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

State Complaint SC2026-518
Denver Public Schools

DECISION

INTRODUCTION

On February 2, 2026, an individual ("Complainant") filed a state complaint ("Complaint") against Denver Public Schools ("District"), on behalf of the parents ("Parent A", "Parent B", "Parent C," or collectively "Parents") of three students ("Student A," "Student B," "Student C," or collectively "Students") identified as children with disabilities under the Individuals with Disabilities Education Act ("IDEA").[1] The Colorado Department of Education ("CDE") determined that the Complaint identified three allegations subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

The CDE extended the 60-day investigation timeline 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 February 2, 2025. Information prior to February 2, 2025 may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT 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.

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 implement Student A's Individualized Education Program ("IEP") from August 2025 to November 5, 2025 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 assistive technology listed in the IEP—specifically an augmentative communication device—as required by 34 C.F.R. §§ 300.6, 300.323(c).

2. District did not develop, review, and revise an IEP for Student B from October 2025 to present that considered whether Student B needed assistive technology—to include evaluating Student B's needs in this respect—as required by 34 C.F.R. §§ 300.6(a), 300.105, 300.324(a)(2)(v).

3. District did not implement Student C's Individualized Education Program ("IEP") from February 3, 2025, to October 3, 2025 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 assistive technology listed in the IEP—specifically an augmentative communication device and training or technical assistance for Student C's family—as required by 34 C.F.R. §§ 300.6(e), 300.323(c).

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 A was a senior at a District high school. *Response*, p. 3; *Exhibit A*, p. 1. She is eligible for special education and related services as a child with an intellectual disability ("ID") and speech or language impairment ("SLI"). *Complaint*, p. 3; *Exhibit A*, p. 1. Student A is a friendly child and enjoys singing, dancing, and watching videos on her computer. *Response*, p. 3; *Interviews with Parent A and Student A's special education*

[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.

case manager ("Case Manager A"). She is a non-speaking student who struggles with expressing her wants and needs. *Interviews with Parent A and Student's speech-language pathologist ("SLP A")*.

2. During the 2025-2026 school year, Student B was a junior at a District high school. *Response*, p. 8; *Exhibit H*, p. 2. He is eligible for special education and related services as a child with a specific learning disability ("SLD") in reading. *Complaint*, p. 4; *Response*, p. 9; *Exhibit H*, p. 2. Student B is a focused, engaged student who is active in School's ROTC and marksmanship program. *Exhibit H*, p. 4; *Interviews with Parent B and Student B's special education case manager ("Case Manager B")*. He struggles with reading, specifically decoding words. *Exhibit H*, p. 13; *Interviews with Parent B and Student B's literacy teacher ("Literacy Teacher B")*.

3. During the 2024-2025 and 2025-2026 school years, Student C attended a District elementary school. *Response*, p. 13; *Exhibit O*, pp. 1, 37. He is eligible for special education and related services as a child with multiple disabilities, including Autism Spectrum Disorders ("ASD"), ID, and SLI. *Response*, p. 13; *Exhibit O*, p. 1. Student C enjoys reading, painting, and swimming. *Exhibit O*, p. 39; *Interviews with Parent C, Student C's special education case manager ("Case Manager C"), Student C's speech-language pathologist ("SLP C"), and Student C's literacy teacher ("Literacy Teacher C")*. He struggles with speech and socializing with peers. *Id.*

4. Complainant is concerned that District did not implement the assistive technology ("AT") listed in the IEPs for Student A and Student C in Spring 2025 and Fall 2026 and did not provide AT training to Parent C. *Complaint*, pp. 3, 5; *Reply*, pp. 3, 5-6. Complainant is also concerned District did not conduct an AT evaluation of Student B, after Parent B's request, as part of developing his IEP in October 2025. *Complaint*, p. 4; *Reply*, pp. 3-5. District denies all allegations. *Response*, pp. 2, 8, 12, 15-16.

B. District Policies, Practices, and Procedures: Assistive Technology

5. District has a comprehensive special education procedural guidance document ("the Procedures"), which describes, among other things, its responsibilities in making AT accessible to students with disabilities. *Exhibit V*, pp. 1-64. AT is defined as "any item, piece of equipment or product system whether acquired commercially off the shelf, modified or customized that is used to increase, maintain or improve functional capabilities of a child with a disability." *Id.* at p. 1. AT includes augmentative and alternative communication ("AAC") methods, which involve both low-tech (such as picture boards or sign language) and high-tech devices (such as an iPad or speech-generating devices). *Interview with District's Senior Manager of Special Education ("Senior Manager"), SLP A, and SLP C*.

