

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

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**State-Level Complaint 2022:516**  
**Larimer R-1, Poudre**

**DECISION**

**INTRODUCTION**

On April 13, 2022, the parents (“Parents”) 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 Larimer R-1, Poudre school district (“District”). The State Complaints Officer (“SCO”) determined that the Complaint identified one allegation subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 CFR §§ 300.151 through 300.153. Therefore, the SCO has jurisdiction to resolve the Complaint.

**RELEVANT TIME PERIOD**

Pursuant to 34 C.F.R. §300.153(c), 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. Accordingly, this investigation will be limited to the period of time from April 13, 2021 through April 13, 2022 for the purpose of determining if a violation of IDEA 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**

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

1. Failed to properly implement Student’s IEP from August 2021 to present, in violation of 34 C.F.R. § 300.323, specifically by failing to:
  - a. Ensure teachers and providers are informed of their specific responsibilities related to implementing the IEP;

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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.

- b. Provide accommodations and modifications; and
- c. Provide access to assistive technology.

### **FINDINGS OF FACT**

After thorough and careful analysis of the entire Record,<sup>2</sup> the SCO makes the following FINDINGS:

#### **A. Background**

1. Student is fourteen years old and transferred to District in January 2021. *Exhibit A*, pp. 16-17. He enrolled in a virtual school for seventh grade but completed eighth grade at a District middle school (“School”) during the 2021-2022 academic year. *Id.* He qualifies for special education and related services under the Visual Impairment disability category. *Id.*
2. Student is intelligent, articulate, and athletic. *Interviews with Parents, Student, Case Manager, and teacher of the visually impaired (“TVI”).* He has an “amazing memory” and excels academically. *Interviews with Parents, Case Manager, Social Studies Teacher, Math Teacher, and English Language Arts Teacher (“ELA Teacher”).* He enjoys cooking and recently participated in the 400-meter dash, discus throw, and shot put for the track and field team. *Interviews with Parents and Student.*
3. Student is privately diagnosed with an eye condition that causes progressive vision loss. *Interview with Parents; Exhibit 2*, p. 8. His current visual acuity is “counting fingers in his right eye and 20/40 in his left eye (with corrected vision).” *Exhibit A*, pp. 31, 79, 92. Counting fingers generally refers to significant vision loss, meaning an individual cannot read a standard eye chart and thus visual acuity is assessed by counting fingers from a certain distance. *Consultation with CDE Specialist.*
4. This investigation involves implementation of assistive technology and accommodations from an IEP dated April 22, 2021 (the “IEP”), which was in effect at School throughout the 2021-2022 academic year. *Complaint*, pp. 6-11; *See Exhibit A*. The IEP was developed following a District reevaluation of Student in April 2021. *Exhibit E*, pp. 2-16.

#### **B. The IEP**

5. The IEP documents Student’s academic strengths in active reading, vocabulary, verbal comprehension, and memory retention, as well as functional strengths in independent work (though he asks for support when needed), age-appropriate attention skills, and the use of technology to aid academics. *Exhibit A*, p. 19. Student plans to pursue a career in

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<sup>2</sup> The appendix, attached and incorporated by reference, details the entire Record.

aerospace or computer engineering, and he enjoys video games, kayaking, mountain biking, and cross-country skiing. *Id.*

6. The IEP's present levels of performance section does not contain state testing data because Student was new to District. *Id.* at p. 20. However, he scored 219 and 231 on the MAP Growth test in fall 2021 and spring 2022, placing him in the 92nd percentile of growth (his projected growth was only five points). *Interview with Math Teacher; Exhibit F*, p. 169. Student made progress on ten annual goals from a transfer IEP adopted by District in January 2021. *Exhibit A*, pp. 20-21.
7. Student's disability affects "his ability to access classroom materials [and] navigate his school environment with ease." *Id.* at p. 22. For instance, Student struggles with depth perception, distinguishing closely related colors (such as blue from purple), and transitions between spaces with bright lights and darkness. *Id.* at pp. 22, 31.
8. Student can read visually, but it "does take more effort and is likely to cause eye fatigue and headaches." *Id.* Student relies on auditory retention (he has "strong auditory comprehension"), and he needs accommodations that focus on auditory formats and electronic materials instead of printed materials. *Id.* He needs to continue working on self-advocacy skills and communicating when he is "having a difficult time." *Id.* He "struggles to advocate for his accommodations in front of non-disabled peers." *Id.*
9. The IEP's Learning Media Plan ("LMP") specifies curriculum access primarily through auditory means, with secondary access via print enlargement or visual means with optical enhancement and co-secondary access via Braille or tactual means. *Id.* at p. 39. The LMP explains that he "needs digital access to books and visual materials to listen to auditorily" and that he is "able to access material visually at this time with accommodations." *Id.*
10. Student is learning Braille and Nemeth Code "to prepare [him] if his vision becomes severely impacted that he cannot visually access materials." *Id.* The LMP provides for preferential seating in the front of the room and to the left of the "[m]ajority of action to . . . help him be engaged." *Id.* The LMP provides that "[he] will be encouraged to advocate for his visual needs in the classroom." *Id.* Self-determination is critical for children with visual impairments because there are reduced chances for incidental learning (i.e., learning by observing the world around oneself). *Consultation with CDE Specialist.*
11. The IEP describes required assistive technology, also duplicating the devices relevant to this investigation in the accommodations section. *Id.* at pp. 24, 30.
12. The IEP contains six annual goals:

