

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 2022:552  
El Paso 20 (Academy) School District**

**DECISION**

**INTRODUCTION**

On October 14, 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 the El Paso 20 (Academy) School District (“District”). The State Complaints Officer (“SCO”) determined that the Complaint identified one (1) 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 (“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 October 14, 2021 through October 14, 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 during the 2022-2023 academic year, specifically by failing to provide a “Private Duty Nurse” as required by Student’s IEP, in violation of 34 C.F.R. § 300.323.

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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.

## **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 an affectionate and loving 3-year-old, who likes music and going to the zoo. *Exhibit A*, p. 4. Student qualifies for special education and related services under the Other Health Impaired (“OHI”) disability category, with a secondary disability in Visual Impairment. *Id.* at p 2.
2. This investigation concerns the 2022-2023 academic year, during which Student attended preschool at a District early childhood preschool program (“School”). *Id.* When classes started in the fall of 2022, Student’s May 24, 2022 IEP was in effect (“2022 IEP”). *Id.*

### **B. The 2022 IEP**

3. The 2022 IEP documents Student’s strengths, preferences, and interests, including that he responds to Parents’ voices, he demonstrates when he is happy or mad using facial expressions and vocalizations, he cooperates with dressing, he is starting to tolerate toileting, and he attends well to preferred activities and objects. *Id.* at p. 4.
4. The 2022 IEP reviews present levels of performance, documenting the results of his initial evaluation for eligibility (conducted in May of 2022) and health information. *Id.* at pp. 5-7.
5. The Student Needs and Impact of Disability section documents that Student presents with a “severe” delay in fine and gross motor skills, and his difficulty with active upper extremity movement impacts his ability to access the educational environment. *Id.* at p. 8. Student needs direct support to improve his use of conventional communication to get his wants and needs met in the preschool classroom. *Id.* Student also presents with “very” limited visual abilities and requires adult support for safety and access within the classroom. *Id.*
6. The Parent/Student Input section contains input from Parents that they want Student to be with his peers at School and make friends. *Id.*
7. The 2022 IEP contains annual goals in the areas of communication, gross motor skills, physical access, fine motor skills, and “visual efficiency.” *Id.* at pp. 11-15
8. The 2022 IEP contains accommodations to help Student access the general education environment, including using sound to direct Student’s attention to items if the item does not make noise, allowing Student 12-15 seconds of wait time to process and get ready following

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

directives, and reducing unnecessary visual clutter. *Id.* at p. 15. Due to safety concerns, Student must always be monitored for safety by an adult. *Id.*

9. The Service Delivery section indicates Student will attend School for three hours each day, four days each week. *Id.* at p. 18. During this time, the 2022 IEP provides for:
  - a. 120 minutes/month – direct speech/language services;
  - b. 30 minutes/month – indirect speech/language services;
  - c. 80 minutes/month – direct physical therapy services;
  - d. 5 minutes/month – indirect physical therapy services;
  - e. 30 minutes/month – direct occupational therapy services;
  - f. 60 minutes/month – direct vision services;
  - g. 500 minutes/week – direct specialized instruction; and
  - h. 10 minutes/week – indirect special education services.

*Id.* at pp. 18-19.

10. The Service Delivery section further indicates that, due to his complex medical history, Student requires “Personal Care Services” continuously throughout his school day to meet his medical and educational needs, which include: (1) hand over hand assistance to complete classroom tasks; (2) feeding support to maintain adequate nutrition and avoid choking (Student has a “G tube”); (3) safety monitoring throughout the day; (4) transfers to and from wheelchair (and assistance with mobility); (5) hygiene and toileting assistance; and (6) assistance with medical equipment (to include wheelchair and adaptive devices). *Id.*
11. The IEP Team determined it was appropriate for Student to attend a regular early childhood program for at least 10 hours per week, and to receive most of his special education and related services in the regular early childhood program. *Id.* at p. 19.
12. The 2022 IEP documents that Parents requested that their own private duty nurse from home accompany Student to School to perform the “Personal Care Services” described in the 2022 IEP. *Id.* at p. 19. The 2022 IEP indicates that District must first get information to authorize the private duty nurse to work within School, and that if the private duty nurse is “unavailable” District nursing staff will be prepared to provide Student’s services. *Id.*

