

CALIFORNIA DEPARTMENT OF EDUCATION
Investigation Report
Case S-0824-25/26

Public Agency Christopher Hoffman, Superintendent Elk Grove Unified School District 9510 Elk Grove-Florin Road Elk Grove, CA 95624	Complainants Yang and Mary Xiong 9052 Ancestor Drive Elk Grove, CA 95758
Special Education Director Anne Rigali, Director, Special Education Elk Grove Unified School District	Parents Yang and Mary Xiong
Special Education Local Plan Area (SELPA) Anne Rigali, Director Elk Grove Unified SELPA	Student Kaleb Xiong
Complaint Received December 9, 2025	Report Mailed February 6, 2026

INVESTIGATION PROCEDURES

The investigation and conclusions are based on the investigator's review of materials and documents provided by the Complainant and the District, as well as email contact with the Complainant on December 24, 26, 30, and 31, 2025, and January 20, 2026, and with the District on December 26, 2025, and January 9, 12, 13, 26, and 27, 2026.

SUMMARY OF ALLEGATION ONE

The Complainants allege the District failed to comply with individualized education program (IEP) requirements set forth in *Code of Federal Regulations*, Title 34 (34 *CFR*), Section 300.324(b), when the District did not address the parents' safety concerns as of October 27, 2025.

APPLICABLE CITATION

34 *CFR* 300.324(b) requires:

Review and revision of IEPs. General. Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team . . . (i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being

achieved; and (ii) Revises the IEP, as appropriate, to address (A) Any lack of expected progress toward the annual goals described in [Section] 300.320(a)(2), and in the general education curriculum, if appropriate; (B) The results of any reevaluation conducted under [Section] 300.303; (C) Information about the child provided to, or by, the parents, as described under [Section] 300.305(a)(2); (D) The child's anticipated needs; or (E) Other matters. (2) Consideration of special factors. In conducting a review of the child's IEP, the IEP Team must consider the special factors described in paragraph (a)(2) of this section. (3) Requirement with respect to regular education teacher. A regular education teacher of the child, as a member of the IEP Team, must, consistent with paragraph (a)(3) of this section, participate in the review and revision of the IEP of the child.

FINDINGS OF FACT

1. The student's April 1, 2025, annual IEP was the operative IEP in October 2025. The IEP requires the student to receive one-to-one (1:1) classroom support throughout the school day "from a school district staff" person who was knowledgeable in working with students who are legally blind with no light perception and to provide safety and behavior support. The IEP also mentions that the student could potentially get hurt by mouthing objects if not provided with continuous adult supervision. The IEP also included an adaptation plan which required the student to be in proximity to staff as needed. Evidence for this finding is based on the April 1, 2025, IEP, signed in agreement on May 13, 2025.
2. On October 27, 2025, the parent emailed and confirmed the November 18, 2025, IEP meeting that was requested on October 21, 2025. The parent brought up concerns regarding the paraeducator services that the parent wanted addressed before or during the IEP meeting. The parent specifically requested clarification and administrative follow-up to be provided by November 7, 2025. Evidence for this finding is based on the October 21 and 27, 2025, parent emails, and the IEP meeting notification, dated October 23, 2025.
3. On October 27, 2025, after the parent's first email, the parent emailed the District again, this time questioning a bruise the student received on the lip. The parent mentioned not noticing this bruise when feeding the student breakfast, nor when the parent picked the student up from school; and therefore no one asked the paraeducator about it. The parent then asked the District to look into what may have happened. The District responded stating that they would investigate the incident. After further investigation, the District informed the parent that when the paraeducator was assisting the student with the scooter, the student became excited and accidentally bumped the right side of the student's face against the push bar of the classroom door. The paraeducator immediately checked to make sure the student was okay. No markings were present at the time, and the student appeared to be fine. The paraeducator then noticed the student began to occasionally suck the

student's bottom lip which left a small mark. The teacher was informed, and the staff monitored the student closely throughout the day. The parent responded, thanking the District for their attentiveness; but to ensure the student's safety, the parent requested that the parent be informed right away when the student is injured. The District agreed to communicate with the family. Evidence for this finding is based on the October 27, 2025, emails between the parent and the District.

