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

State Complaint SC2026-575
Jeffco Public Schools

DECISION

INTRODUCTION

On May 1, 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 Jeffco Public Schools (Jefferson R-1, Lakewood) ("District"). The Colorado Department of Education ("CDE") determined that the Complaint identified four 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 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 May 1, 2025. Information prior to May 1, 2025, may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT ALLEGATIONS

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

---

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

[2] The CDE's state complaint investigation determines if District complied with the IDEA, and if not, whether the noncompliance results in a denial of a free appropriate public education ("FAPE"). 34 C.F.R. §§ 300.17, 300.101, 300.151-300.153.

1. District did not implement Student's Individualized Education Program ("IEP") on or around January 30, 2026, because it:

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

    b. Did not provide the school health services and school nurse services listed in the IEP, as required by 34 C.F.R. §§ 300.34(c)(13), 300.323(c).

2. District did not include all required IEP Team members at an IEP Team meeting held on or around February 9, 2026—specifically, Student's general education teacher and GT resource teacher—as required by 34 C.F.R. § 300.321.

3. District did not review and, as appropriate, revise Student's IEP from February 2026 to present that:

    a. Addressed information about the child provided to, or by, the Parents, as required by 34 C.F.R. § 300.324(b)(1)(ii)(C); and

    b. Considered Student's need for extended school year services ("ESY Services") on an individual basis, as required by 34 C.F.R. §§ 300.106, 300.320-300.324.

4. District did not have Parents' agreement to amend Student's IEP outside of an IEP Team meeting from February 2025 to April 2025, as required by 34 C.F.R. § 300.324(a)(4), (6).

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 first grader at a District elementary school. *Complaint*, p. 1; *Response*, p. 1. He is a twice-exceptional student and is eligible for special education and related services under the disability categories of Autism Spectrum Disorder ("ASD") and Speech Language Impairment ("SLI"). *Response*, p. 1; *Exhibit A-3*, p. 1.

2. Student is an engaged, curious learner who enjoys playing video games and reading. *Exhibit A-3*, p. 3; *Interviews with Parents and Student's special education case manager ("Case Manager")*. He struggles with writing, peer relationships, and self-regulation. *Exhibit A-3*, p. 13; *Interviews with Parents and Case Manager*.

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

3. Parents' Complaint alleges that District did not provide Student's school nursing services prior to a January 30, 2026 field trip, as required by his IEP; did not consider Parents' input and Student's need for ESY services at a February 19, 2026 IEP Team meeting and did not include all required IEP Team members at the meeting; and amended Student's IEP outside of an IEP meeting and without Parents' agreement. *Complaint*, pp. 2-20; *Reply*, pp. 1-19. District denies all allegations. *Response*, p. 1.

B. District Policies, Practices, and Procedures

4. District does not have its own special education guidance document but instead adheres to the CDE's IEP Procedural Guidance Manual (the "Manual"), which describes the practices and procedures for IEP implementation, IEP review and revision, IEP Team meetings, and IEP amendment, consistent with the IDEA's requirements. *Response*, p. 9; *CDE Exhibit 1*, pp. 1-158.

5. Under the Manual, IEPs may be amended to address, among other things, a student's lack of progress toward annual goals, new information about the child provided by parents, or the need to add or remove accommodations. *CDE Exhibit 1*, p. 54. The Manual describes two ways in which an IEP may be amended: (1) through an IEP Team meeting, and (2) without holding an IEP meeting, if the District and the parents agree in writing. *Id.* at p. 53. District staff receive training on the Manual's requirements each school year and accurately described the Manual's requirements around IEP amendments during this investigation. *Interviews with District's Assistant Special Education Director ("Assistant Director") and Case Manager*.

C. 2025 IEP

6. Student's IEP dated February 20, 2025 ("2025 IEP") was in effect from August 2025 through March 16, 2026. *Exhibit A-1*, pp. 1-21. The 2025 IEP was developed by a properly convened IEP Team, including Parents and a District gifted and talented ("GT") resource teacher. *Id.* at p. 2.

7. The 2025 IEP described Student's present levels of performance, indicating Student was performing at or above age expectations in all levels of academics and had made progress on or met all of his IEP annual goals. *Id.* at pp. 6-7, 9. It identified Student's strengths in listening in class and advocating for his needs, and his difficulties with social communication and articulation, perspective taking, and emotional regulation. *Id.* at pp. 6-8. The 2025 IEP also noted Student qualified for enrollment in District's GT program based on his results on a recent evaluation—the Kaufman Brief Intelligence Test, Second Edition—and would begin enrollment during the 2025-2026 school year. *Id.* at p. 6.

8. The 2025 IEP explained Student's needs and the impact of his disability, indicating his delays in social language and articulation impacted his ability to participate in small group activities and communicate effectively in the general education classroom. *Id.* at p. 10. Specifically,

Student's social communication difficulties affected his ability to read the social cues of others, share his knowledge with others, and follow classroom rules. *Id.*

9. The 2025 IEP included input from Parents, noting Student thrived when his learning environment balanced structure with opportunities for creativity and exploration, and their concerns with Student's masking, emotional regulation, and peer interactions. *Id.*

10. The 2025 IEP noted Student's need for an individualized student health care plan ("ISHP") for toileting support and supervision for feeding, and that the plan was located in the School health room and electronically via Infinite Campus. *Id.* at p. 11.

11. The 2025 IEP included five annual goals in the areas of communication, social-emotional wellness, and physical motor skills. *Id.* at pp. 11-13.

12. The 2025 IEP listed sixteen accommodations to address Student's instructional, sensory, social-emotional, and safety needs and ensure his participation in the general education curriculum. *Id.* at pp. 14-15.

13. The 2025 IEP provided for specialized instruction and related services, including, as relevant here, 15 minutes per year of indirect nursing services "for training, delegation, and monitoring of unlicensed assistive personnel of delegated nursing tasks to support the health concerns at school." *Id.* at p. 9; *Interviews with Case Manager and District's Nursing Coordinator ("Nursing Coordinator")*. These services appeared only in the 2025 IEP's health summary and not in the service delivery statement or grid. *Exhibit A-1*, pp. 9, 17-18. Case Manager, who drafted the 2025 IEP with Student's IEP Team, confirmed that this omission was an oversight. *Interview with Case Manager*.

14. Prior Written Notice ("PWN") embedded in the 2025 IEP indicated Parents requested that their parent input statement be included in the IEP in its entirety, but the IEP Team rejected that request because Parents' input and concerns were addressed by the school team, multiple revisions were made to the 2025 IEP in response to their feedback, and any requests not included in the IEP were documented in the PWN. *Exhibit A-1*, p. 21.

D. Student's ISHP

15. Student's ISHP in effect at the beginning of the 2025-2026 school year—incorporated by the 2025 IEP—was dated November 19, 2024. *Exhibit G*, pp. 1-4; *see Exhibit A-1*, p. 11. The ISHP was drafted by Nursing Coordinator, along with Parents, and was reviewed at the beginning of the school year by School's then-nurse ("School Nurse"). *Exhibit G*, pp. 2, 4.

16. The ISHP indicated Student may need assistance with clothing and hygiene related to toileting and provided that "trained/delegated staff" would provide access to a preferred restroom and assistance with clothing and hygiene as needed. *Id.* at p. 3. The adult assistance contemplated by the ISHP included prompting Student during toileting, providing wipes, and assisting with changing clothing as needed. *Interview with Nursing Coordinator*.

