

Colorado Department of Education  
Decision of the State Complaints Officer  
Under the Individuals with Disabilities Education Act (IDEA) and  
the Protection of Individuals from Restraint and Seclusion Act (PPRA)

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**State-Level Complaint 2023:594  
Arapahoe County School District 6**

**DECISION**

**INTRODUCTION**

On October 9, 2023, the parent (“Parent”) of a student (“Student”) identified as a child with a disability under the Individuals with Disabilities Education Act (“IDEA”)<sup>1</sup> filed a state-level complaint (“Complaint”) against Arapahoe County School District 6 (Littleton Public Schools) (“District”). The State Complaints Officer (“SCO”) determined that the Complaint identified four allegations subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153, as well as the Protection of Individuals from Restraint and Seclusion Act (“PPRA”)<sup>2</sup> and its implementing regulations, the Rules for the Administration of the Protection of Persons from Restraint Act (the “Rules”).<sup>3</sup> Therefore, the SCO has jurisdiction to resolve the Complaint.

**RELEVANT TIME PERIOD**

The Colorado Department of Education (the “CDE”) has the authority to investigate alleged violations that occurred not more than one year from the date the original complaint was filed. 34 C.F.R. §300.153(c); Rule 2620-R-2.07(2)(f). Accordingly, this investigation will be limited to the period of time from October 9, 2022 to the present for the purpose of determining if a violation of the IDEA or PPRA occurred. Additional information beyond this time period may be considered to fully investigate all allegations. Findings of noncompliance, if any, shall be limited to one year prior to the date of the complaint.

**SUMMARY OF COMPLAINT ALLEGATIONS**

1. Whether the District denied Student a Free Appropriate Public Education (“FAPE”) because the District:

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<sup>1</sup> 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.

<sup>2</sup> The Protection of Individuals from Restraint and Seclusion Act, C.R.S. § 26-20-101, *et seq.*, was previously titled the Protection of Persons from Restraint Act and referred to as the “PPRA.” This acronym lives on despite amendment of the Act’s title.

<sup>3</sup> The Rules are codified at 1 C.C.R. 301-45.

- a. Failed to properly implement Student's IEP, in violation of 34 C.F.R. § 300.323, specifically by:
    - i. Failing to educate Student in the least restrictive environment required by Student's IEP from October 2022 to present;
    - ii. Failing to provide Parent periodic reports on Student's progress in or around May 2023; and
    - iii. Failing to follow Student's behavior intervention plan ("BIP") on February 3, 2023 and February 9, 2023.
  - b. Amended Student's IEP between December 2022 and February 2023 without agreement of Parent and outside of an IEP Team meeting, in violation of 34 C.F.R. § 300.324(a)(6).
  - c. Determined Student's educational placement between October 2022 to present outside of a properly convened IEP Team meeting and without including Parent, in violation of 34 C.F.R. §§ 300.116(a)(1), 300.321(a)(1), 300.327, 300.501(c)(1) and ECEA Rule 4.03(8)(a).
2. Whether the District improperly restrained Student on or about February 3, 2023 and February 9, 2023, specifically by:
- a. Restraining Student in a non-emergency situation, in violation of Rule 2620-R-2.01(1)(a) and C.R.S. § 26-20-103(1)(a);
  - b. Restraining Student without first using less restrictive alternatives or determining that less restrictive alternatives would be inappropriate or ineffective under the circumstances, in violation of Rule 2620-R-2.01(1)(b) and C.R.S. § 26-20-103(b)(I)-(II);
  - c. Restraining Student as a punitive form of discipline or as a threat to control or gain compliance of Student's behavior, in violation of Rule 2620-R-2.01(2) and C.R.S. § 26-20-103(1.5); and
  - d. Failing to comply with the documentation and notification requirements for restraint, in violation of Rule 2620-R-2.04(2) and C.R.S. §§ 22-32-147(3)(b5)-(c), 26-20-106, and 26-20-111(7).

### **FINDINGS OF FACT**

After thorough and careful analysis of the entire Record,<sup>4</sup> the SCO makes the following FINDINGS:

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<sup>4</sup> The appendix, attached and incorporated by reference, details the entire Record.

### **A. Background**

1. Student is a twenty-year-old young woman enrolled in the District's secondary transition program. *Interviews with Director of Student Support Services ("Director") and Parent*. She completed high school during the 2021-2022 school year, before enrolling in the District's transition program in Fall 2022. *Response*, p. 1; *Interview with Director*.
2. Though Student met the requirements for graduation, no diploma has been issued or requested. *Response*, p. 4; *Interview with Director*. Instead, Student's IEP Team determined that Student was eligible for transition services to continue work related to her IEP goals. *Interview with Director*. As a result, the District extended an offer for Student to participate in secondary transition services. *Id.* In its *Response*, the District asserted that it no longer owes a FAPE to Student because she met the graduation requirements, even though the District has not issued Student's diploma. *Response*, p. 4.
3. Student is eligible for special education and related services under the disability category of Autism Spectrum Disorder ("ASD"). *Exhibit A*, p. 1. In addition to ASD, Student also experiences frequent non-epileptic seizures ("NES"). *Interviews with Former Case Manager and Parent*. During the 2022-2023 school year, Former Case Manager reported that Student had seizures almost daily; the seizures lasted anywhere from a few minutes to an hour. *Interview with Former Case Manager*. Her seizures also varied in intensity from sitting and staring with a nonresponsive look, to stereotypical, convulsive seizures. *Interview with Social Worker*.
4. Student is a friendly young woman with a great sense of humor. *Interviews with Former Case Manager, Parent, and Social Worker*. She enjoys being around her peers and excels at advocating for her needs. *Id.* Student has difficulty navigating social situations and staying emotionally regulated. *Interview with Former Case Manager*. Student's social struggles and her NES impact her ability to participate in the transition programming. *Interviews with Former Case Manager and Social Worker*.

### **B. Transition Program**

5. The District's transition program operates primarily out of a single building ("Transition Headquarters"). *Interviews with Director and Social Worker*. Transition students arrive at the Transition Headquarters around 7:45 a.m., where they check-in with staff and other students until 8:30 a.m. *Interview with Social Worker*. Staff then pre-teach students on specific skills being targeted that day. *Id.* Many students spend a portion of their day in the community before returning to the Transition Headquarters for debriefing and dismissal. *Id.* The Transition Headquarters has dedicated spaces for students to learn to cook or practice vocational skills or hobbies. *Interview with Director*.