### **C. The Private Duty Nurse**

13. During the summer following the development of the 2022 IEP, District’s lead nurse (“Head Nurse”) met with Parents and the School nurse to discuss Student’s medical needs and determine his level of care. *Interviews with Head Nurse and Parents*. Head Nurse and the School nurse reviewed Student’s medical record and the 2022 IEP and determined which staff would be necessary at School to provide Student’s “Personal Care Services” under the 2022 IEP. *Interview with Head Nurse*.

14. Although Parents requested a private duty nurse, Head Nurse determined Student only had one major nursing need related to his “G tube” feeding support. *Id.* All “Personal Care Services” (including the “G tube” feeding support) could be delegated to unlicensed assistive personnel (“UAP”) or a certified nursing assistant (“CNA”), so Head Nurse determined these services at School could be provided by CNAs under the supervision of the School nurse. *Id.*
15. At home, Student receives nursing services through two private duty nurses who are employed through a private organization (“Outside Organization”). *Interview with Parents.* The private duty nurses were personally screened by Parents prior to working with Student and were chosen specifically for their experience, including prior experience with feeding support using a “G tube.” *Id.*
16. Student receives several different private therapies, including feeding therapy, throughout the week. *Id.* The private duty nurses from Outside Organization accompany Student to the private therapies, and thus, can incorporate strategies from the therapy sessions while working with Student throughout the week. *Id.* Because of this, Parents indicate the private duty nurses from Outside Organization better understand how to address and meet Student’s individual needs than District nursing staff. *Id.*
17. Parents disagreed with Head Nurse’s assessment about Student’s “Personal Care Services” and on July 26, 2022, informed District that Student’s private duty nurse would be accompanying Student to School. *Exhibit E*, p. 40; *Interview with Parents.* The private duty nurses from Outside Organization had not been cleared to work at School, so on August 1, 2022, District contacted Parents to inform them of the process to screen the private duty nurses to work within School. *Exhibit E*, p. 35. On August 2, 2022, District contacted Parents and Outside Organization via email and provided step-by-step instructions regarding District’s screening procedures. *Id.* at pp. 33-34.
18. District’s special education administrator indicated that to work within School, the private duty nurses from Outside Organization must (1) complete an application and background check; (2) sign a service agreement with District; and (3) provide District with a certificate of liability. *Id.* District generally allows private service providers to attend schools with students if requested by parents, but all outside service providers must complete a background check, sign a service agreement, and provide a certificate of liability before they can work within a District school. *Interview with Director of Special Education.*
19. Following the email from the special education administrator, Outside Organization failed to complete District’s screening procedures, and on August 17, 2022, Parents emailed Case Manager and asked for more information about the screening process, expressing concern that the issue was unresolved just a few days before classes started at School. *See Exhibit E*, pp. 20-21. Case Manager responded the same day and indicated she would share Parents’ email with District administration. *Id.* at pp. 19-20.