6. Under the Procedures, the IEP Team is responsible for determining if a student needs AT devices or services and what AT is required based on the student's unique needs. *Exhibit V*, pp. 1-4, 46, 49; *Interviews with Senior Manager, SLP A, and SLP C*. A student's need for AT is evaluated as part of any initial evaluation or reevaluation and is considered by the IEP Team each time an IEP is developed or reviewed and revised. *Exhibit V*, p. 46; *Interviews with Senior*

Manager and Case Manager B. AT-specific evaluations may be conducted if the IEP Team determines further assessment is necessary but are not required for all students who need AT devices or services. *Interviews with Senior Manager and Case Manager B*. District's AT Department does not conduct AT evaluations of students—as it is the responsibility of IEP Teams to conduct any necessary evaluations—but instead provides support and guidance to teachers and related services providers around available technology options. *Id.*

7. Once a student's need for AT devices or services has been determined through the IEP Team process, IEP Team members may make requests to District's AT Department to obtain certain devices, including high-tech AT devices like iPads. *Response*, pp. 2, 4-5, 14; *Interviews with Senior Manager, Case Manager A, Case Manager C, and SLP C*. Prior to October 2025, District's AT Department used the "Job Router" platform for teachers and related services providers to submit technology requests. *Response*, p. 2; *Interviews with Senior Manager, Case Manager A, and Case Manager C*.

8. District concedes that the Job Router platform was experiencing software glitches during September 2025 and some requests made to the AT Department during that time were delayed. *Response*, pp. 2, 4-5, 14; *Interview with Senior Manager*. District stopped using Job Router and shifted to a new platform in October 2025 and has not experienced similar glitches affecting requests, and Complainant alleges none. *Response*, p. 2; *Complaint*, pp. 2-5.

9. IEP Teams must document a student's need for AT devices or services in the IEP—which may appear in the special factors, accommodations, present levels, and/or goals sections—and provide students with any AT devices or services that the IEP Team determines is necessary. *Exhibit V*, pp. 2-3; *Interviews with Senior Manager and Case Manager B*. The Procedures also direct that IEP Teams should collaborate with families to distribute AT and ensure safe use within the home, including providing any necessary training. *Exhibit V*, p. 1. Training for families on the use of an AT device is considered an AT service and must be documented in the IEP. *Interviews with Senior Manager and Case Manager B*.

C. Student A's April 2025 IEP

10. Student A transferred to District from another school district on September 8, 2025, with an IEP dated April 23, 2025 ("April IEP"). *Response*, p. 3; *Exhibit A*, pp. 98-130. The April IEP described Student A's present level of performance, noting she is a minimally verbal student who communicates using a combination of vocalizations, verbal approximations, gestures, and AAC methods, including pictures and an iPad. *Exhibit A*, pp. 103, 112. The April IEP indicated that Student A had just begun using an iPad in 2024 and inconsistently used it throughout the 2024-2025 school year. *Id.* at pp. 104, 106. Specifically, while Student A had increased her independence in using 5-10 core words, such as "stop" and "play," she primarily used the device to request objects. *Id.*

11. The April IEP described Student A's needs and the impact of her disability, noting her cognitive disability affects her ability to process information, complete work at grade level, and ask questions. *Id.* at p. 110. Student A's severe SLI also affects her ability to understand information and communicate her wants and needs at school. *Id.*

12. The April IEP indicated Student A has unique communication needs and needs AT devices or services. *Id.* at p. 112. Specifically, Student A had an AAC device (an iPad) with a 60-button grid "programmed through the TouchChat app" in both English and Spanish to answer questions and communicate her wants and needs. *Id.* The April IEP further noted that Student A preferred to use low-tech options, rather than her iPad, and instead used pointing and body language to communicate her needs. *Id.*

13. The April IEP included five annual goals in the areas of reading, writing, mathematics, social/emotional wellness, and language. *Id.* at pp. 113-18. Her language goal contemplated her use of multiple methods of communication, including the option of using her iPad: "By April 2026, [Student A] will continue to advance her communication for a variety of functions using multimodal communication including her AAC device, gestures, vocalizations, verbalizations, actions and body language during her daily school routines . . . ." *Id.* at p. 116.

14. The April IEP included numerous accommodations to ensure Student A's access to the general education classroom, including "access to AAC device" and "prompts and visual pathways to use her AAC device when appropriate." *Id.* at p. 118.

15. The April IEP included specialized instruction and related services, including 160 minutes per month of direct speech language services provided by a speech language pathologist ("SLP") outside the general education setting, and 30 minutes per month of indirect speech language services "to program [Student A's] communication device" and collaborate with paraprofessionals and other staff. *Id.* at pp. 121-22.

16. The IEP Team determined it was appropriate for Student A to be in the general education setting less than 40% of the time. *Id.* at pp. 30-31. The IEP Team determined this placement was appropriate to support her academic and social needs in a small-group environment while still providing opportunities to build relationships with same-age peers. *Id.* at 30.

D. Student A's Transfer IEP

17. Once Student A began attending School in September 2025, District determined it would not adopt the April IEP and instead sought Parent A's consent to reevaluate Student A and develop a new IEP. *Response*, p. 3; *Interview with Case Manager A*. Parent A agreed. *Exhibit A*, p. 21; *Interview with Parent A*. In the meantime, District implemented the April IEP until an interim comparable-services plan could be developed. *Complaint*, p. 3; *Response*, p. 3; *Interviews with Case Manager A and SLP A*.

18. On October 9, 2025, the IEP Team met to formally develop an interim plan and transfer IEP ("Transfer IEP") for the provision of comparable services for Student A. *Response*, p. 4; *Exhibit A*, pp. 21-31; *Exhibit D*, p. 2. The Transfer IEP indicated Student A has unique communication needs and needs AT devices and services, specifically listing "AAC device and [picture exchange communication system ("PECS")]." *Exhibit A*, p. 23.