6. Related service providers serve students at the Transition Headquarters. *Interview with Director*. Students also can participate in appropriate classes/groups, such as Girls Group, Job Readiness, Exploring Hobbies, Leisure and Recreation, Money Management and Organization, College 101, and Healthy Hawks. *Exhibit A*, p. 4.

### C. October 2022 IEP

7. On October 7, 2022, the District convened Student's IEP Team to complete her annual IEP review. *Interviews with Former Case Manager and Parent*. During the meeting, the IEP Team agreed in principle to an IEP dated October 7, 2022 ("October 2022 IEP"). *Id.*
8. The October 2022 IEP reviewed Student's present levels of performance, noting that she completed high school coursework that was modified to her ability level. *Exhibit A*, p. 7. When Student finished high school, she was reading at a fifth-grade level. *Id.* Fine motor activities challenged Student, while her verbal abilities were a strength. *Id.* At the time of the October meeting, Student was volunteering at a retirement home and the District administration building. *Id.* at p. 4.
9. Student's ASD impacted her flexibility in thinking, problem solving, and perspective taking, as well as her understanding of social cues. *Id.* at p. 12. Student also experienced anxiety, which affected her learning and social interactions. *Id.*
10. The October 2022 IEP contained a post-secondary transition plan to help Student work towards her goal of participating in an inclusive college program or trade school and, ultimately, working in an office job. *Id.* at p. 13. Student's transition plan detailed the education, career/employment training, and community experiences the District would provide to help Student accomplish her goal. *Id.*
11. The single annual goal in the October 2022 IEP targeted Student's self-determination skills with five objectives. *Id.* at p. 17. At least two of those objectives required Student to be in a shared setting with peers. *Id.*
12. The October 2022 IEP included numerous accommodations, such as continuous line of sight supervision for safety when in the community, use of a wheelchair for walking longer distances/bus rides, and providing assistance with fine motor challenges. *Id.* at pp. 17-18.
13. The October 2022 IEP specified that Student would receive her high school diploma "upon completion of IEP goals, objectives and Transition Services program activities." *Id.* at p. 20. Under the IEP, Student received the following specialized instruction and related services:

- Transition Services
  - 1,300 minutes per week of direct transition services provided by a special education teacher or paraprofessional inside the general education classroom; and
  - 413 minutes per week of direct transition services provided by a special education teacher or paraprofessional outside the general education classroom.
- Speech Language Services
  - 120 minutes per month of direct speech language services provided by a speech language pathologist outside the general education classroom; and
  - 30 minutes per month of indirect speech language services provided by a speech language pathologist inside the general education classroom.
- Social Emotional Services
  - 120 minutes per month of direct social emotional services provided by a social worker outside the general education classroom; and
  - 30 minutes per month of indirect social emotional services provided by a social worker inside the general education classroom.
- Physical Motor Services
  - 600 minutes per semester of direct physical motor services provided by an occupational therapist or certified occupational therapy assistant outside the general education classroom.

*Id.* at p. 20-21.

14. Per the October 2022 IEP, Student spent 72% of her time in the general education classroom. *Id.* at p. 21. All the participants in the District's transition program were students with disabilities; as a result, Student did not have access to any non-disabled peers through the transition program. *Interview with Former Case Manager.* Activities outside of the transition headquarters were considered general education time. *Id.* Such activities included community-based vocational activities, social activities, leisure activities, and community awareness activities. *Id.*

15. During the October 7 meeting, the IEP Team removed Student's existing BIP. *Interviews with Former Case Manager, Parent, and Social Worker; Exhibit A*, p. 24. At the time, District staff were not seeing any significant behaviors. *Exhibit A*, p. 24. The IEP Team agreed to revisit the BIP if the need arose. *Id.*
16. Following the October 7 meeting, Former Case Manager did not finalize Student's IEP. *Interview with Former Case Manager*. Former Case Manager left the IEP "open" in the District's IEP management system, because she wanted "to include the updated seizure plan, which [was] still in process." *Exhibit P*, p. 1.

#### **D. Changes to Student's Schedule and Her IEP**

17. Student's elopement behavior increased significantly shortly after the October 7 IEP Team meeting. *Id.*; *Interview with Former Case Manager*. In response, Former Case Manager scheduled a meeting with Parent on October 27 to discuss Student's behavior and brainstorm how staff could support her. *Exhibit M*, p. 999. The meeting was not scheduled as an IEP Team meeting. *Interviews with Former Case Manager and Parent; Exhibit C*, pp. 1-19.
18. During the October 27 meeting, the District notified Parent that Student's schedule would be reduced to alleviate some of the stress and anxiety that staff felt were contributing to Student's elopement. *Interviews with Former Case Manager and Parent*. Under the modified schedule, Student would not attend the transition program on Wednesdays. *Id.* Student also left the program an hour early on Mondays, Tuesdays, and Thursdays and three hours early on Fridays. *Exhibit M*, p. 999. Though District notes reflected that all attendees agreed to the reduction in schedule, Parent says she was "told" of the reduction and not given a choice. *Exhibit 17*, pp. 1-2; *Interview with Parent*. Student's IEP was not amended to reflect this change in her schedule. *Interviews with Former Case Manager and Parent; Exhibit A*, pp. 1-174.
19. The reduced schedule remained in effect for the remainder of the first semester of the 2022-2023 school year. *Interviews with Former Case Manager and Parent; Exhibit M*, pp. 999-1005.
20. Former Case Manager scheduled a meeting with Parent on December 16 to discuss Student's second semester schedule. *Interviews with Former Case Manager and Parent*. The meeting was not scheduled as an IEP Team meeting. *Id.*; *Exhibit C*, pp. 1-19. District staff proposed adding Wednesdays back to Student's schedule but encouraged Student to take Fridays off. *Interviews with Former Case Manager and Parent; Exhibit M*, p. 1005. The attendees were unable to reach an agreement regarding Student's schedule. *Exhibit M*, p. 1005.
21. Nonetheless, Former Case Manager sent an IEP amendment to Parent that memorialized the reduction in Student's time in the transition program. *Exhibit A*, pp. 25-47. The amendment was dated December 16. *Id.* at p. 25. Effective January 2023, Student would receive 413 minutes per week of direct transition services outside of the general education classroom and

982 minutes per week of direct transition services inside the general education classroom, for a total of 1,395 minutes. *Id.* Student previously received 1,713 minutes per week of transition services. *Id.* at pp. 20-21. The amendment reduced Student's transition services by 19 percent. *Id.* at pp. 20-21, 45.