20. On August 18, 2022, a special education administrator emailed Parents and indicated that the private duty nurses from Outside Organization still needed to (1) sign a service agreement and (2) provide a certificate of liability. *Id.* at p. 19. One of the private duty nurses had already submitted a certificate of liability, but neither private duty nurse signed the service agreement. *Id.* District also shared this update with Outside Organization. *See id.* at pp. 66-72. The special education administrator informed Parents that if the required paperwork was not received by District before the first day of classes, District nursing staff were ready to provide Student “Personal Care Services.” *See id.* at p. 19.
21. On August 21, 2022, the day before classes started at School, Parents emailed Case Manager and indicated that since Outside Organization had not yet provided the service agreements to District, Student would not be attending. *Exhibit E*, pp. 17, 425.
22. On August 23, 2022, District met with Outside Organization and Parents to discuss the issue with the service agreement. *Id.* at pp. 179-181. At the meeting, Outside Organization indicated that it would not sign the service agreement with District unless District agreed to sign a separate billing contract with Outside Organization. *Interviews with Parents, Head Nurse, and Director of Special Education.* Under the terms of the billing contract, District would pay Outside Organization for the private duty nurses to work at School. *Id.* District indicated that the private duty nurses from Outside Organization were authorized to work within School if they signed the service agreement, but that District would not sign a billing contract with Outside Organization for the private duty nurses’ services. *Id.*
23. Director of Special Education explained that District is fully staffed and able to provide Student’s “Personal Care Services” under the 2022 IEP, and thus, there was no need to contract with Outside Organization for additional nursing staff. *Interview with Director of Special Education.* District remains willing to allow the private duty nurses to attend School at Parents’ request upon completion of the service agreement but will not contract for additional nursing services when it already employs sufficient, adequately trained staff to meet Student’s needs. *Id.*

#### **D. Implementation of the 2022 IEP (August 2022 to Present)**

##### **IEP Accessibility to Student’s Teachers**

24. Case Manager oversees the 2022 IEP and is responsible for ensuring teachers and service providers are aware of their responsibilities. *Interview with Case Manager.*
25. On August 12, 2022, prior to the start of classes, Case Manager met with Parents, teachers, and service providers to discuss Student’s needs and the plan for the year. *Interviews with Parents and Case Manager.* District staff and Parent discussed Student’s background and

toured the classroom, viewed the equipment present in the classroom, and discussed Student's adaptive communication device. *Id.*

26. Prior to the meeting, Case Manager reviewed services and accommodations from the 2022 IEP to ensure the classroom was equipped to meet Student's needs (e.g., Case Manager brought in a gait trainer and swing for Student). *Interview with Case Manager*. During the tour, Student tried out some of the equipment to make sure he was comfortable using it. *Id.* Following the meeting, Case Manager emailed Parents with contact information for District staff members who would be working with Student so Parents could reach out directly as necessary. *Exhibit E*, p. 24.
27. Case Manager also met with Student's teachers, service providers, and nursing staff to provide them with the 2022 IEP and review Student's needs before classes started at School. *Id.* In collaboration with Parents, Case Manager developed a daily schedule for Student, which specified during what times throughout the day Student would get snacks, drinks of water, etc. *Id.*; see, e.g., *Exhibit B*, p. 13. This daily schedule was sent home with Student each day and was used by District staff to communicate with Parents about Student's day-to-day activities. *Exhibit B*, pp. 13-45; *Interviews with Case Manager and Parents*. This schedule was developed so "anyone who walked in would see the schedule and know exactly what [Student] needed at what time." *Interview with Case Manager*.
28. Following the beginning of the year, Case Manager indicated that she was "constantly communicating" with other staff about Student, to include weekly staff meetings, and additional phone calls and emails. *Id.* Parent indicated Case Manager has been "very helpful" and that when Parents raised concerns about Student's programming, Case Manager was quick to "include everyone on the issue." *Interview with Parents*.

