and processes—including IEP development, review, and revision—when they are hired by District and receive monthly continuing professional development on issues of concern in special education, including around IEP development and review. *Id.* Further, District schools have special education coordinators who attend weekly or bi-weekly meetings with special education teams to address any issues and answer staff questions. *Id.*

C. Student's 2025 IEP

8. Student's IEP in effect at the beginning of the 2025-2026 school year was dated May 13, 2025 ("2025 IEP"). *Exhibit A*, pp. 1-15. A properly convened IEP Team—including Parents—developed this IEP following Student's triennial evaluation, which was also conducted in May 2025. *Id.* at p. 19*; Response*, p. 3; *see Exhibit N*, pp. 1-32.

9. The 2025 IEP described Student's present levels of performance, indicating she accessed grade-level material but had challenges with peer relationships. *Exhibit A*, p. 3. Specifically, the IEP noted Student's social interaction skills could "be impacted by inattentive, perseverative tendencies or her contributing to conversations that did not originally include her, especially as a means of avoiding non-preferred tasks." *Id.* at p. 7. The IEP also indicated Student made progress on or met her previous IEP annual goals. *Id.* at pp. 2-3, 5-7.

10. The 2025 IEP noted Student's disability "negatively impact[ed] her social communication skills and self-regulation which interfere[d] with her educational access to the general education curriculum." *Id.* at p. 7. As a result, Student required specialized instruction in pragmatic language, navigating peer relationships, and tackling seemingly difficult tasks. *Id.*

11. The 2025 IEP included input from Parents, indicating they viewed Student's triennial evaluation as "a good overall picture of [Student] and her needs." *Id.* Parents also asked questions regarding Student's Functional Behavioral Assessment ("FBA") and Behavioral Intervention Plan ("BIP"), which the IEP Team addressed. *Id.*

12. The 2025 IEP indicated Student exhibited behavior that required a BIP and needed assistive technology devices or services to support academics due to difficulty with writing. *Id.* at p. 8.

13. The 2025 IEP included three annual goals, two in social-emotional wellness and one in self-determination. *Id.* at p. 9.

14. The 2025 IEP listed numerous accommodations to ensure Student's participation in the general education curriculum, including, in part, accommodations related to positive behavioral interventions and supports, such as redirection, sensory breaks, positive reinforcement, and prompts to assist with problem solving. *Id.* at pp. 9-10.

15. The 2025 IEP required 240 minutes per month of direct specialized instruction inside the general education classroom by a special education teacher and 30 minutes per month of direct mental health services by a mental health professional outside the general education classroom to address social-emotional skills. *Id.* at p. 11.

16. The IEP Team determined that it was appropriate for Student to be in the general education setting at least 80% of the time. *Id.* at p. 12. This placement allowed Student to access grade-level curriculum and age-appropriate peer interaction while also providing instruction on Student's skill deficits in a small-group setting. *Id.*

17. PWN embedded in the 2025 IEP indicated the IEP Team considered maintaining Student's prior direct speech-language services but rejected this option in favor of shifting to a consultative model due to her documented growth on her communication goal. *Id.* at p. 15.

D. Student's 2025 BIP

18. The 2025 IEP included a BIP developed in May 2025 to address Student's behavioral challenges, based in part on an FBA, and noted the importance of supporting Student through a "trauma-informed lens." *Exhibit B*, pp. 1-13.

19. The BIP targeted Student's struggles with non-compliance, interrupting, and wandering after a transition to a new task and concluded that the function of her behaviors was to escape from the activity, as well as gain attention/connection with peers and adults around her. *Id.* at p. 13.