22. In response, Parent indicated she did not agree with the amendment and expressed concern over the changes being made outside of an IEP Team meeting. *Interview with Parent.*
23. In January 2023, the District agreed to allow Student to return to the transition program five full days a week. *Exhibit M*, p. 1008.

#### **E. Reinstatement of BIP**

24. Meanwhile, on November 2, Former Case Manager notified Parent that she wanted to reinstate a BIP for Student given her changing behavior. *Exhibit P*, p. 1. Student's BIP was reinstated on November 16. *Exhibit B*, pp. 1-7.
25. The BIP identified five target behaviors: (1) disengagement from work, (2) elopement, (3) negative statements, (4) self-injury, and (5) sensation/peer seeking. *Id.* at pp. 1-2.
26. The BIP outlined setting event strategies, such as allowing Student to call her parents and check-ins with teachers to help problem-solve her frustrations. *Id.* at pp. 2-3.
27. Listed antecedent strategies designed to reduce the target behaviors included:
- Verbally ignoring Student if she elopes from the classroom, while following at a distance to ensure safety;
  - Allowing Student access to safe spaces for breaks; and
  - Avoiding sarcasm and metaphors.

*Id.*

28. The BIP also included behavior teaching strategies for noncompliance and for elopement. *Id.* at p. 2. For elopement, staff should ask Student to stop, follow at a safe distance, give minimal verbal directions, and validate her feelings. *Id.* at p. 3.
29. As reinforcement strategies, the BIP listed praising Student for choosing a safe place to take a break and giving Student 1:1 time to process the expected behavior. *Id.* at p. 2.
30. Additionally, the BIP detailed a Crisis Intervention Plan to be followed in the event Student displayed self-injurious behavior or eloped. *Id.* at pp. 4-5. During an elopement, staff should immediately call for support; additional assistance should be called if Student approached a

high traffic area. *Id.* at p. 5. Crisis Prevention and Intervention techniques should be used only when Student was in imminent danger and as a last resort. *Id.*

#### **F. February Elopements**

31. Student's elopement behavior continued to escalate in January and February 2023. *Id.* at pp. 1007-09. Elopements on February 3 and February 9 were the subject of Parent's Complaint and, in turn, this investigation. *Complaint*, pp. 2-3.
32. On February 3, Student arrived at a community college campus with peers. *Interviews with Parent and Social Worker*. As the students were heading inside, a paraprofessional returned to the District van to get her bag. *Interview with Social Worker*. Student walked away from the community college. *Id.* Staff immediately radioed for assistance, and Social Worker responded. *Id.* Student did not respond to verbal redirection from staff to return to the community college. *Id.* Staff ran to catch up to Student. *Id.* By the time they reached Student, she had turned onto a sidewalk adjacent to a busier street and crossed an intersection. *Id.* Social Worker positioned herself in front of Student and asked her to stop. *Id.* Student bumped into Social Worker's body and continued to try to move forward. *Id.*
33. Another staff member arrived with Student's wheelchair. *Id.* Social Worker placed her hands on Student's shoulders and used a physical prompt to get Student to sit in her wheelchair. *Id.* Neither Social Worker nor any other staff member physically forced Student into her wheelchair. *Id.* The presence of Social Worker's hands—without any accompanying force—was enough to coax Student to sit down. *Id.* Staff fastened Student's lap belt and wheeled her back to the community college. *Id.* Social Worker felt the use of Student's wheelchair was less restrictive than placing Student in a physical hold or a physical restraint. *Id.*
34. In the moment, District staff had significant concerns about Student's safety. *Id.* Though Student had successfully navigated the sidewalk up until that point, staff noticed she crossed an entrance and intersection without slowing, stopping, or looking left and right. *Id.* Staff prompted Student to sit in her wheelchair to ensure her safety. *Id.*
35. On February 9, Student attempted to elope on an outing to a fast-food restaurant. *Interviews with Parent and Social Worker; Exhibit 19*. Special Education Teacher blocked the restaurant's exit with her body. *Interview with Social Worker; Exhibit 19*. After Student did not respond to verbal redirection, staff brought Student's wheelchair over and placed it behind her. *Interview with Social Worker; Exhibit 19*. Special Education Teacher used a physical prompt to get Student to sit in her wheelchair, and staff fastened the lap belt. *Interview with Social Worker; Exhibit 19*. Student allegedly pushed the wheelchair away and tried to scratch staff while she was being helped into the wheelchair. *Interview with Parent; Complaint*, p. 3.
36. In her Complaint, Parent alleged the use of Student's wheelchair during her elopements on February 3 and February 9 constituted a mechanical restraint. *Complaint*, pp. 2-3. Parent also



argued that District failed to implement Student's BIP during these incidents. *Id.* Staff working with Student were aware of her BIP. *Interviews with Former Case Manager and Social Worker.*