19. The Transfer IEP adopted the April IEP's five annual goals, specialized instruction and related services, and placement. *Id.* at pp. 26-30. The Transfer IEP also included many of the same accommodations as the April IEP, including "access to AAC device," and "[a]ccess to PECS for choices and social stories." *Id.* at p. 26.

20. The Transfer IEP was implemented until November 20, 2025, when the IEP Team met to review Student A's evaluation results and develop a new IEP ("November IEP"). *Response*, p. 5; *Exhibit A*, pp. 1-19. The November IEP highlights Student A's severe communication deficits and ongoing need for AT devices and services, specifically listing an AAC device in the IEP's special factors, accommodations, and annual goals. *Exhibit A*, p. 11, 13-15.

E. Accessibility of Student A's IEPs to Teachers and Others

21. Case Manager A received the April IEP on September 9, 2025, and the April IEP was made available to all of Student A's teachers and related services providers on September 11 electronically via the Enrich system or District's "teacher portal." *Response*, p. 3; *Interview with Case Manager A*. All District staff interviewed confirmed they had continuous access to the April IEP electronically and understood their responsibilities for its implementation. *Interviews with Case Manager A and Student A's general education teacher ("General Education Teacher")*. Further, School's special education team met weekly to discuss students' needs and progress, including Student A, and Case Manager A had individual conversations with Student A's paraprofessionals and general education teachers around how to support her needs. *Response*, pp. 3-4; *Interview with Case Manager A*.

22. Case Manager A also provided a copy of the Transfer IEP to relevant District staff after it was developed by the IEP Team on October 9. *Response*, p. 4; *Interview with Case Manager A*. Special education staff had continuous access to the Transfer IEP via Enrich, and general education teachers had access via the online teacher portal. *Response*, p. 4; *Interviews with Case Manager A and General Education Teacher A*.

F. Implementation of Student A's April IEP and Transfer IEP: AT Devices and Services

23. Student A began attending School on September 8, 2025, with the April IEP in effect. *Response*, p. 3; *Exhibit A*, pp. 98-130. On September 9, Case Manager A received and reviewed the April IEP, which indicated she previously had access to, but infrequently used, an iPad programmed with the TouchChat app in both English and Spanish. *Response*, pp. 4-45; *Interview with Case Manager A*. Case Manager A then submitted a request to District's AT

department, via the Job Router platform, for an iPad for Student A's use. *Response*, pp. 4-5; *Interview with Case Manager A*.

24. At the time, District's AT department used the Job Router platform for teachers and related services providers to submit technology requests. (FF # 7); *Response*, p. 4. District concedes that the Job Router platform was experiencing glitches during September 2025, and that Case Manager A's September request did not go through as a result. *Id.*

25. While awaiting an iPad, Case Manager A also obtained low-tech AT, including PECS and a communication board, within a week of Student A starting school. *Response*, p. 5; *Interview with Case Manager A*. For example, she was provided a communication board with pictures of core words (i.e., drink, bathroom, happy, sad) and would occasionally point to a picture of a water bottle if she wanted something to drink, although she preferred to gesture and point to communicate her wants and needs rather than utilize low-tech AT like pictures. *Interview with Case Manager A*.

26. On October 27, Student A received an iPad from District. *Response*, p. 5; *Interview with Case Manager A*. However, even after receiving the iPad, she continued to prefer to communicate via gesturing and pointing. *Interviews with Case Manager A and SLP A*. While she would use the iPad during speech services with direct modeling from SLP A, she did not independently use the iPad at School for communication and instead used it primarily to watch videos on YouTube. *Id.*

27. Complainant understood the April IEP and Transfer IEP to require access to a high-tech AAC device programmed through the TouchChat app in both English and Spanish, which Student A was not provided from September 8, 2025, when she started school, until she received the iPad in late October. *Complaint*, p. 3; *Reply*, p. 3.

28. District staff understood both the April IEP and Transfer IEP to require access to AT devices to support Student A's communication needs, which may include high-tech AT, like an iPad, as well as low-tech AT, such as PECS or communication boards. *Response*, p. 5; *Interviews with Case Manager A and SLP A*.

29. District provided Student A with low-tech AT shortly after she transferred to School in September 2025, including a communication board, and therefore asserts it provided comparable AT devices required by the April IEP and Transfer IEP by ensuring her access to low-tech options until she received her iPad in October. *Response*, p. 5; *Interviews with Case Manager A and SLP A*. Further, District contends use of either high-tech or low-tech AT is functionally equivalent because she rarely uses either and prefers to communicate using gestures and pointing. *Id.* Even with access to low-tech AT and eventually an iPad, she consistently preferred to communicate using gesturing and pointing and did not use the iPad for communication in the classroom setting. *Id.*

30. Based on these facts, the CDE finds that District provided Student A with the AT devices and services consistent with the April and Transfer IEPs, from August 2025 to November 2025.

