

FINAL REPORT
Complaint Investigation
Soda Springs Joint School District #150,
Idaho State Board of Education, and
Idaho Department of Education / Nguyen
C-28-08-29a

The Idaho Department of Education (Department) received a request for state administrative complaint investigation on August 29, 2025 from Lyndon Nguyen (Attorney, or Complainant) on behalf of [REDACTED] (Parent) and [REDACTED] (Student), against Soda Springs Joint School District #150 (District, or LEA), Idaho State Board of Education (ISBE), and the Idaho Department of Education (Department).

The 60-day timeline for the investigation of this complaint began on August 29, 2025, and expires on October 28, 2025. The Complainant alleged that the District, the ISBE, and the Department violated the Individuals with Disabilities Education Act (IDEA).

Complaint Issues and Allegations

The investigation of this complaint is affected by a pending due process hearing (H-25-08-05a) filed prior to this complaint investigation and involving the Parent and the District. The hearing has not been completed and the decision of the Hearing Officer will not be available until after the date of this Final Report.

The issues pled in H-25-08-05a require the Hearing Officer to determine whether the Student's individualized education program (IEP) provides the Student a free appropriate public education (FAPE), whether [REDACTED] whether additional assessments of the Student's educational needs as a result of the Student's disability are necessary, and whether the present or proposed placement of the Student is appropriate.

The relief sought in H-25-08-05a asks the Hearing Officer to require that the District [REDACTED] and additional assessments to determine the impact of the Student's disability on participation in the general education curriculum, the development of an appropriate IEP, and compensatory education services including [REDACTED].

To the extent that the Student specific claims before the Hearing Officer are also raised in this complaint investigation, the Department is required by the IDEA to set aside any part of the complaint investigation that is being addressed in the due process hearing until the conclusion of the hearing process. 35 CFR § 300.152(c).

The consideration of the specifics of the District's provision of FAPE to the Student, including the IEP, [REDACTED] additional assessments, and compensatory education, are not addressed in this Final Report and will not be addressed until the Hearing Officer has issued the decision in H-25-08-05a.

The Department will then review the Hearing Officer's decision and determine whether any of issues in this request for complaint investigation have not been resolved by the Hearing Officer's decision in H-25-08-05a. The 60 day investigation timeline for any remaining issues will be reset and the Parties to this investigation will be notified of any additional issues for investigation in another Allegation and Document Request letter.

The following issues found in the request for complaint investigation were identified as potential violations of the IDEA and have been investigated at this time to determine whether the District, the Idaho State Board of Education, and/or the Idaho Department of Education are in compliance with the IDEA:

1.

[REDACTED]

2. **Did the District timely complete the corrective action plan entered in C-25-04-07e? [34 CFR § 300.149 and 34 CFR § 300.600]**

The Complainant alleged that the District has not addressed the staffing issues and reported the results of its staffing planning efforts as required by the CAP.

3.

[REDACTED]

[REDACTED]

4. Did the Idaho State Board of Education and/or the Idaho Department of Education fail to monitor and supervise the District's compliance with the CAP entered in C-25-04-07e? [34 CFR § 300.149 and 34 CFR § 300.600]

The Complainant alleged that the District's failure to comply with the CAP was a result of the Idaho State Board of Education and/or the Idaho Department of Education's failure to monitor and supervise the District.

Scope of the Idaho Department of Education's Review and Authority

The Idaho Department of Education administers federal and state regulations governing special education programming requirements for children with disabilities. The implementation of federal regulations under the Individuals with Disabilities Education Act (IDEA) requires investigations into complaints regarding violations of these provisions.

This Complaint required the investigation of the District as a result of allegations that the District failed to comply with [REDACTED] the systemic CAP ordered in C-25-04-07e. Also investigated were allegations that the ISBE and the Department have failed to require the District to comply with the CAPs entered in C-25-04-07b and C-25-04-07e.