37. Staff did not consider the use of Student's wheelchair during these incidents to be a restraint. *Interview with Social Worker.* Instead, staff thought the wheelchair was used consistent with how Student typically used her wheelchair in the transition program. *Id.* Student often used her wheelchair at the transition program. *Interviews with Former Case Manager and Social Worker.* The wheelchair allowed Student to walk further distances on community outings. *Id.* Staff also used the wheelchair proactively in case Student experienced a seizure on a community outing or on transportation. *Id.* When Student was in the wheelchair, staff always fastened the lap belt to ensure Student was safely positioned in the wheelchair in case of a seizure. *Id.* Due to her fine motor abilities, Student could not fasten the lap belt independently. *Id.*
38. Following Student's February 9 elopement, the District modified Student's schedule by eliminating her access to community outings. *Interviews with Former Case Manager and Parent; Exhibit M*, pp. 1010-11. Student still attended the program full time at the Transition Headquarters but was no longer allowed to join her peers in the community for vocational or social programming. *Interviews with Former Case Manager and Parent.* During this time, the District also modified the groups Student participated in, placing Student in smaller groups with peers with more limited verbal abilities. *Id.* Parent did not agree with the changes to Student's placement and felt she was "told" of the decision, rather than being involved in the decision-making process. *Interview with Parent.*
39. On February 17, Student eloped from the Transition Headquarters. *Exhibit M*, pp. 1010-11. This elopement prompted the District to unilaterally change the length and location of Student's programming. *Id.*; *Interviews with Director and Former Case Manager.* Beginning on February 22, Student received three hours of transition services per day at a District administrative building ("Administrative Building"), for a total of 900 minutes per week. *Exhibit M*, pp. 1010-11; *Interviews with Director and Former Case Manager.* Parent, again, did not agree with the District's decision to change Student's placement. *Interview with Parent.*
40. District staff felt the Administrative Building would provide Student a safer, smaller setting. *Interview with Director.* At the Administrative Building, Student had limited access to other students from the transition program. *Interviews with Director and Parent.* The District intended Student's placement at the Administrative Building to be short-term, but Student remained in that placement until the end of the 2022-2023 school year. *Interview with Director.*
41. The other students at the Administrative Building were also typically in interim placements. *Id.* Other students from the transition program visited the Administrative Building to deliver mail or staff the snack shop. *Id.* At times, Student joined these students in distributing the mail or selling items in the snack shop. *Id.*

42. At the Administrative Building, Student did not have access to some of the courses/groups that she previously participated in at the Transition Headquarters. *Interview with Former Case Manager*.
43. It is unclear when or if the October 2022 IEP was ever finalized. *Interviews with Former Case Manager and Parent*. Though the District asserts it was finalized on December 16—when Former Case Manager added the amendment—that version of the IEP lists Student’s age as “19y 5 m” even though Student would have only been 19 years 2 months at the time of the amendment. *Exhibit A*, p. 25; *Exhibit M*, p. 1017; *Exhibit 4*, p. 39.
44. In Spring 2023, Parent expressed concern about the unauthorized changes to Student’s IEP. *Interview with Parent*. In April 2023, the District agreed to “restore the October 2022 IEP” to its original version. *Interviews with Director and Parent*; *Exhibit M*, p. 1017. That restored IEP was finalized on April 11, 2023, and contained the same service minutes as the October 2022 IEP. *Exhibit 4*, p. 1-25.

#### **G. Progress Monitoring**

45. District staff maintained an internal log which detailed the results of their progress monitoring on each of the objectives under Student’s annual goal. *Exhibit F*, pp. 15-94. The log contains no progress monitoring information after February 28, 2023. *Id.* at p. 87. In its Response, the District conceded that it did not provide Parent any reports of Student’s progress during the second semester of the 2022-2023 school year. *Response*, p. 5.

#### **H. 2023-2024 School Year**

46. Student’s IEP has not changed since it was reinstated in April 2023. *Exhibit 4*, pp. 1-25; *Interview with Parent*. As a result, Student’s current IEP still requires that she spend 72% of her time in the general education environment. *Exhibit A*, p. 24.
47. Student currently receives her transition services at the District’s North Campus three days per week. *Interview with Parent*. Student has not been permitted to return to the Transition Headquarters due to concerns over her elopement and seizures. *Id.*
48. At the North Campus, Student spends extremely limited time with other transition students. *Id.* One day per week, the District sends a transition student at Student’s level to the North Campus to sell concessions with Student. *Id.* The rest of the time Student has been with much younger peers, including a high schooler and an eight-year-old. *Id.* Student participates in a private day program for students with ASD the other two days a week at the District’s expense. *Id.*

49. Parent feels that Student does not have the stamina to increase her weekly services. *Interview with Parent.*

### **CONCLUSIONS OF LAW**

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

As a preliminary matter, the SCO must address the District's opening argument in its Response. The District asserts that it is no longer obligated to provide Student a FAPE because Student has already met all the requirements to graduate with a regular diploma. (FF # 2.) Per the District, it matters not whether Student has received a diploma but only whether she has met the requirements. (*Id.*) Under the District's argument, Parent's Complaint is moot, because the District no longer owed Student a FAPE. (*Id.*)

Under the IDEA, a student's right to FAPE does not end until the student either: (1) reaches age 21, or (2) exits with a regular high school diploma. 34 C.F.R. §§ 300.102(a)(3)(ii), (iv) and 300.505(e)(2). Even students who have met the graduation requirements may have ongoing transition needs identified by their IEPs or IEP Teams. *ESSU Technical Assistance: Secondary Transition Services for 18-21 Year Olds* (CDE 2022), available at [https://www.cde.state.co.us/cdesped/ta\\_transitionservices18-21-0](https://www.cde.state.co.us/cdesped/ta_transitionservices18-21-0).

Here, the District acknowledged that Student's IEP Team determined that Student needed transition services to continue work related to her IEP goals, and the District extended an offer for Student to participate in the transition program. (FF # 2.) The District cannot offer a student transition services and then disclaim responsibility when challenged by a parent. If the District agrees to provide transition services, it must provide those services in compliance with the IDEA, even where a student has met the graduation requirements. Thus, the SCO finds and concludes that Parent's Complaint is not moot.

**Conclusion to Allegation No. 1(a): The District failed to properly implement Student's IEP, in violation of 34 C.F.R. §§ 300.320(a)(3), 300.320(a)(5), and 300.323. A denial of FAPE occurred.**

The first allegation in Parent's Complaint concerns the implementation of Student's IEP during the 2022-2023 school year. Specifically, Parent contends the District failed to educate Student in the required LRE, failed to provide progress reports, and failed to follow Student's BIP.

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 2.19. 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 Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 994 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Ed. v. Rowley*, 458 U.S. 176, 181 (1982)). A student's IEP must be implemented in its entirety. 34 C.F.R. § 300.323(c)(2).

A school district must ensure that “as soon as possible following the development of the IEP, special education and related services are made available to a child in accordance with the child’s IEP.” *Id.* To satisfy this obligation, each teacher and related services provider must be 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.” *Id.* § 300.323(d).