G. Student B's 2024 IEP

31. Student B's IEP in effect at the beginning of the 2025-2026 school year was dated October 24, 2024 ("2024 IEP"). *Exhibit H*, pp. 69-89. The 2024 IEP was developed by a properly convened IEP Team, including Parent B and Case Manager B—who was his case manager throughout high school—in consideration of an evaluation conducted in November 2023. *Id.* at p. 70; *Response*, p. 9; *Interview with Case Manager B*. As part of the 2023 evaluation, Case Manager B assessed Student B's academic skills, observed significant challenges in word reading, and recommended accommodations to support those challenges, such as text-to-speech, which were adopted in the 2024 IEP. *Response*, p. 9; *Exhibit L*, pp. 1-2.

32. The 2024 IEP described Student B's present levels of performance, indicating his strengths in leadership, focus, and peer relationships and his challenges in reading. *Exhibit H*, pp. 71-73. The 2024 IEP also described Student B's needs and impact of disability, noting his learning disability in reading impacts his ability to accurately decode text in order to gain meaning from the text. *Id.* at p. 78.

33. The 2024 IEP indicated Student B needs AT devices or services, specifically listing "Chromebook with text to speech and editing software" and "c-pen." *Id.* at p. 79. A c-pen is a device that reads printed text aloud using text-to-speech technology. *Interview with Literacy Teacher B*. Student did not use AT devices for communication, but rather to complete reading and writing assignments. *Interviews with Parent B, Case Manager B, and Literacy Teacher B.*

34. The 2024 IEP included one annual goal in the area of reading. *Exhibit H*, pp. 82-83.

35. The 2024 IEP included numerous accommodations to ensure Student B's participation in the general curriculum, including "text-to-speech, screencasts and audio books, c-pen" and "speech-to-text for longer writing assignments." *Id.* at p. 84.

36. The 2024 IEP provided for specialized instruction in literacy, specifically, 200 minutes per week of direct services provided outside the general education classroom, 90 minutes per week of direct services provided inside the general education classroom, and 15 minutes per month of indirect services provided outside the general education classroom, all by a special education teacher. *Id.* at p. 86.

37. The IEP Team determined it was appropriate for Student B to be in the general education setting at least 80% of the time. *Id.* at p. 87. The IEP Team determined this placement was appropriate to ensure Student B spent most of his day in general education classes alongside his peers while providing specialized instruction to support his challenges in literacy. *Id.*

H. Student B's 2025 IEP Annual Review

38. On October 16, 2025, a properly convened IEP Team met for Student B's annual IEP review. *Response*, p. 9; *Exhibit H*, p. 2. During the meeting, Parent B requested that the IEP Team conduct an "AT evaluation" of Student B to explore the various technology options that may be available to him. *Complaint*, p. 4; *Response*, p. 9; *Interview with Parent B*. Parent B was not concerned that Student B had unidentified needs related to AT but rather sought to explore what new technology options were available beyond a Chromebook and c-pen, given the fast advancements in technology. *Id.* Parent B also specifically requested that District's AT department, and not the IEP Team, conduct an AT evaluation of Student B. *Id.*

39. Parent B's request was unexpected because all IEP Team members were clear on Student B's AT-related needs following the 2023 evaluation, with no further assessment needed, and the 2024 IEP provided for AT devices and services. *Response*, pp. 9-10; *Interview with Case Manager B*. Further, Case Manager B and Literacy Teacher observed that the AT devices and services required by the 2024 IEP met Student B's needs, though he did not always choose or prefer to use text-to-speech or other technology to support his reading. *Response*, p. 9; *Interviews with Case Manager B and Literacy Teacher B*.

40. Nevertheless, Case Manager B consulted with District's AT Department regarding Parent B's request for an AT evaluation and was informed that the AT Department itself does not conduct assessments. *Response*, p. 10; *Interview with Case Manager B*. Instead, IEP Teams are responsible for determining whether an AT-specific assessment is necessary for a student and, if so, for conducting that assessment, while the AT Department provides support and recommendations to IEP Teams on available technology options based on students' IEP goals and evaluation data. *Interviews with Senior Manager and Case Manager B*; *see Exhibit H*, p. 1.

41. The 2025 IEP, like the 2024 IEP, indicates Student B needs AT devices or services, includes one annual goal in reading, and provides an accommodation of text-to-speech/speech-to-text. *Exhibit H*, pp. 15, 18-20. The 2025 IEP also continues to provide specialized instruction in literacy and retains Student B's placement. *Id.* at pp. 22-23.

I. District's Decision to Not Evaluate Student B's AT Needs

42. Parent B is concerned that District did not properly consider Student B's AT-related needs at the October 2025 IEP annual review because it did not conduct an AT-specific evaluation of Student B. *Complaint*, p. 4; *Reply*, pp. 3-5. District contends the IEP Team had an adequate understanding of Student B's AT needs without conducting further assessment, based on the 2023 evaluation and staff's observance that the AT devices and services required by the 2024 IEP met Student B's needs. *Response*, pp. 9-10; *Interview with Case Manager B*.

