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

State Complaint SC2026-600
Boulder Valley School District

DECISION

INTRODUCTION

On June 1, 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 Boulder Valley School District ("District"). The Colorado Department of Education ("CDE") determined that the Complaint identified two allegations subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

The CDE extended the 60-day investigation timeline because the parties agreed to participate in mediation, consistent with 34 C.F.R. § 300.152(b)(1)(ii). After the CDE paused the investigation timelines, the parties ultimately decided not to participate in mediation, and the CDE resumed the investigation on July 7, 2026. The CDE extended the 60-day investigation timeline due to exceptional circumstances, consistent with 34 C.F.R. § 300.152(b)(1)(i).

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 June 1, 2025. Information prior to June 1, 2025 may be considered to fully investigate all allegations.

[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.

SUMMARY OF COMPLAINT ALLEGATIONS

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

1. District did not provide Parent with notice of its decision on or around December 10, 2025, to make a disciplinary change of placement, as required by 34 C.F.R. § 300.530(h).

2. District did not hold a manifestation determination review for Student within ten school days of the decision to change his placement on or around December 10, 2025, as required by 34 C.F.R. § 300.530(e).

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 ninth grade at various District high schools during the 2025-2026 school year. *Exhibit F*, pp. 1-11. During the period relevant to this investigation, Student was enrolled in a District charter school ("School"). *Response*, pp. 1-2.

2. Student is eligible for special education as a child with an Other Health Impairment ("OHI"). *Exhibit A*, p. 66. Student has difficulty following directions and accepting feedback. *Id*. at p. 13; *Interviews with Parent and School's Principal ("Principal")*. He also has challenges with executive functioning, including planning, organizing, and work completion. *Exhibit A*, p. 83.

3. Student is very personable. *Id*. at p. 68; *Interview with Parent*. He loves working with his hands, especially on bikes. *Exhibit A*, p. 68; *Interview with Parent*.

B. District's Policies, Procedures and Practices

4. District's Discipline and Conduct Manual outlines how staff should respond to a variety of different scenarios, including off-campus behavior. *Interview with District's Executive Director of Special Education ("Executive Director")*. When a student's behavior poses a safety concern, District conducts a threat assessment to identify the level of threat. *Id*. Based on that assessment, staff put together a plan or supportive measures to address the risk. *Id*. This general education process applies to all students. *Id*.

[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.

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

5. Once the support plan is completed, District considers any potential impact on an IEP, where relevant. *Id*. To aid in that process, District issued written guidance for schools on the "Intersection of Threat Assessment and General Education Safety Processes with Student Rights under IDEA/Section 504" ("Discipline Guidance"). *Id*; *Exhibit M*, pp. 1-5.

6. The Discipline Guidance notes that students with disabilities have additional protection. *Exhibit M*, pp. 1-2. Thus, after a threat assessment or the development of a support plan and "before a student's placement may be changed," schools "must consider whether the [threat assessment] impacts the student's IEP and receipt of a [FAPE]." *Id*. at p. 2.

7. If the threat assessment or support plan impacts the IEP, then District convenes an IEP Team meeting, including parents. *Id*. The IEP Team must consider the threat assessment and support plan along with "all available information that includes development, educational, functional, and any other relevant information." *Id*. The IEP Team then "[a]ddress[es] the student's access to FAPE in light of all available information." *Id*.

8. This includes considering multiple placement options and explaining "how the student will receive services in light of the general education issues addressed in the support plan." *Id*. District also provides "reasonable notice of the IEP [T]eam's decision, including any proposed change in placement, before implementing." *Id*.

9. As part of its charter agreement with District, School has several waivers for compliance with various District policies and practices, including District's conduct and discipline policies. *Interviews with Principal and Executive Director*. That is, School has not adopted District's Discipline Guidance. *Id.*

C. Student's IEP

10. Student enrolled at School in September 2025 with a transfer IEP. *Response*, p. 2; *Exhibit A*, p. 28; *Exhibit J*, p. 50. In November 2025, District completed a reevaluation ("Reevaluation") of Student. *Exhibit B*, pp. 1-7. On November 21, 2025, an IEP Team developed an IEP ("IEP") for Student based on the Reevaluation. *Exhibit A*, pp. 66-89.