17. The ISHP also noted Student's risk for choking/aspiration, due to over-stuffing of food and oral-sensory intolerance, and required supervision at meals to monitor for choking. *Exhibit G*, p. 3.

18. The ISHP also included a plan specifically for field trips, indicating Parents would be notified in advance, the ISHP would accompany Student on field trips, and "[d]elegated staff [would] provide necessary health interventions as identified in the ISHP." *Id.* at p. 4.

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

19. At the beginning of the school year, Case Manager met with Student's teachers and related services providers, including his general education teacher in the first-grade GT classroom ("General Education Teacher"), to review the 2025 IEP. *Response*, p. 2; *Interviews with Case Manager and General Education Teacher*. General Education Teacher had continuous access to the 2025 IEP electronically via Enrich and also kept a physical copy of the IEP in her classroom. *Interview with General Education Teacher*. Case Manager and General Education Teacher credibly confirmed they reviewed the 2025 IEP and understood their responsibilities for its implementation. *Interviews with Case Manager and General Education Teacher*.

20. General Education Teacher also received a copy of Student's ISHP at the beginning of the school year, which she reviewed with School Nurse, and had continuous access to the ISHP electronically via Infinite Campus. *Response*, p. 2; *Interview with General Education Teacher*. As the adult physically present with Student for the majority of the school day, General Education Teacher understood that she would be responsible for implementing his ISHP if needed and was prepared to do so. *Id.*

21. School Nurse is no longer employed by District and was unavailable for an interview during this investigation. However, Nursing Coordinator—who drafted Student's ISHP, along with Parents—explained it is District practice for school nurses to review students' ISHPs with relevant teachers and related services providers at the beginning of each school year, answer questions, and provide any training necessary for their implementation. *Interview with Nursing Coordinator*. It is also generally District practice for school nurses to record delivery of service minutes in an electronic "delegation tracker," which Nursing Coordinator concedes was not done by School Nurse here. *Id.* However, Nursing Coordinator indicated her understanding that School Nurse did review Student's ISHP with General Education Teacher early in the school year, and General Education Teacher confirmed that she reviewed the ISHP with School Nurse and understood her responsibilities for its implementation. *Interviews with Nursing Coordinator and General Education Teacher*.

F. IEP Implementation: School Nursing Services

22. Parents' Complaint asserts that Student was excluded from a field trip because District did not have adequate health supports and staff in place to meet his documented toileting and feeding needs. *Complaint*, p. 10. Specifically, Parents note that Student's toileting support is

designated as a delegated nursing task in the ISHP, and the 2025 IEP allocated 15 minutes of indirect nursing services for training, delegation, and monitoring of unlicensed staff. *Id.* at pp. 10-12; *Reply*, pp. 3-5. Parents are concerned those minutes were not used to appropriately train and delegate staff to implement Student's ISHP. *Id.*

23. On January 9, 2026, General Education Teacher notified Parents that the class would be taking a field trip on January 30. *Reply*, p. 5; *Exhibit 2*, p. 1. Parents asked about arrangements for Student, specifically who would be the designated staff member supporting him with toileting and feeding needs during the field trip, to ensure the assigned staff member was familiar with his ISHP and was someone he was comfortable with. *Id.*; *Exhibit J*, p. 4.

24. On January 23, General Education Teacher confirmed that she would be accompanying Student on the field trip and would provide his ISHP supports as needed, as she had been responsible for doing since the beginning of the school year. *Exhibit J*, p. 3; *Response*, pp. 2-3. However, Student was toileting independently and did not have any toileting or feeding challenges that required the adult assistance listed in his ISHP prior to the field trip or during the entire school year. *Interviews with Nursing Coordinator, General Education Teacher, and Parents*.

25. Parents continued to ask for clarification on how Student's toileting and feeding supports in his ISHP would be handled during the field trip to ensure "there is a trained and delegated staff member identified to support him" and ensure his safety and dignity if toileting support was needed. *Exhibit J*, pp. 2-3. To further understand Parents' concerns, School's Principal ("Principal") conferred with General Education Teacher, and Principal and Parents held a phone call that same day. *Id.* at p. 2; *Complaint*, pp. 10-11; *Response*, p. 2.

26. Unsatisfied with School staff's responses to their concerns, on January 29, Parents notified School that Student would not be participating in the field trip. *Exhibit J*, pp. 1-2. Principal conveyed that he understood Parents' concerns but reiterated that General Education Teacher had reviewed Student's ISHP, including the toileting and feeding scenarios, and was "knowledgeable and prepared" to implement the plan. *Id.* at p. 1.

27. Although a formal record of service delivery is not available, General Education Teacher confirmed that she reviewed Student's ISHP with School Nurse, had been responsible for implementing it since the beginning of the school year, and was prepared to implement it during the field trip. *Interviews with Nursing Coordinator and General Education Teacher*; *Response*, p. 5. Nursing Coordinator also explained that Student's needs and the assistance provided in the ISHP—prompting, providing wipes, and assistance with changing clothes—did not require any specialized or extensive training and could be provided by any adult who had reviewed Student's ISHP, including General Education Teacher. *Interview with Nursing Coordinator*. There is otherwise no indication in the Record that General Education teacher was unprepared or unable to implement the ISHP during the January 30 field trip.

28. Therefore, based on a preponderance of the evidence, the CDE finds that District provided the 15 minutes of indirect nursing services prior to the January 30, 2026 field trip, as required by the 2025 IEP.

G. Preparation for IEP Annual Review

29. On January 16, 2026, Parents requested in writing that School's GT resource teacher and Student's projected second-grade teacher for the 2026-2027 school year be invited to attend his upcoming IEP annual review meeting. *Exhibit J*, p. 11. Parents noted that a GT resource teacher had attended Student's prior IEP meeting and therefore believed it was appropriate to include someone in that position again. *Complaint*, pp. 6-7; *Interview with Parents*.

30. The role of District's GT resource teachers is to provide assistance and support to District's GT classroom teachers, particularly with regards to GT evaluations and eligibility determinations, while GT classroom teachers provide all daily instruction to students in the GT program. *Interviews with Assistant Director and General Education Teacher*. A GT resource teacher attended Student's 2025 IEP meeting because a recent evaluation indicated he may qualify for the GT program, and a GT resource teacher could speak to his initial eligibility and answer Parents' questions around enrollment and next steps. *Interview with Assistant Director*; *see Exhibit A-1*, pp. 2, 6.

31. On January 27, Case Manager replied that School did not yet know who Student's teacher would be for next school year but offered to plan a transition meeting later in the Spring to include that teacher. *Exhibit J*, p. 10. Case Manager also told Parents that it would be more appropriate for the GT resource teacher to participate in that later transition meeting, because the purpose of the annual review was to discuss Student's present levels, goals, and accommodations. *Id.* at p. 8; *Interview with Case Manager*.

32. During the 2025-2026 school year, the GT resource teacher assigned to School supported staff across several buildings and was only at School a couple of days per week. *Response*, pp. 3, 6; *Interview with Assistant Director*. On the other hand, General Education Teacher, as Student's GT classroom teacher, was responsible for Student's daily classroom instruction and was therefore in the best position to speak to Student's present levels and progress at the IEP annual review. *Exhibit J*, p. 8; *Interviews with General Education Teacher and Case Manager*. Because Student had already been found eligible for and enrolled in the GT program, the GT resource teacher would have little to contribute at the annual review but could answer any questions from Parents at a later meeting to discuss Student's transition to a second-grade GT classroom. *Response*, pp. 3, 6; *Interview with Case Manager*.

