

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 2023:624**  
**Valley RE-1 School District**

**DECISION**

**INTRODUCTION**

On December 19, 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 Valley School District RE-1 (“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 December 19, 2022 to the present 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 2023-2024 academic year, in violation of 34 C.F.R. § 300.323, specifically by:
  - a. Failing to make Student’s IEP accessible to teachers or service providers responsible for its implementation;

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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. Failing to provide the accommodations required by Student’s IEP, specifically:
  - i. Alternatives to computer-based classwork,
  - ii. Seating Student near the classroom instructor,
  - iii. Modifying printed materials to reduce the amount of work presented at one time,
  - iv. Refraining from the use of time outs or “side-lining,” and
  - v. Access to fidget devices.
- c. Failing to provide curriculum modifications, specifically by failing to modify Student’s work to match her reading level.

### **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 seven years old and attends a District elementary school (“School”) in first grade. *Exhibit A*, pp. 1, 3. She qualifies for special education and related services under the disability categories of Autism Spectrum Disorder and Specific Learning Disability. *Id.* at p. 1.
2. Student is vivacious and bubbly, and she loves to interact with peers. *Interviews with Parents, Special Education Teacher, and General Education Teacher*. She has a nurturing personality and is supportive and encouraging to others. *Id.*
3. Student was diagnosed with attention-deficit hyperactivity disorder (“ADHD”), a language disorder, a specific learning disorder with impairment in reading, and a specific learning disorder with impairment in math in August 2023. *Exhibit 1*, pp. 44, 55.
4. This investigation involves implementation of accommodations and modifications from an IEP dated April 19, 2023, (the “IEP”), which was in effect during the 2023-2024 academic year. *Exhibit A*. It was developed after a District evaluation of Student completed in April 2023. *Id.* at p. 1.

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

## B. The IEP

5. The IEP documents Student's strengths in creativity and social interactions with peers, and her interest in art and reading. *Id.* at p. 3.
  6. The IEP's present levels of performance section describes the results of Student's evaluations conducted prior to the drafting of the IEP. *Id.* at pp. 3-6.
  7. The IEP states that Student's disability impacts her ability to access the general education curriculum, specifically in the areas of social communication skills, social interaction, sensory regulation, and processing of symbolic information. *Id.* at p. 6. It also states that Student benefits from academic interventions in math and reading to target skills deficits. *Id.* Finally, it states that Student would benefit from speech therapy to build her expressive language skills. *Id.*
  8. The IEP contains five annual goals: one each in the areas of Communication, Reading, Mathematics, Social/Emotional Wellness, and Physical Motor. *Id.* at pp. 6-11.
  9. The IEP lists 21 accommodations. *Id.* at p. 11. The following five accommodations are relevant to the Complaint's allegation:
    - "Provide an alternative to computer-based activities and assignments when possible."
    - "Desk located at the end of rows, close to classroom teacher."
    - "Worksheets and print materials should be modified to reduce the amount of content seen on a page, as best supports [Student's] attention to task."
    - "Provide [Student] with reminders of appropriate behavior rather than 'side-lining' as a consequence."
    - "Provide hand fidgets."
- Id.* at p. 11.
10. The IEP identifies a modification, which in relevant part reads: "[Student's] assignments may be modified to be at her instructional level." *Id.* at p. 12.
  11. The IEP identifies the following special education and related services:
    - Speech/Language Therapy: 40 minutes per week of direct speech therapy outside the general education classroom and 4 minutes per month of indirect speech-language services.
    - Social Emotional Services: 60 minutes per month of direct social emotional services outside of the general education classroom and 30 minutes per month of indirect social emotional services.

- Specialized Instruction: 240 minutes per week of direct specialized instruction in math and reading outside of the general education classroom.
- Occupational Therapy: 30 minutes per week of direct motor skills services outside the general education classroom, and 5 minutes per month of indirect motor skills services.

*Id.* at pp. 14-15.

12. The IEP Team determined that it was appropriate for Student to be in the general education classroom 81.2% of the time. *Id.* at p. 16.

### **C. District's Practices, Policies and Procedures**

13. District policy requires that all student IEPs be maintained electronically, in a data management system. *Interview with Special Education Director ("Director")*.