11. The IEP noted that Student's OHI "significantly impact[ed] his ability to access his education" and he "struggle[d] to prioritize work and manage his work load [sic]" in some classes. *Id*. at p. 83. Student required help with planning, organization, executive functioning, and work completion. *Id*.

12. According to the IEP, Student did not require a behavior intervention plan ("BIP"). *Id*. at p. 84. The IEP included one self-determination goal for Student to "keep track of all his tasks, in order to complete them." *Id*. This would be measured via his grade point average ("GPA"), with a goal of increasing Student's GPA from 1.0 to 2.5. *Id*.

13. The IEP listed 17 accommodations including: (1) "[b]uilt in breaks as needed"; (2) "movement breaks as needed"; (3) "small group instruction"; (4) "[r]egulation coaching/reminders from

adults"; (5) "safe space for [Student] to go when needed"; and (6) "[c]onsistent expectations around behavior with consistent consequences." *Id*. at p. 85.

14. Student required 240 minutes per week ("MPW") of direct instruction from a special education teacher to provide support "in academic areas that need remedial and individualized attention." *Id*. at p. 87. Services would be provided in a small group inside of general education. *Id*. Student would also receive indirect support from a special education teacher and a mental health provider for 60 minutes per month ("MPM") and 30 MPM respectively. *Id*.

15. According to the embedded prior written notice ("PWN"), the "total amount of service delivery minutes" was "lower than it would be at most schools" because of the "individualized work and specific background knowledge" of School's staff. *Id*. at p. 89. Student's prior placement was a separate school setting where he received 1,885 MPW from a special education teacher and 60 MPW of support from a mental health provider. *Id*. at p. 44.

D. December 2025 Incidents

16. On December 4, 2025, a bathroom sensor "registered that [Student] had vaped in the bathroom." *Exhibit J*, p. 134; *Exhibit F*, p. 4; *Interview with Principal*. Student served an in-school suspension ("ISS") for the rest of the day and an out- of- school suspension ("OSS") on December 5. *Exhibit J*, p. 4.

17. On Monday, December 8, Parent and Student's probation officer ("Probation Officer") met with School staff, and Student was permitted to return to class. *Exhibit 3*, p. 1; *Exhibit J*, pp. 119, 134; *Exhibit F*, p. 4. On December 10, Student was moved to ISS. *Exhibit J*, p. 119. Principal told Parent that Student could "give up the vape and return to class" or "remain in [ISS]." *Id*. If Student would not do either, Principal would "support his *transfer* to another school." *Id*.

18. Student served an OSS on December 11 because he left ISS early the prior day. *Exhibit F*, p. 4; *Interview with Principal*. Student turned in a vape first thing on the morning of December 12 and was permitted to return to class. *Interviews with Principal and Parent*.

19. Meanwhile, on December 10, a school counselor told District's Director of Special Education for Special Programs ("Director") that Student was doing well. *Exhibit J*, p. 117. He had "strengths and weaknesses but nothing out of the ordinary." *Id*.

20. After School on Friday, December 12, Student got into a fight with another child at a bus stop. *Interviews with Parent and Principal*. School received a video recording of the incident on Monday, December 15. *Id*. Based on the video, Principal concluded that Student "brutally beat a young man at the bus stop for no reason." *Exhibit J*, pp. 129. The other child involved was a potential future student at School. *Interview with Principal*.

21. Based on the video, Principal sent Student home from School on December 15, and he served an OSS on December 16. *Id*.; *Exhibit F*, p. 4. December 16 was the end of the semester at School. *Exhibit 7*, p. 1.

22. In total, the CDE finds that Student received four days of OSS and 1.5 days of ISS in December.

E. Student's Removal from School

23. On January 5, Probation Officer emailed Parent and Principal to set up a plan for the start of the new semester. *Exhibit J*, p. 120. She offered availability on January 8—the first day of second semester—as well as January 12. *Id*.; *Exhibit 7*, p. 1. Principal responded to just Probation Officer and offered to meet on January 8. *Exhibit N*. Parent was not included in that email and was unaware of the meeting. *Id*.