4. On October 28, 2025, the parent emailed the District informing the District staff that, as the child slept, the parents were able to examine the student more thoroughly and the student had sustained more injuries than previously noted—one injury on the gum and two on the lips—and the parents wanted to highlight the importance of the student receiving consistent 1:1 supervision as required by the IEP. The parents also requested that this incident be documented in the student's records. On October 29, 2025, the District informed the parents that the incident had been properly documented following District protocols and that the District was taking steps including reinforcing communication and reporting procedures with all staff to ensure this does not happen again. Evidence for this finding is based on the October 28, 2025, parent email and the October 29, 2025, District email.
5. On November 14, 2025, the District provided the parent with a prior written notice (PWN) in response to the parent's October 27, 2025, concerns regarding the 1:1 paraeducator services. The PWN explained that on October 17, 2025, there was a staff change involving the paraeducator and informed the parent of the new assigned paraeducator. The District also asserted that all IEP services are being provided. Evidence for this finding is based on the November 14, 2025, PWN.
6. During morning drop off on November 18, 2025, the parent asserted that the parent had seen the student licking a fence and that the newly assigned paraeducator stood several feet away and did not notice until the parent verbally intervened. Evidence for this finding is based on the parent's evidence summary.
7. On November 18, 2025, the day of the scheduled IEP meeting, the parent emailed the District formally requesting that the IEP meeting be postponed. The District acknowledged the postponement and informed the parent that given the number of scheduling conflicts and upcoming breaks, the earliest availability the District could reconvene would be in January 2026 and requested the parent to provide dates. In the meantime, the District invited the parent to observe the student in the classroom and to schedule a home visit. Evidence for this finding is based on the November 18, 2025, emails between the parent and the District and the 2025–26 District calendar.
8. On November 20, 2025, the parents provided the District a rebuttal to the November 14, 2024, PWN, regarding paraeducator services, consistency of coverage, verification of IEP implementation, and how corrective actions must occur even before an IEP meeting. Evidence for this finding is based on the parents' made November 20, 2025, rebuttal.

9. On November 24, 2025, the District informed the parent that the IEP was being fully implemented and that the District intended to discuss parent concerns at the next IEP meeting. The parent disagreed with the District and requested a written response proposing corrective actions within five business days and before convening any IEP meeting. Evidence for this finding is based on the November 24, 2025, District email, and the November 25, 2025, parent email.
10. On December 1, 2025, the parent emailed the District that it would be premature to identify January dates until the District provides clarity regarding its position and corrective actions it intends to take and that once this information is received the parent will propose dates to reconvene the IEP. The parent additionally rejected the District's invitation for a class observation and a home visit. Evidence for this finding is based on the December 1, 2025, parent email to the District.
11. On December 3, 2025, the parent emailed the District that they had not received a response from the District regarding issues related to the 1:1 paraeducator services, the supervision, and the recent safety incidents at school. Due to the safety issues remaining unresolved and the District not providing the written response or corrective plan as the parent requested, the parent informed the District that they would withhold the student from attending school as a temporary protective measure until the District provides its written response and presents a plan to ensure the student's safety and full IEP implementation. The parent requested that services continue at their home or another mutually agreed upon location. Evidence for this finding is based on the December 3, 2025, parent email.
12. On December 4, 2025, the District provided a PWN in response to the parents' November 20, 2025, formal rebuttal. The District maintained that it has consistently implemented the student's IEP as written and stated how the student's IEP includes annual goals in the area of gross motor which focus on the student's ability to independently navigate by using the student's adaptive mobility device with no verbal or physical prompts and to navigate the major areas of the classroom using protective techniques. The District acknowledged the student's tendency to mouth objects and other safety concerns presented by the student's disability, but that the student is continuously supervised by an adult at all times, whether this is provided by the paraeducator or the student's classroom teacher. Even during times when the student's support person has stepped back in order to promote the student's independence, the student has and will continue to be under close adult supervision, which does not change even if the paraeducator momentarily assists another student. The District also informed the parent that because the student's 1:1 classroom support person is not documented as a related service, but rather as an "other support" to be provided to the student throughout the school day, the District does not typically maintain tracking logs of such supports. The District agreed to ensure the parent would have adequate time allocated to state concerns at the next IEP meeting and encouraged the parent to bring the student to school where the

District has and is prepared to continue safely implementing the student's IEP. Evidence for this finding is based on the December 4, 2025, PWN.