14. All special education teachers involved with a student have access to that student's IEP through that data management system. *Id.* At the beginning of each academic year, including the 2023-2024 academic year, District trains teachers on the data management system used to access IEPs. *Id.*

15. School staff with limited contact with a student receive a "snapshot IEP," a document which details a student's goals, accommodations and services. *Interviews with Director and Special Education Teacher*.

16. District directs teachers and service providers to implement IEPs with fidelity and conducts regular trainings with staff regarding IEP implementation and other compliance issues. *Interview with Director*.

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

17. As Student's case manager, Special Education Teacher was responsible for ensuring that School staff involved with implementing Student's IEP were knowledgeable about and familiar with Student's IEP. *Interview with Special Education Teacher*.

18. At the beginning of the 2023-2024 academic year, Special Education Teacher provided a snapshot IEP to all staff members working with Student. *Id.*

19. At the start of the school year, Special Education Teacher met with General Education Teacher to discuss and review Student's IEP, including the accommodations and modifications included in it. *Interviews with Special Education Teacher and General Education Teacher*. Special Education Teacher and General Education Teacher meet about once per week to discuss student IEPs and any issues that arise. *Id.*

20. Special Education Teacher and General Education Teacher both have access to Student's IEP via District's data management system and stated that they feel comfortable accessing that system. *Id.* In addition, both teachers possess hard copies of Student's IEP for reference during the school day as needed. *Id.*
21. Both teachers expressed familiarity with the IEP's accommodations and modifications and were able to thoroughly describe the accommodations and modifications relevant to the Complaint. *Id.*

**E. IEP Implementation: Accommodations and Modification**

22. Parent identified five accommodations and one modification which she believed were not being implemented. *Complaint*, pp. 9-17; *Interview with Parent*.

*Provide alternatives to computer-based classwork*

23. The IEP contains an accommodation which reads: "Provide an alternative to computer-based activities and assignments when possible." *Exhibit A*, p. 11.
24. Parent described her understanding of this accommodation as requiring that when Student is working on computer-based work in the classroom environment, School staff should provide support to her, including breaking down assignments into smaller steps, providing assistance from a paraeducator, and answering Student's questions regarding the assignment. *Interview with Parent*.
25. Special Education Teacher and General Education Teacher expressed similar understandings of the accommodation, describing that it requires them to monitor Student while she works on computer-based assignments for behaviors that might indicate frustration or a lack of focus. *Interviews with Special Education Teacher and General Education Teacher*. When such behaviors are observed, teachers stated that they should provide Student with assistance, including assigning a paraeducator to work with Student, offering Student a break, or offering a different activity. *Id.*
26. The SCO finds that although Parent's and Teachers' understandings of this accommodation largely accord with one another, the text of the accommodation does not reflect this shared understanding with sufficient clarity that a person unfamiliar with the IEP would be able to implement it in conformity with that understanding.
27. When asked to describe an alternative activity that General Education Teacher would provide to Student, she provided an image of a tactile reading activity she keeps in her classroom in case she needs to provide such an alternative. *Exhibit Q*, p. 31. General Education Teacher stated that she has never had to provide an alternative activity because adult assistance

allows Student to proceed successfully with her work. *Interview with General Education Teacher.*

28. General Education Teacher stated that there is always a paraeducator available in her classroom and that the paraeducator regularly assists Student with computer-based work. *Id.* When the paraeducator is working with another Student, General Education Teacher stated that she works with Student directly. *Id.*
29. Both teachers stated that Student's pull-out instruction is scheduled to coincide with computer-based math work which takes place in the afternoons in the general education classroom. *Interviews with Special Education Teacher and General Education Teacher.* Student still participates in computer-based reading work in the mornings, with the above-described assistance. *Id.*
30. Based upon these facts, the SCO finds that this accommodation was provided to Student.