#### **A. Knowledge of Student’s IEP**

As a preliminary matter, the SCO must determine whether the District satisfied its obligation under 34 C.F.R. § 300.323(d). Here, the findings demonstrate that Former Case Manager—who was in charge of Student’s programming and her progress reports—was aware of Student’s IEP. (FF #s 7, 16, 17.) Additionally, staff working with Student were aware of her IEP, including her BIP. (FF # 36.) For these reasons, the SCO finds and concludes that the District complied with 34 C.F.R. § 300.323(d).

#### **B. Implementation of Student’s IEP**

##### **1. LRE**

The IDEA requires an IEP to identify the student’s placement in the LRE, which is the amount of time the student will spend in the general education environment. 34 C.F.R. § 300.320(a)(5). School districts must educate students consistent with the placement specified by their IEPs. *Id.* §§ 300.320(a)(5), 300.323(c)(2).

Parent’s concerns regarding Student’s LRE relate to her removal from community outings and subsequent placement at the Administrative Building. (FF #s 38-39.) At all times during the 2022-2023 school year, Student’s IEP required her to spend 413 minutes per week in the general education environment. (FF #s 13, 43-44.) Per District’s interpretation, this meant Student needed to be on community outings outside of the Transition Headquarters (or, later, the Administrative Building) for 413 minutes per week. (FF # 14.) Student was not allowed to participate in any community outings after February 9. (FF # 38.) As a result, the District failed to educate Student in the LRE required by her IEP from February 9 until the end of the school year.

Additionally, Student’s placement at the Administrative Building limited her access to peers. (FF #s 41-42.) Without minute-by-minute documentation of Student’s days at the Administrative Building, the SCO cannot determine exactly when Student had access to peers and for how long. But, even without quantification, it is clear the District’s placement of Student at the Administrative Building also violated her LRE by limiting her access to peers. (*Id.*)

This violation continued into the 2023-2024 school year. (FF #s 46-48.) Student’s current placement at the North Campus denies her access to her peers in the transition program and provides little access to community outings. (FF #s 47-48.) Even if Student’s participation in the

private day program qualified for general education services, Student would still only be spending 40% of her time in the general education environment. (FF # 48.) Her IEP requires that at least 72% of her day be spent in general education. (FF #s 13, 44.)

For these reasons, the SCO finds and concludes the District failed to educate Student in the LRE required by her IEP, in violation of 34 C.F.R. § 300.320(a)(5) and 300.323(c)(2).

## 2. Progress Reports

Under the IDEA, school districts must provide periodic reports on the progress a student is making towards the student's annual goals. 34 C.F.R. § 300.320(a)(3). As the Findings of Fact demonstrate, the District failed to monitor Student's progress during the second semester of the 2022-2023 school year. (FF # 45.) As a result, Parent did not receive any progress reports for the second half of the school year. (*Id.*) For this reason, the SCO finds and concludes that the District failed to provide Parent with adequate reports on Student's progress, resulting in a procedural violation of 34 C.F.R. § 300.320(a)(3).

## 3. BIP

As noted above, a student's IEP—including any BIP—must be implemented in its entirety. 34 C.F.R. § 300.323(c)(2). Parent contends the District failed to properly implement Student's BIP during the elopements on February 3 and February 9. (FF # 36.) When Student eloped, her BIP directed staff to ask Student to stop, follow at a safe distance, give minimal verbal directions, and validate Student's feelings. (FF #s 25-30.) Crisis Prevention Institute's restraint techniques should only be used as a last resort and to ensure Student's safety. (FF # 30.)

The Findings of Fact show that District staff complied with Student's BIP during the incidents on February 3 and February 9. (FF #s 31-37.) During the February 3 elopement, District staff immediately radioed for additional assistance. (FF # 32.) Staff followed Student safely from a distance and tried to verbally redirect Student without success. (*Id.*) Once Social Worker caught up to Student, she placed herself in front of Student and asked Student to stop. (*Id.*) Student bumped into Social Worker's body. (*Id.*) Using a physical prompt, Social Worker was able to get Student to voluntarily sit in her wheelchair. (FF # 33.)

Similarly, on February 9, Student attempted to elope from a fast-food restaurant. (FF # 35.) Special Education Teacher placed herself in front of the exit from the restaurant. (*Id.*) Other staff members brought over Student's wheelchair and, again, using a physical prompt, staff were able to voluntarily guide Student into her wheelchair. (*Id.*)

The SCO understands that the BIP did not explicitly authorize use of Student's wheelchair during elopements. (FF #s 24-30.) But, at the same time, the use of the wheelchair does not contradict Student's BIP in any way. (*Id.*) Staff followed the procedure outlined in Student's BIP during both elopements. (FF #s 31-37.) For this reason, the SCO finds and concludes that the District

implemented Student's BIP on February 3 and February 9, consistent with 34 C.F.R. § 300.323. No additional violation of the IDEA occurred.

### **C. Denial of FAPE**

A procedural violation of 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 City Sch. Dist.*, 238 F.3d 755, 765-66 (6th Cir. 2001).

Here, the District's violations impacted both Student and Parent. The failure to educate Student in the LRE required by her IEP impeded Student's right to a FAPE and deprived her of an educational benefit. Meanwhile, the District's failure to provide progress reports for one-half of the school year impeded Parent's ability to participate in the decision-making process. For these reasons, the SCO finds and concludes that the District's violation resulted in a denial of FAPE, necessitating an award of compensatory remedies.

### **D. Compensatory Services**

Compensatory services are an equitable remedy designed to restore a student to the position they would be in if the violation had not occurred. *Reid v. Dist. of Columbia*, 401 F.3d 516, 518 (D.C. Cir. 2005). Compensatory services need not be an "hour-for-hour calculation." *Colo. Dept. of Ed.*, 118 LRP 43765 (Colo. SEA June 22, 2018). The purposes of the IDEA guide compensatory awards, and those purposes include providing children with disabilities a FAPE that meets the particular needs of each child and ensuring children receive the services to which they are entitled. *Ferren C. v. Sch. Dist. of Philadelphia*, 612 F.3d 712, 717-18 (3d Cir. 2010).