24. Principal and Probation Officer met on January 8 without Parent. *Exhibit J*, p. 134; *Interviews with Parent and Principal*. Principal asked Probation Officer to implement several additional conditions for Student's probation, specifically: (1) "[a]nkle monitoring"; (2) "[a]greement to do weekends if in violation"; and (3) "workout." *Exhibit J*, pp. 121, 125. Probation Officer did not agree to the first two conditions. *Id*.; *Interview with Principal*.

25. After receiving no response from District, Parent followed up with Principal on January 8 to schedule a meeting. *Exhibit J*, p. 120. Parent reached out again on January 11, asking if they could meet on January 12 and if Student could return to School. *Id*. at p. 121. That day, Principal told Parent Student would "have to find another school" because Probation Officer "decided not to agree with [School's] requirements for his re-entry." *Id*.

26. Parent asked him what the requirements were and if she could talk with Principal in person or by phone. *Id*. Three days later, on January 14, Principal told Parent he "thought [she was] a part of the conversation chain [he] had with probation." *Id*. at p. 125. He reiterated that because Probation Officer did not agree to his requests, School could not "provide services for [Student] at this time." *Id*. He would "not be having any more meetings on this issue." *Id*.

27. District did not consider this a disciplinary removal because Student could have returned with Probation Officer's cooperation. *Response*, p. 3. As such, District did not issue notice of the change of placement, a copy of the procedural safeguards notice ("PSN"), or conduct a manifestation determination review ("MDR"). *Id*.; *Exhibit J*; *Interviews with Principal and Executive Director*.

28. On January 22, Director reached out to Principal for more information to help "make recommendations for educational programming." *Exhibit J*, p. 129. Principal reported that leading up to the incidents in December, Student "had been acting up more in class." *Id*. Other students reported that "after he got off ankle monitoring he started trying to sell vapes." *Id*.

29. As a result, Principal told Director that School "required that he remain on ankle monitoring for a 30-day period, agree to stay home on weekends and doing homework if he violates

rules, and comply with our discipline rules." *Id*. Because Probation Officer did not support those requirements, Principal did not allow Student to return to School. *Id*.

F. Student's Progress

30. During the first nine-week grading block at School, Student made progress on his self-determination goal and earned a 3.33 GPA. *Exhibit G*, p. 5. During the second block, his GPA was 1.33. *Id*. Student had no unexcused absences at School. *Exhibit F*, p. 4.

31. Student enrolled in another District school ("New School") on February 23, 2026, the 30th school day of the semester. *Reply*, p. 5; *Exhibit H*. Student was not provided with services in the interim. *Response*, p. 3; *Reply*, p. 5. District gave him access to some general education math work online, but it was not connected to School's system, so his former teachers could not monitor his progress. *Exhibit J*, p. 130.

32. Student had a strong relationship with his case manager at School and struggled with the lack of closure because of how this transpired. *Interview with Parent*. He does not like New School as much and has struggled with attendance since enrolling. *Exhibit G*, p. 5; *Interview with Parent*; *Exhibit F*, pp. 7-9. Due to lack of attendance, he "has not been able to make progress on [his] goal" or in his classes. *Exhibit G*, p. 5; *Exhibit F*, p. 10.

CONCLUSIONS OF LAW

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

Conclusion to Allegations No. 1 and No. 2: District did not provide Parent with notice of the disciplinary change of placement on January 8, 2026, as required by 34 C.F.R. § 300.530(h). District did not conduct an MDR for Student within 10 school days of this disciplinary change of placement, as required by 34 C.F.R. § 530(e). This noncompliance resulted in a denial of FAPE.

I. IDEA's Disciplinary Protections

The IDEA includes extensive provisions governing the discipline of children with disabilities. *See* 34 C.F.R. §§ 300.530-300.536. The regulations are premised on the principle that children should not be penalized for disability-related behavior. *See Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46720 (Aug. 14, 2006) (providing that "a child with a disability may display disruptive behaviors characteristic of the child's disability and . . . should not be punished for behaviors that are a result of the child's disability").