The ISBE and the Department are public agencies as defined in 34 CFR § 300.33. Where a request for a complaint investigation is made involving the ISBE or the Department, the Idaho Department of Education is required to investigate the ISBE's or its own compliance with the IDEA.

The Idaho Department of Education has investigated the four allegations and issues this report and Corrective Action Plan (CAP) pursuant to 34 CFR § 300.152(a)(5).

Facts discussed that occurred prior to the date of the final report and resulting CAP, June 20, 2025 or after August 29, 2025 are for background information only or are to provide context for the special education and related services provided to the Student, and the Department's actions in regard to the CAPs entered in C-25-04-07b and C-25-04-07e.

Federal regulations limit the investigation of state complaints to violations that occurred not more than one year prior to the date the complaint was received. 34 CFR § 300.153(c).

The nature of the issues raised by the Complainant and the resulting investigation necessarily requires the consideration of actions and documentation of actions taken by the District, the ISBE, and the Department that are outside the normal timeframes of a complaint investigation.

The allegations of noncompliance by the District with the CAPs and the allegations that the ISBE and the Department have failed to monitor or supervise the District in the completion of the CAP activities requires putting the actions which may have begun prior to the final report date of June 20, 2025, or occurred after the filing of this Complaint into context. Compliance activities that began during the investigation time frame and are ongoing are also referenced. However, the findings of any violations are confined to the time frame between June 20, 2025 and August 29, 2025.

Complaint Investigation Review

The Idaho Department of Education's complaint investigation in this matter included the following:

- Review of Complainant's complaint and supporting documentation
- Review of the District's documents and responses to the allegations in the complaint
- Review of documents and responses to the allegations in the complaint provided by the Idaho State Board of Education and the Idaho Department of Education.
- On site interviews with the Idaho Department of Education Special Education staff, including:
 - Special Education Director
 - Dispute Resolution Coordinator
 - Dispute Resolution Program Specialist, Senior
 - Dispute Resolution Program Specialist
- Consultation with and review of documentation provided by the Idaho Attorney General
- Telephone and teleconference interviews with Idaho Special Education Support and Technical Assistance (SESTA) staff, including:
 - Director
 - Assistant Director
 - Statewide Coordinator assigned to the District
- Telephone interview with District's former Special Education Director
- Telephone interview with the District Superintendent and review of additional email correspondence
- Email correspondence with Complainant
- Research of applicable federal regulations, OSEP interpretive advice, and applicable case law
- Review of the District's compliance with the IDEA and its implementing regulations
- Review of the Idaho State Board of Education and the Idaho Department of Education's compliance with the IDEA and its implementing regulations
- Review of the Idaho *Special Education Manual* (2024)

Findings of Fact

1. 

[REDACTED]

2.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

- ii. Elementary school principal
- iii. Middle school principal
- iv. High school principal
- v. Special education director
- vi. A special education case manager
- vii. A related services provider

will meet with a SESTA Coordinator to review criteria and complete sections:

- i. 7. Components of the IEP,
- ii. Strong Educator Support System
- iii. Inclusive Academic Instruction
- iv. Inclusive Behavior Instruction

of the *Idaho SESTA Process Needs Assessment (ISPNA)*, to be provided by SESTA. The LEA team will develop an action plan to include activities such as training, resource review, policy and practice development, and other appropriate steps to modify and/or implement systems and practices and monitor progress. The LEA must upload a copy of the action plan to the CTT by **August 22, 2025**.

c. The identified LEA team will meet with the assigned SESTA Coordinator at least monthly to review implementation steps and progress. Following each monthly meeting, the LEA must upload an updated copy of the action plan with notes on progress made, barriers encountered, and any adjustments or modifications made. Monthly meeting notes must be uploaded by the **20th of each month for the 2025-2026 school year**.