43. On October 31, 2025, after Case Manager B consulted with the AT Department, the IEP Team amended the 2025 IEP in response to Parent B's expressed interest in new technology options. *Exhibit H*, p. 1; *Response*, p. 10. Specifically, the IEP Team agreed to add an AT service to the 2025 IEP, offering Student B periodic trials with new AT devices to support reading and

writing. *Exhibit H*, pp. 1, 42-43; *Response*, p. 10. The new goal and objectives involve Student B trying at least three different AT devices and self-rating his usage to determine if the specific AT device is supportive of his needs. *Exhibit H*, pp. 1, 42-43.

44. The IEP Team agreed a goal around trialing AT devices would be appropriate to explore Student B's preferences and provide data on the kinds of AT devices that may best support him, given Parent B's desire to explore new technology options available. *Id.* at p. 1. The IEP amendment notes Student B "has been using text-to-speech through his Chromebook" and has also tried a c-pen but did not like it. *Id.*; *Interview with Parent B*. Following the addition of this new goal, Case Manager B attempted to trial devices with Student B, but Student B only attended one trialing session due to scheduling conflicts and lack of interest in the new goal. *Response*, p. 10; *Interview with Case Manager B*.

45. On February 20, 2026, District provided Parent B with prior written notice ("PWN") of its decision to not conduct an AT evaluation of Student B. *Exhibit J*, p. 26. The PWN indicated an AT evaluation was not necessary because the IEP Team understood Student B's functional needs related to AT from the 2023 evaluation and from directly working with him, and the 2024 and 2025 IEPs already identified the AT devices and services required to meet his needs. *Id.* Further, the October IEP amendment added an AT service and goal to the 2025 IEP related to Student B's exploration of available AT options and preferences, which was Parent B's purpose in requesting an AT evaluation. (FF # 38); *Id.*

J. Student C's 2025 IEP

46. Student C's IEP in effect from February 2025 to October 2025—the time period relevant to this investigation—was dated January 17, 2025 ("2025 IEP"). *Exhibit O*, pp. 37-80.

47. The 2025 IEP described Student C's present levels of performance, noting his strengths in self-advocacy and word reading and his challenges with academics, self-regulation, and communication. *Id.* at pp. 39-60. The 2025 IEP also indicates that Student C has deficits in expressive and receptive communication that negatively affect his ability to communicate his wants and needs and his capacity to understand information. *Id.* at p. 46.

48. The 2025 IEP described Student C's needs and impact of his disability, indicating his cognitive and learning impairments hinder his ability to process and retain academic content, and his difficulties in expressive and receptive language skills affect his ability to communicate effectively with peers and staff. *Id.* at p. 60. Student C also exhibits behavioral challenges that interfere with classroom routines, peer interactions, and overall academic progress. *Id.*

49. The 2025 IEP indicated Student C has unique communication needs and needs AT devices or services. *Id.* at p. 64. Student C's primary and preferred method of communication is verbal, but the 2025 IEP noted Student C may benefit "from use of a range of supplementary supports to include low tech, mid tech, and high tech devices to support language skills, both receptively and expressively." *Id.*; *Interviews with Parent C and SLP C*.

50. The 2025 IEP includes nine annual goals in social/emotional wellness, communication, reading, math, and writing. *Exhibit O*, pp. 65-70. The communication goal involved accurately answering questions "using any communication method of choice, which can include verbal response, gesture, pictures, or mid-high tech communication device." *Id.* at p. 65.

51. The 2025 IEP includes numerous accommodations to ensure participation in the general curriculum, including visuals with feelings and coping skills on his desk and "[t]ools such as audio books, speech-to-text software, c-pen, and apps designed for students with [ASD]." *Id.* at p. 71.

52. The 2025 IEP provides specialized instruction and related services, including 180 minutes per month of direct speech services provided outside the general education setting, 60 minutes per month of direct speech services provided inside the general education setting, and 120 minutes per year of indirect speech services provided outside the general education setting, all by an SLP. *Id.* at pp. 74-76.

53. The IEP Team determined it was appropriate for Student C to be in general education setting at least 80% of the time. *Id.* at p. 78. The Team determined this placement was appropriate to provide inclusive opportunities with peers to develop social and communication skills while ensuring access to grade-level content with accommodations and specialized instruction. *Id.*

K. Accessibility of Student C's 2025 IEP to Teachers and Others

54. Case Manager C provided a copy or "snapshot" of the 2025 IEP to Student C's teachers and related services providers after it was developed at the January 2025 IEP meeting. *Response*, p. 15; *Interview with Case Manager C*. Additionally, District staff had continuous access to the 2025 IEP electronically via Enrich, and all District staff interviewed reported reviewing the 2025 IEP and understanding their responsibilities for its implementation. *Interviews with Case Manager C and SLP C*. The special education team, including Case Manager C and SLP C, also met frequently to discuss students' needs and progress, including Student C. *Id.*

L. Implementation of Student C's 2025 IEP: AT Devices and Services

55. The 2025 IEP indicates Student C needs AT devices and services and may benefit from "a range of supplementary supports to include low tech, mid tech, and high tech devices to support language skills." *Exhibit O*, p. 64. It also includes a communication goal, which requires him to answer questions "using any communication method of choice, which can include verbal response, gesture, pictures, or mid-high tech communication device." *Id.* at p. 50.