- Goal No. 1 (Self-Determination): “By April 2022, [Student] will be able to demonstrate improved keyboarding skills by typing 45 Words Per Minute (WPM) on a grade level typing test with 95% accuracy in 4/5 trials.”
- Goal No. 2 (Self-Determination): “By April 2022, [Student] will independently dictate using a non-internet-based speech recognition software, that has accuracy building options, to complete grade level classroom written assignments with 80% accuracy during the academic quarter in 4 out of 5 written assignments.”
- Goal No. 3 (Vision): “By April 2022, [Student] will solve 8th grade math equations using 75 Nemeth symbols using a refreshable braille display and learning shades or a shadow box with 80% accuracy in 4/5 trials as measured by using teacher created data collection sheet.”
- Goal No. 4 (Vision): “By April 2022, [Student] will navigate websites using the 53 JAWS Internet shortcuts to access the following HTML elements; links, headers, forms, lists, tables, regions and media identified in AT goals tracking sheet. [Student] will be able to complete teacher made exercises using multiple keyboard shortcuts.”
- Goal No. 5 (Vision): “By April 2022, [Student] will be able to use the 123 keyboard short cut commands identified in the AT goals tracking sheet, to navigate through Google suite, edit a document for errors, format document for print friendly presentation, as well as creating and interacting with files with multimedia content.”
- Goal No. 6 (Vision): “By November 2021, [Student] will use the 50 Google Drive shortcut keys for file management and navigation tasks, including create, move, organize, open and search for files identified in AT goals tracking sheet. [Student] will be able to demonstrate this ability to use the shortcut keys in exercises combining multiple examples.”

*Id.* at pp. 25-29.

13. The IEP lists close to fifty accommodations for all subjects. *Id.* at pp. 30-31.

14. The IEP identifies the following special education and related services outside the general education classroom:

- Assistive Technology: 80 minutes per week of direct instruction and 30 minutes per week of indirect instruction;
- Vision: 200 minutes per week of direct instruction and 60 minutes per week of indirect instruction; and

- Orientation and Mobility: 30 minutes per quarter of indirect services.

*Id.* at p. 36.

15. The IEP Team determined it was appropriate for Student to be in the general education environment 84.4 percent of the time. *Id.* at p. 37.

### **C. The IEP's Amendments**

#### September through November 2021

16. An IEP Team amended the IEP, at Parents' request, during properly constituted meetings on September 29, October 18, and November 1. *Id.* at pp. 43-46; *Exhibit D*, pp. 1-4.
17. The IEP Team clarified in writing that direct instruction for dictation skills occurs in a one-on-one setting without peers around because "[Student] has stated that he feels stigmatized learning to use Dragon dictation software in front of other peers, even in a setting outside of the general education environment." *Exhibit A*, p. 45. Student made similar comments about not wanting to draw attention to himself in the classroom using certain other accommodations. *Interview with Statewide Assistive Technology, Augmentative and Alternative Communication Coordinator ("SWAAAC Coordinator")*.
18. By October 14, 2021, reports showed "Satisfactory Progress" made on each of the IEP's six annual goals. *Exhibit F*, pp. 2-7. The IEP Team removed Goals No. 4 (Vision) and No. 6 (Vision) from the IEP at Parents' request, predicated on TVI ensuring mastery, because Student was "close to meeting these goals." *Id.* at pp. 4-7; *Exhibit A*, p. 45.
19. The IEP Team revised the unit of measurement for Goal No. 3 (Vision) by replacing "75 Nemeth symbols" with "grade appropriate Nemeth symbols." *Exhibit A*, p. 44. Given this change, the IEP Team adjusted Student's 200 weekly minutes of direct vision services to 30 minutes (instead of 80) targeting assistive technology and 170 minutes (instead of 120) targeting Nemeth Braille Code instruction. *Id.* at pp. 44-45.
20. The IEP Team simply renumbered former Goal No. 5 (Vision) to Goal No. 4 (Vision). *Id.* at pp. 55-58. Goals No. 1 (Self-Determination) and No. 2 (Self-Determination) were not revised or removed, leaving the IEP with four annual goals as of November 1, 2021. *Id.*

#### February 2022

21. Student's IEP Team amended the IEP again during a properly constituted IEP meeting on February 2. *Id.* at pp. 68-70; *Exhibit D*, pp. 5-8. By December 17, 2021, reports showed "Satisfactory Progress" made on each of the IEP's four annual goals. *Exhibit F*, pp. 8-12.

The IEP Team thus revised Goals No. 2 (Self-Determination), No. 3 (Vision), and No. 4 (Vision). *Exhibit A*, pp. 68-70. Goal No. 1 (Self-Determination) was not revised. *Id.* at p. 80.

22. The IEP's four annual goals following these amendments were:

- Goal No. 1 (Self-Determination): "By April 2022, [Student] will be able to demonstrate improved keyboarding skills by typing 45 Words Per Minute (WPM) on a grade level typing test with 95% accuracy in 4/5 trials."
- Goal No. 2 (Self-Determination): "By April 2022, [Student] will create and dictate two-3 minute speeches, using a non-internet-based speech recognition software, that has accuracy building options, to complete speeches and will correct 90% of his mistakes (using voice commands instead of keyboard commands) identified by [Student] and/or by the dictation teacher."
- Goal No. 3 (Vision): "By April 2022, [Student] will complete 6 eighth-grade, teacher created lessons (5 questions per lesson) using a scientific, graphing calculator website (Desmos.com) with screen reader software (Jaws) while using a screen shade and answer 10 content related questions (5 questions per lesson, 10 questions total) with 80% accuracy."
- Goal No. 4 (Vision): "By April 2022, given a reading passage in Braille, embossed or using a refreshable Braille display, [Student] will answer 5 teacher-created comprehension questions with 80% accuracy in 2/2 trials."

*Id.* at pp. 80-83.

23. The accommodations relevant to this investigation were not revised. *Id.* at pp. 43-46, 54, 58-60, 79, 83-85. Shortly after the February amendment, Parents said they noticed Student reading *The Boy in the Striped Pajamas* "over a craft lamp [and using] a magnifying glass." *Interview with Parents*. This caused them to question whether certain accommodations were being implemented. *Id.*; see also *Complaint*; *Exhibit 1*; *Exhibit H*.

#### **D. IEP Implementation: District's Policies, Procedures, and Practices**

24. District has a comprehensive, two volume special education procedure manual which includes an "IEP Development" section. *Interview with Special Education Director*; *Exhibit G*, pp. 36-41. This section provides guidance on determining accommodations and best practices, advising to "implement accommodations with fidelity." *Exhibit G*, pp. 42-44.