2. Staffing Plans and Protocols By designated deadlines, the District must develop and implement a comprehensive staffing plan, in coordination with the superintendent and board of trustees, to ensure recruitment and retention of qualified personnel (administrators, behavior interventionists, special education teachers, and paraprofessionals). This includes plans for soliciting applications, addressing compensation issues, managing shortages, maintaining a future candidate roster, and developing a substitute recruitment and training protocol.

a. The District shall submit the finalized staffing plan with recruitment and interview timelines via the CTT by **August 1, 2025**.

b. Submit training outlines and protocols for substitutes that reflect IEP-specific and behavioral support considerations.

c. By **September 1, 2025** the school board chairperson shall provide a letter of assurance stating that they are aware of and agree with the staff plan and recruitment and training protocol for substitutes.

3. Documentation and Monitoring The District shall document monthly hiring efforts for special education and related service positions. Contract templates shall be submitted to the Department for review and updates to include mentoring support for teachers with interim or alternate certification.

- a. The District shall submit via the CTT monthly hiring activity summaries by the 10th of each month, beginning July 10, 2025 and continuing through May 10, 2026 or until all vacant positions are filled.
- b. Submit revised special education teacher contract templates showing support provisions for non-traditional certification pathways.

Submission of Evidence of Compliance: For each required CAP item, the District shall provide evidence of correction within all timeframes by submitting each relevant document (in **pdf**, unless otherwise requested by the Department) via the Department's Special Education **Compliance Tracking Tool (CTT)**.

After the District receives notification from the Department that it has successfully completed all of the corrective actions above, this complaint will be formally closed. (Highlighting, bolding and italics in the original)

5. The District's Superintendent and Special Education Director timely contacted the SESTA Help Desk on June 27, 2025 to begin the process of the professional development training and system level support required by the CAP.
 - a. In addition to the CAP training ordered in C-25-04-07b, the District was ordered to participate in SESTA professional development as a result of four other student specific complaint investigations, C-25-04-07a, C-25-04-07c, C-25-04-07d and C-25-04-07f.
 - b. The District's elementary, middle and high school were each identified in the total of six complaint investigations and resulting CAPs.

6. SESTA, the Department, and the District discussed whether the professional development required by C-25-04-07b and the professional development ordered in the four other complaint investigations could be combined into one session.
 - a. The Department determined that the training could be conducted in one session if the District would make all of its staff would be available for training on one day.
 - b. SESTA, the Department, and the District continued to discuss the training and reached an agreement on a full day training covering all of the required special education topics.
 - c. The Department's Special Education Director reviewed the SESTA proposed content and schedule for the training.
 - d. The District uploaded documentation to the Department's CTT between July 7, 2025 and August 14, 2025 of its activities to schedule the SESTA training on August 14, 2025, which was acknowledged and approved by the Department's Dispute Resolution (DR) staff.
 - e. A final decision was made on the professional development topics after the filing of this complaint.
 - f. The full day of training was conducted on October 3, 2025 by the SESTA Coordinator with the Department's Special Education Director and the SESTA leadership team in attendance.

- g. The educational staff from all three District's buildings attended the October 3, 2025 SESTA professional development program.
- i. The remainder of the CAP's professional development requirements completion dates occur after the date of the filing of this Complaint.

7. The Department CTT system has been online since the beginning of 2025 and available for District's use in providing documentation of a district's compliance with a CAP including uploading requested documentation and an assurance that the document uploaded or the action taken had occurred.

- a. One of the features of the CTT is a programable calendar feature to notify a district if a particular action scheduled to be completed by a particular day has been completed, an automatic notice that the action was due on the date and the status of the action to be completed is generated.
- b. Notices to the District were sent out for the professional development activities that had not been completed or at least has not been entered into CTT.
- c. The CTT also requires in addition to the uploads of documentation of CAP activities, that the District provide an "Assurance of Activity" statement that what had been uploaded had been completed.
- d. The CTT can also be used to document the actions taken by a district as a result of negotiated modification of a CAP and can create method for reporting improvement activity and responses for use by the Department and a district.
- e. Entries documenting compliance activities, negotiations resulting in modified compliance activities which may have occurred after the date that this Complaint was filed have not been specifically reviewed or considered.