Even without the impact of missing school, IDEA-eligible students require specially designed instruction to make progress in the general education curriculum. 34 C.F.R. §§ 300.8, 300.39. Missing 10% of the school year—just 15 to 20 days—is "associated with a variety of negative outcomes" for all students, including lower academic achievement and worse interpersonal skills. *CDE*, *Attendance Guidebook*, at 5 (July 2025) (available at

https://www.cde.state.co.us/dropoutprevention/attendanceguidebook2024-25.) To help limit the impact of missed education, the IDEA requires that children with disabilities receive a FAPE tailored to their unique needs, including when they have been suspended or expelled. 34 C.F.R. § 300.101(a).

In enacting the IDEA's disciplinary provisions, "Congress did not leave school administrators powerless to deal with dangerous students." *Honig v. Doe*, 484 U.S. 305, 323-25, 328 (1988). Districts have several options available, consistent with the IDEA, when faced with a student who presents safety concerns. For instance, the IDEA expressly authorizes school officials to unilaterally remove a student to an interim alternative educational setting ("IAES")—without consideration of whether the misconduct was a manifestation of the child's disability—for up to 45 school days in three "special circumstances." 34 C.F.R. § 300.530(g). If these special circumstances exist, the IAES "shall be determined by the IEP Team." *Id.* §§ 300.530(g), 300.531. In situations where a special circumstance does not exist, a school district that "believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others" may request an expedited hearing seeking a hearing officer's order to place the student in an IAES. *Id.* § 300.532(a). A school district may also seek injunctive relief from the courts if the district believes a student is substantially likely to injure himself or others if he remains in the current educational placement. *Honig*, 484 U.S. at 323-25, 328.

Finally, districts cannot use safety or a threat assessment to circumvent the IDEA's disciplinary protections and unilaterally change a student's IEP placement. *See Thompson Sch. Dist. R2-J*, 124 LRP 34293 (SEA CO 2024) (finding that a district did not comply with the IDEA where it removed a student from his educational placement based on felony charges without following the requirements of 34 C.F.R. §§ 300.530-536); *Bd. of Educ. of Mamaroneck Union Free Sch. Dist.*, 124 LRP 11328 (S.D.N.Y. Mar. 31, 2024) ("[A] school district may not unilaterally remove a student with a disability from a placement if the district believes the student to be a safety risk." (citing *Honig*, 484 U.S. at 321)).

II. Allegation No. 1

The CDE must determine whether a disciplinary change of placement occurred before analyzing whether District was required to issue a related notice to Parent.

A. Disciplinary Change of Placement

A disciplinary change of placement occurs if: (1) a student has been removed from his current educational placement for more than 10 consecutive school days, or (2) a student has been subjected to a series of short-term removals that total more than 10 school days and constitute a pattern. 34 C.F.R. § 300.536(a). A pattern exists where the removals involve "substantially similar" behavior and where other factors—such as the length of each removal, total amount of time removed, and the proximity of removals—support the existence of a pattern. *Id.* § 300.536(a)(2)(i)-(iii). The school district must determine whether a series of removals constitutes

a pattern on a case-by-case basis, and such a determination is inherently subjective. *Id.* § 300.526(b)(1); 71 Fed. Reg. 46729 (Aug. 14, 2006).

School districts must consider both formal removals (such as suspensions) and informal removals. *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions*, 122 LRP 24161, Question C-6 (OSERS 07/19/22) [hereinafter *Discipline Q&A*]. The U.S. Department of Education provides that an informal removal:

> means action taken by school personnel in response to a child's behavior that excludes the child for part or all of the school day, or even an indefinite period of time. These exclusions are considered informal because the school removes the child with a disability from class or school without invoking IDEA's disciplinary procedures. **Informal removals are subject to IDEA's requirements to the same extent as disciplinary removals by school personnel using the school's disciplinary procedures.** Informal removals include administratively shortened school days when a child's school day is reduced by school personnel, outside of the IEP Team and placement process, in response to the child's behavior.