CONCLUSION

The District met the requirements of 34 *CFR* Section 300.324(b). The District addressed the parent's safety concerns since October 27, 2025, by agreeing to schedule an IEP meeting for November 18, 2025, to discuss the parent's concerns; offering to invite the parent to observe the student in the classroom and to schedule a home visit for the same purpose; and providing PWNs to address parent concerns regarding the 1:1 paraeducator aide and the student's safety, as well as the corrections desired by the parent to be addressed by the IEP team. **The District is in compliance.**

SUMMARY OF ALLEGATION TWO

The Complainants allege the District failed to comply with IEP requirements set forth in 34 *CFR* Section 300.323(c)(2), when the District did not provide a 1:1 paraeducator, as required by the IEP, from October 17 through 21, 2025, and on October 27 and November 18, 2025.

APPLICABLE CITATION

34 *CFR* Section 300.323(c)(2) requires, "Each public agency must ensure that . . . (2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP."

FINDINGS OF FACT

13. The student's April 1, 2025, annual IEP was the operative IEP in October 2025. The IEP requires the student to receive 1:1 classroom support throughout the school day "from a school district staff" person who was knowledgeable in working with students who are legally blind with no light perception and to provide safety and behavior support. The IEP also mentions that the student could potentially get hurt by mouthing objects if not provided with continuous adult supervision. The IEP also included an adaptation plan which required the student to be in proximity to staff as needed. The IEP does not specify a particular paraeducator. Evidence for this finding is based on the April 1, 2025, IEP, signed in agreement on May 13, 2025.
14. From Friday October 17 through 21, 2025, and on October 27 and November 18, 2025, there were five school days. The District provided the following:
 - On October 17, 2025, the student's vision impaired (VI) teacher supervised the student

- On October 20, 2025, the District informed the parent that a new paraeducator was being assigned to the student, the paraeducator had previously worked with the student, and that the District does not anticipate any gaps in service
- On October 21, 2025, the student attended a field trip with the student's parents and other staff members present to the pumpkin patch when neither the paraeducator nor the student's VI teacher were present, and the District did not provide 1:1 classroom support from a District staff member.
- On October 27, 2025, the paraeducator was present
- On November 18, 2025, the paraeducator and the VI teacher were present and positioned beside the student

Evidence for this finding is based on the October 20, 2025, District email to the parent; the January 9, 2025, District response to the complaint; the parent's November 18, 2025, email to the District that included morning logs; the January 27, 2026, District email to the California Department of Education (CDE); and the October 27, 2025, emails between the parent and the District.

CONCLUSION

The District failed to meet the requirements of 34 *CFR* Section 300.323(c)(2). The District did not provide 1:1 support from a school District staff member who is knowledgeable in working with students who are legally blind with no light perception, as required by the April 1, 2025, IEP, on October 21, 2025. **The District is out of compliance.**

SUMMARY OF ALLEGATION THREE

The Complainants allege the District failed to comply with IEP requirements set forth in 34 *CFR* Section 300.323(c)(2), when the District did not ensure continuous close proximity supervision from October 17 through 21, 2025, and on October 27 and November 18, 2025.

APPLICABLE CITATION

34 *CFR* Section 300.323(c)(2) requires, "Each public agency must ensure that . . . (2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP."

