

**CALIFORNIA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION DIVISION
REQUEST FOR COMPLAINT INVESTIGATION**

SCHOOL / DISTRICT INFORMATION

School Name Where Alleged Violations Occurred:

John Ehrhardt Elementary School

School District / Local Education Agency (LEA):

Elk Grove Unified School District (EGUSD)

Has the student been referred for special education?

Yes

Does this student have an IEP?

Yes – April 1, 2025 IEP (copy attached as Exhibit AI)

Is this student currently receiving special education?

Yes, but there have been periods of unlawful interruption, denial of services, and failures to implement the IEP as described below.

Grade: Kindergarten

Age: 5

Birthdate: March 13, 2020

PERSON FILING THE COMPLAINT (COMPLAINANT)

Complainant Name:

Yang Xiong and Mary Xiong

Email:

shuayung@gmail.com

Street:

9052 Ancestor Dr.

City / State / Zip Code:

Elk Grove, CA 95758

Best Contact Phone:

(916) 647-7815 – Yang Xiong

Second Contact Phone:

(916) 896-7267 – Mary Xiong

Relationship to Student:

Parents

STUDENT INFORMATION

Student Name:

Kaleb Xiong

Address Where Student Resides (if different from parent/guardian):

Same as parent

Is Student Homeless?

No

PARENT / GUARDIAN CONTACT INFORMATION

(if different from complainant)

Same as complainant information above.

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EXECUTIVE SUMMARY

We submit this complaint because the Elk Grove Unified School District (EGUSD) has repeatedly failed to provide our son, Kaleb Xiong—who is totally blind with no light perception, autistic, globally developmentally delayed, and has a significant expressive and receptive language disorder—with the safe, legally required educational program guaranteed under IDEA and California law. Kaleb’s disabilities collectively require **continuous, proximity-based supervision, structured sensory and mobility supports, and consistent communication accommodations** to ensure both his **safety** and **meaningful access** to education.

Over several months, the District has engaged in a documented pattern of noncompliance, including:

- Unsafe and inconsistent supervision
- Removal and mismanagement of required 1:1 paraeducator support
- Unilateral changes to services without an IEP meeting
- Inaccurate and misleading Prior Written Notices (PWNs)
- Repeated refusal to correct known deviations from the IEP and Adaptation Plan

Despite written concerns, documented injuries, medical evidence, video footage demonstrating inadequate supervision, and the administrative meeting discussion summarized in Exhibit Z, EGUSD continues to assert that Kaleb’s IEP is “fully implemented.” Statements in Exhibit Z contradict this claim and show uncertainty among District leadership regarding paraeducator training, assignment, positioning, and adherence to essential safety supports.

Due to unresolved safety conditions—including the unreported **October 27 injury**, the **November 18 fence-licking incident**, and the **continued failure to restore IEP-required supervision**—we were forced on **December 3, 2025** to temporarily withhold Kaleb from school for his safety (Exhibit AF). We formally requested continuation of all IEP services (TVI, O&M, specialized instruction, speech therapy, and any other scheduled services) in an alternate format such as **home-based or a mutually agreed location**, consistent with Kaleb’s needs and EGUSD’s prior practice of conducting instructional home visits. The District refused this request and, as of the filing date, has made no contact to arrange temporary access to his services.

Because EGUSD has previously provided **instructionally relevant home-based services**—including a joint home visit by Kaleb’s special education teacher and TVIs, and at least two home-based O&M instructional sessions—the refusal to do so during a safety-based withdrawal is not grounded in feasibility or appropriateness. It is an **arbitrary denial of FAPE** during a period of district-created unsafe conditions.

This complaint documents multiple systemic violations, including:

- Failure to implement the IEP and Adaptation Plan
- Unauthorized changes to paraeducator support and supervision
- Inaccurate and misleading PWNs

- Denial of meaningful parent participation
- Failure to ensure safety for a child with significant disabilities
- Misrepresentation of material facts
- Failure to convene a timely and lawful IEP meeting
- Refusal to provide IEP services during a safety-based withdrawal

Because the District has refused to acknowledge, investigate, or correct these violations—and has instead issued documentation minimizing or contradicting verified events—we request **immediate intervention** from the California Department of Education to:

1. Restore lawful implementation of Kaleb’s IEP
2. Ensure his physical safety
3. Protect his right to FAPE
4. Prevent further regression, harm, and procedural violations

I. INTRODUCTION & STUDENT INFORMATION

We, **Yang and Mary Xiong**, are the parents of **Kaleb Xiong**.

Kaleb is a kindergarten student at **John Ehrhardt Elementary School** in the Elk Grove Unified School District (“EGUSD”). Kaleb is:

- Totally blind with no light perception
- Autistic
- Globally developmentally delayed
- Diagnosed with a significant expressive and receptive language disorder

Each disability independently affects Kaleb’s functioning; together, they create a **uniquely high-risk profile** requiring:

- **Continuous adult supervision**
- **Immediate, close-proximity support**
- **Structured sensory, communication, and mobility accommodations**
- **Consistent, predictable routines**

These supports are necessary to ensure both **physical safety** and **meaningful educational access**.

Kaleb’s IEP Requirements

Kaleb’s **April 1, 2025 IEP** (Exhibit AI) mandates the following:

- **Continuous 1:1 adult supervision**
- Assignment of a paraeducator **knowledgeable in blindness-specific safety**
- Specialized academic instruction
- TVI (Teacher of the Visually Impaired) services
- O&M (Orientation & Mobility) services
- Supplementary aids and services supporting blindness, autism, sensory needs, mobility, communication, and behavior

The IEP explicitly states:

“One on one classroom support from a school district staff who is knowledgeable in working with students who are legally blind with no light perception. Kaleb could also potentially hurt himself by mouthing objects if he is not provided with continuous adult

supervision.”
(Exhibit AI, p. 42)

How Kaleb’s Disabilities Interact to Require Immediate, Close Supervision

Because Kaleb:

- cannot visually detect hazards,
- struggles with sensory regulation,
- has limited safety awareness due to global developmental delays, and
- cannot reliably communicate distress or danger,

even **brief lapses in supervision** place him at **immediate risk** of:

- injury,
- oral contact with unsafe objects,
- collisions with hard surfaces,
- environmental hazards during transitions,
- emotional dysregulation.

His IEP and Adaptation Plan require **close-proximity adult supervision at all times**, particularly during transitions, arrival/dismissal, recess, line-up, and unfamiliar environments.

Adaptation Plan Requirements

Kaleb’s **Adaptation Plan** (Exhibit AJ) includes essential safety and access supports:

- **“Proximity to staff as needed”**
- **“Reminders for whole body listening with tactile cues”**
- **“Auditory cues and verbal prompts”**
- **“Hand signals/gestures to alert staff”**
- Noise-canceling headphones
- Tactile learning materials (e.g., Braille writer, tactile graphics)
- Adult support during transitions and all mobility-related environments

These supports are **not optional**; they are required components of Kaleb’s access to a **safe and appropriate educational environment**.

Existing District Practice of Providing Services in the Home

EGUSD itself has demonstrated that Kaleb’s home is an appropriate instructional setting. Examples include:

- A **joint home visit** by Kaleb’s special education teacher (Christa King) and both TVIs (Chris Peterson and Star Welsh)
- At least **two O&M instructional home sessions** conducted by O&M specialist Sharon Gendelman-Wilson

These home visits confirm:

1. The District recognizes the home environment as instructionally relevant for Kaleb
2. Home-based instructional delivery is feasible and appropriate
3. The District has already used home visits to support IEP implementation

This history directly contradicts EGUSD’s later refusal to offer temporary home-based instruction during Kaleb’s safety-related withdrawal.

Documented Noncompliance and Resulting Harm

Despite the clarity of Kaleb’s IEP and Adaptation Plan, EGUSD:

- Implemented an unauthorized reduced-proximity “independence model”
- Removed or withheld Kaleb’s paraeducator for multiple days
- Allowed inconsistent paraeducator arrival, positioning, and training
- Failed to ensure continuous, close-proximity supervision
- Misrepresented or minimized safety incidents
- Issued inaccurate PWNs (including Exhibits T, AG, and AK)
- Failed to correct acknowledged deviations

These failures resulted in **unsafe conditions, preventable injuries, emotional distress, and loss of access to IEP services**, including complete denial of services since **December 3, 2025**.

II. SUMMARY OF COMMUNICATIONS WITH SCHOOL, DISTRICT STAFF, AND GOVERNANCE PRIOR TO FILING

Between October 13, 2025 and the present, we made extensive efforts to resolve concerns directly with EGUSD:

- Classroom staff
- School-site administration
- Special Education Department leadership
- The District’s governance (Board of Trustees)

We repeatedly raised concerns regarding:

- Unauthorized changes to Kaleb’s 1:1 support
- Reduced-proximity supervision
- Paraeducator removal or inconsistent assignment
- Safety incidents and injuries
- Inaccurate or incomplete documentation
- Unlawful PWNs
- Failure to adhere to IEP safety requirements

Despite substantial documentation and repeated outreach, no corrective action was taken.

Below is a list of each individual or office contacted, what we reported, and the outcomes. Exhibit citations are included to support each communication.

1. Classroom & Instructional Staff

A. Mrs. Christa King — Classroom Teacher

Communications: October–December 2025

Exhibits: A–F, H, Y, S, V

From October 13, 2025 onward, we communicated repeatedly with Mrs. King regarding sudden changes to Kaleb’s supervision, the withholding and later removal of his paraeducator, and the implementation of a reduced-proximity “independence model” that conflicted with Kaleb’s IEP and Adaptation Plan. Mrs. King initially assured us that “no change” had occurred and that Kaleb’s paraeducator “would always be provided,” even as she simultaneously supervised him from a distance and confirmed the use of delayed-intervention practices (Exhibits B–F).

Mrs. King also played a central role in procedural barriers affecting the November 18 IEP meeting. Despite our clear and reasonable request to present first—so we could correct

inaccurate PWN statements, address recent safety failures, and ensure our concerns were heard before District-created narratives—Mrs. King denied this request (Exhibit S). This decision placed us last on the agenda, ensuring that District staff would present their accounts first, even though the meeting was requested to address urgent safety concerns. The denial directly contributed to the meeting being unable to proceed (Exhibits S, U), impeding meaningful parental participation.