33. A transition meeting was scheduled and conducted on May 26, 2026, including Parents and a GT resource teacher. *Response*, p. 3; *Exhibit B-2*, p. 1. Nevertheless, Parents are concerned that a GT resource teacher should have attended the February annual review meeting as the only individual qualified to speak to Student's GT evaluation results and twice-exceptionality. *Complaint*, pp. 6-7; *Reply*, pp. 8-10. District asserts that the prior GT evaluation results were

used by the 2025 IEP Team for eligibility purposes and were not used by the 2026 IEP Team as part of the annual IEP review; further, both General Education Teacher and Case Manager are familiar with the Kaufman test and could interpret those results, if needed. *Response*, pp. 2-7; *Interviews with Case Manager and General Education Teacher*.

34. On January 28, Case Manager indicated to Parents that a draft IEP would be provided prior to the IEP meeting to allow Parents time to review it, develop questions, and share any feedback. *Exhibit J*, p. 8. She also included a link to a parent input form and invited Parents to use the form to share any concerns or priorities for the IEP Team's consideration. *Id.* Case Manager also indicated the meeting had been scheduled for one hour and that the meeting agenda would be "specifically tailored to address [Parents'] priorities." *Id.* at p. 6. On February 5, Case Manager provided Parents with a Notice of Meeting ("NOM") scheduling Student's IEP annual review for one hour on February 19. *Id.* at p. 12.

35. On February 11, Parents emailed District members of the IEP Team a document entitled "Parent Concerns and Topics for [Student's] Annual IEP Meeting," which included concerns with, among other things: Student's regulation during morning transitions, masking, difficulty initiating communication with adults, toileting, preferential/alternative seating, initiation of regulation supports, and regression in toileting as an ESY concern. *Id.* at pp. 14-20. Parents also included a list of sixteen proposed accommodations for inclusion in the IEP around Student's instructional, sensory, social-emotional, and safety needs. *Exhibit J*, pp. 13-23. Finally, Parents provided a "Parent Input" statement, which they requested be included in the IEP's parent input section "as written." *Id.* at pp. 27-28.

36. On February 13, Case Manager provided Parents with a draft IEP, Student's regression/recoupment data, a completed ESY predictive factors worksheet, and an updated progress report for their review. *Id.* at pp. 24, 29-61. The draft IEP indicated he did not experience severe regression on IEP goals or objectives or require an unreasonably long period of time to relearn previous skills, and the predictive factors did not indicate a need for ESY services. *Id.* at p. 53. Among other predictive factors, the school team considered his physical needs at school and noted he independently accessed all areas of the building and participated in activities alongside peers without the need for direct assistance. *Id.* The draft IEP did not make a final determination on whether Student qualified for ESY services. *Id.*

37. On February 18, Parents provided written feedback to the IEP Team after reviewing the draft IEP and requested clarification or revision to numerous sections of the IEP, including present levels, parent input, service delivery, accommodations, goals, and ESY. *Id.* at pp. 62-66. As relevant here, Parents requested:

    - Inclusion of their parent input statement in the IEP;
    - Present levels indicate Student's masking and internalized stress;
    - Proactive regulation supports not based solely on Student's request or dysregulation;

- Additional language around the ISHP;
- Revisions to Student's writing, social-emotional, and communication goals; and
- Consideration of Student's functional regression in toileting in the ESY determination.

Id. Parents also proposed a meeting agenda for the February 19 meeting. *Id.*

H. The February 19, 2026 IEP Team Meeting

38. On February 19, 2026, a properly convened IEP Team met for Student's annual review. *Exhibit A-2*, pp. 1-2. The meeting participants included Parents, Parents' advocate, Principal, Case Manager, General Education Teacher, Assistant Director, and Student's mental health provider ("MHP"), occupational therapist ("OT"), and physical therapist ("PT"). *Response*, p. 3; *Exhibit A-2*, p. 2; *Exhibit D*.

39. The IEP Team reviewed all of Parents' documents and suggestions prior to the meeting, adopted the meeting agenda they proposed, and reviewed and discussed Student's present levels, goals, services, accommodations, and services at the meeting. *Exhibit A-2*, p. 23; *Exhibit 10*, p. 1; *Interviews with Case Manager, General Education Teacher, Assistant Director, and Parents*.

40. The meeting was not recorded, and Parents and District staff have conflicting recollections as to whether the IEP Team discussed ESY services at the meeting. *Interviews with Parents, Case Manager, General Education Teacher, and Assistant Director*. Parents assert the IEP Team did not discuss ESY services at the meeting. *Interview with Parents*. However, ESY was a topic raised by Parents in the documents they submitted prior to the meeting, it was listed as the last item for discussion on the agenda used at the meeting (and proposed by Parents), and District staff recalled discussing ESY services toward the end of the meeting. *Exhibit J*, pp. 13-20, 62-66; *Exhibit 10*, p. 1; *Interviews with Case Manager and Assistant Director*. Therefore, based on a preponderance of evidence in the Record, the CDE finds that the IEP Team discussed Student's need for ESY services at the February 19 meeting.

41. Parents contend that General Education Teacher left the IEP meeting early, without their consent, and before completing discussion of accommodations. *Complaint*, pp. 5-6; *Reply*, pp. 7-8; *Interview with Parents*. General Education Teacher credibly reported that she attended the meeting for the entire scheduled hour and was present during the IEP Team's discussion of accommodations—which Case Manager and Assistant Director confirmed—although she did need to leave the meeting after approximately 90 minutes to pick up her class from specials. *Interviews with General Education Teacher, Case Manager, and Assistant Director*. Therefore, based on a preponderance of the evidence, the CDE finds that General Education Teacher attended the February 19, 2026 IEP meeting as scheduled.

I. 2026 IEP

42. On March 6, 2026, Case Manager emailed Parents a finalized IEP ("2026 IEP") reflecting the revisions discussed at the February meeting. *Exhibit A-2*, pp. 1-15; *see Exhibit J*, pp. 71-94.

43. The 2026 IEP included Parents' input and concerns around self-regulation challenges, toileting and feeding needs, communication in asking for help, and need for predictability and gradual transitions—all of which were concerns raised by Parents in their parent input statement and other documents. *Exhibit A-2*, p. 13; *see Exhibit J*, pp. 13-23, 27-28, 62-66.

44. The 2026 IEP indicated Student required an ISHP to be implemented throughout the school day, "including field trips." *Exhibit A-2*, p. 14. This was added to the IEP based on Parents' concerns related to the January 30 field trip. *Interview with Case Manager*; *see Exhibit J*, pp. 63-64.

45. The 2026 IEP included five goals in writing, social-emotional, and communication. *Exhibit A-2*, pp. 14-17. The writing goal was nearly verbatim from the writing goal Parents' requested prior to the IEP meeting. *Id.* at p. 14; *see Exhibit J*, p. 65. The 2026 IEP also included two social-emotional goals—one to increase self-awareness skills and one to increase social-awareness skills—based on Parents' request for separate goals in this area and the Team's discussion at IEP meeting. *Exhibit A-2*, pp. 14-16; *see Exhibit J*, p. 65; *Interviews with Case Manager and Parents*. The 2026 IEP also revised the communication goal based on Parents' request to identify the settings in which it's measured. *Exhibit A-2*, p. 16; *see Exhibit J*, pp. 65-66.