Here, the District deprived Student of access to the community component of her IEP and access to her peers from late February 2023 through the present. (FF #s 38-42, 47-48.) This violation spanned, at least, 31 weeks over two separate school years. (*Id.*) If the District had properly implemented Student's IEP, Student would have received 413 minutes per week of services in the community. (FF #s 13, 44.) During the violation period, these services would have totaled over 210 hours.

In consultation with CDE Content Specialist, and given Student's individualized needs, the SCO finds and concludes that an award of 200 hours of transition services is necessary to restore Student to the position she would be in but for the District's violations.

**Conclusion to Allegation No. 1(b): The District amended Student's IEP without agreement of Parent and outside of an IEP Team meeting, in violation of 34 C.F.R. § 300.324(a)(6). No denial of FAPE occurred.**

With the second allegation, Parent asserts that the District amended Student's IEP between December 2022 and February 2023 outside of an IEP Team meeting and without Parent's approval.

**A. IEP Amendment**

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 parents and the school district agree. 34 C.F.R. § 300.324(a)(6).

Here, Student's IEP Team developed the October 2022 IEP during a properly convened IEP Team meeting. (FF # 7.) However, after the meeting, Former Case Manager failed to finalize the IEP and, instead, left it open in the District's system. (FF # 16.) Parent met with District staff on at least two occasions to discuss Student's behavior and schedule. (FF #s 17-20.) The meetings were not noticed or otherwise scheduled as IEP Team meetings. (*Id.*) Former Case Manager amended Student's IEP on December 16 based on the informal meetings with Parent. (FF # 21.) Parent expressed concern with Student's IEP being changed outside of an IEP Team meeting and the substance of the amendment itself. (*Id.*) The District could have properly amended Student's IEP using a written document agreed to by the District and Parent; however, Parent did not agree to the substance of the amendment. (FF # 22.) For these reasons, the SCO finds and concludes that the District improperly amended Student's IEP, resulting in a procedural violation of 34 C.F.R. § 300.324(a)(6).

**B. Denial of FAPE**

As noted above, a procedural violation of 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 City Sch. Dist.*, 238 F.3d 755, 765-66 (6th Cir. 2001).

Here, the District's improper amendment of Student's IEP occurred only after meetings with Parent. (FF #s 17-20.) Even though the meetings were not properly scheduled as IEP Team meetings, Parent had an opportunity to participate in the decision-making process surrounding Student's schedule. (*Id.*) The District's messy handling of the changes to Student's IEP made it more difficult for Parent to participate, but Parent was still afforded that opportunity. (*Id.*) For this reason, the SCO finds and concludes that the District's procedural violation did not result in a denial of FAPE.

**Conclusion to Allegation No. 1(c):** The District determined Student’s placement outside an IEP Team meeting, without including Parent, and without considering a reevaluation in violation of 34 C.F.R. §§ 300.116(a)(1), 300.321(a)(1), 300.327, 300.501(c)(1), and ECEA Rule 4.03(8)(a). A denial of FAPE occurred.

Parent’s third allegation relates to the District’s decision to place Student at the Administrative Building. Parent asserts that the District changed Student’s placement outside of a properly convened IEP Team meeting and without including Parent, in violation of the IDEA.

#### **A. Placement Determination**

“Educating children in the least restrictive environment in which they can receive an appropriate education is one of the IDEA’s most important substantive requirements.” *L.B. ex rel. K.B. v. Nebo Sch. Dist.*, 379 F.3d 966, 976 (10th Cir. 2004). This means that children with disabilities receive their education in the general education setting with typical peers to the maximum extent appropriate, and that they attend the school they would if not disabled. 34 C.F.R. §§ 300.114, 300.116. Children with disabilities should only be placed in separate schooling, or otherwise removed from the regular educational environment, “if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” *Id.* § 300.114(a)(2)(ii).

A child’s placement—a term used to denote the provision of special education and related services—must be determined by the IEP Team (including parents), must be individualized, and must be based on the IEP. *Id.* § 300.116; ECEA Rule 4.03(8)(a); *Questions and Answers on Endrew F. v. Douglas County Sch. Dist. RE-1*, 71 IDELR 68 (EDU 12/7/17). Any significant change in placement, such as a move to a one-on-one setting or a shortened day, must be made by the IEP Team, and upon consideration of a reevaluation. ECEA Rule 4.03(8)(b)(ii)(B); see *Weld RE-5J School District*, 77 IDELR 148 (SEA CO 07/14/2020) (holding that a move to a placement where Student was completely removed from the general education environment and taught one-on-one by a special education teacher constituted a significant change in placement).

Here, Student’s LRE was changed at least twice. First, in early February 2023, District staff told Parent that Student would no longer be permitted to participate in community outings. (FF # 38.) Parent recalled being told of this decision and not being a participant in the decision-making process. (*Id.*) Second, in late February 2023, the District unilaterally decided to move Student from the Transition Headquarters to the Administrative Building. (FF # 39.) Both decisions significantly affected Student’s placement. The limitation on Student’s community outings essentially eliminated her access to the general education component of her IEP. (FF #s 14, 38.) This limitation continued when Student was moved to the Administrative Building, except there Student also had limited access to other peers. (FF #s 40-42.)

Neither of these changes was determined by Student’s IEP Team or based on Student’s existing IEP. (FF #s 38-39.) The District also did not consider a reevaluation when making the decisions.



(*Id.*) For these reasons, the SCO finds and concludes that the District failed to properly determine Student's placement, resulting in procedural violations of 34 C.F.R. §§ 300.116(a)(1), 300.321(a)(1), 300.327, 300.501(c)(1), and ECEA Rule 4.03(8)(a).

### **B. Denial of FAPE**

As noted above, a procedural violation of 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 City Sch. Dist.*, 238 F.3d 755, 765-66 (6th Cir. 2001).

Here, the District's improper determination of Student's placement affected Student's right to a FAPE and deprived her of an educational benefit. The District's unilateral decisions resulted in Student being removed from her peers and placed at the Administrative Building without access to community outings. (FF # 38-42.) Additionally, by removing the IEP Team from the decision-making process, the District eliminated Parent's opportunity to participate in the determination of Student's placement. (*Id.*) For these reasons, the SCO finds and concludes that the District's violation resulted in a denial of FAPE. No additional compensatory services are awarded for this violation due to the overlap with Allegation No. 1(a).