Following the District’s procedural failures and the postponement of the November 18 meeting, Mrs. King did not promptly engage in rescheduling. Instead, the next available dates proposed for reconvening the IEP meeting were **pushed well into January 2026** (Exhibit V), significantly beyond the 30-day requirement under Ed. Code § 56343.5. This delay left critical safety issues unaddressed for weeks while Kaleb continued to be exposed to unsafe conditions at school.

Outcome:

Throughout this period, despite multiple written communications from us outlining specific safety incidents, inaccurate PWN statements, and required corrective actions, Mrs. King did not implement corrective supervision measures, did not restore IEP-required proximity, and did not provide transparent updates regarding paraeducator assignment or training. Her actions and omissions contributed directly to the continuation of unsafe practices and the denial of meaningful parent participation.

B. Chris Peterson — Teacher of the Visually Impaired (TVI)

Communications: October–December 2025

Exhibits: Y, Z

We notified Mr. Peterson of:

- Inadequate proximity and inconsistent supervision,
- Concerns that the paraeducator was not trained in blindness-related safety,
- Recurrent safety risks observed during arrival and morning line-up.

On **November 18**, Mr. Peterson was physically present during the fence-licking incident. However, he was **engaged in conversation with Kaleb’s father approximately 10 feet away** and was therefore **not positioned to monitor Kaleb or intervene**. The paraeducator, standing several feet from Kaleb, failed to act until Kaleb’s mother called out—confirming that IEP-required proximity and monitoring were not being followed (Exhibit Y).

Outcome:

Supervision concerns persisted and escalated. No action was taken to ensure compliance with blindness-specific safety requirements or Kaleb’s Adaptation Plan

2. School-Site Administration

A. Principal Marianne Williams

Communications: October–December 2025

Exhibits: O, Q, AB, AF

Principal Marianne Williams was copied on many of our communications beginning in mid-October 2025, providing her awareness of our concerns regarding Kaleb’s supervision, paraeducator support, and documentation. Although she was included on these emails, we did not directly address most concerns to her; instead, the Special Education Department and classroom staff were the primary recipients.

There were two occasions where we communicated with Principal Williams directly:

1. **October 27 Injury**

We reported Kaleb’s lip and gum injury to her and sought clarification regarding how the injury occurred (Exhibit Q). We also provided photographs of the injury (Exhibit X) and expressed concern because Kaleb cannot self-report pain or describe events. Principal Williams responded professionally and included appropriate District staff, but no site-level corrective action or changes to supervision practices were implemented.

2. **December 3 Safety-Based Withdrawal**

We notified Principal Williams that we were temporarily withholding Kaleb from school due solely to unresolved safety concerns, and we clarified that this was *not* a refusal of services (Exhibit AB). We also requested temporary home-based or virtual access to Kaleb’s IEP services during this period (Exhibit AF). Principal Williams acknowledged our message, but no interim service plan or alternative access to services was provided.

Although she remained professional and responsive, **no corrective steps were taken at the site level** to address supervision concerns, restore consistent paraeducator support, or ensure that Kaleb continued to receive services once he was withheld for safety reasons.

Outcome:

Principal Williams was copied on communications and responded appropriately when addressed directly, but the school site did not implement corrective measures or provide a temporary service plan. As a result, the safety concerns remained unresolved, and Kaleb did not receive any IEP services following his safety-based withdrawal.

3. Special Education Department

A. Anne Rigali — Director of Special Education

Communications: October–December 2025

Exhibits: P, T, AC, AG, AK

Anne Rigali, Director of Special Education, has been included on nearly all communications related to Kaleb’s support needs, supervision concerns, and parent requests for clarification. We have a history of positive interactions with Ms. Rigali, and she has been supportive of our family in prior years. Throughout this period, she remained responsive and professional in her communication.

Beginning in mid-October, Ms. Rigali received written updates from us regarding:

- concerns about supervision changes,
- paraeducator inconsistencies,
- safety-related incidents, and
- discrepancies in the information being shared with parents.

We provided her with the documentation available at that time, including photographs of Kaleb’s October 27 injury (Exhibit X), written descriptions of supervision lapses (Exhibits W, Y), and our detailed rebuttal to the November 14 PWN submitted on November 21 (Exhibit AC). We also requested clarification on paraeducator training, proximity expectations, and the District’s explanation of the injury and safety incidents.

On November 18, Ms. Rigali participated in an administrative meeting with Program Coordinator Alicia Wilson. During this meeting, Ms. Rigali was thoughtful and engaged as we outlined our concerns. She stated that one of the conversations Mrs. King had with Kaleb’s mother was “**very telling,**” indicating that she recognized the seriousness of the information disclosed (Exhibit Z). She also expressed the need to review classroom practices, paraeducator positioning, and morning supervision routines, and she stated her intent to follow up with school-site staff, including the principal and VI team.

While the meeting reflected her willingness to listen and her concern for Kaleb’s situation, the discussion also revealed that the District lacked confirmed knowledge about critical aspects of implementation—such as whether the paraeducator had received blindness-specific training, whether proximity-based supervision was being adhered to consistently, or how changes in support had been communicated to parents.

Despite the information shared and the concerns raised, the District did not take corrective steps following the meeting. The PWNs issued on November 14 and December 4 (Exhibits T, AK) continued to maintain that the IEP was being fully implemented, and the District was unable to provide further clarification regarding the supervision model or paraeducator training. The November 24 response to our PWN rebuttal (Exhibit AG) did not address the factual discrepancies or safety concerns we had identified.

We understand that Ms. Rigali may not have had full visibility into day-to-day classroom practices and that she was working with the information available to her at the time. Nonetheless, because no corrective measures were implemented after our repeated outreach—including after

the November 18 meeting—the supervision issues and safety concerns remained unresolved through early December.

Outcome:

Ms. Rigali remained communicative and professional throughout our exchanges, and we appreciate her willingness to meet with us and to listen to our concerns. However, the issues we identified—reduced proximity, paraeducator inconsistencies, safety incidents, and documentation inaccuracies—were not corrected at the administrative level. As a result, the District-level response did not prevent continuation of the underlying problems described in this complaint.

B. Cindy Hayes — Program Specialist

Exhibits: J, M, V

Cindy Hayes, Program Specialist, became involved **after the November 18 administrative meeting**, during a period when parents had already reported multiple safety incidents, supervision failures, and contradictions in District documentation. Although she played no role in earlier supervision decisions, Ms. Hayes assumed responsibility for handling parent concerns after November 18 and was the administrator who issued (or contributed to issuing) the **December 4 Prior Written Notice (PWN)**.

At the time the December 4 PWN was issued, Ms. Hayes had access to:

- **Photographs** of Kaleb’s October 27 injuries and parents’ written description that the injury appeared traumatic (Exhibit X);
- Parents’ statements identifying inconsistencies in staff explanations regarding how the injury occurred;
- Parents’ verbal explanation during the November 18 meeting that **video evidence existed** showing delayed intervention during the fence-licking incident;
- Documentation of **paraeducator absences**, inconsistent supervision, and reduced proximity (Exhibits W, Y);
- A **detailed, point-by-point rebuttal** submitted by parents on November 21, identifying inaccuracies and omissions in the November 14 PWN (Exhibit AC).

Despite having this information—and despite knowing that significant safety concerns were unresolved—Ms. Hayes did not thoroughly initiate any investigation, corrective action, or follow-up to verify the accuracy of staff accounts or ensure compliance with Kaleb’s IEP.

Instead, the **December 4 PWN (Exhibit AK)**:

- Repeated inaccurate or incomplete statements made in prior PWNs;
- Minimized the October 27 injury by attributing it to “chapped lips,” despite photographic evidence suggesting trauma and verification by pediatrician;

- Asserted that staff were “right beside” Kaleb and that redirection was “immediate,” even though parents had already clarified this was not accurate and that a **video existed showing otherwise**;
- Claimed full implementation of the IEP despite documented gaps in paraeducator presence, proximity, and supervision;
- Characterized Kaleb’s safety-based withdrawal as a **parent choice**, disregarding parents’ written clarification that the withdrawal was temporary and due to District-created unsafe conditions; and
- Incorrectly invoked **Least Restrictive Environment (LRE)** to justify refusing temporary home-based or a mutually agreed location, even though LRE cannot be used to deny services when a child cannot safely attend school due to District noncompliance.

Ms. Hayes did not address any of the inaccuracies identified by parents in Exhibit AC, nor did she request additional information, review available evidence, or take steps to confirm the accuracy of staff accounts before issuing the PWN.

Outcome:

Although Ms. Hayes entered the situation late, her issuance of the December 4 PWN reinforced misinformation already present in the record, perpetuated procedural violations, and contributed directly to the District’s refusal to provide IEP services during Kaleb’s safety-based withdrawal. Her inaction and the inaccurate PWN she issued played a significant role in obstructing meaningful parent participation and sustaining the denial of FAPE

C. Michelle Wallner — Program Coordinator

Exhibits: G, K, Z

Michelle Wallner, Program Coordinator for EGUSD’s Special Education Department, played a central role in the unauthorized alteration and mismanagement of Kaleb’s IEP-required 1:1 paraeducator support.

On **October 20, 2025**, Ms. Wallner abruptly reassigned Kaleb’s paraeducator without convening an IEP meeting, issuing Prior Written Notice, or providing parents any opportunity to participate in this decision (Exhibit G). This action directly contradicted earlier assurances from classroom staff that no changes were planned (Exhibit B) and materially altered Kaleb’s access to the continuous, trained 1:1 supervision required by his IEP (Exhibit AI).

Following this reassignment, Ms. Wallner directed both the classroom teacher and the TVI **not to discuss the paraeducator change or any supervision-related concerns with parents** (Exhibit J). This directive restricted communication, concealed material information, and prevented parents from understanding or responding to changes affecting Kaleb’s safety—constituting a clear procedural violation under IDEA.

Despite receiving multiple reports from parents documenting safety violations, reduced proximity, paraeducator late arrivals, and inconsistent supervision practices, Ms. Wallner repeatedly insisted that implementation was appropriate and that no violations had occurred (Exhibit K). These assurances were given despite evidence showing that the paraeducator was not consistently present, not properly positioned, and not trained in blindness-specific safety supports.