46. The 2026 IEP listed sixteen accommodations, which substantively reflected those proposed by Parents and provided to the IEP Team prior to the IEP meeting. *Exhibit A-2*, pp. 17-18; *see Exhibit J*, pp. 21-23. Specifically, the 2026 IEP included support during negative peer interactions to be used as a coaching moment between Student and peers, rather than as a punitive measure, as requested by Parents and discussed during the IEP meeting. *Exhibit A-2*, p. 18; *Interviews with Case Manager and Parents*. And the 2026 IEP also specified that movement and heavy work activities "will be provided and offered *proactively*, upon request, and naturally occurring" in student's day, which Parents also requested prior to the IEP meeting. *Exhibit A-2*, p. 18 (emphasis added); *see Exhibit J*, pp. 17-18, 63.

47. The 2026 IEP provided for specialized instruction and related services, including 15 minutes of indirect nursing services per semester for training and delegation around Student's ISHP. *Exhibit A-2*, p. 21.

48. The 2026 IEP includes a determination that Student is not eligible for ESY services after consideration of regression/recoupment data, predictive factors, and Parents' input. *Id.* at p. 18. The IEP Team considered Parents' functional concerns related to purported regression in toileting after school breaks, but the Record indicates he was toileting independently throughout the school year, so the concern was not one the IEP Team shared or had seen evidence of. *Interviews with Case Manager and General Education Teacher*.

49. PWN embedded in the 2026 IEP ("March PWN") indicates Parents shared input and suggestions in writing prior to the IEP meeting, which the IEP Team discussed at the meeting and reviewed and considered in revising the IEP. *Id.* The March PWN also documents parent concerns and revisions that were not added to the 2026 IEP. *Id.* For instance, Parents requested IEP revisions and a functional behavioral assessment ("FBA") around Student's morning transitions and regulation. *Id.* The IEP Team rejected Parents' request because Student was not exhibiting behavior indicating a need for an FBA at that time, though it could be revisited in the future, and Parents' concerns with Student's morning transitions is noted in the 2026 IEP's present levels. *Id.*

J. April 2026 IEP Amendment

50. In their Complaint, Parents assert that District amended the 2026 IEP outside of an IEP Team meeting and without their agreement. *Complaint*, pp. 3, 5-6; *Reply*, pp. 16-19. District contends no true IEP amendment occurred here, and "no material changes were made" to the 2026 IEP by the IEP Amendment. *Response*, pp. 4, 8; *Interview with Assistant Director*. District's position is that Assistant Director only corrected inaccurate, omitted, and/or potentially misleading information in the 2026 IEP as requested by Parents and that goals, services, accommodations, and placement remained unchanged. *Id.* District relies on the IDEA's provision governing amendment of records at parent's request, 34 C.F.R. § 300.618, to support its position. *Response*, p. 8.

51. On March 16, 2026, Parents emailed District members of the IEP Team, noting they did not agree with the 2026 IEP, attaching a 20-page document entitled "IEP Feedback and Revision Requests," and requesting that the IEP Team reconvene to discuss their feedback. *Exhibit J*, pp. 95-116. Parents requested revisions to each section of the 2026 IEP. *Id.*

52. On April 2, Assistant Director responded to Parents, indicating that she had reviewed their feedback and revised the 2026 IEP to reflect most of their requested changes, which pertained to "items that needed some clarification (*e.g.*, the addition of inadvertently omitted information, the correction of formatting changes, the need to reword an item for clarity, etc.)." *Response*, p. 4; *Exhibit J*, pp. 130. She also noted that most of the requested revisions "were in relation to topics that have been addressed throughout the collaborative IEP development process," and that an IEP meeting was not required to correct an oversight, make formatting changes, or reword for clarity, as Assistant Director did here. *Exhibit J*, p. 30.

53. Assistant Director also attached an "updated" IEP, which included the notation "IEP Amendment Finalized on Date: 04/02/2026" at the top of the first page ("IEP Amendment"). *Exhibit J*, p. 130-58; *Exhibit A-3*, p. 1. Assistant Director explained that the notation identifying the April 2 document as an "IEP Amendment" was a technical stamp automatically created by the Enrich system—that is, the system labels any change to an IEP as an "amendment," even something as minor as adding a period, to prevent unintentional changes to IEPs. *Interview with Assistant Director*. Assistant Director further explained that the revisions she

made to the 2026 IEP were not substantial and were not intended to be an IEP amendment, but rather were minor changes or corrections that Parents requested. *Id.*

54. The revisions made to the 2026 IEP by the IEP Amendment included:

    - Addition of a Health Summary section in present levels, indicating that Student sometimes needed assistance with toileting and with monitoring his food intake to avoid choking, and that there was an ISHP on file reflecting Student's current needs, *Exhibit A-3*, p. 12;

    - Notation in "Student Needs and Impact of Disability" that Student required an ISHP for toileting and feeding concerns, *Id.* at p. 13;

    - Revision of the processing-time accommodation to add "(in place of eye contact)" in validating non-visual cues, *Id.* at p. 17;

    - Addition to the preferential seating accommodation to include "Access to a floor cushion or mat during on-floor learning," *Id.*; and

    - Addition of school nursing services to the service delivery statement (which were included in the 2026 IEP's service delivery grid but not the service delivery statement). *Id.* at p. 20.

55. Assistant Director also provided Parents with a thorough, standalone PWN ("April PWN") to address concerns Parents raised that the Team had considered and rejected. *Exhibit C*, pp. 1-4. The April PWN indicates the IEP Team conducted a comprehensive review of Parents' March 16 requests, compared Parents' proposed language against the 2026 IEP and prior IEPs to evaluate Student's evolving needs, and "determined that there were formatting changes or simple errors that should be corrected" in the 2026 IEP. *Id.* at p. 1. All other requests, including a request for another IEP Team meeting, were rejected, and the April PWN included the IEP Team's rationale related to fourteen separate parental requests. *Id.* at pp. 1-4.

56. On April 9, Parents informed District staff that they "continue[d] to disagree with the IEP as amended," asserting the IEP did not meaningfully reflect their feedback and the PWN did not fully or appropriately address all topics they raised. *Exhibit J*, p. 176; *Interview with Parents*. During this investigation, Parents continue to disagree with the 2026 IEP, which remains in effect at the time of this decision. *Interview with Parents*.

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

57. Student attended school regularly during the 2025-2026 school year, though he did struggle with tardies, as reflected in the 2026 IEP's present levels and addressed in the March PWN. *Exhibit E*, pp. 4, 7; *see Exhibit A-2*, pp. 3, 23. Student performed at or above grade level in all academic subjects, with the exception of math in Spring 2026, which was due to increased

expectations in math in the GT classroom. *Id.* at pp. 4-5; *Interview with General Education Teacher*. Student also made progress on all of his 2025 IEP annual goals. *Exhibit F-2*, pp. 1-6.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District made Student's 2025 IEP—including the incorporated ISHP—accessible to teachers and service providers responsible for its implementation, and ensured they were informed of their specific responsibilities related to its implementation, during the 2025-2026 school year, as required by 34 C.F.R. § 300.323(d). District implemented the school nursing services in Student's 2025 IEP prior to January 30, 2026, as required by 34 C.F.R. § 300.323(c). District complied with the IDEA.