*IEP Implementation: "Personal Care Services" (August 2022 through Present)*

29. Parents' concern is that District failed to implement the 2022 IEP, starting in August of 2022, because District did not allow the private duty nurse to accompany Student to School and provide his "Personal Care Services." *Complaint*, p. 4; *Reply*, pp. 1-10. Parents do not allege that District failed to provide "Personal Care Services" to Student; rather, Parents claim District's nursing staff cannot provide adequate "Personal Care Services" because (1) District's CNAs lack the training, experience, and education necessary to provide Student with the "Personal Care Services" required by the 2022 IEP and (2) there are frequent changes of the nursing staff working with Student (and thus no continuity and understanding of Student's complex medical needs). *Interview with Parents; Reply*, pp. 2, 6.
30. The 2022 IEP does not require a private duty nurse to accompany Student to School. *Exhibit A*, pp. 18-19. While the 2022 IEP documents Parents' request to have the private duty nurse accompany Student, it explicitly indicates that District must authorize the private duty nurse

to work within School (and that if the private duty nurse is “unavailable” District nursing staff are prepared to provide Student’s services). *Id.* at p. 19.

31. On August 31, 2022, although Parents continued to request that private duty nurses from Outside Organization attend School with Student, they agreed to have Student start attending School. *Interview with Parents; Exhibit B*, p. 2. On the first day, Parent attended with Student and showed the school nurse how to use his “G tube.” *Interview with Parents; Reply*, p. 3.
32. From August 31, 2022 to the present, Student attended School for three hours each day, four days each week (although he missed several days due to sickness). *Interviews with Parents and Case Manager; Exhibit B*, pp. 2-45. Service logs from this timeframe document that Student received “Personal Care Services” outlined in the 2022 IEP on each of these dates (eating assistance, diapering and catheter care, feeding and tracheostomy care, mobility and positioning, and safety monitoring). *Exhibit B*, pp. 2-3. These “Personal Care Services” are likewise documented in Student’s daily schedule, and Case Manager confirms Student is always assisted throughout each day by a CNA with “Personal Care Services” (including feeding support). *Id.* at pp. 13-45; *Interview with Case Manager*.
33. Parents’ concern is that District’s nursing staff lack the training, education, and experience necessary to provide Student’s “Personal Care Services” because Student has been sent home for illness on occasions when he had a runny nose and vomited (which Parents indicate would not happen if a private duty nurse was present), and CNAs are unqualified to administer feeding support using a “G tube.” *Interview with Parents; Reply*, pp. 2, 6.
34. Case Manager confirmed two occasions during the 2022-2023 academic year when Parents were called to pick Student up early because he vomited and had a runny nose. *Interview with Case Manager*. However, Case Manager, Director of Special Education, and Head Nurse explained that under District’s policies and procedures for preschool, if a student vomits or exhibits signs of sickness, the student must be sent home for the safety of other students. *Interviews with Case Manager, Head Nurse, and Director of Special Education*. Thus, even if the private duty nurse had accompanied Student to School on these occasions, Parents would still have been notified to pick him up pursuant to District policy and procedure. *Id.*
35. Head Nurse explained that feeding support using a “G tube” is considered a “fairly stable procedure” and although there is a risk of aspiration if Student is fed too quickly or there is an underlying condition like sickness, District nursing staff have been trained to know what complications could occur, how to address them, and when to contact the school nurse and/or Parents. *Interview with Head Nurse*. The SCO requested, and received, documentation of the training, education, and experience of all nursing staff working with Student during the 2022-2023 academic year. *See Exhibit J*, pp. 1-17. Upon review, the SCO finds no concerns with the training, education, and experience of District’s nursing staff.