20. The BIP provided numerous setting event, antecedent, behavior teaching, and reinforcement strategies to address the targeted behaviors. *Id.* at pp. 2-4. These strategies included:

    - Setting event strategies: access to visual schedule, sensory breaks and items, a calming space in the classroom, a water bottle, headphones, and alternative work options; built-in non-contingent adult attention throughout the day; and preferential seating away from distractions;

    - Antecedent strategies: offer additional sensory breaks/supports, such as access to a timer for an independent walking break; give access to smaller/quiet workspace or alternative seating close to teacher; offer check-ins with preferred adult; provide two choices when possible during non-preferred activity; pre-correct for what to do if she

feels frustrated with work or activity; incorporate special interests into assignments when possible; and use humor when appropriate to help get back on track;

- Behavior teaching strategies: teachers will model appropriate ways to self-advocate and be both assertive and respectful and will model appropriate ways to take a break or communicate specific needs; and

- Reinforcement strategies: use of positive praise when showing expected behavior or producing work.

Id. at p. 3.

E. Fall 2025: Parents' Concerns and No-Contact Agreement

21. On August 8, 2025, School staff held a "meet and greet" with Parents to introduce themselves and informally discuss Student's IEP goals and services with Student's teachers and related services providers prior to the start of the school year. *Response*, p. 5; *Exhibit K*, p. 44.

22. On September 2, School's Assistant Principal ("Assistant Principal") emailed Parents regarding an incident that occurred while Student and her peers were playing basketball during recess. *Exhibit K*, p. 85. Specifically, the basketball game "got heated" and a peer ("Peer") got hurt after Student admitted pushing her while "getting into the game." *Id.* Assistant Principal expressed that Student did not realize the force she used, and the two discussed "what we might do if we feel like we're becoming escalated in a game" and how to resolve the incident. *Id.* Student expressed that she should apologize to Peer, which she did. *Id.* In response, Parents thanked Assistant Principal for the information and noted they "[would] address this with [Student] at home as well." *Id.*

23. On October 6, Parents emailed Social Worker requesting a copy of Student's IEP "that was finalized at our meeting back in August." *Id.* at p. 89. In response, Social Worker provided the May 2025 IEP, which was the IEP in effect. *Id.* While Parents indicated that there should be an updated IEP from the August meet and greet, Social Worker confirmed that "no IEP goals were updated or changed during the August meet and greet." *Id.; Response*, p. 4.

24. On November 3, Assistant Principal informed Parents via email that a no-contact plan had been put in place between Student and Peer. *Exhibit K*, pp. 44, 95; *Complaint*, p. 3. Specifically, Assistant Principal noted Student "owned" that she had been unkind to Peer (and vice versa) and expressed satisfaction with the no-contact agreement "so that all the drama [would] stop." *Exhibit K*, p. 95. The no-contact agreement specified, in part, that Student would not have any physical contact with Peer and would stay "at least 10 feet away" from Peer at School. *Exhibit M*, p. 1. If Student had a class with Peer, they agreed not to sit near one another. *Id.* The agreement made clear that it was "not designed to be a punishment, but rather it [was] employed to allow a period of calmness and safety to develop." *Id.* The agreement had no impact on her special education services, placement, or least restrictive

environment and was unrelated to the behaviors targeted by her BIP. *Response*, p. 5; *Interviews with Special Education Coordinator ("Coordinator") and Social Worker.*

25. That same day, Parents responded, expressing their concerns regarding the no-contact agreement and asserting that any disciplinary intervention must involve Student's IEP Team. *Exhibit K*, p. 94. Parents also expressed concern about Student's continued dysregulation at home and requested an IEP meeting be held as soon as possible and an FBA be conducted by District. *Id.* at pp. 44, 94-95.

26. On November 21, School and District special education leadership held a meeting with Parents to discuss their concerns. *Response*, p. 4. Parents reiterated Student's dysregulation at home; however, School staff explained that Student was not demonstrating any social-emotional difficulties at school that were impeding her learning. *Id*.