25. It also incorporates the Colorado Instructional Accommodations Manual, which advises teaching students "to self-advocate for the accommodation in the classroom setting to ensure that [it] is being implemented effectively" and tracking "each student's ongoing

accommodation use to ensure that [it] is effective and consistently implemented across the school day.” *Id.* at pp. 45-46. It adds that the “[a]ppropriate provision of a documented accommodation is not discretionary.” *Id.* at p. 45.

26. District notifies its teachers who will be educating a student with an IEP in advance through an information system associated with their class schedules. *Interview with Special Education Director.* The expectation is that special education staff meet with general education teachers to review IEPs prior to implementation and monitor the success of its components, such as accommodations, throughout the school year. *Id.*
27. Special education teachers have ongoing access to IEPs for their students through a data management system. *Id.* General education teachers receive an IEP snapshot (a quick reference guide of the most important components) for their students. *Id.* District requires teachers to maintain service logs to support implementation. *Id.*
28. Each student with an IEP is assigned a case manager to oversee implementation, and each “feeder system” of 10-15 schools is assigned an assistant special education director for additional support. *Id.* District also has an “IEP Support Team” to answer questions and audit IEPs. *Id.* New teachers complete a two-day “IDEA Training” on development and implementation, and District hosts quarterly meetings with schools on an array of special education topics. *Id.*; *Interview with Assistant Special Education Director.*

#### **E. IEP Implementation: Accessibility and Responsibilities**

29. The 2021-2022 academic year started on August 16. *Interviews with Parents and Student.* On August 10, a school-based team—including Parents, Assistant Special Education Director, Former Case Manager, TVI, general education teachers, and SWAAAC Coordinator—met to review the IEP. *Interviews with Parents, Assistant Special Education Director, TVI, ELA Teacher, Math Teacher, and SWAAAC Coordinator.* They discussed accommodations and distributed paper snapshots of the IEP. *Interviews with Parents and Assistant Special Education Director.*
30. District reassigned oversight of the IEP from Former Case Manager to Case Manager on October 4, 2021. *Interview with Case Manager; Exhibit H, p. 62.* Case Manager promptly reviewed the IEP and collaborated with SWAAAC Coordinator regarding dictation and keyboarding instruction. *Interview with Case Manager; Exhibit B, pp. 15-18.*
31. The IEP was accessible to teachers in a data management system. *Interviews with Case Manager, TVI, SWAAAC Coordinator, and Orientation and Mobility Specialist (“O&M Specialist”); Exhibit 11.* Amended versions of the IEP were also made available through bi-weekly meetings between special education staff and ELA Teacher, Math Teacher, and Social Studies Teacher, and uploaded to a Microsoft Teams folder. *Interviews with Case Manager, ELA Teacher, Math Teacher, and Social Studies Teacher.*

32. Case Manager consistently met with new teachers, teachers of new courses, and substitute teachers to distribute and discuss the IEP. *Interview with Case Manager; Exhibit B*, pp. 15-17. For example, prior to class starting on January 4, she delivered a snapshot to Social Studies Teacher on December 17 and reviewed the IEP with Social Studies Teacher on January 3, “especially accommodations.” *Exhibit B*, pp. 15-16.

#### **F. IEP Implementation: Assistive Technology and Accommodations**

##### Headset

33. The IEP requires “[a]ccess to a headset with built in microphone to support the use of voice recognition software and text to speech options” (“Headset”). *Exhibit A*, p. 30. Parents’ concern is that Student did not have access to this accommodation in the classroom. *Interview with Parents; Complaint*, p. 7.
34. Dictation instruction occurs in a private pull-out setting. *Exhibit A*, p. 45. A headset with a built-in microphone that connects to a computer by universal serial bus (“USB”) is maintained in this locked, private setting but teachers have a “master key” that “can get into all of the doors.” *Interviews with Case Manager, SWAAAC Coordinator, and TVI*. Student used this headset during dictation instruction. *Interview with Case Manager*.
35. General education teachers described in detail the headsets available for all children, including Student, in classrooms during the academic year. *Interviews with ELA Teacher, Math Teacher, and Social Studies Teacher*. In math, a “hodgepodge” of headsets (some with built-in microphones) was available. *Interview with Math Teacher*. In ELA, there was a “crate with . . . 6-7 sets in the front of the room” (some had a “microphone that swings down or up”). *Interview with ELA Teacher*. In social studies, an “expensive” black headset with a microphone that connects to a computer by USB was “kept in the front of the room near [Student].” *Interview with Social Studies Teacher*.
36. Student never used (or expressed a need for) the headsets available in general education. *Interviews with Math Teacher, ELA Teacher, and Social Studies Teacher*. He has personal earbuds with a built-in microphone and Bluetooth capability that he keeps in his backpack. *Interviews with Parents, Student, and Case Manager*. He was observed to use only these earbuds to mostly listen to music while working but not to support assistive technology. *Interviews with Math Teacher, ELA Teacher, and Social Studies Teacher*.
37. On April 13, 2022, in response to Parents’ access concerns, Case Manager delivered “designated” Student headsets with built-in microphones to each classroom, placed them in “close proximity” to Student, and informed his teachers. *Exhibit B*, p. 17; *Interview with Case Manager*. He has not used (or expressed a need for) his “designated” headsets and still uses earbuds. *Interviews with Math Teacher, ELA Teacher, and Social Studies Teacher*.



38. Based on these facts, the SCO finds that Student had access to a Headset consistent with the IEP during the 2021-2022 academic year.

#### Braille Display

39. The IEP requires “the use of Braille input and Braille output through a Refreshable Braille Display” (“Braille Display”). *Exhibit A*, p. 30. Parents’ concern is that Student did not have access to this accommodation in the classroom. *Interview with Parents; Complaint*, p. 7.