Parents allege that District did not implement Student's 2025 IEP, because it did not provide the school nursing services required by his IEP—15 minutes of indirect nursing services for training and delegation of unlicensed staff around Student's ISHP—to allow Student to safely attend a field trip on January 30, 2026. (FF #s 3, 13, 22.)

I. Legal Requirements: IEP Implementation

The IDEA seeks to ensure that all children with disabilities receive a FAPE through individually designed special education and related services pursuant to an IEP. 34 C.F.R. § 300.17; ECEA Rule 2.21. The IEP is "the centerpiece of the statute's education delivery system for disabled children . . . [and] the means by which special education and related services are 'tailored to the unique needs' of a particular child." *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 391 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Ed. v. Rowley*, 458 U.S. 176, 181 (1982)). As soon as possible after an IEP is developed, school districts must implement the IEP by ensuring that: (1) teachers and related service providers responsible for implementation have access to and an understanding of their obligations under the IEP, and (2) special education and related services are made available to the child in accordance with the IEP. 34 C.F.R. §§ 300.323(d), 300.323(c)(2).

II. IEP Accessibility and Responsibilities

A school district has an affirmative duty to ensure that each regular education teacher, special education teacher, related services provider, and any other service provider responsible for implementing an IEP has access to the child's IEP and is informed of "his or her specific responsibilities related to implementing the child's IEP," as well as the "specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP." 34 C.F.R. § 300.323(d).

Here, Student's 2025 IEP, including the incorporated ISHP, was accessible to Student's teachers and service providers, including General Education Teacher, Case Manager, and School Nurse, electronically through Enrich and/or Infinite Campus. (FF #s 19-21.) General Education Teacher

received a hard copy of the 2025 IEP, which she kept in her classroom, reviewed the IEP with Case Manager at the beginning of the school year, and understood her responsibilities for its implementation. (FF # 19.) General Education Teacher also accessed Student's ISHP via Infinite Campus, reviewed it with School Nurse, and understood Student's needs and her responsibilities for providing adult assistance under the ISHP. (FF #s 20-21.) District staff, including Case Manager, General Education Teacher, and School Nurse, collaborated to discuss Student's needs and his IEP, including the ISHP. (FF #s 19-21.) For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.323(d).

III. Implementation of Nursing Services in Student's IEP

In implementing an IEP, a school district must provide special education and related services "in conformity with" the IEP. 34 C.F.R. §§ 300.17, 300.323(c)(2); *see Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J*, 502 F.3d 811, 821 (9th Cir. 2007). Not providing special education and related services in conformity with an IEP can result in the denial of FAPE. 34 C.F.R. § 300.17; ECEA Rule 2.21(4). However, "there is no statutory requirement of perfect adherence to the IEP." *Van Duyn*, 502 F.3d at 821. In other words, not every shortfall in services between those required by an IEP and those provided will result in a denial of FAPE. *Id.* To result in a denial of FAPE, there must be "more than a minor or technical gap between the [IEP] and reality; *de minimis* shortfalls [that do not themselves deprive a student of the education promise of the IDEA] are not enough." *L.J. ex rel. N.N.J. v. Sch. Bd. of Broward Cnty.*, 927 F.3d 1203, 1211 (11th Cir. 2019); *see, e.g.*, *L.C. & K.C. v. Utah State Bd. of Educ.*, 125 F. App'x 252, 260 (10th Cir. 2005) (holding that minor deviations from the IEP's requirements which did not impact the student's ability to benefit from the special education program did not amount to a "clear failure" of the IEP); *T.M. v. Dist. of Columbia*, 64 IDELR 197 (D.D.C. 2014) (finding "short gaps" in a child's services did not amount to a material failure to provide related services). Thus, a "finding that a school district has failed to implement a requirement of a child's IEP does not end the inquiry." *In re: Student with a Disability*, 118 LRP 28092 (SEA CO 2018). Instead, "the [CDE] must also determine whether the failure was material." *Id*.

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

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

A. *Prong 1: Was there a Shortfall in School Nursing Services?*

The CDE must first determine whether there was a shortfall between the school nursing services required by the 2025 IEP versus those made available to Student. 34 C.F.R. § 300.323(c)(2).

Here, the 2025 IEP provided for 15 minutes of indirect nursing services for the training and delegation of unlicensed staff around Student's ISHP. (FF # 13.) The CDE finds and concludes there was no shortfall in the implementation of the school nursing services. (FF # 28.)

School Nurse is no longer employed by District and was unavailable for an interview as part of this investigation; however, Nursing Coordinator—who drafted the ISHP, along with Parents—credibly described District's practice that school nurses train staff working with students at the beginning of each school year by reviewing students' individual needs and ISHPs and providing time for staff to ask questions or voice concerns. (FF # 21.) General Education Teacher confirmed that she reviewed Student's ISHP with School Nurse at the beginning of the 2025-2026 school year and understood her responsibilities under both the 2025 IEP and ISHP. (FF #s 20-21.)

Further, Student's needs and the interventions required by the ISHP did not warrant any specialized or extensive training of unlicensed staff. (FF #s 15-18, 27.) The ISHP required only that adults assist Student with hygiene and clothing needs during toileting—such as prompting him to use the restroom, providing him with wipes, and helping him change clothes if necessary—which may be provided by any staff member working with Student who has reviewed his ISHP and understands those responsibilities. (*Id.*) There is no evidence in the Record that General Education Teacher was unable or unprepared to provide the assistance contemplated in Student's ISHP. (FF #s 15-18, 20-11, 24-27.) Indeed, the Record reflects that Student was independent with toileting and did not have any incidents at School that required any adult assistance under the ISHP prior to the January 30 field trip. (FF #s 27, 31.)

Parents sought clear identification and documentation of the delegated staff who would be implementing Student's ISHP during the field trip, and District concedes that delegation and training of General Education Teacher was not documented according to District practice. (FF #s 21-25, 27.) However, the lack of documentation does not overcome the other evidence in the Record. As detailed above, that evidence shows that that General Education Teacher reviewed Student's ISHP with School Nurse and understood her responsibilities under it, that she was willing and able to provide Student with the assistance required during the field trip, and that Student was toileting independently and did not have any incidents with toileting or feeding that required adult assistance at any point during the school year. (FF #s 20-21, 24, 27.) Because Parents ultimately did not allow Student to attend the field trip, any allegation that District did

not (or could not) implement the ISHP is speculative, as School staff did not have an opportunity to do so. (FF # 26.) As such, there was no shortfall in the implementation of school nursing services required by Student's IEP.

B. *Prong 2: Was the Shortfall Material?*

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

Conclusion to Allegation No. 2: District convened a properly composed IEP Team meeting on February 19, 2026, as required by 34 C.F.R. § 300.321. District complied with the law.