FINDINGS OF FACT

15. The April 1, 2025, IEP includes an adaptation plan which includes the accommodation of proximity to staff as needed. The IEP does not specify “continuous close” proximity. Evidence for this finding is based on the April 1, 2025, IEP, signed in agreement by the parent on May 13, 2025.
16. From Friday October 17 through 21, 2025, and on October 27 and November 18, 2025, there was a total of five school days. Although a paraeducator or VI teacher were not present on October 21, 2025, the student was with staff members who were in proximity to the student. On October 17, 20, and 27, and November 18, 2025, student’s aide and VI teacher were in proximity of the student when needed. Evidence for this finding is based on the October 20, 2025, District email to the parent; the January 9, 2025, District response to the complaint; the parent’s November 18, 2025, email to the District that included morning logs; the January 27, 2026, District email to the CDE; and the October 27, 2025, emails between the parent and the District

CONCLUSION

The District met the requirements of 34 *CFR* Section 300.323(c)(2). The District did ensure proximity to staff as needed, as required by the April 1, 2025, IEP, from October 17 through 21, and on October 27 and November 18, 2025. **The District is in compliance.**

SUMMARY OF ALLEGATION FOUR

The Complainants allege the District failed to comply with IEP requirements set forth in California *Education Code (EC)* Section 56343.5, when the District did not hold an IEP meeting within 30 days of the parent’s October 21, 2025, request.

APPLICABLE CITATION

EC Section 56343.5 requires:

A meeting of an [IEP] team requested by a parent to review an [IEP] pursuant to subdivision (c) of Section 56343 shall be held within 30 days, not counting days between the pupil’s regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent’s written request. If a parent makes an oral request, the local educational agency shall notify the parent of the need for a written request and the procedure for filing a written request.

FINDINGS OF FACT

17. On October 21, 2025, the parent emailed the District requesting an IEP meeting to review the recent reassignment of the student's paraeducator and ensure that the IEP is being implemented. The IEP meeting needed to be held by November 20, 2025. Evidence for this finding is based on the October 21, 2025, parent email and the 2025–26 District calendar.
18. On October 23, 2025, the District provided the parent with an IEP meeting notice for an IEP meeting on November 18, 2025. Evidence for this finding is based on the October 23, 2025, IEP meeting notification.
19. On November 18, 2025, the day of the scheduled IEP meeting, the parent emailed the District requesting that the IEP meeting be postponed due to ongoing procedural concerns that the parent felt made meaningful IEP participation impossible. Evidence for this finding is based on the November 18, 2025, parent email to the District.
20. On December 1, 2025, the parent informed the District that it would be premature to identify January dates for an IEP meeting until the District provides clarity regarding its position and the corrective actions it intends to take; and that once this information is received, the parent will propose dates to reconvene the IEP. Evidence for this finding is based on the December 1, 2025, parent email to the District.

CONCLUSION

The District met the requirements of *EC* Section 56343.5. The District scheduled an IEP meeting on November 18, 2025, which was within 30 days of the parent's October 21, 2025, request; however, the parent requested to also postpone the meeting on November 18, 2025. **The District is in compliance.**

SUMMARY OF ALLEGATION FIVE

The Complainants allege the District failed to comply with IEP requirements set forth in 34 *CFR* Section 300.320(a), when the District changed the type, amount, and delivery of the 1:1 paraeducator support outside of an IEP meeting beginning October 13, 2025, through December 9, 2025.

APPLICABLE CITATION

34 *CFR* Section 300.320(a) requires, "General. As used in this part, the term . . . IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with [sections] 300.320 through 300.324 . . ."