Although she did **not** attend the November 18 administrative meeting, District-level statements recorded in **Exhibit Z** reflect that administrators—including those responsible for implementing and overseeing supports—were **uncertain** about the paraeducator’s training, proximity practices, and actual implementation of 1:1 supervision. This uncertainty contradicts the District’s written claims of “full implementation” and demonstrates a failure of oversight within the Special Education Department.

Ms. Wallner’s actions—including the unauthorized change of paraeducator, suppression of essential communication, and failure to investigate or correct supervision failures—directly contributed to:

- the unsafe conditions leading to the **October 27 injury**,
- the **November 18 fence-licking incident**,
- the continuation of a reduced-proximity model inconsistent with the IEP, and
- the District’s ongoing inability to ensure Kaleb’s safety or provide FAPE.

Outcome:

Her conduct reflects a significant breakdown in administrative responsibility that impeded parent participation, concealed noncompliance, and allowed violations to persist uncorrected.

4. District Governance — Board of Trustees

A. Trustee Sean J. Yang

Between October and December 2025, we had multiple communications—both by text and phone—with **Trustee Sean J. Yang** regarding our concerns about the implementation of Kaleb’s IEP, supervision changes, and recent safety incidents. Trustee Yang was responsive to our outreach and expressed a desire to help facilitate communication with District leadership. He informed us that he had spoken with Special Education Director **Anne Rigali** and Executive Director **Amreek Singh** and relayed their general willingness to work collaboratively to resolve matters.

During our December 3 phone call, we attempted to share details about supervision changes and the sequence of safety concerns leading up to that date. While Trustee Yang acknowledged the importance of ensuring compliance with special education law and the need for the District to support Kaleb, he encouraged us to focus on cooperative problem-solving and expressed that he

believed the District and staff were making efforts to help. He also expressed hope that communication between parents and staff could remain positive and solution-oriented.

At the same time, Trustee Yang appeared to have an incomplete understanding of the full factual record before him. Some of the concerns we raised—such as documented statements regarding supervision changes—were unfamiliar to him, and he at times expressed uncertainty about how to interpret the information. He also encouraged patience while District leadership worked through the issues. Although he communicated with District administrators, no corrective action or follow-up review occurred at the Board level.

Outcome:

Trustee Yang was responsive and willing to communicate with both us and District leadership. However, despite his efforts, the concerns we raised—regarding supervision, safety, accurate documentation, and IEP implementation—remained unresolved, and no oversight or corrective action was initiated by the Board. His involvement did not result in changes to District practice, and the underlying issues continued through the date of this complaint.

B. Trustee Susan Davis

We contacted **Trustee Susan Davis** on October 23, 2025, to share concerns about changes to Kaleb’s support and recent safety issues. Trustee Davis responded promptly, expressed empathy, and advised us to submit our IEP meeting request in writing and have it time-stamped to ensure proper District processing. She also stated that she would pass our concerns to the appropriate staff (Exhibit R).

Outcome:

Trustee Davis was courteous and responsive, but her involvement was limited to initial guidance. No further follow-up or Board-level action occurred.

C. Remaining Trustees

Exhibit: AB

We notified Trustees:

- Beth Albiani
- Delia Bauldwin
- Jennifer Ballerini
- Heidi Moore
- Michael Vargas

Outcome:

No trustee initiated oversight or corrective action.

5. Public Comment at the October 21, 2025 EGUSD Board Meeting

Exhibit: AA

We publicly informed the Board of:

- Removal of paraeducator support
- Unsafe supervision practices
- Kaleb’s October 27 injury
- Ongoing IEP implementation failures

Outcome:

No trustee or administrator initiated any review or corrective response.

6. Final Outcome of All Communications Prior to Filing

Despite extensive communication with:

- Classroom teachers
- VI staff
- School-site administration
- Special Education leadership
- The Board of Trustees

EGUSD failed to:

- Correct supervision failures
- Restore safe, IEP-required proximity
- Accurately document injuries or hazards
- Provide lawful PWNs
- Convene a legally compliant IEP meeting
- Provide IEP services during Kaleb’s safety-based withdrawal

As of the filing date, Kaleb has been denied all IEP services since December 3, 2025.

III. BRIEF CHRONOLOGICAL SUMMARY OF DISTRICT VIOLATIONS (OCT–DEC 2025)

Between October and December 2025, EGUSD engaged in a series of actions, omissions, and misrepresentations that violated multiple provisions of IDEA and the California Education Code. These violations formed a **pattern of noncompliance** affecting Kaleb’s safety and access to his educational program.

A more detailed, date-by-date chronology appears in **Appendix C**.

• **October 13–20, 2025 — Unilateral Reduction of 1:1 Support & Altered Supervision Model**

Exhibits: A–G

Without convening an IEP meeting or issuing Prior Written Notice, the teacher implemented a reduced-proximity supervision model by:

- Instructing staff to **step back** and maintain physical distance from Kaleb
- Delaying intervention (“wait-and-see” approach)
- Reducing or withholding paraeducator presence during certain activities

These actions directly contradicted:

- The IEP’s requirement for **continuous adult supervision** (Exhibit AI)
- The Adaptation Plan’s requirement for “**proximity to staff as needed**” (Exhibit AJ)

The District repeatedly told us “no change” had occurred (Exhibit B), even as supervision practices were altered.

• **October 17–21, 2025 — Complete Removal of Paraeducator (Three Consecutive Days)**

Exhibits: H, W

Kaleb was left without a paraeducator for **three consecutive days**, including during a school field trip. This was a direct violation of the IEP requirement for continuous 1:1 support by a staff person knowledgeable in blindness safety (Exhibit AI, p. 42).

• **October 27, 2025 — Injury to Lip and Gum Under Staff Supervision**

Exhibits: X, AD, W, Z

Kaleb returned home with:

- A gum injury
- Inner lower lip injury
- Outer lip injury

Medical review confirmed **trauma/impact**, not “chapped lips” (Exhibit AD).

District explanations were inconsistent and contradicted:

- Photographs (Exhibit X)
- Medical evidence
- The physical design of Kaleb’s stroller (no tray on his side)

The injury occurred during known supervision lapses and paraeducator inconsistencies (Exhibits W, Z).

• **November 14–17, 2025 — Misrepresentation of PWN Delivery Timeline**

Exhibit: T

A PWN dated November 14 was delivered **less than 24 hours** before the November 18 meeting, violating procedural requirements and preventing meaningful parent preparation.

• **November 18, 2025 — Fence-Licking Incident Under Reduced-Proximity Supervision**

Exhibits: Y, Z, AJ, AK; Video

The paraeducator stood **3–4 feet away**, watching Kaleb lean onto a metal fence and make **oral contact**, but took no action until Kaleb’s mother shouted from the opposite side of the gate entrance.

This violated:

- IEP-required continuous, close-proximity supervision (Exhibit AI)
- The Adaptation Plan’s safety provisions (Exhibit AJ)

District leadership later acknowledged uncertainty about whether supervision was being implemented correctly (Exhibit Z).

The December 4 PWN (Exhibit AK) misrepresented staff positioning and the immediacy of intervention.

• November 18, 2025 — IEP Meeting Could Not Proceed Due to Procedural Violations

Exhibits: S, T, U, Z

The scheduled IEP meeting was procedurally defective because:

- The PWN was delivered less than 24 hours prior
- Parents’ request to present first was denied
- The District intended to rely on inaccurate information contradicted by exhibits, including Exhibit Z
- The meeting structure prevented meaningful parent participation

Parents were forced to postpone the meeting (Exhibit U).

• November 21, 2025 — Parents Submit Detailed PWN Rebuttal; District Fails to Respond Substantively

Exhibits: AC, AG

We submitted a rebuttal identifying factual inaccuracies, safety failures, and legal violations. The District responded only with: “The IEP is being fully implemented,” failing to address any issue.

• November 24–December 1, 2025 — Additional Evidence Submitted; District Remains Nonresponsive

Exhibits: AH, AG**

We sent supplemental evidence contradicting claims made in the PWNs.
No corrective action or acknowledgment occurred.

• October 21–November 21, 2025 — Failure to Convene a Timely and Meaningful IEP Meeting

Exhibits: I, T, S, U, V**

The District failed to convene a legally valid IEP meeting within 30 days of our October 21 request, violating Ed. Code § 56343.5.

A meeting scheduled for November 18 was invalid due to District-created barriers.
The next dates offered were in **January**, far beyond statutory timelines.

• December 3, 2025 — Safety-Based Withdrawal & Request for Temporary Services

Exhibits: AB, AF**

Due to continued unsafe conditions, we temporarily withheld Kaleb from school and requested:

- Home-based services
- Alternate-location services

These requests aimed to maintain FAPE while safety issues remained unaddressed.

• December 4, 2025 — District Refuses All Temporary IEP Services

Exhibit: AK

The District refused *all* services outside the school building, claiming:

- The IEP did not list the home as an instructional setting
- LRE prevented temporary alternative delivery
- Our safety-based withdrawal was a parental choice

These statements contradict EGUSD’s own history of providing home-based instructional visits earlier in the school year.

• December 3–Present — Complete Loss of IEP Services

Since December 3, Kaleb has received **zero** IEP services—no TVI, no O&M, no speech, no specialized academic instruction—solely due to the District’s refusal to provide temporary access.

This constitutes a **continuing denial of FAPE**.

IV. ALLEGATIONS

ALLEGATION 1 — Failure to Implement Kaleb’s IEP as Written

Regulation Violated: 34 C.F.R. § 300.323

Dates of Violation:

- October 17–21, 2025 (including field trip)
 - October 27, 2025
 - November 18, 2025
 - Ongoing implementation failures through early December 2025
-

Description of Alleged Violation (Requirement Not Met):

Under **34 C.F.R. § 300.323**, the District must implement the IEP **exactly as written**. Kaleb’s April 1, 2025 IEP (Exhibit AI) and Adaptation Plan (Exhibit AJ) require:

- **Continuous 1:1 adult supervision**
- Supervision by a staff member **knowledgeable in blindness-specific safety**
- **Close-proximity support** across all environments
- Blindness safety measures, including immediate intervention for unsafe tactile/oral exploration
- Accommodations such as “Proximity to staff as needed,” tactile cues, and hand signals

EGUSD failed to implement these requirements and instead altered, reduced, or withheld mandated supports.