Id. (emphasis added). The repeated use of informal removals to address behavior "could constitute a disciplinary removal from current placement." *Id.* The U.S. Department of Education has indicated that ISS counts as a short-term removal unless the student can appropriately participate in the general education curriculum, receives the services required by their IEP, and "continues to participate with nondisabled children to the extent they would have in the child's current placement." 71 Fed. Reg. 46729.

Here, Student collectively served 5.5 days of ISS and OSS in December 2025. (FF #s 16-22.) At this point, Student's removals did not total 10 days, so no disciplinary change of placement occurred. When second semester began on January 8, Principal determined that Student could not return to School because Probation Officer would not comply with Principal's requirements. (FF #s 23-26.) This decision was not made by an IEP team. (FF #s 23-26.) That District afforded Student the opportunity to return if Probation Officer—a third party—agreed to specific conditions is irrelevant, as that was not something District, Parent, or Student could control. (FF #s 24, 27.) Following Principal's decision on January 8, Student was indefinitely prohibited from returning to School. (FF #s 25-29.) Thus, the CDE finds that the January 8 decision constituted a disciplinary removal. As this removal was indefinite, the CDE finds and concludes that it exceeded 10 days and thus constituted a disciplinary change of placement. 34 C.F.R. § 300.536(a)(1).

B. Notice of Disciplinary Change of Placement

On the date a school district decides to make a removal that constitutes a disciplinary change of placement because of a violation of a code of student conduct, it must notify the child's parents of the removal and provide them with the PSN. 34 C.F.R. § 300.530(h).

Here, District decided to make a removal that constituted a disciplinary change of placement for Student on January 8, 2026, following Principal's meeting with Probation Officer. (FF #s 23-25.) District based its decision on conduct from December 2025, which was found to be a violation of the student code of conduct. (FF #s 16-25.) Parent did not receive notice that Student could not return until three days later, on January 11. (FF # 25.) That notice did not include a copy of the PSN. (FF #s 25-27.) Thus, the CDE finds and concludes that District did not comply with 34 C.F.R. § 300.530(h).

III. Allegation No. 2

The IDEA disciplinary protections include MDRs and the requirement that the student continue to receive services after 10 days of removal. *Id*. at § 300.530. A school district is required to conduct an MDR within ten school days of the decision to change a student's placement because of a violation of a code of student conduct. *Id*. § 300.530(e)(1). If an IEP Team determines that a student's behavior was a manifestation of the student's disability, the IDEA requires the IEP Team to either: (1) conduct a functional behavioral assessment ("FBA") (unless the district had previously completed an FBA) and implement a BIP, or (2) review the existing BIP and modify it as necessary. *Id.* § 300.530(f)(1).

If an IEP Team determines the conduct was not a manifestation of the student's disability, then the district may apply "the relevant disciplinary procedures [applicable] to children without disabilities in the same manner and for the same duration," which may exceed 10 days of removal. *Id.* § 300.530(c). However, if the discipline is a removal that constitutes a change of placement, then the IEP Team must determine what services the student requires to continue participating in the general education curriculum, in another setting, and to progress toward meeting their IEP goals. *Id.* § 300.530(d)(1), (5). The student must also "[r]eceive, as appropriate, [an FBA and BIP] and modifications, that are designed to address the behavior violation so that it does not recur." *Id*. § 300.530(d)(1).

In this case, a disciplinary change of placement occurred on January 8, 2026. (FF #s 24, 25.) District did not consider the actions a disciplinary change of placement and did not conduct an MDR. (FF # 27.) Thus, the CDE finds and concludes that District did not comply with 34 C.F.R. § 300.530(e).

IV. Denial of FAPE

The United States Supreme Court has stressed the importance of complying with the IDEA's procedural requirements. *Bd. of Educ. v. Rowley*, 458 U.S. 176, 205-06 (1982). However, procedural noncompliance is only actionable to the extent it impedes the child's right to a FAPE, significantly impedes the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE or causes a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *Sytsema v. Academy Sch. Dist. No. 20*, 538 F.3d 1306 (10th Cir. 2008).

Here, Student was removed from School on January 8—due to this disciplinary change of placement—and was unable to enroll in a new school for 30 school days. (FF #s 23-25, 31.)