36. During the first week of classes at School, the School nurse worked directly with the CNAs assigned to Student to train them on the “G tube.” *Interview with Head Nurse*. After the first week, the school nurse engaged in “spot checks” to ensure there were no issues, and the school nurse is available in the building if there are complications with Student’s care or the CNAs have questions or concerns. *Id.* There is also a District “on-call” nurse who is always available as an additional backup, and Case Manager was included in trainings around the use of the “G tube” (although at the time of this Decision she had never been involved in providing feeding support for Student). *Id.*
37. The SCO finds, in consultation with CDE Content Specialist, that the decision to “delegate” a nursing procedure or task is the sole responsibility of the nurse and is made based on his or her nursing assessment. *Consultation with CDE Content Specialist*. “G tube” care and feeding procedures are almost always delegated to a UAP in the school setting, and there is nothing about Student’s individualized needs here that would require his feeding support to only be administered by a registered nurse. *Id.*
38. Parents’ additional concern is that District nursing staff working with Student change too frequently, and as a result, there is no continuity and shared understanding about Student’s complex medical needs. *Interview with Parents; Reply*, p. 2. Parents indicate that there are several different nursing staff who rotate to work with Student each day, and thus, they are concerned that not all staff working with Student are sufficiently familiar with his complex medical history to provide his “Personal Care Services.” *Interview with Parents; Reply*, p. 2.
39. Director of Special Education and Head Nurse explained that District uses a multiple person training approach to ensure alternative staff are available as a backup if someone is absent or unavailable. *Interviews with Director of Special Education and Head Nurse*. Multiple staff are trained at the same time to work with a particular student to ensure that, if a staff member is absent or leaves their position unexpectedly, there are always staff available who are familiar with a student’s individual needs. *Id.* Multiple CNAs were trained to work with Student (to include on using his “G tube”), and those CNAs rotated working with him each day at School. *Id.* All the CNAs were trained specifically on his individualized needs. *Id.*
40. For all these reasons—specifically the plain language of the 2022 IEP, the service logs, daily schedule, Case Manager’s observations, and Parents’ concession that Student was provided “Personal Care Services” through District’s nursing staff—the SCO finds that Student received “Personal Care Services” consistent with the 2022 IEP.

### **CONCLUSIONS OF LAW**

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

**Conclusion to Allegation No. 1: District properly implemented the 2022 IEP from August 2022 to the present, consistent with 34 C.F.R. § 300.323.**



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)). An 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.* § 300.323(c)(2). To satisfy this obligation, a school district must ensure that each teacher and related services provider 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. 2022 IEP Implementation: August 2022 through Present**

##### Parents’ Concern

The 2022 IEP was in effect starting in August of 2022. (FF # 2). Parents’ concern is that District failed to implement the 2022 IEP by failing to allow the private duty nurses from Outside Organization to attend School with Student. (FF # 29).

##### Accessibility to Student’s Teachers

First, the SCO must determine whether District satisfied its obligation under 34 C.F.R. § 300.323(d). Here, Case Manager oversees the 2022 IEP, and is responsible for ensuring staff are aware of their responsibilities under the 2022 IEP. (FF # 24).

At the beginning of the 2022-2023 school year, prior to the start of classes, Case Manager met with Parents and Student’s teachers and service providers to discuss Student’s needs and ensure that the classroom was equipped for Student’s needs. (FF #s 25-26). Case Manager also met with Student’s teachers and service providers to provide them with the 2022 IEP and discuss Student’s needs, and thereafter engaged in regular collaboration about Student’s programming. (FF #s 27-28).

Case Manager also developed a daily schedule for Student in collaboration with Parents, which was used to ensure that Student’s programming followed the same schedule regardless of which staff members were working with him, and to relay information about Student’s daily activities to Parents. (FF # 27). Parents were provided with contact information for everyone on Student’s support team so Parents could reach out directly to staff, and Case Manager was responsive to Parents’ concerns. (FF #s 26, 28).

For these reasons, the SCO finds and concludes that District ensured teachers and service providers working with Student were informed of their responsibilities under the 2022 IEP, consistent with 34 C.F.R. § 300.323(d).

*“Personal Care Services” under the 2022 IEP*

The 2022 IEP provides that due to a complex medical history Student requires “Personal Care Services” throughout the day, to include hand over hand assistance, feeding support, safety monitoring, transfers to and from his wheelchair, hygiene and toileting assistance, and assistance with medical equipment. (FF # 10). The 2022 IEP documents Parents’ request to have the private duty nurse from Outside Organization accompany Student to School to provide these services, but expressly indicates that the private duty nurse must be screened to work within School, and if the private duty nurse is “unavailable” District nursing staff are prepared to provide care. (FF # 12). The 2022 IEP does not specify which staff members will provide “Personal Care Services” or limit the number of nursing staff working with him. *See* (FF # 10).