Facts Relating to Allegation:

- The IEP explicitly states:

“One on one classroom support from a school district staff who is knowledgeable in working with students who are legally blind with no light perception. Kaleb could also potentially hurt himself by mouthing objects if he is not provided with continuous adult supervision.”

(Exhibit AI, p. 42)

- The Adaptation Plan requires **“Proximity to staff as needed,”** tactile cues, and immediate intervention (Exhibit AJ).
- **October 17–21:** Kaleb’s paraeducator was absent for **multiple consecutive days**, including during a **field trip**, leaving him without the required 1:1 support (Exhibits H, W).
- During this period, the teacher implemented a **reduced-proximity “independence model”** (Exhibits B–F), supervising from a distance and delaying intervention.
- **October 27:** Kaleb sustained injuries to his gum and lips. Kaleb’s pediatrician confirmed trauma consistent with impact—not chapped lips (Exhibit AD).
 - Photos demonstrate physical trauma (Exhibit X).
 - Injury occurred during acknowledged supervision inconsistencies (Exhibits W, Z).
- **November 18:** Video evidence shows the paraeducator stood **3–4 feet away**, watching Kaleb lean onto a metal fence and make oral contact before intervening only after his mother shouted from the opposite side of the gate entrance (Video; Exhibit Y).
 - This contradicts the requirement for **continuous, close-proximity supervision** and immediate intervention.
- The District repeatedly asserted that the IEP was “fully implemented,” yet statements by multiple administrators (Exhibit Z) show they were **uncertain** whether the paraeducator was:
 - trained in blindness-specific safety,
 - implementing IEP safety requirements,
 - positioned correctly, or
 - consistently assigned.

These failures led directly to **preventable hazards, injuries, and denial of FAPE.**

ALLEGATION 2 — Unilateral Change of Services Without an IEP Meeting

Regulations Violated:

- 34 C.F.R. § 300.324(a)(6)
- California Education Code § 56343(c)

Dates of Violation:

- October 13, 2025 – Ongoing
-

Description of Alleged Violation (Requirement Not Met):

Any change in the **type, amount, or delivery model** of special education services—including 1:1 paraeducator support—must be reviewed by the IEP team, with prior written notice and parent participation.

EGUSD unlawfully implemented a new supervision model and changed paraeducator services **without an IEP meeting**.

Facts Relating to Allegation:

- **October 13:** The teacher informed us that she was supervising Kaleb from farther away, delaying intervention, and changing how the paraeducator was used (Exhibit B).
 - These changes **fundamentally altered** Kaleb’s IEP-required supervision.
- **October 15:** We wrote expressing concern about rumors of reducing paraeducator support.
 - Teacher assured us there were “**no plans**” to remove the paraeducator (Exhibit C).
 - Based on this reassurance, we initially cooperated while reiterating that **any change must go through an IEP meeting**.
- Kaleb cried during morning line-up when his paraeducator was withheld (Exhibit D), and the teacher later confirmed use of a **delayed-intervention approach** (Exhibit E).
- **October 20:** The District abruptly replaced Kaleb’s paraeducator (Exhibit G) despite earlier assurances. No PWN or IEP meeting occurred.
- Staff were explicitly instructed **not to discuss these changes** with us (Exhibit J).
- The District later attempted to frame these changes as “training” or routine staff adjustments, but they materially altered:
 - proximity,
 - immediacy of intervention,
 - paraeducator positioning, and
 - the delivery of 1:1 support.

Under IDEA and California law, such changes required **IEP team review, data, parent participation, and PWN**—none of which occurred.

ALLEGATION 3 — Failure to Provide Prior Written Notice (PWN)

Regulation Violated: 34 C.F.R. § 300.503

Dates of Violation:

- October 13–21, 2025
 - November 14–17, 2025
 - December 4, 2025
-

Description of Alleged Violation (Requirement Not Met):

Under 34 C.F.R. § 300.503, a school district must provide **accurate, timely, and complete Prior Written Notice** whenever it proposes or refuses to initiate or change:

- identification,
- evaluation,
- educational placement, or
- the provision of FAPE-related services.

A compliant PWN must include:

1. A clear description of the action proposed or refused,
2. An explanation of why the District is taking or refusing the action,
3. A description of the data relied upon,
4. A description of options considered and reasons rejected, and
5. A description of other relevant factors.

EGUSD did not issue required PWNs when making changes to Kaleb’s services and, when PWNs were issued, they contained **material misstatements, omissions, and contradictions** of established facts and law.

Facts Relating to Allegation 3:

1. No PWN Was Provided When the District Changed Kaleb’s Services and Supervision Model

Between **October 13–20, 2025**, the District:

- implemented a reduced-proximity “independence model,”
- withheld and later removed Kaleb’s paraeducator,
- altered the paraeducator’s role and positioning, and
- reassigned the paraeducator (Exhibits A–G).

These were material changes to the delivery of Kaleb’s IEP-required 1:1 support, yet **no PWN** was issued describing the proposed changes, the reasons, or alternatives.

2. The November 14 PWN Was Untimely and Prevented Meaningful Participation

The District delivered the **November 14 PWN (Exhibit T)** less than **24 hours** before the scheduled November 18 IEP meeting.

This violated the requirement that PWNs must be provided early enough to allow parental review and preparation.

Because it was delivered so late—and contained misinformation (see Appendix A and Appendix B)—it prevented us from meaningfully participating in the meeting.

3. PWNs Contained Material Misrepresentations, as Documented in Appendix A

The November 14 and December 4 PWNs:

- claimed the IEP was being “implemented as written,”
- omitted that Kaleb had **multiple days with no paraeducator** (Exhibits H, W),
- failed to disclose the reduced-proximity supervision model (Exhibits B–F),
- misstated the cause of the October 27 injury despite medical evidence of trauma (Exhibits X, AD),
- misstated staff positioning and responsiveness during the November 18 fence incident, claiming staff were “right beside” him and redirection was “immediate,” contrary to video evidence (Exhibit Y),
- failed to disclose District leadership uncertainty about supervision, training, and paraeducator assignment (Exhibit Z).

Appendix A (“District Claim vs. Parent Rebuttal Table”) provides a structured, side-by-side comparison showing each misstatement, the contradictory evidence, and the correct factual record.

This demonstrates a **systemic pattern of inaccuracies** in the District’s written notices.

4. PWNs Failed to Include Legally Required Components — See Appendix B

The PWNs repeatedly violated 34 C.F.R. § 300.503(b) by:

- failing to identify the **actual** actions taken by the District,
- failing to disclose the **reasons** for reduced proximity or paraeducator removal,
- failing to identify **data relied upon**,
- failing to describe **options considered and rejected**,
- mischaracterizing a safety-based withdrawal as parent “choice,”
- omitting relevant factors such as the District’s own safety failures.

Appendix B (“District PWN Misstatements & Governing Laws Violated”) contains a detailed legal analysis showing *which IDEA and California Education Code provisions were violated* by each PWN misstatement or omission.

These omissions and misstatements constitute **procedural violations** that significantly impeded our ability to participate in decision-making and concealed serious safety issues.

5. District’s November 24 Response Ignored Our Detailed PWN Rebuttal

On November 21, we submitted a **detailed rebuttal** outlining inaccuracies and requesting correction (Exhibit AC).

On November 24, the District replied with only two sentences (Exhibit AG), again claiming full implementation and failing to correct or address any substantive issue.

A District cannot legally rely on vague or conclusory assertions in place of factual and legally compliant notice.

6. December 4 PWN Repeated Misstatements and Added New Violations

The December 4 PWN (Exhibit AK):

- repeated inaccurate accounts of the October 27 and November 18 incidents,
- again claimed the IEP was being fully implemented, contrary to Exhibits H, W, Y, Z,

- mischaracterized Kaleb’s safety-based withdrawal as a parental decision,
- asserted that services could not be provided in the home due to LRE concerns—an incorrect legal conclusion, addressed in Appendix B.

The misrepresentations in this PWN were not errors; they served to justify the District’s ongoing refusal to correct its noncompliance.

Result:

The District’s failure to provide timely and accurate PWNs:

- concealed unauthorized service changes,
 - misrepresented key safety incidents,
 - impeded our ability to prepare for the IEP meeting,
 - violated multiple IDEA procedural safeguards,
 - contributed directly to unsafe conditions, and
 - denied us meaningful participation in decisions affecting Kaleb’s education.
-

ALLEGATION 4 — Denial of Meaningful Parent Participation

Regulation Violated: 34 C.F.R. § 300.501

Dates of Violation:

- October 13, 2025 through early December 2025
-

Description of Alleged Violation (Requirement Not Met):

Under 34 C.F.R. § 300.501, parents must be afforded **meaningful participation** in decisions regarding identification, evaluation, educational placement, and the provision of FAPE. Meaningful participation requires **accurate information, transparency**, and the opportunity to fully engage in the IEP process.

EGUSD denied meaningful participation by withholding critical information, providing false or misleading information, restricting communication, misusing PWNs, and creating procedural barriers that prevented the November 18 meeting from proceeding lawfully.

Facts Relating to Allegation 4:

1. The District Withheld Critical Information About Changes to Kaleb’s Services

Beginning October 13, 2025, the teacher implemented an unauthorized reduced-proximity “independence model” (Exhibits B–F), which fundamentally altered:

- the delivery of 1:1 support,
- staff positioning,
- intervention timing,
- supervision consistency.

These were **material changes** requiring IEP-team review.

However, each time we inquired, we were told there was “no change” (Exhibit B), preventing us from understanding or addressing the risks.

2. Staff Were Instructed Not to Discuss Paraeducator Changes With Parents

On October 20, we received written confirmation that staff had been directed not to communicate with us about paraeducator changes (Exhibit J).

This created a **communications blackout** that prevented us from learning essential information about how the District was altering Kaleb’s services.

This directive alone constitutes a denial of participation under 34 C.F.R. § 300.501.

3. We Were Given False and Misleading Information About Paraeducator Assignment

We were repeatedly assured:

- that Kaleb’s paraeducator would remain (Exhibit C),
- that there were “no plans” for removal (Exhibit B).