#### Seat Student near classroom instructor

31. Student's IEP contains an accommodation that reads: "Desk located at the end of rows, close to classroom teacher." *Exhibit A*, p. 11.
32. Parent described her understanding of this accommodation as requiring that Student be seated in the general education classroom at a desk as close to a teacher's desk as possible. *Interview with Parent.*
33. General Education Teacher stated that early in the school year, she understood the accommodation to require that Student be seated at the front of the classroom, close to the area where General Education Teacher stands while providing instruction. *Interview with General Education Teacher.* After Parent expressed concerns about Student's seat during a parent-teacher conference in October 2023, General Education Teacher came to understand the accommodation to require Student to be seated near General Education Teacher's desk. *Id.*
34. Prior to the October 2023 parent-teacher conference, Student was seated at the front of the classroom close to the instructional area and on the right side of the classroom, opposite General Education Teacher's desk, located at the front-left corner of the classroom. *Interviews with Parent and General Education Teacher; see also Exhibit 4 (a classroom diagram created by Parent and described by General Education Teacher as an accurate depiction of the pre-October seating arrangement).*
35. In October 2023, during a parent-teacher conference, Parent noticed that Student's desk was not located next to General Education Teacher's desk and asked that she be re-seated close to the desk. *Interviews with Parent and General Education Teacher.* Following this

conference, Student was relocated to the front-left corner of the room, the desk closest to General Education Teacher's desk. *Interviews with Parent and General Education Teacher*; see also *Exhibit Q*, p. 10.

36. At all times in Student's special education classroom, Student, Special Education Teacher, and the other students in the special education classroom are seated at the same small table. *Interview with Special Education Teacher*; see *Exhibit Q*, pp. 12, 14-18.
37. Based on these facts, the SCO finds that General Education Teacher's pre-October decision to seat Student near the area where she stood during instruction was a reasonable interpretation of the accommodation. The SCO further finds that when learning that Parent's interpretation of that accommodation differed from her own, General Education Teacher altered the classroom environment to accord with Parent's interpretation. Accordingly, the SCO finds that this accommodation was provided to Student.

*Reduce amount of information on printed materials*

38. The IEP contains an accommodation which reads "Worksheets and print materials should be modified to reduce the amount of content seen on a page, as best supports [Student's] attention to task." *Exhibit A*, p. 11. Identical language appears in the "Modifications" section of the same IEP.<sup>3</sup> *Id.* at p. 12.
39. Parent described her understanding of the accommodation to require that printed materials provided to Student be presented in such a manner that only a small number of problems or questions exist on each page, so that Student is not overwhelmed by the quantity of information. *Interview with Parent*. She stated that she believes that Student can complete the same quantity of work as her peers, so long as that work is broken into manageable chunks. *Id.*
40. General Education Teacher and Special Education Teacher similarly described their understanding of this accommodation as requiring that Student's work be presented in a format that minimizes the amount of questions or problems visible at any one time. *Interviews with General Education Teacher and Special Education Teacher*. They stated that most commonly, this is accomplished by covering portions of the material in question with a file folder, such that only a portion of the work is visible, a task assigned either to the classroom teacher or a paraeducator. *Id.* In other circumstances, the page is folded or cut to reduce the visible information. *Id.* Teachers provided several examples of each of these methods of information reduction. *Exhibit Q*, pp. 9, 11, 32-34.

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<sup>3</sup> The SCO notes that while this commitment does not constitute a curriculum modification, its inclusion in the modifications section does not affect the analysis of its implementation as an accommodation. For the sake of clarity, the SCO encourages District to ensure that future IEPs accurately describe accommodations and modifications.

41. Parent presented numerous examples of worksheets given to Student which were not cut or folded. *Exhibit 1*, pp. 157-189.
42. When asked about these assignments, General Education Teacher credibly explained that these assignments were presented to Student partially covered by a file folder as described above. *Interview with General Education Teacher*.
43. Based upon these facts, the SCO finds that this accommodation was made available to Student.