FINDINGS OF FACT

21. The student's April 1, 2025, annual IEP was the operative IEP in October 2025. The IEP requires the student to receive 1:1 classroom support throughout the school day "from a school district staff" person who was knowledgeable in working with students who are legally blind with no light perception and to provide safety and behavior support. The IEP also mentions that the student could potentially get hurt by mouthing objects if not provided with continuous adult supervision. The IEP also included an adaptation plan which required the student to be in proximity to staff as needed. The IEP does not identify a specific paraeducator. Evidence for this finding is based on the April 1, 2025, IEP, signed in agreement on May 13, 2025.
22. On October 14, 2025, the parent emailed the District asking if the student's paraeducator was being pulled out from working with the student full time. The District responded that the paraeducator was not being pulled from working with the student and that the goal was to help the student build independence while ensuring safety and access to learning and that paraeducator support would always be provided. To support the student's growth, the District encouraged the student to engage more directly with teacher-led instruction. The paraeducator's role is to support instruction, not replace it. This means that at times the teacher will work with the student 1:1 while the paraeducator supports the class; and at all other times, the paraeducator will provide the student direct support. Evidence for this finding is based on the October 14, 2025, emails between the parent and the District.
23. On October 15, 2025, the parent responded that they agree that fostering independence and increasing teacher-led engagement are essential for the student's progress and that the parent's main concern has only been to ensure continuity and clear communication if any staffing or support changes were being considered, especially given the recent discussions around District paraeducator reductions. Evidence for this finding is based on the October 16, 2025, parent email to the District.
24. On October 17, 2025, the District responded to the parent reassuring that the student's paraeducator support, as outlined in the student's IEP, continues to be fully provided and that the District is supporting the student's ongoing progress toward independence, which is embedded in all the student's IEP goals. The District described that at times they will be making small adjustments to daily routines—such as encouraging the student to stand next to the student's peers in line or waiting a few moments before the student's paraeducator steps in so the student can practice self-regulation and confidence with familiar transitions. The District ensured that these brief moments are always monitored closely to ensure the student's comfort and safety. Evidence for this finding is based on the October 17, 2025, District email.
25. On October 20, 2025, the parent emailed the District concerns regarding the implementation of the student's paraeducator support as outlined in the IEP,

specifically about the practice the District described in which, at times the teacher is working directly with the student, and the student's assigned paraeducator is instead asked to support the rest of the class. The paraeducator's duties are not interchangeable with general classroom responsibilities and the parent requested that the IEP be implemented exactly as written, and the student's paraeducator remains continuously and exclusively assigned to the student throughout the school day. Evidence for this finding is based on the October 20, 2025, parent email.

26. On October 20, 2025, the District informed the parent that a new paraeducator who had previously worked with the student was being assigned to the student and the District did not anticipate any gaps in service. Evidence for this finding is based on the October 20, 2025, District email to the parent.
27. On October 21, 2025, the parent emailed the District requesting an IEP meeting to review the recent reassignment of the student's paraeducator and to ensure the IEP is being implemented. Evidence for this finding is based on the October 21, 2025, parent email.
28. On November 18, 2025, the day of the scheduled IEP meeting, the parent emailed the District requesting that the IEP meeting be postponed due to ongoing procedural concerns that make meaningful participation impossible. Evidence for this finding is based on the November 18, 2025, parent email to the District.
29. On November 24, 2025, the District informed the parent that the IEP is being fully implemented, and the IEP team intended to discuss parent concerns at the next IEP meeting. Evidence for this finding is based on the November 24, 2025, District email.

CONCLUSION

The District met the requirements of 34 *CFR* Section 300.320(a). The District did not change the type, amount and delivery of the 1:1 support between October 13 and November 24, 2025, nor was an IEP meeting held. **The District is in compliance.**

SUMMARY OF ALLEGATION SIX

The Complainants allege the District failed to adhere to the procedural requirements set forth in 34 *CFR* Section 300.503(a), when the District did not provide a PWN when it changed the student's service and supervision model, reduced proximity model, and altered the paraeducator's role and positioning in October 2025.

APPLICABLE CITATIONS

34 *CFR* Section 300.503(a) requires:

Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a

reasonable time before the public agency . . . (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE [free appropriate public education] to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

34 *CFR* Section 300.503(b) requires:

Content of notice. The notice required under paragraph (a) of this section must include . . . (1) A description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and (7) A description of other factors that are relevant to the agency's proposal or refusal.