Yet the paraeducator was withheld during morning line-up (Exhibit D), reassigned on October 20 (Exhibit G), and inconsistently present thereafter (Exhibit Y).

Appendix A illustrates, in a side-by-side comparison, how District statements misrepresented the facts and concealed the true status of 1:1 support.

These misstatements prevented us from participating meaningfully because we could not evaluate or respond to changes we were intentionally not told about.

4. Inaccurate or Misleading PWNs Impeded Parent Participation

The November 14 PWN (Exhibit T) and December 4 PWN (Exhibit AK):

- omitted key facts,
- contained inaccurate descriptions of safety incidents,
- incorrectly claimed the IEP was being “fully implemented,”
- misrepresented staff proximity during the November 18 incident,
- mischaracterized the October 27 injury despite medical evidence (Exhibit AD),
- misdescribed our safety-based withdrawal.

Appendix A demonstrates how these statements contradict actual evidence.

Appendix B breaks down which IDEA provisions each PWN misstatement violated.

Parents cannot meaningfully participate when PWNs distort the factual and legal landscape.

5. The November 14 PWN Was Delivered Less Than 24 Hours Before the IEP Meeting

Delivering the PWN on November 14—**the day before** a November 18 meeting—was procedurally improper and made it impossible for us to prepare.

We could not:

- review the PWN,
- gather counter-evidence,
- verify District claims,
- prepare informed questions, or
- meaningfully engage in the meeting.

This violated the fundamental IDEA requirement that parents be given adequate and timely information.

6. The District Refused Our Reasonable Request to Present First at the November 18 Meeting

We requested to present first because:

- the unsafe supervision practices required immediate discussion,
- the District’s PWN misstatements needed correction before staff provided additional reports.

Our request was denied (Exhibit S).

The District’s planned agenda placed parent evidence last—after staff narratives—ensuring our concerns could not shape or inform the discussion.

This is a textbook example of denying meaningful participation.

7. Leadership Admitted They Did Not Know How Kaleb’s Services Were Being Delivered

Statements documented in **Exhibit Z** show that District administrators:

- did not know whether the paraeducator was trained,
- did not know whether the supervision model matched the IEP,
- did not know whether proximity requirements were being implemented.

If leadership lacks this knowledge, parents are inherently denied meaningful participation because:

- accurate information does not exist, and
 - the District cannot provide the transparency IDEA requires.
-

8. Because of These Procedural Barriers, the November 18 Meeting Could Not Proceed

We were forced to postpone the meeting (Exhibit U) because:

- the PWN was inaccurate and misleading,
- we were denied the opportunity to present first,
- the District’s agenda prevented fair discussion,
- staff withheld or misrepresented information,
- leadership could not answer basic questions.

A meeting cannot be considered “meaningful” or “convened” under IDEA when the District creates conditions that make informed participation impossible.

9. The District Then Mischaracterized the Postponement as Parent Delay

The December 4 PWN (Exhibit AK) inaccurately implied that we delayed or refused the meeting, when in fact:

- the District’s procedural violations caused the postponement, and
- we immediately requested proper rescheduling (Exhibit V).

Mischaracterizing parent actions in official documents further obstructs meaningful participation, as shown in **Appendix A**.

Result:

Because of:

- withheld information,
- misleading assurances,
- inaccurate PWNs (Exhibits T, AK),
- communications restrictions (Exhibit J),
- procedural barriers to the November 18 meeting, and
- leadership’s admitted uncertainty about service delivery (Exhibit Z),

EGUSD denied us the opportunity to comprehend, evaluate, and participate in decisions related to our child’s safety and education, in violation of 34 C.F.R. § 300.501.

This exclusion was both **procedural** and **substantive**, directly contributing to ongoing safety failures, non-implementation of the IEP, and denial of FAPE.

ALLEGATION 5 — Failure to Ensure Student Safety (Resulting in Injury)

Regulation Violated: 34 C.F.R. § 300.101 (FAPE – safe environment)

Dates of Violation:

- October 27, 2025 — Lip/gum injury
 - November 18, 2025 — Fence-licking incident
-

Description of Alleged Violation (Requirement Not Met):

Under 34 C.F.R. § 300.101, a Free Appropriate Public Education includes the right to a **safe educational environment**, especially for a student with Kaleb’s disability profile:

- total blindness,
- autism,
- global developmental delay, and
- significant expressive/receptive language disorder.

Kaleb’s IEP (Exhibit AI) and Adaptation Plan (Exhibit AJ) require:

- continuous adult supervision,
- close-proximity monitoring,
- immediate intervention to prevent unsafe tactile/oral exploration, and
- adult assistance during environmental transitions.

The District failed to provide these legally required protections, resulting in two preventable safety incidents.

Facts Relating to Allegation 5:

1. The October 27 Injury Occurred Under Inadequate Supervision

On October 27, 2025, Kaleb returned home with **three separate injuries**:

- an injury to his gum,
- an injury to the inner lower lip,
- an injury to the outer lower lip.

A pediatrician reviewed photographs and confirmed that these were **trauma-based injuries**, consistent with impact or biting after impact—not dryness or chapped lips (Exhibit AD).

However, the District later claimed Kaleb simply had “chapped lips” or “lightly bumped” a surface with “no visible mark.” These explanations are contradicted by:

- Photographic evidence (Exhibit X),
- Medical evidence (Exhibit AD),

- Principal’s notes (Exhibit Q), and
- Physical setup of the stroller (no tray on Kaleb's side).

Appendix A further demonstrates, in side-by-side format, how the District’s statements regarding the injury contradict the evidence.

These conflicting accounts confirm that the District failed to accurately document the injury and failed to provide required supervision to prevent it.

2. The District Failed to Provide IEP-Required Close-Proximity Supervision on October 27

Kaleb’s IEP (Exhibit AI, p. 42) requires:

“Continuous adult supervision” and
“One-on-one classroom support from staff knowledgeable in working with students who are legally blind with no light perception.”

The Adaptation Plan (Exhibit AJ) requires:

- “Proximity to staff as needed,”
- “Monitor for safety across all environments,”
- “Immediate intervention to prevent unsafe tactile/oral exploration.”

Given Kaleb’s blindness and sensory profile, a staff member **should have been positioned within arm’s reach** during transitions or around environmental hazards.

The injuries indicate that **this did not occur**.

3. The November 18 Fence-Licking Incident Was Foreseeable and Preventable

During morning line-up on November 18:

- Kaleb stood at the front of the line beside a metal fence,
- His paraeducator stood **3–4 feet away**,
- The para was looking directly at Kaleb,
- Kaleb leaned forward and placed his mouth on the cold metal surface,
- The para did not intervene.

Intervention occurred **only after Kaleb’s mother**, positioned directly opposite him on the other side of the gate entrance, yelled his name.

Video evidence (Exhibit Y) confirms:

- delayed intervention,
- improper paraeducator proximity,
- failure to anticipate a known sensory-seeking behavior,
- violation of the Adaptation Plan’s requirement for immediate intervention.

The teacher and TVI were positioned farther back and could not have reached Kaleb in time even if they had attempted to intervene.

4. The District’s PWN Misrepresented the November 18 Incident

The December 4 PWN (Exhibit AK):

- falsely stated staff were “right beside” Kaleb,
- claimed redirection was “immediate,”
- downplayed the safety risk,
- omitted the fact that the paraeducator did not move until a parent alerted them.

These statements contradict video evidence and on-site observations.

Appendix A shows how these misrepresentations distort the factual record of the event.

5. Both Incidents Occurred During a Period of Reduced Proximity and Inconsistent Paraeducator Support

Both injuries happened while:

- the District was implementing a reduced-proximity “independence model” (Exhibits B–F),
- the paraeducator was withheld or inconsistently present (Exhibits D, H, W, Y),
- supervision was altered without an IEP meeting (Exhibit G),
- District leadership admitted not knowing whether proximity requirements were being implemented (Exhibit Z).

The unsafe supervision model directly caused both incidents.

6. The District Failed to Properly Report, Investigate, or Correct Safety Failures

- No staff member reported the October 27 injury at the time it occurred.
- Explanations provided afterward were inconsistent, inaccurate, or implausible.
- The District made no attempt to correct supervision practices after either event.
- Instead, it issued inaccurate PWNs that minimized or contradicted the evidence.

These failures further endangered Kaleb and violated the District’s obligation to ensure a safe educational environment as part of FAPE.

Result:

The District failed to provide:

- IEP-required close-proximity supervision,
- safe transition support,
- immediate intervention to prevent hazards,
- accurate documentation, and
- corrective action after injuries occurred.

As a result, Kaleb experienced **two preventable safety incidents**, causing physical injury, emotional distress, and loss of educational access. These failures constitute a **substantive denial of FAPE** under 34 C.F.R. § 300.101.

ALLEGATION 6 — Failure to Convene an IEP Meeting Within 30 Days of Parent Request

Regulation Violated: California Education Code § 56343.5

Dates of Violation:

- October 21, 2025 – November 21, 2025
 - Subsequent delays into January
-

Description of Alleged Violation (Requirement Not Met):

When a parent requests an IEP meeting, the District must **convene** the meeting within **30 days**. A meeting is not “convened” if District procedural violations make meaningful participation impossible.

Facts Relating to Allegation:

- We requested an IEP meeting on **October 21, 2025** (Exhibit I) to address:
 - supervision failures,
 - paraeducator changes,
 - safety incidents, and
 - IEP implementation concerns.
- The District scheduled the meeting for **November 18**, which was within the 30-day period **in name only**.
The meeting **could not proceed legally** because:
 - The PWN (Exhibit T) was delivered **less than 24 hours before the meeting**, violating procedural safeguards.
 - The PWN contained **material inaccuracies** about supervision and incidents.
 - The District refused our reasonable request to **present first** (Exhibit S).
 - District leadership lacked accurate information about supervision and training (Exhibit Z).
 - The meeting structure placed District narratives first, limiting parent participation.
- Because of these barriers, we were forced to **postpone** the meeting (Exhibit U).
- The District then claimed we were “refusing” a meeting in the **December 4 PWN** (Exhibit AK), despite the delay being caused by their own procedural violations.
- The next dates offered were in **January** (Exhibit V), well outside the 30-day requirement, leaving critical safety issues unaddressed.