40. Vision services, which focus on Braille and Nemeth Code to prepare Student in the event he loses his vision, occur in a private pull-out setting. *Interview with TVI*. A Focus 40 braille display, two by four in size with 40 refreshable braille cells, is maintained in an unlocked cabinet within this private setting. *Interviews with Parents, Student, and TVI*. This private setting is a locked “pod area” with doors leading to the hallway and four classrooms, including math and ELA. *Interviews with TVI, ELA Teacher, and Math Teacher*.

41. Teachers may access the “pod area” with a key. *Interviews with TVI, SWAAAC Coordinator, ELA Teacher, and Math Teacher*. Student used the braille display with TVI but never used (or expressed a need for) it in the classroom. *Interviews with Math Teacher, ELA Teacher, and Social Studies Teacher*. The LMP lists Braille or tactual means as co-secondary access, and Student does not currently use a braille display to access classroom materials. *Exhibit A*, p. 39; *Interviews with TVI and SWAAAC Coordinator*.

42. On May 17, 2022, in response to Parents’ access concerns, the IEP Team determined that Student could maintain the Braille Display in his backpack or locker. *Exhibit 12*. He has not used (or expressed a need for) the Braille Display in class. *Interviews with Math Teacher, ELA Teacher, and Social Studies Teacher*.

43. Based on these facts, the SCO finds that Student had access to a Braille Display consistent with the IEP during the 2021-2022 academic year.

#### Screen Reader

44. The IEP requires a touchscreen laptop that supports “screen reader software, magnification, and optical character recognition” (“Screen Reader”). *Exhibit A*, p. 30. Parents’ concern is that Student did not have a Headset to access this accommodation in the classroom. *Interview with Parents; Complaint*, p. 8.

45. District issued Student a touchscreen laptop in September 2021 after the personal laptop he used at Parents’ request met software issues. *Exhibit H*, pp. 217-218; *Interviews with Parents and SWAAAC Coordinator*. The laptop is equipped with the magnification program ZoomText and a screen reader that supports Braille output, JAWS. *Interviews*

*with Parents, Case Manager, and TVI. JAWS features optical character recognition for image files or inaccessible PDF documents. Interviews with Case Manager and TVI.*

46. Student used a screen reader with Case Manager and TVI in private pull-out settings. *Id.* He used his laptop in general education, and while teachers knew the laptop contained a screen reader, they were not aware if he used the screen reader in class (though Student never expressed a need for it). *Interviews with ELA Teacher, Math Teacher, and Social Studies Teacher.*
47. Based on these facts, and given access to a Headset, the SCO finds that Student had access to a Screen Reader consistent with the IEP during the 2021-2022 academic year.

### Speech Recognition

48. The IEP requires a touchscreen laptop that supports “speech recognition software: non-internet-based software with accuracy building options” (“Speech Recognition”). *Exhibit A, p. 30.* Parents’ concern is that Student did not have a Headset to access this accommodation in the classroom. *Interview with Parents; Complaint, p. 8.*
49. Student’s laptop is equipped with the speech recognition solution Dragon Home version 15. *Interviews with Parents, Case Manager, and TVI.* Student used speech recognition during instruction with Case Manager in private pull-out settings. *Id.* Student used his laptop in general education, and while teachers knew that the laptop contained speech recognition, he never used (or expressed a need for) it. *Interviews with Math Teacher, ELA Teacher, and Social Studies Teacher.* Student has said that he would not use speech recognition in the classroom. *Interviews with ELA Teacher and SWAAC Coordinator.*
50. Based on these facts, and given access to a Headset, the SCO finds that Student had access to Speech Recognition consistent with the IEP during the 2021-2022 academic year.

### Electronic Materials

51. The IEP requires teachers to “[p]rovide classroom and work materials electronically” and to “[p]rovide electronic copies of classroom notes, instructions, presentations, assignments, and other print materials.” *Exhibit A, p. 30.* The IEP adds that “[a]ccess to ‘editable electronic text’ is very important for [Student]” to “easily listen to the information, or to adjust the size, font, and spacing as needed to ease his workload when reading the text.” *Id.* The SCO will refer to these collectively as Electronic Materials. *Id.*
52. Parents’ concern is that Student has not received materials electronically, such as classroom notes, or access to editable text. *Complaint, p. 7. Interview with Parents.*

53. Teachers have posted work materials, such as notes, instructions, presentations, and assignments, to Google Classroom (“GC”) since the start of the school year. *Interviews with ELA Teacher, Math Teacher, and Social Studies Teacher; Review of Student’s GC.* These work materials were primarily posted as editable Google Docs or Google Slides, though some were posted as PDFs or JPEGs. *Review of Student’s GC.*
54. A few examples of editable Google Docs and Slides posted in GC include the Tell-Tale Heart in ELA on December 9, an angle pairs assignment in math on October 12, and class notes on title, orientation, author, date, and scale in social studies on January 26. *Id.*
55. A few examples of non-editable text documents posted in GC include a Google Doc with non-editable image files of West End and Big Brother in ELA on August 22, a PDF file on slope exercises in math on December 6, and PDF and JPEG files of maps in social studies on February 13. *Id.* There were more documents, mostly worksheets, posted as PDF files in math than in ELA and social studies. *Id.; Interviews with Parents and Math Teacher.*
56. Math Teacher indicated that Student’s preference was to complete worksheets by hand. *Interview with Math Teacher.* Student completed the PDF worksheets that were posted in GC as evidenced by a detailed grade report. *Exhibit F*, pp. 170-174. For instance, Student earned 100 percent on a practice quiz that was posted to GC as a PDF on November 11. *Id.* at p. 171; *Review of Student’s GC.*
57. ELA did not involve much notetaking but notes in social studies were posted online as Google Docs (such as one about pre-colonization Native American nations on February 6). *Review of Student’s GC.* Math Teacher used an interactive television for notetaking but did not post the notes to GC for students. *Interview with Math Teacher.* He observed Student to access materials visually, “taking notes and listening during presentations.” *Id.*
58. Based on these facts, the SCO finds that Student did not receive Electronic Materials consistent with the IEP during the 2021-2022 academic year.