FINDINGS OF FACT

30. The student's April 1, 2025, annual IEP was the operative IEP in October 2025. The IEP requires the student to receive 1:1 classroom support throughout the school day "from a school district staff" person who was knowledgeable in working with students who are legally blind with no light perception and to provide safety and behavior support. The IEP also mentions that the student could potentially get hurt by mouthing objects if not provided with continuous adult supervision. The IEP also included an adaptation plan which required the student to be in proximity to staff as needed. Evidence for this finding is based on the April 1, 2025, IEP, signed in agreement on May 13, 2025.
31. Between October 14 and 21, 2025, the parent and the student's teacher exchanged emails related to the student's paraeducator. The teacher informed the parent that the teacher, at times, worked with the student 1:1 while the student's paraeducator worked with other students. Additionally, to foster independence while still being supervised, the teacher encouraged the student to stand next to peers in line or wait a few moments before the student's 1:1 paraeducator stepped in to provide support. The parent also shared concerns related to these changes and concerns related to the reassignment of the student's assigned 1:1 paraeducator. Evidence for this finding is based on the emails exchanged between October 14 and 21, 2025, between the parent and the District.

CONCLUSION

The District met the requirements of 34 *CFR* Section 300.503(a). The District was not required to provide a PWN to the parent as it did not make changes to the student's services or supervision model. The IEP requires 1:1 classroom support "from a school staff" person, including the student's teacher, who can provide 1:1 support. The IEP also required staff to be in proximity to the student as needed. Although staffing changes were made, no changes to the services were made. **The District is in compliance.**

SUMMARY OF ALLEGATION SEVEN

The Complainants allege the District failed to comply with IEP requirements set forth in 34 *CFR* Section 300.503(b), when the District's November 14, 2025, PWN did not include all the legally required components including the data relied upon and options considered and rejected.

APPLICABLE CITATIONS

34 *CFR* Section 300.503(b) requires:

Content of notice. The notice required under paragraph (a) of this section must include . . . (1) A description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and (7) A description of other factors that are relevant to the agency's proposal or refusal.

34 *CFR* Section 300.503(a) requires:

Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency . . . (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

FINDING OF FACT

32. Although the District provided the parent with a PWN on November 14, 2025, in response to the parent's request for clarification related to the paraeducator's removal, current staffing and qualifications, consistency of 1:1 coverage, verification of IEP implementation, and procedural safeguards, a PWN was not required as the District was neither proposing nor refusing to change the identification, evaluation, or educational placement of the student, or the provision of FAPE. Evidence for this finding is based on the November 14, 2025, PWN.

CONCLUSION

The District met the requirements of 34 *CFR* Section 300.503(b). The District was not required to provide a PWN in response to the parent's request for clarification as the District was neither proposing nor refusing to change the identification, evaluation, or educational placement of the student or the provision of FAPE. **The District is in compliance.**

SUMMARY OF ALLEGATION EIGHT

The Complainants allege the District failed to comply with IEP requirements set forth in 34 *CFR* Section 300.503(b), when the District's December 4, 2025, PWN did not include all the legally required components including the data relied upon and options considered and rejected.

APPLICABLE CITATIONS

34 *CFR* Section 300.503(b) requires:

Content of notice. The notice required under paragraph (a) of this section must include . . . (1) A description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and (7) A description of other factors that are relevant to the agency's proposal or refusal.

34 *CFR* Section 300.503(a) requires:

Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency . . . (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or(2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

FINDING OF FACT

33. Although the District provided the parent with a PWN on December 4, 2025, in response to the parent's rebuttal to the November 14, 2025, PWN, a PWN was not required as the District was neither proposing nor refusing to change the identification, evaluation, or educational placement of the student, or the provision of FAPE. Evidence for this finding is based on the December 4, 2025, PWN and the parent's rebuttal.

CONCLUSION

The District met the requirements of 34 *CFR* Section 300.503(b). The District was not required to provide a PWN in response to the parent's rebuttal letter as the District was neither proposing nor refusing to change the identification, evaluation, or educational placement of the student, or the provision of FAPE. **The District is in compliance.**

SUMMARY OF ALLEGATION NINE

The Complainants allege the District failed to comply with IEP requirements set forth in 34 *CFR* Section 300.323(c)(2), when the District did not provide proximity to staff, monitoring for safety across all environments, anticipating unsafe tactile/oral exploration/immediate intervention to prevent unsafe tactile/oral exploration, and immediate intervention as required by the adaptation plan on October 27 and November 18, 2025.