56. Complainant understood the 2025 IEP to require access to a high-tech AAC device once Student C's need for AT devices and services was added to the 2025 IEP in January 2025 and is concerned that he did not receive a high-tech device until October 3, 2025. *Complaint*, p. 5; *Reply*, pp. 5-6.

57. District staff understood the 2025 IEP to require access to a range of supports, including low-tech, mid-tech, and high-tech devices, rather than access to a high-tech AT device, specifically. *Response*, pp. 14-16; *Interviews with Case Manager C and SLP C*. Further, the 2025 IEP's communication goal—which provided that Student C could use "any communication method of choice," including a verbal response, gestures, pictures, or a high-tech communication device—signaled that a high-tech AT device was not required by the 2025 IEP. *Exhibit O*, p. 65; *Interviews with Case Manager C and SLP*.

58. Student C was provided with a high-tech AT device (an iPad) shortly after the 2025 IEP was finalized and had access to this device through Spring 2025, though he preferred to communicate verbally and did not often use the iPad as a communication tool in the classroom. *Response*, p. 13; *Interviews with Case Manager C, SLP C, and Parent C*.

59. At the start of the 2025-2026 school year, SLP C submitted a request to District's AT department via Job Router for an iPad for Student C's continued use. *Response*, p. 14; *Interview with SLP C*. Due to a software glitch in the Job Router platform, SLP C's request was not initially processed, and Student C did not receive an iPad until October 3, 2025. *Id.* In the meantime, SLP C utilized low-tech AT for Student C, including printing pictures and placing them in a binder that traveled with Student C and placing posters in the classroom. *Id.* District contends that both low-tech and high-tech AT were contemplated by the IEP Team in developing the 2025 IEP and both were provided to Student C; thus, District's provision of low-tech AT at the beginning of the 2025-2026 school year was consistent with the 2025 IEP's requirements. *Response*, pp. 14-15; *Interviews with Case Manager C and SLP C*.

60. Based on these facts, the CDE finds that District provided Student C with the AT devices and services consistent with the IEP, from February 2025 to October 2025.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District ensured that staff had access to and an understanding of their responsibilities for implementing Student A's April IEP and Transfer IEP, as required by 34 C.F.R. § 300.323(d). District also implemented the April IEP and Transfer IEP by providing the AT devices and services listed in the IEPs, from August 2025 to November 2025, as required by 34 C.F.R. §§ 300.6, 300.323(c). District complied with the law.

Complainant is concerned that District did not implement Student A's April IEP and Transfer IEP because it did not provide the AT devices and services required by the IEPs—specifically, a high-tech AAC device programmed with the TouchChat app in both English and Spanish—from August 2025 to November 2025. (FF #s 4, 27.)

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(c)(2), (d).

II. IEP Accessibility to Teachers and Others

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

Here, Student A's April IEP was accessible to her teachers and service providers electronically through Enrich by September 11, 2025, within three days of Student A enrolling at School. (FF # 21.) After the Transfer IEP was developed on October 9, Case Manager A provided a copy to relevant District staff, who also had continuous access to the Transfer IEP electronically. (FF # 22.) Further, District staff, including Case Manager A, General Education Teacher A, and SLP A, collaborated weekly to discuss Student A's needs and her IEP. (FF #s 19-21.) All District staff interviewed confirmed they had access to Student A's IEPs and understood their responsibilities for their implementation. (FF # 21.) For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.323(d).

III. Implementation of AT Devices and Services in Student's A's IEPs

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 Providing AT Devices and Services?*

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

Here, both the April IEP and Transfer IEP indicated Student A requires AT devices or services, described a high-tech AAC device that Student A was using during the 2024-2025 school year, and required "access to AAC device" as an accommodation. (FF #s 10-12, 14, 17-20.) The CDE finds and concludes there was no shortfall in the implementation of the AT devices and services here. (FF # 30.)

The April IEP described Student A's communication challenges, indicated she needs AT devices or services, and required access to AT devices. (FF #s 10-12, 14.) While the April IEP did note that Student A then had access to a high-tech AAC device, it also indicated she used multimodal communication and preferred to communicate using gesturing or pointing, rather than using any AAC methods, either high-tech or low-tech. (FF #s 10, 12.)

Nevertheless, Case Manager A requested a high-tech AT device from District's AT Department on September 9, 2025, after reviewing the April IEP. (FF # 23.) Due to a technology glitch, Case Manager A's request was not timely processed, and Student A did not receive the high-tech device until October 27, 2025. (FF #s 24, 26.) In the interim, Student A was provided with access to low-tech AT, including PECS and a communication board. (FF #s 25, 29.) Because Student A infrequently used AT devices (either high- or low-tech) to communicate, District provided AT devices and services comparable to the April IEP by providing access to PECS and a communication board prior to her receipt of the iPad in October 2025. (FF #s 10, 12, 25-26, 29). Similarly, the Transfer IEP required access to AT devices and services, both high-tech and low-tech, which District provided in the form of PECS and a communication board until Student A received the iPad in October. (FF #s 17-20, 25, 29.)

For these reasons, there was no shortfall in the implementation of AT devices and services required by Student A's April IEP and Transfer IEP.