### Digital Photos

59. The IEP requires “tak[ing] digital pictures of materials on the smartboard/whiteboard that cannot otherwise be shared electronically and send[ing] the picture of the information to [Student]” (“Digital Photos”). *Exhibit A*, p. 30. Parents’ concern is that Student has not received photos from teachers. *Complaint*, p. 8.
60. A “smartboard/whiteboard” was not used in ELA or math. *Interviews with ELA Teacher and Math Teacher.* Social Studies Teacher wrote a “plan of the day” on a whiteboard. *Interview with Social Studies Teacher.* She consistently (eighteen weeks) posted this plan to GC as Google Docs. *Id.; Review of Student’s GC.* Student never asked (or expressed a need) for photos. *Interviews with ELA Teacher, Math Teacher, and Social Studies Teacher.*

61. Based on these facts, the SCO finds that Digital Photos were available for Student consistent with the IEP during the 2021-2022 academic year.

### Video Links

62. The IEP provides that “[l]inks to videos *should* be provided so that [Student] can watch them on his screen” (“Video Links”) (emphasis added). *Exhibit A*, p. 31. Parents’ concern is that this accommodation is “[n]ot happening.” *Complaint*, p. 8. Student said a link to a movie he saw in social studies was not provided. *Interview with Student*.

63. ELA Teacher showed *The Great Debaters* in class but did not provide a link because she rented the film from Amazon Prime. *Interview with ELA Teacher*. She posted other links in GC, such as to a Tubi video on April 14. *Review of Student’s GC*. When Math Teacher shared instructional YouTube videos in class, he posted links in GC. *Id.*; *Interview with Math Teacher*; *Exhibit 6*, pp. 5, 7-8.

64. Social Studies Teacher showed videos in class (such as a clip about George Washington) through Pear Deck, an interactive presentation tool in Google Slides. *Interview with Social Studies Teacher*. She also posted a Lewis and Clark YouTube link in GC. *Id.*; *Review of Student’s GC*. She showed *Hamilton* in class but did not have a video link to share. *Interview with Social Studies Teacher*.

65. Parents confirmed that one video link and YouTube videos were posted to GC for ELA and social studies. *Interview with Parents*. Student was present in class to watch videos when links were not provided. *Interviews with ELA Teacher and Social Studies Teacher*.

66. Based on these facts, and the accommodation’s noncompulsory nature, the SCO finds Video Links were provided consistent with the IEP during the 2021-2022 academic year.

### Maps/Graphs

67. The IEP requires that maps or graphs, when created or shared, are presented “with visual contrast instead of . . . with several similar shades of similar colors” or if not possible “an explanation of the colors” (“Maps/Graphs”). *Exhibit A*, p. 31.

68. Parents’ concern is that this accommodation has not been followed, citing a map provided in social studies. *Interview with Parents*; *Complaint*, p. 8.

69. Colored maps or graphs were not created or shared in ELA or math. *Interviews with ELA Teacher and Math Teacher*. In social studies one European Voyage of Discovery map was posted in GC as a Google Slide on February 8 and three 13 Colonies maps were posted in GC as JPEG files on February 13. *Interview with Social Studies Teacher*; *Review of Student’s*

GC; *Exhibit 5*. Social Studies Teacher understood this accommodation, but these four maps had analogous colors and were not presented with visual contrast or an explanation of colors. *Review of Student's GC; Interview with Social Studies Teacher*.

70. Based on these facts, the SCO finds that Student did not receive Maps/Graphs consistent with the IEP during the 2021-2022 academic year.

### Printed Materials

71. The IEP requires that teachers do “not present [Student] with printed materials on paper without working with [Parents] in advance to look for electronic solutions and come to agreement” (“Printed Materials”). *Exhibit A*, p. 30. Parents’ concern is that teachers did not follow this accommodation. *Complaint*, p. 8; *Interview with Parents*.

72. At the beginning of the year, Math Teacher contacted Parents consistent with this accommodation. *Interviews with Parents and Math Teacher*. However, Teachers provided printed materials on paper without working with Parents in advance during the school year. *Interviews with Parents, ELA Teacher, Math Teacher, and Social Studies Teacher*. Often this occurred in the context of printed worksheets that were also posted to GC. *Id.* Student sometimes selected printed materials, and he did not raise concerns in this respect. *Interviews with ELA Teacher, Math Teacher, and Social Studies Teacher*.

73. On one occasion, Student received a hard copy of *The Boy in the Striped Pajamas* as part of book club in ELA. *Interviews with Parents and ELA Teacher*. There is not a link to the audio version of this book posted in GC. *Review of Student's GC*. ELA Teacher indicated that Student checks out books from the library “all of the time” and that he chose to read the hard copy of the book as part of silent reading in class. *Interview with ELA Teacher*.

74. Based on these facts, the SCO finds that Student received Printed Materials inconsistent with the IEP during the 2021-2022 academic year.

### Vocabulary

75. The IEP requires that “[n]ew [v]ocabulary words are defined ahead of time by the teacher on the note taking sheets” (“Vocabulary”). *Exhibit A*, p. 31.

76. Parents’ concern is that Student did not receive vocabulary before peers. *Complaint*, p. 9; *Reply*, p. 9; *Interview with Parents*. District indicated this accommodation is required “before a lesson or unit in which [vocabulary is] necessary.” *Response*, p. 12; *Interview with Social Studies Teacher*. Two teachers understood this accommodation to be required before Student is tested on vocabulary. *Interviews with Case Manager and ELA Teacher*.

