

Clarification on Support Plan for Kaleb

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Mon, Oct 20, 2025 at 1:57 AM

To: Christa King at Ehrhardt <cnking@egusd.net>

Cc: Mary Xiong <maryxiong19@yahoo.com>, Chris Peterson in Special Education <CHCPeter@egusd.net>, Michelle Wallner in Special Education <mwallner@egusd.net>, Anne Rigali in Special Education <arigali@egusd.net>

Dear Mrs. King,

Mary and I have continued to think carefully about what has occurred over the past week. After reviewing our communications with you, both in person and via email, and reflecting on recent observations, we continue to have concerns regarding the implementation of Kaleb's 1:1 paraeducator support as outlined in his IEP dated April 1, 2025. While we appreciate your reassurance that Kaleb's paraeducator support continues to be fully provided, and we recognize your efforts to foster his growth and independence, several aspects of the recent changes appear inconsistent with the services required under his IEP and with federal special-education regulations.

Specifically, we remain concerned about the practice you described in which, at times when you are working directly with Kaleb 1:1, Ms. Motoko—his assigned paraeducator—is instead asked to support the rest of the class. While we understand the intention of promoting Kaleb's independence and his engagement in teacher-led instruction, this arrangement appears inconsistent with how his individualized support is defined in his IEP and with applicable regulations.

Kaleb's IEP (page 41) explicitly specifies "**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**," noting that "*Kaleb could also potentially hurt himself by mouthing objects if he is not provided with continuous adult supervision.*" This language makes clear that the paraeducator's role is **dedicated and continuous** for Kaleb's exclusive support throughout the school day to ensure his ongoing access, safety, and participation. The paraeducator's duties are not interchangeable with general classroom responsibilities.

Under **34 C.F.R. § 300.323(c)(2)**, federal regulation requires that:

"Each public agency must ensure that—

- (i) 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; and
- (ii) The child's teachers and service providers are informed of—
 - (A) Their specific responsibilities related to implementing the child's IEP; and
 - (B) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP."

This regulation affirms that Kaleb's services—including his 1:1 paraeducator—must be implemented exactly as written in his IEP. Reassigning his paraeducator, even temporarily, would constitute a change in service delivery that must first be reviewed and approved by the IEP team.

As previously shared, we are also concerned about the practical and emotional impact of these changes. Last week when Mary observed Kaleb crying and searching for his paraeducator while waiting in line, it appeared that Ms. Motoko had not yet been permitted to approach him. This was distressing to see, as Kaleb's IEP and present-level data describe how he often reaches out to feel for his paraeducator's presence to remain oriented and secure. These observations suggest that the current adjustments are not only inconsistent with his IEP but may also be affecting his emotional comfort and sense of safety.

We are further mindful that these shifts may be occurring amid broader uncertainties related to special-education staffing and structure. While we understand that the District may be facing organizational changes, Kaleb's rights under his IEP remain unchanged, and the school continues to be obligated to fully implement his services as written and to safeguard his right to a **Free Appropriate Public Education (FAPE)** under IDEA.

Accordingly, we respectfully request that Kaleb's 1:1 paraeducator remain continuously and exclusively assigned to him throughout the school day, and that any proposed changes to how this support is provided be discussed and approved by the full IEP team prior to implementation. **To clarify, we fully support your teacher-led approach with Kaleb and believe this should have been the model from the start. We are pleased to see it happening more often now, but**

as this continues, it is essential that his paraeducator remain present to provide the consistent support, supervision, and access required under his IEP.

Thank you again for your continued partnership and dedication to Kaleb's success. We truly value your collaboration and hope to continue working together to ensure that his supports remain consistent, compliant, and responsive to his unique needs.

Warm regards,
Yang and Mary Xiong
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