27. From the perspective of School staff, Student did well during Fall 2025—she met or exceeded expectations in most classes, though she was approaching expectations in a few curricular areas; made progress on her IEP annual goals; attended school regularly; and was not engaged in any behavior that impacted her learning or that of her peers. *Response*, p. 5; *Exhibit G*, pp. 1-16; *Exhibit H*, pp. 1-2. Further, she had not had any conflict with any peers since September 2025, nor had she had any conflict with Peer involved in the no contact order. *Exhibit F*, p. 1; *Interviews with Coordinator and Social* Worker. Despite this, District voluntarily agreed to convene Student's IEP Team to review and, if appropriate, revise her IEP to consider Parents' concerns, not because it felt it was obligated to do so for other reasons under IDEA. *Response*, p. 7; *Interviews with Coordinator and Social Worker*.

F. <u>January 2026 IEP Team Meeting</u>

28. That IEP Team meeting occurred on January 16, 2026. *Response*, p. 7. Student's IEP Team, including Parents and Student's private providers, met to discuss Parents' concerns regarding behavioral needs, including Parents' request for additional mental health services and supports in Student's IEP. *Exhibit K*, p. 45. At this meeting, District staff proposed reevaluating Student "to gather updated data and determine if further specialized instruction [was] warranted," and conducting a review of existing data to determine whether revisions to Student's BIP or social-emotional goals were warranted. *Id.*

29. Following the meeting, District sought consent from Parents to reevaluate Student in the areas of social/emotional/behavior, general intelligence, communication, academic performance, motor/sensory, and health. *Exhibit D*, pp. 3-5. On February 10, Parents declined consent for the reevaluation. *Exhibit K*, pp. 7-8, 45. Parents decided that further testing would cause Student "additional feelings of segregation" and would be unnecessary, given that the triennial evaluation conducted in May 2025 included sufficient information. *Id.* at p 7. Further, Parents asserted that the results of any further evaluation would be inaccurate due to Student's "extreme masking" following the no-contact agreement. *Id.* Parents also suggested District had adequate data but was not properly using the data to support Student. *Id.* Thus,

Parents requested that the IEP Team reconvene to revise Student's IEP using existing data, rather than conducting a reevaluation. *Id.*

30. District objected to relying on existing data to amend Student's IEP. *Response*, p. 8. From District's perspective:

> The catalyst for the meetings throughout the year was [Parents'] concerns about new behavioral struggles that Student was having at home during the fall semester—relying on an evaluation from the prior school year would not have shed light on the [Parents'] current concerns.

Id. As a result of Parents' refusal to consent to reevaluate Student, District determined that additional services, as requested by Parents, could not be added to Student's IEP without further evaluation. *Exhibit K*, p. 45. On March 3, District issued PWN documenting the decision not to move forward with a reevaluation. *Exhibit D*, p. 6.

G. Spring 2026: Additional IEP Team Meetings

31. On March 6, 2026, following Parents' refusal to consent to a reevaluation, District proposed convening another IEP Team meeting to further address Parents' social-emotional concerns and attempt to revise Student's IEP and BIP. *Response*, p. 8; *Exhibit K*, p. 12. On March 9, Parents agreed to attend an IEP Team meeting on March 25. *Exhibit K*, p. 12. On March 10, Assistant Principal confirmed the meeting. *Id.* at p. 11; *see id.* at pp. 43-45.

32. Based on Parents' request to discuss the no-contact agreement at the March 25 meeting, on March 13, Coordinator emailed Parents to explain that the agreement was "a school-wide behavioral tool and [was] not related to special education services"; therefore, it would not be part of the IEP Team's discussion at the upcoming meeting. *Id.* at p. 52.

33. On March 23, Parents emailed the IEP Team their proposed IEP goals and BIP considerations, as well as a parent impact statement regarding Student's masking. *Id.* at pp. 51-52. That same day, School staff responded to Parents, noting that the parent impact statement had been added to the draft IEP and attaching the draft IEP for Parents' review. *Id.* at p. 51.

34. On March 25, a properly convened IEP Team—including Parents—again met to discuss Parents' concerns with Student's behavior and social-emotional needs. *Id.* at p. 63; *Exhibit A*, p. 36. During the meeting, the IEP Team discussed Student's present levels of performance and some of Student's goals. *Response*, p. 8; *Exhibit 2*; *Exhibit 3*; *Exhibit K*, p. 63.