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

Because there was no shortfall in the provision of AT devices and 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 considered Student B's need for AT devices and services in developing his 2025 IEP at a meeting on October 16, 2025, as required by 34 C.F.R. §§ 300.6, 300.105, 300.324(a)(2)(v). District complied with the law.

Complainant is concerned that District did not consider Student B's need for AT devices and services in developing the 2025 IEP at a meeting on October 16, 2025, specifically by not conducting an AT evaluation of Student B. (FF #s 4, 38, 42.)

I. Legal Requirements: IEP Development

The IDEA requires a 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). An analysis of the adequacy of an IEP begins with the two-prong standard established by the united States Supreme Court in *Board of Education v. Rowley*, 458 U.S. 176 (1982). The first prong determines whether the IEP development process complied with the IDEA's procedures; the second prong considers whether the IEP was reasonably calculated to enable the child to receive an educational benefit. *Id.* at 207. If both questions can be answered affirmatively, then the IEP is appropriate under the law. *Id.* Taken together, these two prongs assess whether an IEP is procedurally and substantively sound.

Complainant's concern relates only to the development of Student B's 2025 IEP and not its substance, so the CDE will address only the first *Rowley* prong.

II. Development of the 2025 IEP

In developing a child's IEP, the IEP team must consider whether the child needs assistive technology devices and services. 34 C.F.R. § 300.324(a)(2)(v). IEP Teams should consider a child's need for AT devices and services every time they create or revise an IEP. *Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the IDEA*, 124 LRP 1839 (OSERS 2024).

The IDEA does not require that an AT-specific evaluation be conducted prior to providing an AT device or service to a child with a disability. *Id.* Instead, IEP Teams are responsible for determining a student's AT needs and whether a standalone AT evaluation may be appropriate. *Id.* In many cases, a student's AT needs may be evaluated as part of an initial evaluation or reevaluation, without the need for a separate AT evaluation. *Id.*

When an IEP Team determines that a student with a disability needs an AT device or service to receive FAPE, the school district must provide it. *Id.*; 34 C.F.R. § 300.105(a). IEP Teams must also arrange for any training or technical assistance the child or the family needs to use an AT device, and must document such training or technical assistance as an AT service in the IEP. 34 C.F.R. § 300.6(e); *Dear Colleague Letter*, 124 LRP 1839 (OSERS 2024).

Here, the 2025 IEP was developed at a properly constituted IEP Team meeting on October 16, 2025. (FF # 38.) The 2025 IEP indicates Student B needs AT devices and services and uses a Chromebook with text-to-speech. (FF #s 33, 41.). At the October 16 IEP meeting, Parent B requested that District's AT Department conduct an AT evaluation of Student B to explore all available technology options and is concerned that District did not conduct that evaluation. (FF #s 38, 42.) However, AT-specific evaluations are not required by IDEA. *Dear Colleague Letter*, 124 LRP 1839 (OSERS 2024). Instead, IEP Teams must determine whether such an evaluation is necessary and, if so, complete the evaluation. *Id.*

The Record here reflects that the IEP Team had sufficient information about Student B's AT-related needs, based on his most recent evaluation and staff observation while implementing the 2024 IEP, without the need for further evaluation. (FF #s 39, 42, 45.) Indeed, both the 2024 and 2025 IEPs include AT devices and services to support his reading challenges. (FF # 41.) Further, Parent B's request for an AT evaluation was not for the purpose of evaluating any unidentified AT-related needs, but rather to explore all available technology options. (FF # 38.) In response to Parent B's expressed interest in technology options, the IEP Team also added a new IEP annual goal around trialing various AT devices, though Student B did not avail himself of those trialing sessions. (FF #s 43-44.)

For these reasons, the CDE finds and concludes that District considered Student B's need for AT devices and services at a meeting on October 16, 2026, as required by 34 C.F.R. §§ 300.6, 300.105, 300.324(a)(2)(v). District complied with the law.

Conclusion to Allegation No. 3: District ensured that staff had access to and an understanding of their responsibilities for implementing Student C's 2025 IEP, as required by 34 C.F.R. § 300.323(d). District implemented Student C's 2025 IEP by providing the AT devices and services listed in the IEP, from February 2025 to October 2025, as required by 34 C.F.R. §§ 300.6, 300.323(c). District complied with the law.

Complainant is concerned that District did not implement Student C's 2025 IEP because it did not provide the AT devices and services required by the IEP—specifically, a high-tech AAC device—from February 2025 to October 2025. (FF #s 4, 56.)

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 to Teachers and Others

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

Here, Case Manager C provided a copy of the 2025 IEP to Student C's teachers and related services providers, including SLP C, following its development at a meeting in January 2025, and all relevant staff had continuous access to the 2025 IEP electronically. (FF # 54.) Further, District staff, including Case Manager C and SLP C, collaborated often to discuss Student C's needs and his IEP. (*Id.*) All District staff interviewed confirmed they had access to the 2025 IEP and understood their responsibilities for its implementation. (*Id.*) For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.323(d).