Result:

EGUSD failed to convene a legally compliant IEP meeting within statutory timelines, prolonging unsafe conditions and denying FAPE.

ALLEGATION 7 — Refusal to Provide IEP Services During Temporary Safety-Based Withdrawal

Regulation Violated: 34 C.F.R. § 300.101 (FAPE continuity requirement)

Dates of Violation:

- December 3–4, 2025
 - Ongoing during Kaleb’s safety-based withdrawal
-

Description of Alleged Violation (Requirement Not Met):

Under **34 C.F.R. § 300.101**, a district must ensure that a child with disabilities continues to receive **FAPE**, even when the child cannot attend school in person for disability-related or safety-related reasons.

A district **may not**:

- cease providing services because the child is temporarily unable to attend the school site,
- deem a safety-based withdrawal as “parental choice,”
- or invoke **LRE** (Least Restrictive Environment) to justify refusing temporary alternative service delivery.

EGUSD violated this requirement by refusing all IEP services after December 3, despite clear evidence that Kaleb was unable to attend school due to **district-created safety failures**.

Facts Relating to Allegation:

- On **December 3, 2025**, after multiple safety incidents and repeated failures to follow the IEP—including:
 - Unlawful reduction/removal of Kaleb’s paraeducator (Exhibits H, W),
 - Unauthorized reduced-proximity supervision model (Exhibits B–F),
 - The October 27 injury (Exhibits X, AD),
 - The November 18 fence-licking incident (Video; Exhibit Y),

we notified EGUSD that we were **temporarily withholding Kaleb** solely due to **unsafe conditions** created by the District's noncompliance (Exhibit AB).

- We made it explicitly clear that:
 - This was *not* a refusal of services;
 - The withdrawal was *temporary* and *safety-based*; and
 - We wanted Kaleb's IEP services to **continue without interruption** through:
 - home-based instruction, or
 - any mutually agreed-upon accessible location.(Exhibits AB, AF)

- Instead of preserving continuity of services, the District issued a **December 4 PWN** (Exhibit AK) that:
 - Disputed our safety concerns despite medical, photographic, and video evidence,
 - Asserted the IEP was being “fully implemented” despite contradictory documentation,
 - Stated that the District **would not** provide services at home because the IEP did not list the home as the service setting,
 - Asserted that providing services in the home would violate **LRE**,
 - And characterized Kaleb's absence as a **parental choice**, absolving the District of responsibility.

- These positions are **legally incorrect**, because:
 - LRE **does not apply** when the student cannot safely attend school due to district-created conditions;
 - IDEA requires the District to provide FAPE **in an alternate setting** when the school site is unsafe or inaccessible;
 - Temporary home-based or virtual instruction is a standard, permissible approach in such circumstances.

- EGUSD's refusal is also inconsistent with its **own prior actions** earlier in the school year, when the District delivered instructionally relevant services in the home:
 - A **joint home visit** by the special education teacher and both TVIs,
 - At least **two instructional home-based O&M sessions**, (Exhibit AL)demonstrating that the District had already determined the home environment to be appropriate for IEP-related instruction.

- Despite our good-faith efforts, the District:
 - Offered **no alternate service plan**,
 - Proposed **no temporary location**,
 - Initiated **no discussion** about maintaining FAPE during the absence,
 - And provided **no services at all** after December 3.

- As of the date of this complaint, Kaleb has received **zero** IEP services solely because EGUSD refused to provide temporary access in any format.

Result:

Kaleb has experienced a **complete and ongoing denial of FAPE** due to the District’s refusal to provide legally required services during a safety-based withdrawal caused entirely by EGUSD’s own violations.

ALLEGATION 8 – Misrepresentation of Facts and IEP Content in Prior Written Notices (PWNs)

Regulation Violated: 34 C.F.R. § 300.503(b)(2)

Dates of Violation:

- November 14, 2025 PWN
 - December 4, 2025 PWN
-

Description of Alleged Violation (Requirement Not Met):

Under **34 C.F.R. § 300.503(b)(2)**, every Prior Written Notice must accurately describe:

- the action proposed/refused,
- the reasons for the decision,
- the data relied upon,
- options considered, and
- other relevant factors.

A PWN violates IDEA when it contains **inaccurate, incomplete, or misleading statements**, or when it omits key information parents need to understand the District’s decisions.

Misrepresentations in a PWN undermine procedural safeguards, impede informed decision-making, and deny parents meaningful participation.

EGUSD’s PWNs dated **November 14** and **December 4** contain multiple factual inaccuracies, omissions, and contradictions that concealed noncompliance and misrepresented injuries, supervision practices, and service delivery.

Facts Relating to Allegation 8:

1. The District Misrepresented the October 27 Injury

The December 4 PWN (Exhibit AK) falsely attributes Kaleb’s documented gum and lip injuries to:

- “chapped lips,”
- normal mouthing, or
- a “light bump” that left “no visible mark.”

These statements contradict:

- Photographic evidence (Exhibit X),
- Medical assessment confirming trauma from impact (Exhibit AD),
- Principal’s own written account that a visible mark appeared at school (Exhibit Q), and
- Physical facts showing Kaleb could not have injured himself on a stroller tray that does not exist on his side.

Appendix A (“District Claim vs. Parent Rebuttal Table”) shows, in a factual comparison format, how the District’s claims conflict with documented evidence.

2. The District Misrepresented the November 18 Fence-Licking Incident

The December 4 PWN also claims:

- staff were “right beside Kaleb,” and
- redirection was “immediate.”

Video evidence (Exhibit Y) shows:

- the paraeducator was **3–4 feet away**,
- she watched Kaleb lean onto the metal fence and make oral contact,
- she did **not** intervene until Kaleb’s mother yelled his name from across the gate entrance,
- the teacher and TVI were much farther away and unable to intervene.

These statements are inaccurate, misleading, and conceal the District’s failure to follow IEP-required proximity and supervision.

Appendix A shows each misstatement in the PWN and the contradictory evidence.

3. PWNs Incorrectly Asserted the IEP Was Being Implemented “As Written”

Both PWNs assert that Kaleb’s IEP was being “fully implemented,” despite:

- multiple days with **no paraeducator assigned** (Exhibits H, W),
- implementation of a reduced-proximity “independence model” without IEP team approval (Exhibits B–F),
- inconsistent paraeducator arrival and positioning (Exhibit Y),
- evidence of two safety incidents under inadequate supervision (Exhibits X, AD, Y),
- District leadership admitting uncertainty about training, assignment, and implementation (Exhibit Z).

These misrepresentations concealed systemic noncompliance with Kaleb’s IEP and Adaptation Plan.

4. PWNs Mischaracterized Parent Actions and Misstated Legal Obligations

The December 4 PWN mischaracterized Kaleb’s temporary safety-based withdrawal as a **parental “choice,”** despite clear written explanation that the withdrawal was necessary due to unsafe conditions created by the District (Exhibits AB, AF).

The PWN also incorrectly asserts that home-based or virtual services were not permissible because Kaleb’s IEP does not list the home as his placement and because of “LRE concerns.” These conclusions are legally incorrect:

- LRE cannot be used to deny temporary services during a **disability-related safety withdrawal**,
- IDEA requires continuity of FAPE regardless of setting,
- The District itself had already provided multiple instructional home visits earlier in the year.

Appendix B (“District PWN Misstatements & Governing Laws Violated”) outlines each incorrect legal assertion and identifies the governing IDEA requirements that the District violated.

5. The PWNs Omitted Legally Required Information

The PWNs failed to include:

- the actual reasons for reduced proximity and altered supervision,
- options considered for restoring safe conditions,
- explanations for paraeducator absences and reassignments,
- acknowledgement of factual disputes raised by parents,

- data used to conclude the IEP was “fully implemented,”
- corrective actions or safety planning following injuries.

These omissions violate **34 C.F.R. § 300.503(b)**.

6. Appendix A and Appendix B Demonstrate a Systematic Pattern of Misrepresentation

Appendix A (fact-based comparison table) shows how each District claim contradicts the evidence.

Appendix B (legal misstatement analysis) shows how each misrepresentation violates IDEA requirements.

Together, these appendices demonstrate that the inaccurate PWNs were not isolated errors but part of a **pattern of procedural violations** designed to obscure non-implementation and avoid accountability.

Result:

The District’s inaccurate, incomplete, and misleading PWNs:

- impeded our ability to understand the District’s actions,
 - obstructed meaningful participation in the IEP process,
 - concealed serious safety failures,
 - violated multiple procedural safeguards under IDEA, and
 - contributed directly to the ongoing denial of FAPE.
-

ALLEGATION 9 — Failure to Ensure Safety & Misrepresentation Regarding October 27 Lip/Gum Injury

Regulations Violated:

- 34 C.F.R. § 300.101 — Failure to provide a safe educational environment (FAPE)
- 34 C.F.R. § 300.323(c)(2) — Failure to implement IEP-required safety supports
- 34 C.F.R. § 300.503(b)(2) — Inaccurate/misleading statements in PWN

Dates of Violation:

- October 27, 2025 (incident)
 - November 14 & December 4, 2025 (misrepresentations in PWNs)
-

Description of Alleged Violation (Requirement Not Met):

EGUSD failed to provide the **continuous, close-proximity adult supervision** required by Kaleb’s IEP and Adaptation Plan, directly resulting in a preventable injury.

The District then **misrepresented** the nature and cause of the injury in PWNs, violating its duty to accurately document incidents and provide truthful explanations.

Facts Relating to Allegation:

1. Kaleb’s IEP Requires High-Level Safety Supports

Kaleb’s April 1, 2025 IEP (Exhibit AI, p. 42) states:

“Kaleb could also potentially hurt himself by mouthing objects if he is not provided with continuous adult supervision.”

His Adaptation Plan (Exhibit AJ) requires:

- “Proximity to staff as needed”
- “Monitoring for safety across all environments”
- Immediate intervention to prevent unsafe tactile/oral exploration

These supports are essential because Kaleb is totally blind, cannot visually detect hazards, and has sensory-seeking behaviors.