**Conclusion to Allegation Nos. 2(a)-(d): The District did not restrain Student during the incidents on February 3, 2023 and February 9, 2023. No violation of the PPRA occurred.**

The next four allegations address the District's use of Student's wheelchair during elopements on February 3 and February 9. Specifically, Parent has alleged that the District used Student's wheelchair as a mechanical restraint.

### **A. Whether Student was Restrained**

As a preliminary matter, the SCO must determine whether the use of Student's wheelchair during the incidents at issue constituted a restraint within the scope of the PPRA. As used in the PPRA, "restraint" refers to "any method or device used to involuntarily limit freedom of movement" and includes chemical restraint, mechanical restraint, physical restraint, and seclusion. Rule 2620-R-2.00(8). "Mechanical restraint" means "a physical device used to involuntarily restrict the movement of a student or the movement or normal function of his or her body." *Id.* at 2620-R-2.00(8)(b). "Mechanical restraint" does not include "[d]evices recommended by a physician, occupational therapist, or physical therapist and agreed to by a student's IEP Team" and used in accordance with the IEP. *Id.* at 2620-R-2.00(8)(b)(i). Separately, the phrase "physical restraint" involves "the use of bodily physical force to involuntarily limit an individual's freedom of movement for one minute or more." *Id.* at 2620-R-2.08(c).

The PPRA requires that restraints:

- Only be used in an emergency and with extreme caution after the failure of less restrictive alternatives (or a determination that such alternatives would be inappropriate or ineffective);
- Never be used as a punitive form of discipline or as a threat to gain control of a student's behavior; and
- Be used only for the period of time necessary and using no more force than necessary, while prioritizing the prevention of harm to the student.

*Id.* 2620-R-2.01. The PPRA imposes additional obligations on school districts to ensure restraints do not inhibit a student's breathing, are administered by staff who have received training, and are removed when no longer necessary. *Id.* 2620-R-2.02(1).

Here, the District did not restrain Student on either February 3 or February 9. On both occasions, District staff used physical touch to prompt Student to sit in her wheelchair following an elopement or during an attempted elopement. (FF #s 32-35.) Student complied with the physical prompt and voluntarily sat in her wheelchair on February 3. (*Id.*) During the second incident, Student allegedly scratched staff and tried to push the chair away while she was being helped into the wheelchair. (FF # 35.) These facts alone do not evidence that Student was physically forced into the wheelchair against her will but, instead, may be indicative of Student's dysregulated state. The Findings of Fact do not evidence that the wheelchair was used to involuntarily restrict Student's movement or that any bodily physical force was used to involuntarily limit Student's freedom of movement for one minute. (FF #s 32-35.) For these reasons, the SCO finds and concludes that the Student was not restrained within the scope of the PPRA during the incidents on February 3 and February 9.

The remaining subparts of Allegation No. 2 concern PPRA requirements that apply only when a student has been restrained. Because the SCO found that the District did not restrain Student under the PPRA, the District was not obligated to satisfy these requirements. No further analysis of Allegation No. 2 is necessary.

**Systemic IDEA Violations: This investigation demonstrates violations that are systemic and will likely impact the future provision of services for all children with disabilities in the District if not corrected. 34 C.F.R. § 300.151(b)(2).**

Pursuant to its general supervisory authority, CDE must also consider and ensure the appropriate future provision of services for all IDEA-eligible students in the district. 34 C.F.R. § 300.151(b)(2). Indeed, the U.S. Department of Education has emphasized that the State Complaint Procedures are "critical" to the State Enforcement Agency's "exercise of its general supervision responsibilities" and serve as a "powerful tool to identify and correct noncompliance with Part B." *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, the violations stemmed primarily from Former Case Manager’s casual approach to the IDEA’s procedural requirements. From the Findings of Fact, it is unclear whether Former Case Manager lacked some foundational understanding of the IDEA’s requirements or whether she simply erred in this circumstance. However, her repeated errors—and the lack of correction by upper-level District staff involved in this situation—raise concern about potential systemic IDEA violations. Additionally, the District’s unilateral decision to move Student to the Administrative Building and her continued placement there sounds additional alarms for systemic violations. After Student had been placed at the Administrative Building, the District reinstated the October 2022 IEP, even though Student’s current placement was not consistent with the IEP. The SCO accordingly finds and concludes that the District’s violations are systemic and may impact future students with disabilities if not corrected. The SCO has ordered District staff to complete training to correct this systemic violation.

### **REMEDIES**

The SCO concludes that the District has violated the following IDEA requirements:

- a. Failing to properly implement Student’s IEP, in violation of 34 C.F.R. §§ 300.320(a)(3), 300.320(a)(5), 300.323;
- b. Amending Student’s IEP without agreement of Parent and outside of an IEP Team meeting, in violation of 34 C.F.R. § 300.324(a)(6); and
- c. Determining Student’s placement outside of an IEP Team meeting, without including Parent, and without considering a reevaluation in violation of 34 C.F.R. §§ 300.116(a)(1), 300.321(a)(1), 300.327, 300.501(c)(1), and ECEA Rule 4.03(8)(a).

To remedy these violations, the District is ORDERED to take the following actions:

#### **1. Corrective Action Plan**

- a. By **Friday, January 19, 2024**, the District shall submit to the CDE a corrective action plan (“CAP”) that adequately addresses the violations noted in this Decision. The CAP must effectively address how the cited noncompliance will be corrected so as not to recur as to Student and all other students with disabilities for whom the District is responsible. The CDE will approve or request revisions that support compliance with the CAP. Subsequent to approval of the CAP, the CDE will arrange to conduct verification activities to confirm the District’s timely correction of the areas of noncompliance.

## **2. Final Decision Review**

- a. Director, Assistant Superintendent of Learning Services, Special Education Coordinators, and Former Case Manager must review this Decision and the requirements of 34 C.F.R. §§ 300.316, 300.320, 300.321, 300.323, 300.324, 300.327, 300.501 and ECEA Rule 4.03(8)(a). These reviews must occur no later than **Friday, January 26, 2024**. A signed assurance that these materials have been reviewed must be completed and provided to CDE no later than that same day, **Friday, January 26, 2024**.