III. Implementation of AT Devices and Services in Student's A's IEPs

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 Providing AT Devices and Services?*

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

Here, the 2025 IEP indicated that Student C needs AT devices or services and may benefit from a range of supplementary supports, including low-tech, mid-tech, and high-tech devices. (FF # 49).

The 2025 IEP does not include any AT service around training for Parent C. (*Id.*) The CDE finds and concludes there was no shortfall in the implementation of the AT devices or services. (FF # 60.)

District provided Student C with a high-tech AAC device after finalizing the 2025 IEP in January 2025, which he had continuous access to but did not use for communication purposes in the classroom, as he preferred to communicate verbally. (FF # 58.) Shortly after school began in August 2025, Case Manager C requested another high-tech AAC device for Student C's use from District's AT Department. (FF # 59.) Due to a technology glitch, Case Manager C's request was not timely processed, and Student C did not receive the high-tech device until October 3, 2025. (*Id.*). In the interim, District staff made low-tech AT available to Student C, including pictures in a binder and posters in his classroom, although he continued to prefer to communicate verbally rather than using any AT, either low- or high-tech. (*Id.*).

Complainant is concerned that Student C was not provided with a high-tech AAC device from February 2025 to October 2025, as required by the 2025 IEP. (FF # 56.) However, the 2025 IEP did not require that District provide Student C with a high-tech AAC device. (FF # 49.). Instead, the 2025 IEP described his communication challenges, indicated he needs AT devices or services, and provided access to a "range of supplementary supports," which may include low-, mid-, or high-tech AT devices. (FF #s 47-49.) District provided Student C with a high-tech AAC device in January 2025 after AT devices were added to the 2025 IEP, which Student C had access to during the Spring 2025 semester but did not use for communication purposes at school, and provided low-tech AT at the beginning of the 2025-2026 school year while awaiting another high-tech AAC device for Student C. (FF #s 58-59.) The Record reflects that District provided AT devices and services to Student C, consistent with the 2025 IEP, from February 2025 to October 2025. (*Id.*).

Complainant is also concerned that District did not provide Parent C with any training around use of Student C's high-tech AT device. (FF # 4.) However, the 2025 IEP did not include an AT service that required providing training to Parent C on use of Student C's AAC device. (FF # 49). Instead, the 2025 IEP only noted that staff needed to have access to the same mode(s) of communication Student C is learning in order to model its use. (*Id.*) While AT Training for a child's family may be appropriate in some circumstances, that is a decision for the IEP Team to make and document in the IEP, and there is no evidence in the Record that the IEP Team found it necessary here. (FF #s 46-53). Indeed, the 2025 IEP does not include an AT service that requires training Parent C around Student C's AT device. (FF # 49). 34 C.F.R. § 300.6(e); *Dear Colleague Letter*, 124 LRP 1839 (OSERS 2024).

For these reasons, there was no shortfall in the implementation of AT devices and services required by Student C's 2025 IEP.

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

Because there was no shortfall in the provision of AT devices and services required by the 2025 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).

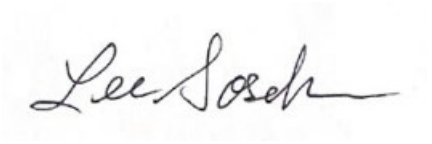
REMEDIES

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

CONCLUSION

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

Dated this 16th day of October, 2026.



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Lee Sosebee, Esq.
State Complaints Officer

APPENDIX

Complaint, pages 1-8

- Exhibit 1: Authorization Form
- Exhibit 2: Authorization Form
- Exhibit 3: Authorization Form
- Exhibit 4: District Policies
- Exhibit 5: Student A IEPs
- Exhibit 6: Student B IEPs
- Exhibit 7: Student C IEPs
- Exhibit 8: Correspondence

Response, pages 1-16

- Exhibit A: Student A IEPs
- Exhibit B: Student A NOMs
- Exhibit C: Student A PWN
- Exhibit D: Student A IEP Meeting Participants
- Exhibit E: Student A Service Logs
- Exhibit F: Student A Evaluation Report
- Exhibit G: Student A Attendance and Grades
- Exhibit H: Student B IEPs
- Exhibit I: Student B NOMs
- Exhibit J: Student B IEP Amendment
- Exhibit K: Student B IEP Meeting Participants
- Exhibit L: Student B Evaluation Report
- Exhibit M: Student B Progress Reporting
- Exhibit N: Student B Attendance and Grades
- Exhibit O: Student C IEPs
- Exhibit P: Student C NOMs
- Exhibit Q: Student C PWN
- Exhibit S: Student C Service Logs
- Exhibit U: Student C Attendance and Grades
- Exhibit V: District Policies
- Exhibit W: District Calendars

Reply, pages 1-8

Telephone Interviews

- Case Manager C: May 26, 2026
- SLP C: May 26, 2026

- Case Manager A: May 27, 2026
- Literacy Teacher: May 28, 2026
- SLP A: May 28, 2026
- Case Manager B: May 28, 2026
- General Education Teacher C: May 28, 2026
- General Education Teacher A: May 29, 2026
- Senior Manager: June 15, 2026
- Parent A: June 25, 2026
- Parent B: June 25, 2026
- Parent C: June 25, 2026