Parents allege that District convened an IEP Team meeting on February 19, 2026, without including all required members for the entire meeting. (FF #s 3, 33, 38, 41.) Specifically, Parents asserted that General Education Teacher departed the meeting early and before the IEP Team finished its discussion on accommodations and that GT Resource Teacher did not attend the meeting as a mandatory IEP Team member as they requested because she was the only person able to interpret the instructional implications of prior evaluation results at the meeting. (*Id.*)

I. Legal Requirements: Members of IEP Team

The IDEA requires an IEP team to include:

(1) The parents of the child;

(2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(3) At least one special education teacher of the child;

(4) A representative of the school district who:

i. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

ii. Is knowledgeable about the general education curriculum; and

iii. Is knowledgeable about the availability of resources of the public agency;

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (2) through (6);

(6) At the discretion of the parent or agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) Whenever appropriate, the child with a disability.

34 C.F.R. § 300.321(a). The IDEA, therefore, differentiates between mandatory and discretionary members of an IEP Team. *See Pikes Peak BOCES*, 68 IDELR 149 (SEA CO 2016). A mandatory IEP Team member is not required to attend an IEP meeting, in whole or in part, if the parent and school district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed. 34 C.F.R. § 300.321(e)(1).

II. The February 19, 2026 IEP Team Meeting

A. *General Education Teacher*

Here, the attendees at the February 19, 2026 IEP Team meeting included: Parents, Advocate, General Education Teacher, Case Manager, Assistant Director, Principal, and Student's MHP, OT, PT, and SLP. (FF # 38.) Parents concede that General Education Teacher was present for the IEP meeting initially but contend that she left the meeting early and before the Team finished discussing Student's accommodations. (FF # 41.) Thus, Parents assert that the IDEA's excusal procedures for mandatory team members were required and, because Parents did not agree in writing to General Education Teacher's early departure, the IEP Team meeting was improperly composed. (*Id.*). *See* 34 C.F.R. § 300.321(e)(1).

The Record reflects that the February 19 meeting was scheduled for one hour and that General Education Teacher was present for the entire meeting as scheduled and stayed longer than the scheduled time to continue to answer Parents' questions and discuss their concerns. (FF #s 34, 39, 41.) General Education Teacher confirmed she was present during the discussion of accommodations—her area of the curriculum—though she understood that Parents continued to ask questions, including around accommodations, after she left to pick up her students from specials. (FF # 41.) Case Manager and Assistant Director also confirmed General Education Teacher's account of her meeting attendance. (*Id.*) Therefore, based on a preponderance of the evidence in the Record, the CDE finds and concludes that General Education Teacher attended the February 19 meeting as scheduled and that the IDEA's excusal procedures did not apply in these circumstances.

B. *GT Resource Teacher*

District's GT resource teachers provide support and guidance to GT classroom teachers, particularly around initial determinations of eligibility for enrollment in District's GT program. (FF # 30.) A GT resource teacher attended Student's May 2025 IEP Team meeting because Student's recent evaluation indicated he may qualify for enrollment in the GT program. (FF #s 6-7, 30.)

Thus, a GT resource teacher attended that meeting to explain Student's eligibility and answer Parents' questions about Student's enrollment in a GT classroom moving forward. (*Id.*)

Parent requested that GT Resource Teacher attend the February 19, 2026 IEP annual review because a GT resource teacher had attended the prior IEP meeting, and as the only person qualified to interpret Student's GT evaluation and twice-exceptionality. (FF #s 29, 33.) School staff explained to Parents that the GT resource teacher's attendance was more appropriate during a later IEP meeting to discuss Student's upcoming transition to a second-grade GT classroom, rather than during the annual review. (FF #s 31, 33.) Indeed, GT Resource Teacher did attend Student's transition meeting in May 2026. (FF # 33.)

General Education Teacher was Student's daily GT classroom teacher and was therefore in the best position to speak to his present levels and progress during the February 19 annual review. (FF #s 31-32.) Further, Student's evaluation at issue was used by the May 2025 IEP Team (including a GT resource teacher), to determine that he qualified for initial enrollment in a GT classroom; it was not a new evaluation used by the 2026 IEP Team to determine any IEP services. (FF #s 7, 30, 38-49.) In any event, both General Education Teacher and Case Manager were familiar with the commonly used Kaufman Brief Intelligence Test and could interpret Student's results, if needed. (FF # 33.) There is no evidence in the Record that a GT resource teacher was the only person qualified to do so at the February 19 IEP meeting. For these reasons, the CDE finds and concludes that District convened a properly composed IEP Team meeting on February 19, 2026, as required by 34 C.F.R. § 300.321.

Conclusion to Allegation No. 3: District reviewed and, as appropriate, revised Student's 2025 IEP at the February 16, 2026 IEP annual review to address information about Student provided by Parents and consider Student's need for ESY services on an individual basis, as required by 34 C.F.R. §§ 300.106, 300.322, 300.324(b)(1)(ii)(C). District complied with the law.

Parents are concerned that District did not address information about Student provided by Parents or Student's need for ESY on an individual basis at an IEP Team meeting on February 16, 2026. (FF #s 3, 40.)

I. Legal Obligation to Review and Revise IEPs

The IDEA requires school district 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). 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.

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

Here, it is undisputed that Student's IEP Team, including Parents, convened for Student's annual IEP review on February 19, 2026, during which the IEP Team reviewed and, as necessary, revised the 2025 IEP. (FF #s 38-41.) Thus, District satisfied its duty to review and revise Student's IEP at least annually. 34 C.F.R. § 300.324(b). However, Parents are concerned that District did not properly address information they provided about Student—specifically, their Parent Input statement and Parent Concerns document provided prior to the meeting—and did not properly determine Student's need for ESY services on an individual basis and with their participation. (FF #s 3, 35, 37, 40.)

A. *Information Provided by Parents*

In reviewing and revising, as appropriate, a child's IEP, a school district must address information about the child provided to, or by, the parents. 34 C.F.R. § 300.324(b)(1)(ii)(C). The IDEA's procedural requirements for developing a child's IEP are designed to provide a collaborative process that "places special emphasis on parental involvement." *Sytsema ex rel. Sytsema v. Acad. Sch. Dist. No. 20*, 538 F.3d 1306, 1312 (10th Cir. 2008). 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, the IDEA requires that parental participation be meaningful, to include addressing information about the child provided by the parents in reviewing and, as appropriate, revising a student's IEP. 34 C.F.R. §§ 300.322, 300.324(b)(1).

The IDEA does not require a parent input section. *Id.* § 300.320; *see Charter Sch. Institute*, 124 LRP 34367 (SEA CO 2023). Instead, the IEP, considered in its entirety, must be reflective of meaningful participation. *Id.* Meaningful parent participation occurs where the IEP Team listens to parental concerns with an open mind, exemplified by answering questions and incorporating some requests into the IEP, 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). And parents do not have "veto power" over IEP team decisions. *Garden Grove Unified Sch. Dist.*, 115 LRP 20924 (SEA CA 2015). 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). Evidence that a district "was receptive and responsive at all stages" to the parents' position, even if it was ultimately rejected, is illustrative of parental participation. *Id.*

Here, Parents submitted extensive documentation prior to the February 19 IEP annual review meeting, including a Parent Input statement, Parent Concerns document, proposed accommodations, and a proposed meeting agenda. (FF #s 35, 37.) District staff were responsive

to Parents' questions and concerns prior to the meeting, and all District staff interviewed confirmed they reviewed all information submitted by Parents and considered it in reviewing and revising the 2025 IEP. (FF #s 34-49.) Further, the IEP Team adopted Parents' proposed meeting agenda, Parents and their advocate participated in the meeting, and the finalized 2026 IEP includes many of Parents' suggested revisions. (FF #s 38-48.) Information or parental requests that were not ultimately included in the IEP were described in the PWN. (FF # 49.) Finally, after Parents disagreed with the 2026 IEP and submitted additional, extensive feedback, Assistant Director reviewed that feedback with the Team and made further revisions to the 2026 IEP, consistent with Parents' requests. (FF #s 50-55.)