Considering the four days of OSS in December, Student was removed from his placement for a total of 33 school days. (FF #s 22, 31.) District did not conduct an MDR to determine whether the conduct was a manifestation of Student's disability. (FF # 27). This means that additional requirements and protections associated with such determination were not followed. 34 C.F.R. § 300.530(d), (f). Ultimately, Student did not receive any services and had no access to his education. (FF # 31.) Further, Parent's ability to participate in the decision-making process regarding the provision of a FAPE to Student was significantly impeded because she did not receive notice of the removal or information about the procedural safeguards. (FF # 25.) Thus, the CDE finds and concludes that this noncompliance resulted in denial of FAPE. The CDE has ordered a remedy, in addition to the compensatory services below, for Student's IEP Team to convene and determine whether an FBA and or BIP are required to ensure that the behavior that contributed to his removal does not recur. (FF #s 28-29.)

V. Compensatory Services

Compensatory services are an equitable remedy intended to place a student in the same position he would have been if not for the noncompliance. *Reid v. Dist. of Columbia*, 401 F.3d 516, 518 (D.C. Cir. 2005). Compensatory services need not be an "hour-for-hour calculation." *Colo. Dep't of Ed.*, 118 LRP 43765 (SEA CO 2018). The guide for any compensatory award should be the stated purposes of the IDEA, which include providing children with disabilities a FAPE that meets the particular needs of the child, and ensuring children receive the services to which they are entitled. *Ferren C. v. Sch. Dist. of Philadelphia*, 612 F.3d 712, 717-18 (3d Cir. 2010).

Here, Student missed 29 days or 6 weeks of school—a significant amount of time—due to the removal. (FF #s 16-25, 31.) During this time, his IEP required 240 minutes (or four hours) of direct instruction from a special education teacher each week. (FF # 14.) Thus, Student missed out on 24 hours of specially designed instruction. Since his removal, he has struggled with attendance at New School, which was not an issue at School. (FF #s 30, 32.) During Spring 2026, Student's lack of attendance prevented him from making progress toward his annual goals. (FF # 32.) Considering the days without services, the impact the removal had on his engagement, and Student's current functioning and other individualized needs, the CDE finds that Student is entitled to 11 hours of compensatory services.

Systemic IDEA Noncompliance: This investigation demonstrates noncompliance that is systemic in nature. 34 C.F.R. § 300.151(b)(2).

Pursuant to its general supervisory authorities, CDE must also consider and ensure the appropriate future provision of services for all IDEA-eligible students in the district. 34 C.F.R. § 300.151(b)(2). Indeed, the U.S. Department of Education has emphasized that the state complaint procedures are "critical" to the State Enforcement Agency's "exercise of its general supervision responsibilities" and serve as a "powerful tool to identify and correct noncompliance with Part B." 71 Fed. Reg. 46601 (Aug. 14, 2006).

Here, District has guidance to address safety concerns while simultaneously ensuring the due process rights of IDEA-eligible students. (FF #s 4-8.) As a charter school, School has not adopted those procedures. (FF # 9.) In the absence of adopting District's procedures or having any similar procedures of its own, School did not consider the impact of its safety plan on Student's IEP. (FF #s 23-29.) As the absence of written processes contributed to the noncompliance here, the CDE finds that this noncompliance is systemic and likely to impact other IDEA-eligible students in the future. The CDE has ordered a remedy to address this noncompliance.

REMEDIES

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

1. Notifying Parent of a disciplinary change of placement, as required by 34 C.F.R. § 300.530(h).

2. Holding an MDR, as required by 34 C.F.R. § 300.530(e).

To demonstrate compliance, District is ORDERED to submit a corrective action plan ("CAP") by **Friday, October 9, 2026** that adequately addresses how the cited noncompliance will be corrected through the completion of the following remedies:

1. Final Decision Review

a. Executive Director, Director, and Principal must each read this Decision in its entirety, as well as review the requirements of 34 C.F.R. § 300.530 by **Friday, October 16, 2026**. If these individuals are no longer employed by District, the District may substitute individuals occupying identical roles to demonstrate compliance with this remedy. A signed assurance that this information has been read and reviewed must be provided to the CDE by **October 20, 2026**.