*Refrain from use of time outs or “side-lining”*

44. The IEP includes an accommodation which reads: “Provide [Student] with reminders of appropriate behavior rather than ‘side-lining’ as a consequence.” *Exhibit A*, p. 11.
45. Parent described her understanding of this accommodation as requiring that Student not be subjected to School’s disciplinary practice of “side-lining,” in which a student is seated alone to reflect on their behaviors. *Interview with Parent*. Instead, Parent stated that Student should receive verbal reminders of behavioral expectations. *Id.* General Education Teacher and Special Education Teacher described an identical understanding of the accommodation. *Interviews with General Education Teacher and Special Education Teacher*.
46. Parent stated that on December 5, 2023, Student told her that while waiting in line to use the bathroom, General Education Teacher instructed her to sit quietly against the wall while waiting for her turn. *Interview with Parent; Exhibit 1*, p. 87. Parent sent a message to General Education Teacher that day expressing concern about this instance. *Exhibit 1*, pp. 87-88.
47. General Education Teacher replied to this message, explaining that the whole class was creating noise in the hallway and that asking all students to sit quietly against the wall was necessary to separate students and restore calm. *Id.* When interviewed, General Education Teacher explained her understanding that “side-lining” necessarily involves singling out a student, and that the December 5 incident was a matter of class-wide discipline. *Interview with General Education Teacher*.
48. General Education Teacher and Special Education Teacher stated that when Student is being disruptive, they pull her aside and remind her of classroom rules. *Interviews with General Education Teacher and Special Education Teacher*. They also stated that they engage in the use of social stories to remind Student of school expectations. *Id.*
49. District provided an example of a social story used with Student to remind her of expectations regarding disruptions at school. *Exhibit Q*, p. 22-28.
50. Based on these facts, the SCO finds that this accommodation was made available to Student.



### Access to fidget devices

51. The IEP contains an accommodation which reads: "Provide hand fidgets." *Exhibit A*, p. 11.
52. Parent described her understanding of this accommodation as requiring that Student be allowed the use of fidget devices during the school day. *Interview with Parent*. General Education Teacher and Special Education Teacher described an identical understanding of the accommodation. *Interviews with General Education Teacher and Special Education Teacher*.
53. Student has a bag of hand fidgets provided to her by Special Education Teacher designated for her use in General Education Teacher's classroom. *Id.*; *Exhibit P*, pp. 1-3. Special Education Teacher also has a collection of fidgets and sensory devices available to Student in her classroom. *Exhibit Q*, pp. 1-7.
54. On August 24, 2023, about one week into the 2023-2024 academic year, Special Education Teacher wrote in an email to Parent that "in addition to having access to sensory tools in the classroom, she will also have a fidget tool in all other school environments, including library and music." *Exhibit M*, p. 40. Special Education Teacher provided a variety of fidget devices to other adults Student interacts with during the day, instructing them that Student should have access to those devices while she is in those settings. *Exhibit Q*, p. 8.
55. General Education Teacher and Special Education Teacher stated that Student has access to fidget devices at all times, with the exception of during bathroom trips, due to hygiene considerations. *Interviews with General Education Teacher and Special Education Teacher*.
56. Based on the above facts, the SCO finds that this accommodation was made available to Student.

### Modify classwork based on instructional level

57. The IEP's "modifications" section states that Student's "assignments may be modified to be at her instructional level." *Exhibit A*, p. 12.
58. Parent described her understanding of this "modification" as requiring that Student's instructional content be presented to her at a reading level which matched her proficiency. *Interview with Parent*.
59. General Education Teacher described a similar understanding of this provision's requirements, and stated that this is accomplished by dividing the classroom into small reading groups by their reading level, with each group receiving assignments based on their reading proficiency. *Interview with General Education Teacher*. Special Education Teacher described a similar understanding but stated that the specialized instruction provided in her

classroom is already necessarily tailored to each Student's reading level. *Interview with Special Education Teacher.*