77. This accommodation was not provided consistent with any of these three interpretations at least twice in ELA. *Review of Student's GC; Exhibit L*, p. 199. Chapter vocabulary quizzes were posted to GC on February 1 and February 24. *Id.* There is no evidence that vocabulary words were defined "ahead of time." *Id.* Student earned 87.5 percent and 75 percent on these quizzes. *Exhibit F*, p. 178.
78. On March 23, ELA Teacher acknowledged that her student teacher was familiar with the IEP but apologized because they "did miss the piece regarding getting [Student] the vocabulary in advance." *Exhibit H*, p. 187. Student received defined vocabulary words ahead of a short fiction terms quiz and a poetry and figurative language quiz in March during a creative writing unit, and he received defined vocabulary words on the start date for the investigative journalism unit in April. *Id.*; *Review of Student's GC*.
79. New vocabulary words were defined at the beginning or shortly after the start of each of four units in social studies. *Review of Student's GC*. For instance, the colonization unit started on February 7, defined vocabulary words were provided on February 10, and an assessment occurred on February 18. *Id.* Social Studies Teacher provided definitions to students so they could put them into their own words and find clip art to represent that definition. *Interview with Social Studies Teacher; Exhibit B*, pp. 45-79.
80. Based on these facts, and because "ahead of time" did not make clear when the Vocabulary was to be provided, the SCO finds that Student did not receive Vocabulary consistent with the IEP during the 2021-2022 academic year.

### Abacus

81. The IEP requires "[a]ccess to and support using [an] Abacus" ("Abacus"). *Exhibit A*, p. 31. Parents concern is that Student did not receive this accommodation for math and a state assessment. *Interview with Parents; Complaint*, p. 8.
82. Parents indicated that Student started using an abacus in preschool and is "skilled in it" though there is "more learning to do." *Exhibit 7*. On October 26-27 and November 1, TVI worked with Student and observed his ability to use an abacus for counting, number recognition, place value, and addition. *Interview with TVI*.
83. An abacus is maintained in the same "pod area" as the Braille Display to which teachers have access. *Interviews with Parents, Case Manager, TVI, and Math Teacher*. Student does not use the abacus. *Interview with TVI*. Case Manager placed an abacus in the math classroom April 18 in response to Parents' access concerns. *Exhibit B*, p. 42; *Interviews with Parents, Case Manager, and Math Teacher*. Student has not used (or expressed a need for) an abacus in math. *Interview with Math Teacher*.

84. Student asked to use an abacus on a Colorado Measures of Academic Success assessment in April 2022 but was not able to do so. *Interview with Student*. However, the IEP's state and district assessments section does not list an Abacus. *Exhibit A*, pp. 33-35.
85. Based on these facts, the SCO finds that Student had access to and support using an Abacus consistent with the IEP during the 2021-2022 academic year.

### Double Time

86. The IEP requires "[d]ouble time on classroom assessments & assignments" ("Double Time"). *Exhibit A*, p. 31. Parents indicated Student was offered Double Time once but added "because so many other accommodations were not being accomplished [they] just assumed he was not being given double time." *Interview with Parents; Complaint*, p. 8.
87. On March 23, 2022, ELA Teacher offered Student "more time to study" for a quiz in response to concerns Parents raised about access to Vocabulary. *Exhibit H*, p. 187. Student was never observed to need (and never asked for) double time, though it was available to him. *Interviews with ELA Teacher, Math Teacher, and Social Studies Teacher*.
88. He is one of the "first few" students finished with work in ELA and Math. *Interviews with ELA Teacher and Math Teacher*. He is one of Social Studies Teacher's "top students" and has turned in 70/70 assignments on time. *Interview with Social Studies Teacher*.
89. Based on these facts, the SCO finds that Double Time was available for Student consistent with the IEP during the 2021-2022 academic year.

### New Environment Support

90. The IEP requires "[s]upport from the O&M specialist to navigate new environments" ("New Environment Support"). *Exhibit A*, p. 31. Closely related, the IEP's service delivery statement section requires that "TVI will report progress on [30 minutes per quarter of indirect services] as a result of consultation with [O&M Specialist]." *Id.* at p. 35.
91. Parents' first concern is that Student did not receive this accommodation when he transitioned from a virtual school to School for the 2021-2022 academic year. *Interview with Parents and Student; Complaint*, p. 8. Parents' second concern is that they did not receive progress updates on the indirect services. *Interview with Parents; Reply*, pp. 6-7.
92. O&M Specialist was not present for the IEP's creation but explained "new environments" could mean changes to a building (like a hall) or exposure to a new setting (like a classroom). *Interview with O&M Specialist*. Because School was a new environment, Student received a tour on August 10 from a school-based team that did not include O&M Specialist. *Interviews with Parents, Student, and Assistant Special Education Director*.

93. O&M Specialist worked directly with Student on October 14 as a “make up lesson” from the prior school year. *Interviews with Parents and O&M Specialist; Exhibit B*, p. 20. The lesson started in School’s parking lot and involved “extensive evaluation” in a residential area. *Interview with O&M Specialist; Exhibit B*, p. 20. O&M Specialist did not work directly with Student any other time, she said, because the IEP requires her to provide only indirect services. *Interview with O&M Specialist*.
94. O&M Specialist provided 30 minutes of indirect services per quarter, participating in IEP meetings and consulting with Case Manager and TVI (with whom she shares an office). *Exhibit B*, pp. 19-25; *Exhibit H*, p. 134; *Interview with O&M Specialist*. These consultations consisted of O&M Specialist determining if Student was able to navigate School safely and independently. *Interviews with Case Manager and TVI*. Neither Case Manager nor TVI reported any issues or a need for Student to receive direct services to O&M Specialist. *Id.*
95. On April 6, Parents requested a “progress” update. *Exhibit 3*, pp. 28-29. That same day, Assistant Special Education Director responded that O&M Specialist’s attendance at a meeting to provide “input is necessary to . . . catch the team up on the indirect services that have taken place this year . . .” *Id.* at p. 28. Thus, at that point in the school year, the “progress” updates had not been provided by TVI. *Id.*; *Interview with Parents*.
96. Based on these facts, the SCO finds that Student did not receive New Environment Support consistent with the IEP during the 2021-2022 academic year. The SCO also finds that, while O&M Specialist provided indirect mobility and orientation services, TVI failed to “report progress” on these services consistent with the IEP.