For these reasons, the CDE finds and concludes that District addressed information about Student provided by Parents in reviewing and, as appropriate, revising the 2025 IEP, as required by 34 C.F.R. § 300.324(b)(1)(ii)(C).

B. *Extended School Year Services*

A school district must provide ESY services when a child's IEP Team, including the child's parents, determines on an individualized basis that the services are necessary for the provision of FAPE to the child. 34 C.F.R. § 300.106(a)(2). ESY services are appropriate when the body of evidence demonstrates that the student will experience a severe loss of skills or knowledge that will significantly jeopardize the educational benefit gained during the regular school year. *Johnson ex rel. Johnson v. Indep. Sch. Dist. No. 4*, 921 F.2d 1022, 1027-28 (10th Cir. 1990).

In determining whether ESY is a necessary component of FAPE, IEP Teams must consider a student's past regression and rate of recoupment, as well as predictive factors, which may include: the degree of impairment; the degree of regression and the recovery time from this regression; the ability of the child's parents to provide the educational structure at home; the child's rate of progress; the child's behavioral and physical problems; the availability of alternative resources; the ability of the child to interact with nondisabled children; the areas of the child's curriculum which need continuous attention; the child's vocational needs; and whether the requested services is extraordinary for the child's condition, as opposed to an integral part of a program for those with the same disabling condition. *Id.* at 1028, 1030.

Here, the IEP Team determined at the February 19 annual review meeting that Student did not require ESY services following the 2025-2026 school year. (FF # 48.) Parents and District staff have conflicting recollections of the IEP Team's discussion of ESY services during the meeting. (FF # 40.) However, for the following reasons, the CDE finds that District properly determined Student's need for ESY services on an individual basis and with Parents' participation.

First, Case Manager provided Parents with a draft IEP with Student's regression/recoupment data and predictive factors worksheet prior to the IEP meeting. (FF # 36.) After reviewing that information, Parents submitted written concerns and items to be discussed at the meeting, including, among other things, their view of Student's need for ESY services. (FF # 37.) Parents also submitted a proposed meeting agenda, listing ESY services as the last agenda item. (*Id.*).

District adopted Parent's proposed agenda. (FF # 39.) Further, all District staff interviewed reported reviewing the information Parents submitted prior to the meeting and recalled discussing ESY services at the meeting, albeit towards the end. (FF # 40.) Thus, the preponderance of the Record indicates that Parents participated in the ESY discussions both prior to the meeting and at the meeting. (FF #s 35-40.)

Second, the draft IEP sent to Parents prior to the meeting indicated only that Student did not experience severe regression on his IEP goals and objectives and did not require an unreasonably long period of time to relearn previous skills. (FF # 36.) For those reasons, the predictive factors did not indicate the need for ESY. (*Id.*) The draft IEP does not include any *determination* of Student's eligibility for ESY services. (*Id.*) In contrast, the finalized March 2026 IEP did include a determination that Student was not eligible for ESY services. (FF # 48.) Thus, the preponderance of the evidence in the Record indicates the ESY determination was made by the IEP Team at the meeting and not unilaterally by District prior to the meeting. (FF # 40.)

Finally, the Record contradicts Parents' contention that the IEP Team did not consider Student's regression in toileting in making the ESY determination. (FF #s 24, 35-37, 39-40.) Indeed, the Record reflects that Student toileted independently and did not have a single instance in which adult assistance was required during the school year. (FF # 24.) Therefore, the IEP Team did not have reason to consider any regression in this area, and it otherwise did consider Student's physical needs in the predictive factors worksheet, which indicated Student participated in the educational environment independently without the need for direct assistance. (FF # 36.)

For these reasons, the CDE finds and concludes that District determined Student's need for ESY services on an individualized basis, and with Parents' participation, in reviewing and revising Student's IEP, as required by 34 C.F.R. §§ 300.106(a)(2), 300.324(b)(1)(ii)(C).

Conclusion to Allegation No. 4: District did not have Parents' agreement to amend Student's IEP outside of an IEP Team meeting on April 2, 2026, as required by 34 C.F.R. § 300.324(a)(4), (6). District did not comply with IDEA.

Parents are concerned that District amended Student's March IEP on April 2, 2026, outside of an IEP Team meeting and without their agreement. (FF #s 3, 50.)

I. Legal Requirements: IEP Amendment

In making changes to a child's IEP after the annual IEP Team meeting, the parent and school district may agree not to convene an IEP team meeting for the purpose of making those changes, and instead may develop a written document to amend or modify the child's current IEP. 34 C.F.R. § 300.324(a)(4). Thus, the IDEA allows an IEP to be amended in one of two ways: (1) by the entire IEP Team at an IEP Team meeting, or 2) in a written document outside of an IEP Team meeting, as long as the parent and the school district agree. *Id.* § 300.324(a)(6). When the IEP is changed by agreement outside an IEP Team meeting, "such a change would clearly require the consent of the parents." *See K.A. v. Fulton Cnty. Sch. Dist.*, 59 IDELR 248 (N.D. Ga. 2012), *aff'd*, 62

IDELR 161 (11th Cir. 2013). The IDEA offers no alternative means of amending an IEP when only minor changes are made; instead, the requirements of § 300.324(a)(4) and (6) still apply. 34 C.F.R. § 300.324(a)(4), (6).

Separately, parents also have a right to request that a school district amend information in a student's education records that the parent believes is inaccurate, misleading, or violates the privacy rights of a child. 34 C.F.R. § 300.618(a). The district must decide whether to amend the information in accordance with a parent's request within a reasonable period of time and, if it refuses to amend the information, must inform the parent of the refusal and advise the parent of the right to a hearing to challenge the district's refusal. *Id.* §§ 300.618(b)-(c), 300.619.

II. Amendment of the 2026 IEP

Here, Case Manager provided Parents with a finalized IEP on March 6, 2026, following the February IEP annual review meeting. (FF # 42.) Parents disagreed with the 2026 IEP and provided additional feedback and requests for revisions. (FF # 51.) Assistant Director reviewed Parents' feedback in consultation with other IEP Team members and issued an amended IEP on April 2, 2026, incorporating some of Parents' requested revisions, along with PWN explaining District's reasons for refusing any requests that were not incorporated. (FF #s 52-55.)

The amended IEP included the notation "IEP Amendment Finalized On Date: 04/02/2026" at the top of the document. (FF # 53.) However, District asserts that this was not an IEP amendment, as contemplated by the IDEA; instead, the 2026 IEP was revised in response to Parents' feedback on the 2026 IEP, so that any omitted, inaccurate, or potentially misleading information was corrected, as required by 34 C.F.R. § 300.618. Thus, District argues, it only refined the language of the March IEP—per Parents' request—and did not make any material changes to the IEP. (FF #s 50, 52-53.) Parents disagree and assert the changes made in the April IEP constituted an IEP amendment, which was completed outside an IEP Team meeting and without their agreement. (FF #s 3, 50.) For the reasons that follow, the CDE finds that District amended Student's IEP outside of an IEP Team meeting without Parents' agreement.