APPLICABLE CITATION

34 *CFR* Section 300.323(c)(2) requires, "Each public agency must ensure that . . . (2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP."

FINDINGS OF FACT

34. The student's April 1, 2025, IEP was the operative IEP on October 27 and November 18, 2025. The IEP requires the student to receive 1:1 classroom support throughout the duration of the school day and throughout the school campus "from a

school district staff” person who was knowledgeable in working with students who are legally blind with no light perception and to provide safety and behavior support. The IEP also mentions that the student could potentially get hurt by mouthing objects if not provided with continuous adult supervision. The IEP also included an adaptation plan which required the student to be in proximity to staff as needed. The IEP did not include the requirement of anticipating unsafe/oral exploration, immediate intervention to prevent unsafe tactile/oral exploration, or immediate intervention. Evidence for this finding is based on the April 1, 2025, IEP, signed in agreement on May 13, 2025.

35. Findings of Fact 15 and 16 are incorporated herein.

CONCLUSION

The District met the requirements of 34 *CFR* Section 300.323(c)(2). The District staff provided proximity to the student as needed and made a 1:1 paraeducator available to the student on October 27 and November 18, 2025, as required by the IEP. Neither the IEP nor the adaptation plan required anticipation of unsafe tactile/oral exploration, immediate intervention to prevent unsafe tactile/oral exploration, or immediate intervention. **The District is in compliance.**

REQUIRED CORRECTIVE ACTION

Allegation Two

On or before March 9, 2026, the District shall provide evidence that it has provided a memorandum to the District administrators and staff members involved in this case, including the student’s IEP team members, service providers, teachers, and paraeducator(s). The memorandum shall include the text of 34 *CFR* Section 300.323(c)(2), and a directive to comply with the law. The memorandum shall also include specific facts from the CDE investigation report which explain the reason(s) why the District was found out of compliance. Acceptable evidence should include a copy of the memorandum with the required content, the names and titles of recipients, and proof of transmittal with signatures to show receipt.

RECONSIDERATION NOTICE

The findings in this investigation report are specific to this case. While general rules are cited, findings in other investigations may differ due to the facts and issues in each case.

Within 30 days of the “Report Mailed” date on this CDE report, either party may request reconsideration [*California Code of Regulations*, Title 5, Section 3204]. The request for

reconsideration must state and explain the reason for the request based on one or more of the following:

1. The report lacks material findings of fact.
2. The material findings of fact in the report are unsupported.
3. The legal conclusion in the report is inconsistent with the law.
4. The corrective actions in the report fail to provide proper remedy.

Pending the Superintendent's reconsideration, the Department report, including corrective actions, remains in effect and enforceable.

A request for reconsideration of the CDE's Investigation Report must be postmarked within 30 days of the "Report Mailed" date on the CDE report and sent to:

Dispute Resolution Units
speceducation@cde.ca.gov Email
or
916-327-3704 Fax
or
California Department of Education
Dispute Resolution Units
1430 N Street, Suite 2401
Sacramento, CA 95814

Evidence of required corrective actions or questions regarding corrective actions shall be directed to:

Corrective Actions
Dispute Resolution Units
California Department of Education
1430 N Street, Suite 2401
Sacramento, CA 95814 or
916-327-3704 Fax or Email:
SEDCorrectiveAction@cde.ca.gov

When submitting evidence please make sure to include the case number.

If compliance is determined in this investigation and no corrective actions are required, consider this case closed.

Melissa Branson
Associate Director
Office of Dispute Resolution

Marjorie Evans
Education Administrator I
Dispute Resolution Investigation Unit I

Jane Canty
Education Administrator I
Dispute Resolution Investigation Unit II

Linda Warren
Education Administrator I
Dispute Resolution Investigation Unit III

California Department of Education
Special Education Division