#### Teacher Training

97. The IEP requires “[t]eacher training prior to the course specific to online materials (converting to pdf)-Parents would like to be included in these trainings” (“Teacher Training”). *Exhibit A*, p. 31.
98. Parents’ concern is that this accommodation did not happen. *Interview with Parents; Complaint*, p. 8. Teachers confirmed this training did not occur, and that they were not sure who was to provide it or what it might include apart from instruction on how to convert a document to a PDF. *Interviews with Case Manager, TVI, ELA Teacher, Math Teacher, and Social Studies Teacher*.
99. Based on these facts, and the uncertain language in the IEP, the SCO finds that Teacher Training did not occur consistent with the IEP during the 2021-2022 academic year.

### **G. Student’s Progress on Annual Goals and Grades**



100. Case Manager worked with Student on Goals No. 1 (Self-Determination) and No. 2 (Self-Determination) and TVI worked with Student on Goals No. 3 (Vision) and No. 4 (Vision). *Interviews with Case Manager and TVI*. As of March 11, 2022, reports showed “Satisfactory Progress” made on each of these annual goals. *Exhibit F*, pp. 13-17.
101. District’s standards-based grading system translates to letter grades as follows: 4 (A or “Advanced”), 3 (B or “Proficient”), 2 (C or “Partially Proficient”), 1 (D or “In-Progress”), and 0 (“Insufficient Evidence”). *Exhibit K*, p. 2. Apart from a 3 in ELA first semester and a 3 in woodshop second semester, Student earned a 4 each semester in his classes. *Id.* at p. 1.

### **CONCLUSIONS OF LAW**

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

**Conclusion to Allegation No. 1: District failed to properly implement the IEP during the 2021-2022 academic year, in violation of 34 C.F.R. § 300.323. This violation did not result in a denial of FAPE.**

The allegation accepted for investigation relates to implementation of the IEP, specifically certain assistive technology and accommodations, during the 2021-2022 school year. (FF # 4.)

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.” *Andrew 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 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.* § 300.323(c)(2). To satisfy this obligation, a district must ensure that each teacher and related services provider has access to the IEP and is informed of “his or her specific responsibilities related to implementing the child’s IEP,” as well as the specific “accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.” *Id.* § 300.323(d).

#### **A. IEP Accessibility and Responsibilities**

The SCO must determine whether District satisfied its obligation under 34 C.F.R. § 300.323(d). Student’s teachers and service providers had access to the IEP during the 2021-2022 academic year in District’s data management system. (FF #s 29-32.) General education teachers also received snapshot printouts of the IEP. (FF #s 29, 32.) Overall, teachers and service providers were aware of their responsibilities under the IEP, as well as the close to fifty accommodations

listed in the IEP. (FF #s 29-99.) Indeed, Parents raised concerns with only fourteen accommodations. (FF # 4.) Student’s teachers and service providers also credibly described an understanding of their role in providing most of these fourteen accommodations. (FF #s 29-99.)

However, teachers and service providers, including Case Manager who was responsible for overseeing the IEP’s implementation, were uncertain about some of the accommodations. (FF #s 76, 98.) Teachers had differing understandings of what “defined ahead of time” meant for Vocabulary. (FF # 76.) No teachers or service providers knew their responsibilities for Teacher Training. (FF # 98.) The SCO attributes this confusion, in part, to the IEP Team’s failure to describe some accommodations with sufficient specificity for teachers to determine whether they were being properly implemented. (FF #s 80, 99.) For these reasons, the SCO finds and concludes that District failed to ensure Student’s teachers and service providers were informed of some their responsibilities under the IEP, in violation of 34 C.F.R. § 300.323(d).

### **B. The IEP’s Implementation**

The SCO must determine whether District made special education and related services available to Student in accordance with the IEP for the 2021-2022 academic year. 34 C.F.R. § 300.323(c)(2).

The IEP identifies nearly fifty accommodations, fourteen of which are relevant here: (1) Headset; (2) Braille Display; (3) Screen Reader; (4) Speech Recognition; (5) Electronic Materials; (6) Digital Photos; (7) Video Links; (8) Maps/Graphs; (9) Printed Materials; (10) Vocabulary; (11) Abacus; (12) Double Time; (13) New Environment Support; and (14) Teacher Training. (FF #s 33-99.)

District provided eight of these accommodations—Headset, Braille Display, Screen Reader, Speech Recognition, Digital Photos, Video Links, Abacus, and Double Time—consistent with the IEP. (FF #s 33-50, 59-66, 81-89.) District at times failed to provide four of these accommodations—Electronic Materials, Maps/Graphs, Printed Materials, and Vocabulary—consistent with the IEP. (FF #s 51-58, 67-80.) District failed to provide two accommodations—New Environment Support and Teacher Training—consistent with the IEP. (FF #s 90-99.)

The IEP also requires TVI to “report progress on [30 minutes per quarter of indirect services] as a result of consultation with [O&M Specialist].” (FF # 90.) As reflected in an April 6, 2022 email, this “progress” update had not been provided during the school year. (FF # 95.) For these reasons, the SCO finds and concludes that District failed to implement the IEP during the 2021-2022 academic year, in violation of 34 C.F.R. § 300.323(c)(2).

### **C. Materiality of the Failure to Implement the IEP**

Where the definition of a FAPE specifically references delivery of special education and related services consistent with an IEP, the failure to implement an IEP can result in a denial of a FAPE. 34 C.F.R. § 300.17; ECEA Rule 2.19. However, not every deviation from an IEP’s requirements

results in a denial of a FAPE. *See, e.g., L.C. and K.C. v. Utah State Bd. of Educ.*, 125 Fed. 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 5/4/18). Instead, "the SCO must also determine whether the failure was material." *Id.* Courts will consider a case's individual circumstances to determine if it will "constitute a material failure of implementing the IEP." *A.P. v. Woodstock Bd. of Educ.*, 370 Fed. App'x 202, 205 (2d Cir. 2010).