Indeed, the IDEA does not require school districts to provide a specific provider to a student at a parent’s request. *See, e.g., In re: Student with a Disability*, 121 LRP 38662 (SEA KS 2021) (finding that as long as educators are qualified and trained to properly implement a student's IEP services a district is not required to comply with a parent's request for specific personnel). While parents have the right to raise concerns about a staff member’s qualifications, they generally do not get to decide which specific employee provides their child’s services. *See, e.g., Swanson v. Yuba*, 68 IDELR 215 (E.D. Cal. 2016) (finding no violation where a district provided a qualified nurse to provide the student’s services, notwithstanding the parents’ preference for the student’s former nurse).

Here, all the District nursing staff working with Student were appropriately licensed during the 2022-2023 academic year. (FF # 35). Student’s “G tube” care and feeding support do not require a registered nurse and can be provided by a CNA or UAP under the supervision of a school nurse. (FF # 37). School nurse trained the CNAs working with Student during the 2022-2023 academic year on the “G tube” and the School nurse and backup nurse were available in the event of complications. (FF # 36).

Although the CNAs working with Student rotate each day, they were all trained together specifically to work with him, understand his medical history, and provide his “Personal Care Services” consistent with the 2022 IEP. (FF # 39). District uses a team approach for training to ensure that if a staff member leaves his or her position or is absent, there are trained personnel available to work with students. *Id.* Indeed, all CNAs working with Student were trained in this manner and are familiar with Student’s needs. *Id.*

District provided Parents and Outside Organization with the information about District’s screening procedures to allow the private duty nurses from Outside Organization accompany

Student to School, but the private duty nurses were unwilling to sign a service agreement unless District agreed to sign a billing contract with Outside Organization. (FF #s 18-23). District was fully staffed and employed sufficient nursing staff to meet Student’s needs under the 2022 IEP, so District declined to sign the billing contract. (FF #s 22-23).

When the private duty nurses from Outside Organization were “unavailable” because they would not sign the service agreement, District provided Student with “Personal Care Services” through District CNAs, under the supervision of the School nurse. (FF #s 22, 32). Service logs and Student’s daily schedule demonstrate that Student was provided with nursing services from these staff members starting on August 31, 2022. (FF # 32). Case Manager also confirmed Student received his “Personal Care Services” throughout the 2022-2023 academic year and was never without support from a CNA or the school nurse. *Id.* Parents do not allege, and the facts do not demonstrate, that District failed to provide Student with the “Personal Care Services” required by the 2022 IEP through its nursing staff during this time. (FF # 29).

For these reasons, the SCO finds and concludes that District properly implemented the 2022 IEP from August 2022 to present in this respect, consistent with 34 C.F.R. § 300.323.

### **REMEDIES**

The SCO concludes that District did not violate the requirements of IDEA as alleged in the Complaint. Accordingly, no remedies are ordered.

### **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 13th day of December, 2022.



Ross Meyers  
State Complaints Officer

## **APPENDIX**

### **Complaint, pages 1-8**

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

- Exhibit A: IEP
- Exhibit B: Service Logs
- Exhibit C: Progress Report(s)
- Exhibit D: Policies and Procedures
- Exhibit E: Correspondence
- Exhibit F: List of Involved Staff
- Exhibit G: Verification of Service
- Exhibit H: Other Documentation
- Exhibit I: Complaint Procedures
- Exhibit J: Training and Experience of Staff

### **Reply, pages 1-10**

- Exhibit 1: Note from Doctor

### **Telephone Interviews**

- Case Manager: November 18, 2022
- Director of Special Education: November 16, 2022
- Head Nurse: November 18, 2022
- Parents: November 17, 2022