## **3. Training**

- a. Director, any other District administrators supporting or supervising District's obligations under the IDEA, including District's Special Education Coordinators, and all individuals who serve as case managers must attend and complete training provided by CDE on IEP implementation, IEP amendment, and placement.
- b. The Director and CDE Special Education Monitoring and Technical Assistance Consultant will determine the time, date, and format of the training. This training may be conducted in-person or through an alternative technology-based format, such as a video conference, web conference, webinar, or webcast.
- c. Such training shall be completed no later than **Friday, February 2, 2024**. Evidence that this training occurred must be documented (i.e., training schedule(s), legible attendee sign-in sheets, or other form of documentation, with names, titles, and signed assurances that they attended the training) and provided to CDE no later than **Monday, February 5, 2024**.

## **4. IEP Team Meeting**

- a. Convene Student's IEP Team, at a mutually agreeable date and time, by **Friday, January 19, 2024**. Student's IEP Team must review Student's placement in light of this decision and determine Student's placement based on her individualized needs and her IEP.
- b. A copy of Student's IEP and notes from the IEP Team meeting must be provided to the CDE no later than **Friday, January 26, 2024**. The CDE may determine, at its sole discretion, whether the IEP Team meeting complied with these requirements. If the CDE determines that the meeting did not comply, the IEP Team must reconvene consistent with a timeline determined by the CDE.
- c. The IEP Team may also strategize delivery of the compensatory education services awarded to Student below.

## **5. Compensatory Education Services**

- a. Student shall receive **200 hours of transition services** provided by the District or through a suitable agency or private provider at the District's expense. All hours must be completed by **Friday, December 6, 2024**, though Parent and the District are free to allocate the services however they see fit (i.e., weekly sessions, monthly, etc.).
- b. By **Friday, February 2, 2024**, the District shall schedule all compensatory services in collaboration with Parent. A meeting is not required to arrange this schedule, and the parties may collaborate, for instance, via email, telephone, video conference, or an alternative technology-based format to arrange for compensatory services. The District shall submit the schedule—including the dates, times, and durations of planned sessions, to the CDE no later than **Tuesday, February 6, 2024**. If the District and Parent cannot agree to a schedule by February 2, 2024, the CDE will determine the schedule for compensatory services by **Friday, March 1, 2024**.
  - i. The parties shall cooperate in determining how compensatory services will be provided. If Parent refuses to meet with the District within this time, the District will be excused from delivering compensatory services, provided that the District diligently attempted to meet with Parent and documented such efforts. A determination that the District diligently attempted to meet with Parent and, thus, should be excused from providing compensatory services, rests solely with the CDE.
  - ii. Parent may opt out of some or all compensatory services.
- c. To verify that Student has received the compensatory services required by this Decision, the District must submit records of the services provided to the CDE by the **second Monday of each month** until all compensatory services have been furnished. The name and title of the provider, as well as the date, the duration, and a brief description of the service, must be included in the service log. The District must communicate with the selected provider to obtain this information.
- d. These services shall begin as soon as possible and will be in addition to any services Student currently receives, or will receive, that are designed to advance Student toward IEP goals and objectives. These services must be provided to Student outside of the regular school day (such as before and/or after school, on weekends, or during school breaks) to ensure Student is not deprived of the instruction Student is entitled to (including time in general education). If for any reason, including illness, Student is not available for any scheduled compensatory

services, the District will be excused from providing the service scheduled for that session. If for any reason the District fails to provide a scheduled session, the District will not be excused from providing the scheduled service and must immediately schedule a make-up session in consult with Parent, as well as notify the CDE of the change in the monthly service log.

Please submit the documentation detailed above to the CDE as follows:

Colorado Department of Education  
Exceptional Student Services Unit  
Attn.: CDE Special Education Monitoring and Technical Assistance Consultant  
1560 Broadway, Suite 1100  
Denver, CO 80202-5149

**NOTE:** Failure by the District to meet any of the timelines set forth above may adversely affect the District's annual determination under the IDEA and subject the District to enforcement action by the CDE.

### **CONCLUSION**

The Decision of the SCO is final and is not subject to appeal. *CDE State-Level Complaint Procedures*, ¶ 13. If either party disagrees with this Decision, the filing of a Due Process Complaint is available as a remedy provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. *CDE State-Level Complaint Procedures*, ¶ 13; *see also* 34 C.F.R. § 300.507(a); 71 Fed. Reg. 156, 46607 (August 14, 2006). This Decision shall become final as dated by the signature of the undersigned SCO.

Dated this 8th day of December, 2023.



Ashley E. Schubert  
State Complaints Officer

## **APPENDIX**

### **Complaint, pages 1-4**

### **Response, pages 1-10**

- Exhibit A: IEPs
- Exhibit B: BIPs
- Exhibit C: Notices of Meeting
- Exhibit D: Notes from IEP Team meetings
- Exhibit E: Prior Written Notices
- Exhibit F: Progress monitoring reports and data
- Exhibit G: Schedule and attendance reports
- Exhibit H: Behavior information
- Exhibit I: Blank
- Exhibit J: Blank
- Exhibit K: District's annual restraint review
- Exhibit L: District's policies and procedures
- Exhibit M: Email correspondence
- Exhibit N: Witness information
- Exhibit O: Verification of delivery of Response to Parents
- Exhibit P: Miscellaneous documents

### **Reply, pages 1-16**

- Exhibit 1: Special Evaluation
- Exhibit 2: Amended IEP
- Exhibit 3: IEP documentation
- Exhibit 4: IEP documentation
- Exhibit 5: BIP
- Exhibit 6: BIP
- Exhibit 7: Email correspondence
- Exhibit 8: Email correspondence
- Exhibit 9: Email correspondence
- Exhibit 10: Email correspondence
- Exhibit 11: Email correspondence
- Exhibit 12: Audio recording from 7/31/23
- Exhibit 13: MDR documentation
- Exhibit 14: Evaluation documentation
- Exhibit 15: Progress report
- Exhibit 16: Correspondence
- Exhibit 17: Meeting notes
- Exhibit 18: Meeting notes

- Exhibit 19: Audio recording 3/1/23

### **Telephone Interviews**

- Director: 11/29/2023
- Former Case Manager: 11/29/2023
- Parent: 12/1/2023
- Social Worker: 11/29/2023