"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." *Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J*, 502 F.3d 811, 822 (9th Cir. 2007). 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." *Id.*

Here, only fourteen of the IEP's close to fifty accommodations were challenged. (FF # 4.) District failed to provide access to four of these accommodations on a consistent basis (Electronic Materials, Maps/Graphs, Printed Materials, and Vocabulary) and two of these accommodations in their entirety (New Environment Support and Teacher Training). (FF #s 51-58, 67-80, 90-99.) District also failed to "report progress" on O&M Specialist's indirect service minutes. (FF # 95.)

These failures did not impact Student's ability to access specialized instruction or the general education curriculum. (FF #s 100-101.) Indeed, Student showed progress on his annual goals. (FF # 100.) The IEP Team amended annual goals multiple times during the year given his meaningful rate of progress. (FF #s 16-22.) Importantly, he had access to and used the accommodations applicable to his annual goals and direct service minutes in assistive technology and vision (Headset, Braille Display, Screen Reader, and Speech Recognition). (FF #s 33-50.)

The IEP acknowledged Student's difficulty advocating for accommodations in front of peers but stressed that he would be encouraged to advocate for his visual needs in the classroom. (FF #s 8, 10.) Learning self-advocacy strategies is critical to help a child with a visual impairment determine which accommodations are most helpful and how to request them in various settings. (FF # 10.) Student can read visually but it "does take more effort and is likely to cause eye fatigue and headaches." (FF # 8.) Teachers did not observe him struggling in class and he did not report concerns or request accommodations, even those that were not consistently followed. (FF #s 33-99.) In fact, Student sometimes chose to access content visually, such as hard copy books. (FF # 73.) Student also performed well academically, earning As and Bs. (FF # 101.)

Finally, although School was a new environment to Student at the beginning of the academic year he received a tour with a school-based team in August (albeit without O&M Specialist). (FF # 92.)

Despite not receiving New Environment Support, teachers observed Student to navigate School safely, independently, and confidently during the academic year. (FF # 94.) For these reasons, the SCO finds and concludes that District’s failure to implement the IEP was immaterial.

**Systemic IDEA Violations: This investigation does not demonstrate violations that are systemic and will likely impact the future provision of services for all children with disabilities in District if not corrected.**

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

Here, District has a comprehensive special education procedure manual. (FF #s 24-25.) Staff credibly described practices and procedures for proper IEP implementation, and an understanding of IDEA requirements, during interviews. (FF #s 26-28.) The violation in this case is unique to Student and likely resulted from the IEP’s significant number of accommodations (some lacked clarity or were impractical to implement with fidelity as written), teacher efforts to balance Student’s independence in selecting accommodations while not amplifying expressed feelings of stigmatization, and classroom observations of Student as engaged, hardworking, and successful. (FF #s 13, 17, 49, 80, 99-101.) For these reasons, the SCO finds and concludes that District’s failure to implement the IEP is not systemic in nature.

### **REMEDIES**

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

- a. Failing to implement the IEP during the 2021-2022 academic year, in violation of 34 C.F.R. § 300.323.

To remedy this violation, District is ORDERED to take the following actions:

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

- a. By **Monday, July 11, 2022**, District shall submit to the CDE a corrective action plan (“CAP”) that adequately addresses the violation 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 District is responsible. The CAP must, at a minimum, provide for the following:

- i. Special Education Director, Assistant Special Education Director, Case Manager, TVI, ELA Teacher, Math Teacher, Social Studies Teacher, and O&M Specialist must review this Decision, as well as the requirements of 34 C.F.R. § 300.323. This review must occur no later than **Monday, July 25, 2022**. A signed assurance that these materials have been reviewed must be completed and provided to CDE no later than **Monday, August 1, 2022**.
- b. 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 District's timely correction of the areas of noncompliance.

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. **Given the current circumstances surrounding the COVID-19 pandemic, the CDE will work with District to address challenges in meeting any of the timelines set forth above due to school closures, staff availability, or other related issues.**

### **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 12th day of June, 2022.



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Brandon Edelman, Esq.  
State Complaints Officer

## **APPENDIX**

### **Complaint, pages 1-11**

- Exhibit 1: E-mail Correspondence
- Exhibit 2: IEP

### **Response, pages 1-11**

- Exhibit A: IEPs, IEP Amendments, and Prior Written Notices
- Exhibit B: Service Provider Logs
- Exhibit C: N/A
- Exhibit D: Notices of Meeting
- Exhibit E: Evaluation Reports
- Exhibit F: Progress Reports and Progress Monitoring Data
- Exhibit G: Policies and Procedures
- Exhibit H: E-mail Correspondence
- Exhibit I: District Staff List
- Exhibit J: Response Delivery Verification
- Exhibit K: Student's Grade Report
- Exhibit L: ELA, Math, and Social Studies Documents

### **Reply, pages 1-13**

- Exhibit 3: E-mail Correspondence
- Exhibit 4: Worksheets
- Exhibit 5: Map
- Exhibit 6: Vocabulary
- Exhibit 7: IEP Meeting Audio File (4-28-22)
- Exhibit 8: IEP Meeting Audio File (5-5-22)
- Exhibit 9: IEP Meeting Audio File (3-8-22)
- Exhibit 10: IEP Meeting Audio File (5-11-21)
- Exhibit 11: IEP Management System Log
- Exhibit 12: IEP Meeting Audio File (5-17-22)

### **Review of Student's Google Classroom Account**

- Independently on May 23-26, 2022
- Via Microsoft Teams with District's counsel and ELA Teacher on May 24, 2022

### **Telephone Interviews**

- Parents: May 17, 2022

- Student: May 17, 2022
- Social Studies Teacher: May 19, 2022
- English Language Arts Teacher: May 19, 2022
- Teacher of the Visually Impaired: May 19, 2022
- Math Teacher: May 20, 2022
- Case Manager: May 20, 2022
- Orientation and Mobility Specialist: May 20, 2022
- Special Education Director: May 20, 2022
- SWAAAC Coordinator: May 20, 2022
- Assistant Special Education Director: May 20, 2022