2. Procedure Development

a. By **Friday, November 13, 2026**, District must collaborate with School to develop and submit written procedures detailing the steps School staff must take to ensure disciplinary removals are conducted consistent with 34 C.F.R. §§ 300.530-300.536.

i. At a minimum, the written procedures must offer clear guidance on:

1. What constitutes a disciplinary change of placement;

2. Ensuring disciplinary decisions and support plans do not conflict with students' IEPs, including when students with disabilities are charged with crimes of violence;

3. Issuing notice when School proposes to change a student's placement; and

4. Conducting MDRs as required by 34 C.F.R. § 300.530(e).

b. District may submit existing procedure(s) that meet these requirements but must also provide a written assurance that School has adopted the procedures.

c. Any proposed procedures (and written assurance, if applicable) must be submitted to CDE Special Education Monitoring and Technical Assistance Consultant for review and approval prior to being finalized.

d. District must ensure that all School administrators and staff who participate in disciplinary decisions receive a copy of the approved written procedures no later than **Wednesday, December 16, 2026**.

e. Evidence that the procedures were shared with staff, such as a copy of the email notice sent, and a signed assurance from Director verifying that all required staff were included in the distribution of the procedure must be provided to the CDE no later than **Friday, December 18, 2026**.

3. Convening the IEP Team

a. District must convene Student's IEP Team, at a mutually agreeable date and time, by **Friday, October 23, 2026**. To consider whether the IEP Team should conduct an FBA and/or develop a BIP, Student's IEP Team must review, and as appropriate, revise Student's IEP consistent with 34 C.F.R. §§ 300.320 and 300.324.

b. If Parent refuses to participate in the IEP meeting, District may convene a meeting without Parent, provided District diligently attempts to secure Parent's participation at a mutually agreeable time and place and documents such efforts. A determination that District diligently attempted to secure Parent's participation rests solely with the CDE. Regardless, unless Student is withdrawn from District, District must still convene Student's IEP Team.

c. By **Friday, November 6, 2026**, District must provide notice of the IEP meeting, proof the meeting was scheduled at a mutually agreeable date and time, proof of attendance of IEP Team members (such as a signature page), a finalized IEP, and a PWN or detailed meeting notes describing the IEP Team's decision about Student's need for an FBA and/or BIP to the CDE.

d. If the IEP Team has already addressed the concerns in this decision at an IEP Team meeting prior to the issuance of this decision, the District may provide the finalized IEP or IEP amendment, any related PWNs, and meeting notes in lieu of

the documents requested in Remedy 2(a)-(c). A determination that the submitted IEP satisfies Remedy 3 rests solely with the CDE.

4. Compensatory Education Services

a. Student shall receive **11 hours of direct specialized instruction** provided by an appropriately licensed special education teacher selected by District. These services must be designed to advance Student toward his annual IEP goals.

b. All compensatory services must be provided to Student **no later than one year from the issue date of this Decision**.

c. By **Friday, October 23, 2026**, Parent shall provide written consent for the provision of compensatory services to the CDE and District. If Parent does not provide written consent for services by this date, District will be excused from providing compensatory services. Unless otherwise specified by District, this written consent shall be provided by Parent to District. District must then provide the written consent to CDE Special Education Monitoring and Technical Assistance Consultant.

d. District shall schedule compensatory services in collaboration with Parent. District shall submit the schedule of compensatory services to the CDE by **November 20, 2026**. A meeting is not required to arrange this schedule, and the parties may collaborate, for instance, via email, telephone, video conference, or an alternative technology-based format to arrange for compensatory services. The schedule shall include the full name(s) of the appropriately licensed providers as well as the dates, times, and durations of planned sessions.

    i. Given the nature of Student's goals, these compensatory services can be provided during the school day, inside of general education, if the parties agree. If services cannot be provided in general education because of Student's current IEP and/or if Parent and District agree on an alternative format for compensatory services to best meet the needs of Student, the parties must agree on an alternative time and location for services. If the parties cannot agree on a format for the services, the CDE will, at its sole discretion, determine whether the services will be provided during the school day or outside of school hours.

    ii. Any delay in beginning the provision of compensatory services must be approved by the CDE.