8. The District's efforts to fill vacant special education positions had commenced prior to the entry of the Final Report and CAP in C-25-04-07e, including the hiring of three special education teachers and a part-time special education director.

- a. The District engaged in recruitment activities including posting open positions on the District's website and other job search sites.
- b. The District had completed its recruitment efforts prior to the effective date of CAP in C-25-04-07e.
- c. Interviews of prospective candidates for the open special education positions had been completed prior to the effective date of the CAP in C-25-04-07e.
- d. Standard Idaho certified teacher contracts were offered and executed by the new teachers and dated July 1, 2025.

9. The District approved contracts for the three special education teachers and the part time special education director in its July 30, 2025 Board Meeting.

- a. Of the newly special education teachers, one was assigned to the high school and two were assigned to the elementary school.
- b. Two of the new special education teachers were hired as certified teachers, however, as of the date of this Complaint the two new teachers had not applied for certification from the Idaho Department of Education and were not certified to teach in Idaho.

10. The District prior to the filing of the Complaint had begun the development of a District Strategic Plan in consultation with the Idaho Association of School Administrators.

- a. A draft Strategic Plan was considered by the District's Board of Trustees on July 31, 2025.
- b. The Strategic Plan contains a special education component which within the timeframe of the investigation has not been completed.
- c. The completion of the Strategic Plan is ongoing.

11. A Due Process Hearing request was filed on behalf of the Student and Parent on [REDACTED], 2025 and was identified as H-25-08-05a.

a. The Request for a Hearing alleged that the District had denied the Student FAPE and requested the following relief:

- i. A [REDACTED] conducted by a qualified individual w/ expertise in [REDACTED]
- ii. Develop an appropriate [REDACTED]
- iii. Develop an appropriate IEP prior to the start of the 2025-2026 school year, or as soon as possible
- iv. Conduct testing to determine the Student's present levels of academic performance
- v. Compensatory education and [REDACTED] for student.

b. The due process hearing has not been concluded as of the date of this Final Report and the dates for the completion of the hearing are scheduled after the date of this Final Report.

12. The Department Special Education Director reviewed the SESTA proposed professional development schedule and content on August 6, 2025 and advised SESTA and the District to proceed with the professional development training.

13. The Department Special Education Director met with the District Superintendent on August 8, 2025.

- a. The Superintendent confirmed that special education staff had been hired to fill open positions and that all of the new hires would be attending the SESTA Essential Components (of special education) training on September 10, 2025.
- b. District Staff including the newly hired Special Education Director, two of the three newly hired special education teachers and two paraprofessionals attended the full day Special Education Essentials Training.
- c. The Department Special Education Director's discussion with the District's Superintendent also addressed how the District would develop an action plan and how the Department could provide systemic support.

14. The District's 2025-2026 SY began on August 11, 2025 when the teaching staff returned to the District.

15. The Student's IEP team meet on August 11, 2025 to review the Student's IEP services and accommodations.

16. The August 11, 2025 IEP team meeting was not a legally constituted IEP team meeting.
 - a. The Student's IEP provided for [REDACTED] services.
 - b. The District did not at the time school began have [REDACTED] available and did not have [REDACTED] available to attend the IEP team meeting.
 - c. An Agreement to excuse an IEP team member was not offered.

17. Written Notice was provided for the discussions and decisions and actions to be taken as a result of the August 11, 2025 IEP team meeting.
 - a. The Parent's request for a [REDACTED] was discussed, but because the Student already had an [REDACTED], the team understood that [REDACTED].
 - b. [REDACTED] was not available for review at the IEP team Meeting.
 - c. A written consent for assessment was signed by the Parent for the District to [REDACTED].

18. An Invitation to an IEP team meeting was provided to the Parent on August 27, 2025.

19. An IEP team meeting was held on August 28, 2025.

20. The District did not have [REDACTED] available for the IEP team meeting.
 - a. An excusal form was offered to the Parent who declined to sign the Excusal form.
 - b. The IEP team meeting was held without [REDACTED].