60. District's Response states that although this item is found in the "modifications" section of the IEP, it does not constitute a curriculum modification, but rather an instructional accommodation.<sup>4</sup> *Response*, pp. 11-12. Special Education Teacher, who also serves as Student's case manager and managed the IEP development process, stated that she did not believe this provision constituted a curriculum modification, but included it under the "modifications" section at Parent's request. *Interview with Special Education Teacher.*
61. The SCO finds that the requirement that Student's assignments be modified to match her instructional level does not constitute a curriculum modification but describes an accommodation. Therefore, this provision will be analyzed as an IEP accommodation.
62. In the general education classroom, Students are divided into groups described as "on-level," in which the participants are reading at grade level, and "approaching," in which the students are not yet reading at grade level. *Interview with General Education Teacher.* General Education Teacher states that Student is part of an "approaching" small group. *Id.*
63. General Education Teacher provided examples of reading assignments given to each group. *Exhibit Q*, pp. 35-36. The example reading assignment for the "approaching" group presented sentences such as "We can see Pat." and "Can Pat tap?" *Id.* at p. 35. The SCO finds that these sentences are designed to develop students' ability to recognize and decode words with simple consonant-vowel-consonant structures. *Consultation with CDE Specialist.*
64. In contrast, the example reading assignment for the "on-level" group uses paragraphs featuring sentences such as "In a snap, Stan and Mom zip down the hill." and "Mom and Stan spill off into a hill." *Exhibit Q*, p. 36. The SCO finds that this assignment represents a higher reading level, requiring students to decode more complex sentences and words with consonant blends such as "sn" and "st." *Consultation with CDE Specialist.*
65. Parent stated that the assignments provided to Student more closely resembled the "on-level" assignments than the "approaching" assignments. *Interview with Parent.* With her Complaint, Parent provided two reading assignments that were assigned to Student. *Exhibit 1*, pp. 193-194. These passages use words and sentences such as "The big cab sat." and "Dan is sad." *Id.* The SCO finds that these passages, which use simple sentence structure and consonant-vowel-consonant word construction, are at a reading level more closely resembling the example of "approaching" reading level passages than the examples of "on level" reading passages. *Consultation with CDE Specialist.*

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<sup>4</sup> Although the misclassification of this provision does not affect the analysis contained in this Decision, it does pose a risk of misinterpretation by those responsible for IEP implementation. The SCO encourages District to ensure that Student's IEP accurately identifies accommodations and modifications.

66. On February 1, 2024, Parent provided additional examples of reading assignments given to Student between January 18 and January 24, 2024. *Exhibit 5*, pp. 9-10. These assignments are similar in appearance to the earlier assignments but use slightly more complex sentence structure. *Compare Exhibit 5*, pp. 9-10, *with Exhibit 1*, pp. 193-194. Example sentences from these assignments include “Red hens run as I dig.” and “Jan can pick up a tan cat.” *Exhibit 5*, pp. 9-10. The SCO finds that these passages represent a reasonable progression from the reading assignments given earlier in the year. *Consultation with CDE Specialist*. While most words still use a consonant-vowel-consonant phonemic structure, students are now learning to decode longer sentences and identify “consonant teams,” groups of two consonants which combine to make an unblended sound such as “ck” or “ff.” *Id.*
67. General Education Teacher provided copies of the reading assignments presented to the “on-level” group on the same dates as the above passages. *Exhibit R*, pp. 4-5. These assignments use sentences such as “It smells a ram, but it does not see it yet.” and “Mom cats take cubs with them up on rocks.” *Id.* The SCO finds that these passages, which feature multiple consonant sounds per word and increased sentence complexity, indicate that the “on-level” group has likely achieved competency in phonemic rules and is moving into reading fluency. *Consultation with CDE Specialist*.
68. The SCO also finds that although the January “approaching” assignments represent a more strenuous reading level than the earlier “approaching” level assignments, they also demonstrate a reduced intensity as compared to the assignments presented to the “on-level” group on the same dates. *Id.*
69. Images of these assignments show fold lines halfway down the page, and dates indicating that the portions above the fold line were assigned to Student on separate days from the portions below the fold line, limiting the amount of material to be read on each day. *Id.*
70. Based upon the above facts, the SCO finds that this accommodation was made available to Student.

### **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 Student’s IEP during the 2023-2024 academic year, consistent with 34 C.F.R. § 300.323. No IDEA violation occurred.**

Parent’s concern is that District failed to implement the accommodations required by Student’s IEP. (FF # 22).

### **A. IEP Implementation: Legal Requirements**

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).