First, as a technical matter, Assistant Director explained that the amendment notation in the IEP Amendment appeared solely due to the Enrich system—any time a change is made to a finalized IEP, even a change as insignificant as adding a period, Enrich automatically stamps the IEP as an amendment to safeguard against any unintentional changes a person may make to an IEP. (FF # 53). The CDE understands the complexities and technical challenges of the Enrich system, but even so, such a specific notation on the top of an IEP fairly indicates to parents that an IEP amendment has been completed.

Second, there is no dispute that the 2026 IEP Amendment made changes to the 2026 IEP. (FF #s 50-55.) Specifically, the IEP Amendment added a health summary to Student's Needs and Impact of Disability section that identified Student as requiring an ISHP for toileting and feeding; added school nursing services to the service delivery statement; and included several changes or additions to the accommodations. (FF # 54.) Whether or not District considered these changes

"substantial," District should have either sought Parents' agreement to amend the IEP outside of an IEP Team meeting or reconvened the IEP Team, particularly given Parents' continued disagreement with the 2026 IEP and IEP Amendment and their request for another IEP meeting. (FF #s 50-56.) As noted above, 34 C.F.R. § 300.324(a) does not create an exception to the amendment procedures for minor or insubstantial changes to IEPs. 34 C.F.R. § 300.324(a)(4), (6). To the extent District asserts it only made these changes based on Parents' request, District should have then sought Parents' agreement to do so via an IEP amendment outside of an IEP Team meeting. (FF #s 50, 52-53.)

Third, District's citation of IDEA's provisions around amendment of education records are not applicable or appropriate in these circumstances. (FF # 50). IDEA's record amendment provisions track the amendment requirements in the Family Educational Rights and Privacy Act ("FERPA"), which protects the privacy of students' education records. *See* 34 C.F.R. §§ 99.20-99.22, 300.618-300.619. These provisions are commonly invoked to challenge personal information that appears in students' education records. *See, e.g.*, *Mesa Cnty. Valley Sch. Dist. 51*, 124 LRP 20991 (SEA CO 2024) (finding district could deny a parent's request to remove a student's "third degree assault" from his disciplinary records); *Letter to Anonymous*, 122 LRP 14902 (SPPO 2022) (finding district appropriately declined to amend a student's transcript to reflect a legal name change); *Letter to Anonymous*, 121 LRP 26833 (SPPO 2021) (finding student's school contact card contained accurate information regarding her relationship with a family member). However, these provisions cannot be used to challenge substantive content or decisions of an IEP team. *Letter to Anonymous*, 116 LRP 48415 (FPCO 2016) (record amendment provisions may be used "to challenge facts that are inaccurately recorded" but may not be used to challenge a grade, an opinion, or a substantive decision made by a team about a student). District cites no legal authority indicating IDEA's record amendment provisions may be used to make substantive changes to the content of an IEP as District did here. 34 C.F.R. § 300.618.

For these reasons, the CDE finds and concludes that District did not have Parents' agreement to amend Student's IEP outside of an IEP Team meeting on April 2, 2026, as required by 34 C.F.R. § 300.324(a)(4), (6).

III. No Denial of FAPE

Procedural noncompliance with the IDEA results in a denial of FAPE if it (1) impeded the child's right to a FAPE, (2) significantly impeded the parent's opportunity to participate in the decision-making process, or (3) caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2); *Knable ex rel. Knable v. Bexley Sch. Dist.*, 238 F.3d 555, 765-66 (6th Cir. 2001).

Here, District's completion of an IEP amendment outside of an IEP Team meeting and without Parents' agreement did not result in a denial of FAPE. Parents had ample opportunity to participate in the IEP Team's decision-making process and did so by submitting extensive feedback before, during, and after the February 19 IEP annual review. (FF #s 34-41.) Indeed, the revisions made to the 2026 IEP by the IEP Amendment were revisions requested by Parents. (FF #s 50-55.) And there is no indication that the procedural noncompliance otherwise impeded

Student's right to a FAPE or caused a deprivation of educational benefit. Therefore, the CDE finds and concludes that District's noncompliance did not result in a denial of FAPE.

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

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

Here, nothing in the Record indicates that District's noncompliance is systemic in nature. District's procedures regarding IEP amendments are consistent with the IDEA's requirements, and District staff credibly described those procedures. (FF #s 4-5.) The noncompliance in this investigation appears to arise from District's attempt to ensure parental participation in the IEP process by incorporating Parents' suggested revisions to the 2026 IEP, though it ultimately did so contrary to IDEA's procedural requirements. (FF # 50-55.) Accordingly, the CDE finds and concludes that the noncompliance in this case was not systemic.

REMEDIES

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

1. Amended Student's IEP outside of an IEP Team meeting and without Parents' agreement, as required by 34 C.F.R. § 300.324(a)(4), (6).

To demonstrate compliance, District is ORDERED to take the following actions:

1. **Final Decision Review**

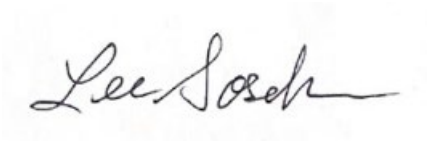
    a. Assistant Director and Case Manager must each read this Decision in its entirety, as well as review the specific requirements of 34 C.F.R. §§ 300.324(a), by **October 28, 2026**. If these individuals are no longer employed by the District, the District may substitute individuals occupying identical roles to demonstrate compliance with this remedy. A signed assurance that this information has been read and reviewed must be provided to the CDE by **October 30, 2026**.

NOTE: CDE Special Education Monitoring and Technical Assistance Consultant will contact District with specific instructions for securely submitting the documentation detailed above. 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 (Aug. 14, 2006). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer ("SCO").

Dated this 28th day of September, 2026.



_____

Lee Sosebee, Esq.
State Complaints Officer

APPENDIX

Complaint, pages 1-36

Response, pages 1-10

- Exhibit A-1: 2025 IEP
- Exhibit A-2: March 2026 IEP
- Exhibit A-3: April 2026 IEP Amendment
- Exhibit B-1: February 2026 NOM
- Exhibit B-1: May 2026 NOM
- Exhibit C: PWN
- Exhibit D: Meeting Participants
- Exhibit E: Schedule, Attendance, Grades
- Exhibit F-1: Progress Report
- Exhibit F-2: Progress Report
- Exhibit G: ISHPs
- Exhibit H: Calendar
- Exhibit J: Correspondence
- Exhibit K: CDE Procedural Guidance Manual

Reply, pages 1-23

- Exhibit 1: Correspondence
- Exhibit 2: Correspondence
- Exhibit 3: Correspondence
- Exhibit 4: Correspondence
- Exhibit 5: Correspondence
- Exhibit 6: Meeting Documentation
- Exhibit 7: Correspondence
- Exhibit 8: District 2e Guidance
- Exhibit 9: Correspondence
- Exhibit 10: Meeting Agenda
- Exhibit 11: Staff Credentials
- Exhibit 12: Staff Credentials
- Exhibit 13: Correspondence

Telephone Interviews

- Parents: August 26, 2026
- Assistant Director: August 31, 2026
- Case Manager: August 31, 2026
- General Education Teacher: August 31, 2026

- Nursing Coordinator: September 1, 2026