35. After the meeting, Parents again emailed School staff regarding their ongoing concerns with Student's masking and dysregulation outside of school, as well as the IEP's goals, level of services, and BIP. *Exhibit K,* p. 63.

36. On March 27, Parents emailed School staff to report an incident that occurred on March 26 between Student and a classmate during an assembly. *Exhibit K*, p. 31. Specifically, Student

was engaged in throwing dirt with a classmate, which resulted in the classmate becoming upset and Student becoming increasingly anxious and dysregulated school. *Id.* Student reported to Parents that she did not access adult assistance during the interaction because she was afraid of getting in trouble. *Id.*; *Interview with Parents*. Instead, Student reported being redirected to take a "thinking lap" (an independent walk) when she demonstrated dysregulation after the incident. *Exhibit K*, p. 31. Parents asserted that behavioral redirection, such as the "thinking lap," was punitive and escalated the situation. *Id.*

37. On April 17, the IEP Team met again to continue working on Student's IEP goals and services. *Exhibit 1*, p. 2; *Response*, p. 8; *Exhibit E-4*, 4:36-5:00. Parents had a few discussion points that fell outside the IEP process, including the no-contact agreement. *Exhibit E-4*, 5:01-5:15. Parents also requested that the IEP Team focus on reviewing and revising the BIP during the meeting; however, the meeting discussion demonstrated that many of Parent's concerns about Student's behavior and social-emotional needs were already in the BIP. *Exhibit E-4*, 29:34-29:46; *Response*, p. 8. The meeting concluded without the IEP Team completing a review of Student's IEP goals and services. *Exhibit E-4*, *Response*, p. 8.

38. Another meeting was held on April 23 to revise IEP goals, accommodations, and services; however, the meeting again concluded without a revised IEP. *Exhibit E-5*, *Response*, p. 9.

39. A final meeting to continue discussions took place on May 4. *Response*, p. 9; *Interviews with Parents, Social Worker, and Coordinator*. The meeting resulted in a revised IEP for Student. *Interviews with Parents, Social Worker, and Coordinator*. However, Parents provided District with further requests for revisions following the meeting. *Interviews with Social Worker and Coordinator*. District considered Parent's revisions and provided Parents with the completed IEP and PWN. *Interviews with Social Worker and Coordinator; Exhibit P*, pp. 21-22.

40. Between January 2026 and May 2026, District dedicated five meetings and over seven hours to discussing Parents' concerns to complete Student's IEP. Response, p. 9; *Exhibits E-1 to E-6.*

H. Attendance, Grades, and Progress on Annual Goals

41. Student attended school regularly during Fall 2025; however, her attendance declined during Spring 2026. *Exhibit G*, p. 16. Nevertheless, she met or exceeded expectations in six academic classes, while she was approaching expectations in two classes. *Id.* at pp. 1-15. Her progress reports indicated Student made progress on all of her annual goals. *Exhibit H*, pp. 1-2.

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 to address Student's behavioral needs and Parents' concerns during the 2025-2026 school year, as required by 34 C.F.R. § 300.324(a)(1)-(2). District complied with the law.

Parents alleged District did not consider the use of positive behavioral interventions and supports or Parents' concerns around Student's social-emotional needs when reviewing and revising the 2025 IEP during the 2025-2026 school year. (FF # 3).

A. Legal Obligation to Review and Revise IEPs

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 (2017). 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 p. 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.*

B. District's Obligation to Review and Revise the 2025 IEP

The CDE must consider whether District had an obligation to review and, as appropriate, revise Student's IEP during the 2025-2026 school year to address both her need for additional behavioral interventions and supports and Parents' concerns.

i. Behavioral Interventions and Supports

If a child's behavior impedes the child's learning or that of others, the IEP Team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior when developing the child's IEP. 34 C.F.R. § 300.324(a)(2)(i). When reviewing and revising a child's IEP, the IEP Team must address any lack of expected progress toward annual goals and the child's anticipated needs, including ongoing behavioral needs. *Id.* § 300.324(b). A student's need for behavioral interventions and support must be decided on an individual basis by the student's IEP Team. *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 156, 46683 (Aug. 14, 2006).