2. Documented Injury Occurred During Known Supervision Gaps

On **October 27, 2025**, Kaleb returned home with **three distinct injuries**:

1. Gum injury
2. Inner lower lip injury

3. Outer lower lip injury

(Photographs — Exhibit X)

Kaleb’s pediatrician reviewed the injuries and concluded:

- The injuries showed “**mild trauma**”
- Consistent with **impact**, including biting from impact
- **Not consistent** with dryness, chapped lips, or normal mouthing

(Exhibit AD)

These injuries occurred during a period of **inconsistent paraeducator coverage**, late arrivals, and supervision gaps (Exhibits W, Z).

3. District Explanations Were Contradictory and Factually Incorrect

In communications and PWNs, the District gave multiple conflicting explanations, including:

- Kaleb “lightly bumped a door”
- There was “no visible mark”
- Kaleb injured himself by “licking/mouthing his lips”
- Kaleb hit a stroller tray — even though **no tray exists** on his side of the stroller

These explanations are contradicted by:

- Medical findings (Exhibit AD)
- Photographs (Exhibit X)
- Physical structure of Kaleb’s stroller
- Known supervision lapses (Exhibits W, Z)

4. Misrepresentation in November 14 and December 4 PWNs

PWNs (Exhibits T and AK):

- Downplayed the injuries
- Suggested dryness as explanation
- Failed to acknowledge trauma or conflicting evidence
- Ignored supervision failures
- Claimed supervision was appropriate and training was adequate

These omissions and inaccuracies violate **34 C.F.R. § 300.503(b)(2)**.

5. Failure to Investigate, Document, or Disclose Injury

The District failed to:

- Report the injury when it occurred
- Provide an incident report
- Notify parents in real time
- Review video or environmental conditions
- Conduct a safety assessment

For a child who **cannot report pain due to blindness and language delays**, the District's failure to promptly document and investigate the injury is especially harmful.

Result:

EGUSD's inadequate supervision caused a preventable injury, and its misrepresentations concealed violations instead of correcting them.

This constitutes both a **procedural** and **substantive denial of FAPE**.

ALLEGATION 10 – Failure to Ensure Safety & Misrepresentation Regarding November 18 Fence-Licking Incident

Regulations Violated:

- 34 C.F.R. § 300.101 – Failure to ensure a safe educational environment
 - 34 C.F.R. § 300.323(c) – Failure to implement IEP-required supervision
 - 34 C.F.R. § 300.503(b)(2) – Inaccurate/misleading statements in PWN
 - California Education Code § 56343(c) – Changes to services require IEP-team action
-

Dates of Violation:

- November 18, 2025 — Incident
 - December 4, 2025 — Misrepresentations in PWN
-

Facts Relating to Allegation 10:

1. What Actually Occurred on November 18, 2025

During morning line-up:

- Kaleb stood first in line beside the metal gate/fence.
- The paraeducator stood **3–4 feet away**, farther than IEP-required proximity.
- The teacher stood even farther back.
- The TVI was engaged in conversation with Kaleb’s father approximately 10 feet away.
- Kaleb leaned forward, placed his face on the cold metal fence, and made **oral contact**.
- The paraeducator watched this occur and did **not move or intervene**.
- Intervention occurred **only after Kaleb’s mother**, standing directly opposite him on the other side of the gate entrance, yelled his name.

This sequence is confirmed through video evidence (Exhibit Y).

Kaleb is totally blind, sensory-seeking, globally delayed, and limited in expressive/receptive language.

Under his IEP and Adaptation Plan, this was a **fully foreseeable hazard** requiring immediate prevention—not delayed reaction.

2. The District’s December 4 PWN Misrepresented the Incident

The December 4 PWN (Exhibit AK) states:

- Staff were “**right beside Kaleb**,”
- Redirection was “**immediate**,”
- The incident was “**not concerning**.”

These statements are **false** and contradicted by:

- Video evidence (Exhibit Y),
- On-site parent observation,
- Staff positioning documented in Exhibit Z,
- Kaleb’s disability-based need for close supervision.

Appendix A (“District Claim vs. Parent Rebuttal Table”) shows how the District’s PWN description contradicts video evidence and the factual record.

3. The Incident Occurred Under an Unauthorized Reduced-Proximity Supervision Model

This incident happened during a period when the District was implementing a reduced-proximity “independence model” without IEP-team approval (Exhibits B–F). This unlawful model:

- instructed staff to stand farther away,
- encouraged delayed intervention,
- conflicted directly with Kaleb’s IEP and Adaptation Plan.

California Education Code § 56343(c) prohibits changes to services without an IEP meeting. No such meeting occurred.

4. Inconsistent Paraeducator Coverage Contributed to Unsafe Conditions

On multiple dates leading up to November 18:

- Kaleb’s paraeducator was withheld (Exhibit D),
- The paraeducator was replaced abruptly (Exhibit G),
- Arrivals were inconsistent (Exhibit Y),
- District leadership admitted uncertainty about training and proper placement (Exhibit Z).

These systemic failures created the conditions that allowed the November 18 incident to occur.

5. The District Failed to Follow the IEP and Adaptation Plan Requirements

The IEP (Exhibit AI, p. 42) requires:

- **“One-on-one classroom support from staff knowledgeable in working with students who are legally blind with no light perception.”**
- **“Continuous adult supervision.”**

The Adaptation Plan (Exhibit AJ) requires:

- **“Proximity to staff as needed,”**
- **“Monitor for safety across all environments,”**
- **“Anticipate unsafe tactile/oral exploration,”**
- **“Immediate intervention.”**

On November 18, none of these requirements were met.

Kaleb — unable to visually detect danger or reliably communicate distress — was allowed to approach and make oral contact with a cold metal surface while the para stood several feet away and failed to act.

This violated **34 C.F.R. § 300.323(c)** (failure to implement the IEP).

6. District Leadership Statements Confirm Lack of Knowledge and Oversight

During the November 18 administrative discussion (Exhibit Z), EGUSD leadership:

- acknowledged uncertainty about paraeducator training,
- could not confirm whether appropriate proximity standards were being followed,
- could not explain why supervision was inconsistent.

These admissions contradict the PWN’s assertion of full implementation.

Appendix B (“District PWN Misstatements & Governing Laws Violated”) identifies how these contradictions violate federal procedural safeguards.

7. The PWN’s Misrepresentations Concealed the District’s Failure to Protect Kaleb

The December 4 PWN:

- downplayed the seriousness of the incident,
- inaccurately documented staff proximity,
- falsely attributed immediate redirection to staff instead of parental intervention,
- omitted that staff observed Kaleb’s approach without acting,
- failed to describe corrective actions or options considered.

Under **34 C.F.R. § 300.503(b)(2)**, PWNs must be accurate and complete. This one was neither.

The misrepresentation itself is a **procedural violation** that impeded parent participation and concealed an underlying **substantive violation**: failure to keep Kaleb safe.

Result:

Because EGUSD:

- misrepresented the November 18 incident in its PWN,
- implemented an unauthorized reduced-proximity supervision model,
- failed to provide IEP-required supervision,

CDE Compliance Complaint – Xiong v. Elk Grove USD (Kaleb X.)

- relied on a paraeducator who was not properly trained or positioned,
- inaccurately documented the event,
- withheld information necessary for meaningful parent participation,

Kaleb was exposed to a preventable hazard and the District violated:

- **34 C.F.R. § 300.101** (FAPE – safety),
- **34 C.F.R. § 300.323(c)** (IEP implementation),
- **34 C.F.R. § 300.503(b)(2)** (accurate PWN),
- **Ed. Code § 56343(c)** (changes to services require IEP-team action).

This incident reflects systemic failures and directly contributed to the denial of FAPE.

V. PROPOSED RESOLUTIONS

We respectfully request that the California Department of Education (CDE) order Elk Grove Unified School District (EGUSD) to implement the following corrective actions. These remedies are necessary and appropriate given:

- the District’s documented pattern of noncompliance,
- the safety risks imposed on a child who is totally blind and autistic,
- the District’s failure to implement the IEP and Adaptation Plan as written,
- multiple procedural safeguards violations,
- inaccurate and misleading PWNs (Appendix A; Appendix B),
- systemic supervisory mismanagement (Exhibit Z), and
- the complete denial of FAPE from December 3, 2025 to the present.

These violations are cumulative, systemic, and ongoing. Immediate corrective action is required.

1. Full and Immediate Implementation of the April 1, 2025 IEP and Adaptation Plan as Written

CDE should order EGUSD to restore and adhere to all IEP and Adaptation Plan requirements, including:

- **Continuous 1:1 adult supervision** delivered by staff trained in blindness-specific safety (IEP, Exhibit AI, p. 42).
- **Strict proximity-based supervision**, including positioning within arm’s reach when needed and immediate intervention to prevent unsafe tactile/oral exploration (Adaptation Plan, Exhibit AJ).
- **Consistent paraeducator assignment**—no lapses, late arrivals, or untrained substitutes (Exhibit Y).
- **Adherence across all environments**: classroom, line-up, recess, transitions, lunch, arrival/dismissal, field trips.
- **Written implementation plan** detailing how these requirements are met throughout the day.
- **Mandatory notification** to parents and CDE before any staffing change affecting Kaleb’s 1:1 support.

Why this is needed:

The District reduced proximity, removed and reassigned the paraeducator, failed to implement the IEP, and misrepresented service delivery (Appendix A; Exhibit Z).

2. Compensatory Education and Compensatory 1:1 Support Services

CDE should order compensatory:

- Teacher of the Visually Impaired (TVI) instruction,
- Orientation & Mobility (O&M) services,
- Specialized academic instruction,
- Speech-language therapy,
- **Compensatory 1:1 supervision hours** corresponding to all dates where required supervision was not provided.

This includes—but is not limited to:

- October 17–21 (no paraeducator; field trip without 1:1)
- October 27 (injury under inadequate supervision)
- November 18 (delayed intervention during fence incident)
- All documented late arrivals and gaps (Exhibit Y)
- December 3–present (total loss of FAPE due to District refusal)

Why this is needed:

Kaleb lost critical instructional access and suffered emotional and physical harm due to the District's noncompliance.