    iii. If District and Parent cannot agree to a schedule, including a format for services, by November 20, 2026, District and Parent must either meet in-person or via video conference to resolve scheduling complications by

Friday, December 11, 2026 and submit the schedule by **Tuesday, December 15, 2026**.

iv. If District and Parent cannot agree to a schedule by **December 15, 2026**, District must submit to the CDE all documentation evidencing diligent attempts to schedule the compensatory services in collaboration with Parent, including but not limited to, copies of correspondence sent to the Parent and any responses received (such as emails), contact logs (such as records of telephone calls made or attempted and the results of those calls), and meeting notes, by **Friday, December 18, 2026**.

v. By **Friday, January 8, 2027**, the CDE will, in its sole discretion, either determine the schedule for compensatory services or determine that District is excused from providing the compensatory services.

e. The parties shall cooperate in determining how compensatory services will be provided. If Parent refuses to meet with District within this time, District will be excused from delivering compensatory services, provided that District diligently attempts to meet with Parent and documents such efforts. A determination that District diligently attempted to meet with Parent, and should thus be excused from providing compensatory services, rests solely with the CDE. Parent may opt out of some or all compensatory services.

f. Monthly consultation between the providers delivering compensatory services and Student's current case manager shall occur to evaluate Student's progress towards IEP goals and adjust instruction accordingly. The purpose of this consultation is to help ensure that compensatory services are designed and delivered to promote progress on IEP goals. The District must submit documentation that these consultations have occurred **by the second Monday of each month**, once services begin, until compensatory services have been completed. Consultation logs must contain the name and title of the provider and the date, the duration, and a brief description of the consultation.

g. To verify that Student has received the services required by this Decision, District must submit records of service logs to the CDE **by the second Monday of each month** until all compensatory services have been furnished. The name and title of the provider, as well as the date, the duration, and a brief description of the service must be included in the service log.

h. These compensatory services will be in addition to any services Student currently receives, or will receive, that are designed to advance Student toward his IEP goals and objectives.

i. If for any reason, including illness, Student is not available for any scheduled compensatory services, District will be excused from providing the service scheduled for that session. If for any reason District fails to provide a scheduled compensatory session, District will not be excused from providing the scheduled service and must immediately schedule a make-up session in consult with Parent and notify the CDE of the change in the appropriate service log.

    i. Student will not be deemed unavailable if he is in attendance but outside of the classroom due to dysregulation or planned activities. Instead, District must either reschedule or continue to provide the planned service outside of the classroom.

NOTE: CDE Special Education Monitoring and Technical Assistance Consultant will contact District with specific instructions for securely submitting the documentation detailed above. The CDE will approve or request revisions that support compliance with the CAP. After approval of the CAP, the CDE will arrange to conduct verification activities to confirm District's timely correction of the areas of noncompliance. If District does not meet the timelines set forth above, it may adversely affect District's annual determination under the IDEA and subject District to enforcement action by the CDE.

CONCLUSION

The Decision of the CDE is final and is not subject to appeal. 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.

Dated this 11th day of September, 2026.



Rachel Dore
Senior State Complaints Officer

APPENDIX

Complaint, pages 1-8

- Exhibit 1: Miscellaneous

Response, pages 1-4

- Exhibit A: IEPs
- Exhibit B: Evaluation
- Exhibit C: None
- Exhibit D: Meeting Documentation
- Exhibit E: Behavior Records
- Exhibit F: Student Detail
- Exhibit G: Progress Report
- Exhibit H: District Calendar
- Exhibit I: District Policies
- Exhibit J: Correspondence
- Exhibit K: None
- Exhibit L: Verification of Delivery
- Exhibit M: District Guidance
- Exhibit N: Correspondence

Reply, pages 1-8

- Exhibit 2: IEP
- Exhibit 3: Correspondence
- Exhibit 4: District Calendar
- Exhibit 5: Correspondence
- Exhibit 6: Correspondence
- Exhibit 7: Correspondence
- Exhibit 8: Correspondence

Telephone Interviews

- Executive Director: August 17, 2026
- Parent: August 18, 2026
- Principal: August 18, 2026