Here, Parents raised concerns about Student's behavior and social-emotional needs as early as November 3, 2025. (FF #s 26-27). These concerns included Student's dysregulation at home, masking at school, and the no-contact plan put in place after the incident involving Student and

Peer while playing basketball. (FF #s 25-26). Parents viewed the existence of the no-contact plan as proof that District was not providing Student appropriate behavioral support. (FF # 25). In response, School staff indicated they had not observed these behaviors at School or any other behaviors that impeded her learning or that of others. (FF #s 26-27). The conflict with Peer that led to the no-contact order had not recurred with that Peer or other classmates. (FF # 27). At the time, Student was attending school regularly, meeting or exceeding expectations in most classes, and making progress on her IEP annual goals. (FF # 27). District staff did not share Parents' concerns regarding Student's ongoing behavioral needs. (FF # 27).

Although District did not have an obligation to review and, as appropriate, revise Student's IEP or BIP at that time, District nevertheless agreed to convene Student's IEP Team at Parents' request to review her IEP and consider whether she needed any behavioral supports based solely on the concerns articulated by Parents. (FF #s 27-28). The IEP Team met on January 16, 2026. (FF # 28). At that time, District sought Parents' consent to reevaluate Student to gather more information on Student's behavior and her social-emotional needs, given Parents' concerns. (FF # 29). Parents refused consent for the reevaluation and, instead, suggested District rely on existing data to review and revise Student's IEP. (FF # 29).

Parents' refusal to consent to the reevaluation prevented District from gathering valuable information on the new behavioral concerns they raised. Because the existing data was gathered before Parents raised these concerns, it had limited relevance to those concerns. Without an updated reevaluation, Parents limited District's ability to review and, where appropriate, revise Student's IEP to address any changed behavioral needs. Parents cannot refuse to provide consent to an evaluation and then later seek relief when Student's IEP does not meet her needs. *See*, *e.g., G.J. v. Muscogee Cnty. Sch. Dist.*, 668 F.3d 1258, 1263-64 (11th Cir. 2012)("Every court to consider the IDEA's reevaluation requirements has concluded if a student's parents want him to receive special education under IDEA, they must allow the school itself to reevaluate the student"). Nevertheless, District continued to attempt to address Parents' concerns via frequent communication and reconvening the IEP Team multiple times at their request. (FF # 31).

Between January 2026 and May 2026, the IEP Team convened five times at Parents' request, for over seven hours, to try to revise Student's IEP. (FF # 40). During a meeting on April 17, 2026, the IEP Team focused on Student's BIP at Parents' request. (FF # 37). That discussion demonstrated that the 2025 BIP already addressed many of Parents' concerns about Student's social-emotional needs. (*Id.*). Ultimately, as discussed below, Student's IEP was revised on May 4. (FF # 39).

For these reasons, the CDE finds and concludes that District reviewed and, as appropriate, revised Student's IEP throughout the 2025-2026 school year to consider the use of positive behavioral interventions and supports, and other strategies, to address any behavior impeding Student's learning or that of others, as required by 34 C.F.R. §§ 300.324(a)(2)(i), (b)(1)-(2).

ii. <u>Concerns of Parents</u>

In developing an IEP, the IEP team must consider, among other things, the "concerns of the parents for enhancing the education of their child." 34 C.F.R. § 300.324(a)(1)(ii). In reviewing and revising, as appropriate, a child's IEP, the team must address "information about the child provided to, or by, the parents." *Id.* § 300.324(b)(1)(ii). The IDEA requires that parental participation, and the IEP team's consideration of parents' concerns, be meaningful. 34 C.F.R. §§ 300.321(a)(1), 300.322, and 300.324(a)(1)(ii). Meaningful consideration 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 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.*