### **B. IEP Accessibility and Responsibilities**

The SCO must determine whether District satisfied its obligation under 34 C.F.R. § 300.323(d). Here, Student’s teachers had access to the IEP during the 2023-2024 academic year in District’s data management system. (FF #s 14, 20). Other School staff working with Student received a “snapshot IEP” detailing Student’s accommodations from Special Education Teacher. (FF #s 15, 18). Special Education Teacher and General Education Teacher met at the start of the year to review Student’s IEP and met frequently through the course of the school year. (FF # 19). Finally, both Special Education Teacher and General Education Teacher showed a familiarity and understanding of the accommodations that in most cases closely mirrored Parent’s understanding of them. (FF #s 21, 24-25, 32-33, 39-40, 45, 52, 58-59).

And while Parent and teachers share a common understanding of the accommodation regarding computer-based assignments, the SCO finds that the text of the accommodation does not reflect that shared understanding with sufficient clarity. (FF # 26). Although this did not impede implementation here, the SCO encourages the IEP team to consider reviewing and revising this accommodation as appropriate to reflect the shared understanding more clearly.

For these reasons, the SCO finds and concludes that District ensured that teachers and service providers working with Student during the 2023-2024 academic year were informed of their responsibilities under the IEP, consistent with 34 C.F.R. § 300.323(d).

### **C. Implementation of Accommodations and Modifications**

The SCO must determine whether District made accommodations and modifications available to Student consistent with the IEP for the 2023-2024 academic year. 34 C.F.R. § 300.323(c)(2).

Here, the IEP identifies 21 accommodations and one “modification,” of which five accommodations and the “modification” are relevant to this investigation. (FF #s 9-10). The five relevant accommodations are: (1) provide alternatives to computer-based classwork, (2) seat student near classroom instructor, (3) reduce the amount of information on printed materials, (4) refrain from the use of time outs or “side-lining”, and (5) provide access to fidget devices. (FF # 9). The “modification” requires that Student’s assignments be modified to her instructional level. (FF # 10). Despite appearing in the “modifications” section of the IEP, this modification does not constitute a curriculum modification, but is best understood as an additional accommodation, and is analyzed accordingly in this Decision. (FF # 61).

Here, as described in the Findings of Fact, District provided all six of these accommodations to Student consistent with the IEP. (FF #s 30, 37, 43, 50, 56, 70). For these reasons, the SCO finds and concludes that District properly implemented the IEP with respect to accommodations and modifications during the 2023-2024 academic year, consistent with 34 C.F.R. § 300.323(c)(2).

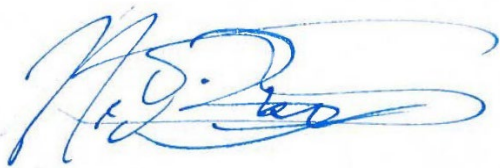
### **REMEDIES**

The SCO concludes that has not violated the IDEA. 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 16th day of February, 2024.



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Nick Butler  
State Complaints Officer

## **APPENDIX**

### **Complaint, pages 1-17**

- Exhibit 1: Various documents concerning the allegations

### **Response, pages 1-14**

- Exhibit A: IEPs
- Exhibit B: Evaluations
- Exhibit C: n/a
- Exhibit D: Service Logs
- Exhibit E: n/a
- Exhibit F: n/a
- Exhibit G: Report cards, progress monitoring data
- Exhibit H: n/a
- Exhibit I: Notices of Meeting
- Exhibit J: Attendance records
- Exhibit K: District calendar
- Exhibit L: District policies and procedures
- Exhibit M: Correspondence
- Exhibit N: n/a, included in Response
- Exhibit O: n/a, included in Response
- Exhibit P: Additional miscellaneous documentation
- Exhibit Q: Documentation of accommodations
- Exhibit R: Reading assignments from January 2024

### **Reply, pages 1-24**

- Exhibit 2: Email regarding scheduling of meeting
- Exhibit 3: Progress monitoring report
- Exhibit 4: Diagram of General Education Teacher's classroom
- Exhibit 5: Assignment Examples

### **Telephone Interviews**

- Parent: January 23, 2024
- Special Education Teacher: January 26, 2024
- General Education Teacher: January 26, 2024
- Special Education Director: January 26, 2024