3. Mandatory Blindness-Specific, Autism-Informed Training for All Staff Working With Kaleb

Training must be:

- conducted by qualified VI specialists, O&M professionals, and autism experts;
- documented with agendas, training materials, and sign-in sheets;
- competency-based, requiring demonstrated proficiency.

Training must include:

- Blindness-related safety and hazard anticipation,
- How to operationalize continuous and close-proximity supervision,
- Intervention for sensory-seeking behaviors,
- Safety during transitions and in dynamic environments,
- Accurate and truthful incident reporting,
- Requirements for IDEA compliance (Appendix B).

Staff required to attend:

- Assigned paraeducator(s) and all substitutes,
- Classroom teacher,
- TVI(s),
- Yard duty and recess monitors,
- Office and dismissal staff,
- Principal and relevant district administrators.

Why this is needed:

District leadership acknowledged confusion and uncertainty regarding supervision, training, and implementation (Exhibit Z).

4. Development and Implementation of a Written Safety & Supervision Plan

Plan must:

- Define required staff proximity for each environment and activity,
- Describe expected supervision techniques in detail,
- Establish steps for immediate intervention and hazard prevention,
- Outline adult positioning during transitions, line-up, recess, lunch, and dismissal,
- Include procedures for documenting and reporting safety incidents, near misses, or injuries,
- Prohibit changes to supervision practices absent an IEP meeting and PWN.

The Plan must be incorporated into the IEP.

Why this is needed:

Kaleb suffered a preventable injury (Oct 27) and a preventable hazard exposure (Nov 18) due to inconsistent and inadequate supervision.

5. Accurate, Daily Documentation (“Service Logs”) of Paraeducator Support

Logs must include:

- Paraeducator arrival/departure times,
- Identification of assigned paraeducator or substitute,
- Supervision activities across all settings,
- Proximity level and reasons for any deviation,

- Any safety interventions or concerns,
- Staff training status.

Logs must be maintained for at least one year and provided to parents and CDE upon request.

Why this is needed:

Existing logs (Exhibit Y) show late arrivals, inconsistent assignment, and lack of documentation.

6. Convene a Legally Compliant IEP Meeting Within 10 Business Days of CDE Order

Meeting must:

- Review findings of noncompliance,
- Adopt the Safety & Supervision Plan,
- Strengthen supervision-related IEP language if needed,
- Review and assign compensatory services,
- Establish monitoring and verification procedures,
- Correct inaccurate records (see Resolution 9).

Why this is needed:

The District failed to convene a valid IEP meeting within 30 days of our October 21 request, and the November 18 meeting was procedurally invalid (Exhibits S, T, U; Appendix B).

7. District-Level Procedural Compliance Training

Training must cover:

- Accurate and complete PWNs,
- Prohibitions on unilateral service changes,
- Parent participation rights under IDEA,
- Legal requirements for FAPE during safety-related absences (Appendix B),
- Truthful and consistent documentation practices,
- District oversight responsibilities.

Why this is needed:

PWNs contained repeated misrepresentations and legally incorrect statements (Appendix A; Appendix B).

8. Written Corrective Action & Monitoring Plan Submitted to CDE

Plan must include:

- Steps to remedy each violation,
- Procedures to verify ongoing compliance with IEP and Adaptation Plan,
- Paraeducator assignment and training monitoring,
- Documentation and review of all supervision practices,
- Regular reporting to CDE and parents.

Why this is needed:

The District repeatedly ignored safety concerns, evidence, and parent communications.

9. Correction of Inaccurate PWNs and Educational Records

EGUSD must annotate and correct:

- Misstatements in Nov 14 PWN (Exhibit T),
- Misstatements in Dec 4 PWN (Exhibit AK),
- Inaccurate descriptions of the Oct 27 injury,
- Misrepresentations regarding staff proximity on Nov 18,
- False claims of “full implementation,”
- Mischaracterizations of parental actions.

Corrections must reference accurate evidence (Appendix A; Appendix B).

10. Guarantee of Continued IEP Services During Any Future Safety-Based Absence

The District must adopt formal procedures ensuring provision of FAPE through:

- temporary home-based instruction,
- virtual instruction where appropriate,
- O&M and TVI services in the home (consistent with the District’s own prior practice),
- written notice outlining available service delivery options.

Why this is needed:

The District refused all services after Dec 3, despite prior home instruction (Exhibit AL), causing total loss of FAPE.

VI. SUMMARY & CAUSAL CONNECTION BETWEEN ALL VIOLATIONS

The violations documented in this complaint are not isolated events. They form a **single, continuous chain of noncompliance** stemming from EGUSD’s unilateral alteration of Kaleb’s IEP-required 1:1 supervision and its subsequent attempts to conceal these failures through inaccurate communications and misleading Prior Written Notices.

Each procedural and substantive violation directly caused or intensified the next, resulting in a complete denial of FAPE.

A. Before EGUSD Altered the Supervision Model

Prior to mid-October 2025, Kaleb:

- had no injuries,
- experienced no preventable unsafe contact with environmental hazards,
- had consistent 1:1 paraeducator support,
- received IEP-required proximity and adult guidance,
- demonstrated stable emotional regulation during transitions,
- accessed his instructional program safely.

His IEP and Adaptation Plan were being implemented, and there were **no safety incidents**.

B. After EGUSD Implemented the Reduced-Proximity “Independence Model”

Once the District adopted a teacher-created, unauthorized reduced-proximity model (Exhibits B–F) and began withholding or altering Kaleb’s paraeducator support, a predictable pattern of harm emerged.

1. Kaleb exhibited distress immediately

During morning line-up on October 17, Kaleb cried when his paraeducator was deliberately withheld (Exhibit D).

2. Kaleb had multiple days with no paraeducator

Between October 17–21, Kaleb had **no 1:1 support**, including during a field trip (Exhibits H, W), despite the IEP requiring continuous adult supervision.

3. Unsafe supervision led directly to preventable injury

- **October 27 injury:** Kaleb returned home with multiple trauma-based lip and gum injuries (Exhibits X, AD).
- These injuries were **foreseeable and preventable** under required close-proximity supervision.

4. Reduced proximity resulted in hazardous exposure

- **November 18 fence-licking incident:** Paraeducator stood 3–4 feet away and failed to intervene until Kaleb’s mother yelled (video; Exhibit Y).
- This occurred because the District unlawfully implemented a model instructing staff to “step back” and delay intervention.

5. Inconsistent paraeducator presence contributed to unsafe conditions

Supervision logs and communications show multiple late arrivals and unclear assignment (Exhibit Y).

6. District leadership admitted uncertainty about implementation

During the November 18 administrative discussion (Exhibit Z), District officials acknowledged:

- uncertainty about paraeducator training,
- uncertainty about correct proximity standards,
- uncertainty about how 1:1 support was being implemented.

These admissions contradict PWNs claiming “full implementation.”

7. District issued inaccurate PWNs concealing noncompliance

PWNs dated November 14 (Exhibit T) and December 4 (Exhibit AK):

- misrepresented safety incidents,
- misstated staff proximity and response,
- minimized the October 27 injury,
- falsely claimed the IEP was being fully implemented,
- mischaracterized parent actions,
- omitted required information about service changes.

Appendix A demonstrates these inaccuracies in side-by-side factual comparison.

Appendix B identifies which legal requirements each misstatement violated.

8. District actions impeded meaningful parent participation

- PWN delivered <24 hours before meeting (Exhibit T).
- District refused parent’s reasonable request to present first (Exhibit S).
- Staff were told not to discuss para changes (Exhibit J).
- Key information was withheld, incorrect, or contradictory.

Parents were not able to participate meaningfully, in violation of 34 C.F.R. § 300.501.

9. As a result, IEP meeting could not lawfully proceed

The meeting could not move forward due to District-generated procedural violations (Exhibits S, T, U).

This left unsafe practices uncorrected.

C. Safety-Based Withdrawal Was the Direct Result of District Noncompliance

By December 3, conditions at school remained unsafe.

We were forced to temporarily withdraw Kaleb solely for his safety (Exhibits AB, AF).

The District:

- refused to provide temporary home-based or virtual services,
- misused LRE to justify refusal,
- mischaracterized the withdrawal as “parent choice.”

This refusal violated 34 C.F.R. § 300.101 and resulted in **zero services** from December 3 to the present.

D. Appendix C – Chronological Timeline Demonstrates Continuity of Violations

Appendix C lays out the dates and sequence of:

- supervision changes,
- paraeducator removal,
- injuries,
- misrepresentations,

- procedural violations,
- PWNs,
- parent communications,
- District’s non-responsiveness.

It shows the violations as a **continuous, escalating pattern**, not isolated events.

E. Causal Chain Demonstrating How One Violation Led to the Next

1. **District changes supervision model**
→ reduced proximity, delayed intervention
2. **Reduced proximity**
→ no paraeducator present on multiple days
3. **No paraeducator**
→ preventable injury on October 27
4. **Injury + inconsistent supervision**
→ District issues inaccurate explanations
5. **Inaccurate PWNs**
→ parent cannot meaningfully participate
6. **Parent participation blocked**
→ November 18 IEP meeting cannot proceed
7. **No corrections made**
→ preventable November 18 fence incident occurs
8. **Continued misrepresentations**
→ refusal to admit or fix safety failures
9. **Unsafe environment persists**
→ safety-based withdrawal on December 3
10. **District refuses home-based/alternative services**
→ complete loss of FAPE beginning December 3

Each violation directly triggered the next.

F. The Result: A Procedural and Substantive Denial of FAPE

Because EGUSD:

- failed to implement the IEP,
- altered services without an IEP meeting,

- provided inaccurate PWNs,
- denied meaningful parent participation,
- failed to protect Kaleb from injury,
- refused temporary services during safety withdrawal,
- misrepresented key facts in official documents, and
- demonstrated systemic supervisory mismanagement,

Kaleb was:

- exposed to preventable harm,
- denied access to his education,
- left without safety protections,
- deprived of multiple IEP services for months.

This constitutes a **system wide denial of FAPE** under IDEA.

VII. SIGNATURES

We declare under penalty of perjury under the laws of the State of California that the statements made in this complaint and all accompanying exhibits are true and correct to the best of our knowledge and belief.



Yang Xiong, Parent

Date: December 9, 2025



Mary Xiong, Parent

Date: December 9, 2025