In this case, during Fall 2025, Parents expressed concerns around Student's behavior and social-emotional needs—specifically, her masking at school and dysregulation at home—as well as concerns regarding the no-contact agreement put in place after Student's incident with Peer while playing basketball. (FF #s 25-26). As a result, Parents requested District conduct an FBA and hold an IEP Team meeting. (FF # 25). School staff explained that Student was not having social-emotional difficulties at school and that the no-contact plan was not a disciplinary intervention, but rather a school safety measure that did not affect Student's IEP; thus, District did not have an independent reason to reconvene the IEP Team. (FF # 27). Nevertheless, to address Parents' concerns, District agreed to convene an IEP meeting in January 2026 to review and, if necessary, revise Student's IEP. (FF # 27).

On January 16, 2026, a properly convened IEP Team, including Parents and Student's private providers, met to discuss Parents' request for additional mental health services and supports in the 2025 IEP and BIP. (FF # 28). District proposed a reevaluation to gather updated data and proposed that School Psychologist review existing data to determine whether revisions to the 2025 BIP were warranted. (FF # 29). Parents declined consent for revaluation. (FF # 29). District determined that the additional services requested by Parents did not need to be added to the IEP without a reevaluation. (FF # 30).

On March 25, 2026, a properly convened IEP Team again met to discuss Parents' concerns related to Student's behavior and social-emotional needs. (FF # 34). The IEP Team discussed Student's present levels of performance and some of Student's IEP goals but were unable to finish reviewing all portions of the IEP. (*Id.*). The IEP Team reconvened three more times between April 17 and May 4 to address Parents' concerns. (FF #s 37-39). The May 4 meeting resulted in a revised IEP, but Parents submitted requests for revisions following the meeting. (FF # 39). District agreed to take Parents' requests under advisement. (*Id.*). In total, District held five IEP Team meetings

between January and May 2026, dedicating over seven hours to discussing Parents' concerns and attempting to reach an agreement on the contents of Student's IEP. (FF # 40).

For these reasons, the CDE finds and concludes that District reviewed and, as appropriate, revised Student's IEP throughout the 2025-2026 school year to consider the concerns of Parents for enhancing the education of Student and to address information about Student provided by Parents, as required by 34 C.F.R. §§ 300.324(a)(1)(ii), (b)(1)(ii)(C).

REMEDIES

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

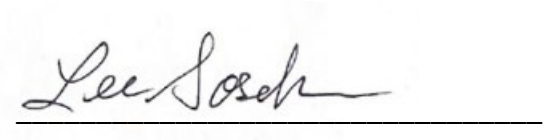
CONCLUSION

The Decision of the CDE is final and is not subject to appeal. *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 Officers ("SCOs").

Dated this 2nd day of September, 2026.



Haley Solomon, Esq.
State Complaints Officer



Lee Sosebee, Esq.
State Complaints Officer

APPENDIX

Complaint, pages 1-13

- Exhibit 1: Timeline
- Exhibit 2: Supporting Documents

Response, pages 1-15

- Exhibit A: IEPs
- Exhibit B: BIPs
- Exhibit C: Notices of Meetings
- Exhibit D: Prior Written Notices
- Exhibit E: Recordings of IEP Meetings
- Exhibit F: Records of Disciplinary History
- Exhibit G: Schedule, Grades Reports, Attendance Records
- Exhibit H: Progress Monitoring
- Exhibit I: District's Calendar
- Exhibit J: Policies and Procedures
- Exhibit K: Correspondence
- Exhibit L: Staff Information
- Exhibit M: No-Contact Plan
- Exhibit N: Triennial Evaluation
- Exhibit O: Verification of Delivery
- Exhibit P: May 2026 IEP

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Telephone Interviews

- Coordinator: May 14, 2026
- Social Worker: May 14, 2026
- Parents: May 15, 2026
- Director: May 18, 2026