21. The IEP team reviewed the Student's schedule [REDACTED] in the first couple weeks of school. A [REDACTED] was not available for the IEP team's review.

22. The District uploaded to the CTT, documentation of the IEP team meetings held on [REDACTED], 2025 and [REDACTED] 2025.
 - a. The District included an Assurance of Activity that IEP team meetings had been held, that [REDACTED] had been discussed and that the District was proceeding with [REDACTED].
 - b. Department DR staff acknowledged and approved the Statement of Assurance on [REDACTED] 2025.

23. This Request for a Complaint Investigation was filed on August 29, 2025.
 - a. School had been in session for [REDACTED] days at the time of filing the complaint.
 - b. The Complaint was filed [REDACTED] days after the Final Report and CAP in C-25-04-07b and C-25-04-07e was entered by the Department.

24. Subsequent to this Complaint being filed the District conducted a district special education training program presented by two former District special education staff on September 5, 2025 and attended by District elementary school staff and paraprofessionals.

25. As a result of the discussions beginning in August, 2025, with the Department Special Education Director, the District began the development of an action plan.

- a. An action plan was finalized in those discussions with the District and the Department Special Education Director after the filing of the Complaint.
- b. The District's Action Plan is dated September 17, 2025.
- c. This Action Plan contains a description of actions to be taken by the District, what documentation may be necessary, the timeline for those actions and who is responsible for providing the necessary information or documentation for the completion of the action plan.
- d. The Action Plan as of the date of the Final Report has been uploaded to the CTT and additional improvement activities have been created in CTT.
- e. The Action Plan does not refer to or include the completion of the SESTA Process Needs Assessment (ISPNA).
- f. The District and the Department are continuing to meet to discuss the process and plan for the completion implementation of the Action Plan.

26. The District had previously adopted a District Special Education Procedure and Process Manual. The Manual is undated and has not been reviewed or updated. No record of the District's Board of Trustees' consideration and approval of the Manual was available.

27. The Department Special Education Director had determined that the significant staff turnover and administrative changes require that the Department provide not only greater oversight of the District but also provide additional direct Department support to the District.

28. The Department Special Education Director also considered the complexity of [REDACTED] complaints and the systemic complaint and the resulting CAPs and the time necessary to comply with the resulting CAPs.

- a. Additional compliance activities have been noted in the CTT but are beyond the scope of this Complaint investigation.
- b. The Department has not considered a formal extension of the dates for the completion of the required conditions of the CAP.

29. The Department has not closed the CAPs required by C-25-04-07b and C-25-04-07e.

Analysis and Decision

1. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

2. Did the District timely complete the corrective action plan entered in C-25-04-07e? [34 CFR § 300.149 and 34 CFR § 300.600]

The Individuals with Disabilities Education Act (IDEA) requires that the District meet the educational standards of the Department and the IDEA. 34 CFR § 300.149(a)(2).

In the context of a CAP issued by the Department in a complaint investigation pursuant to 34 CFR § 300.151-153, the District is expected to timely comply with the corrective action ordered by the Department.

In order to determine whether the District has complied with the specifics of a systemic CAP, it is necessary to consider what the Department has ordered the District to do address the Department's systemic findings and resulting CAP, the timeliness of the District's response, and what the District has done in response to the CAP.

The analysis and decision that follows considers progress toward the completion of the CAP timelines and actions like the IDEA addresses student progress toward an IEP Goal. When the question is whether a student makes some identifiable progress toward a goal, the progress is assessed and a determination is made if the student's progress was sufficient or if the goal should be reassessed and modified. 34 CFR § 300.320.

The discussion that follows accepts that progress toward the completion of the CAP can be considered using the IDEA analysis of progress.

The Complainant alleged that the District had failed to address the staffing issues identified in the CAP, denying the Student the education and services set out in the Student's IEP.

The Final Report and resulting CAP in C-25-04-07e was issued on June 20, 2025. This request for a complaint investigation was made on August 29, 2025. This time frame bookends the events and circumstances of determining whether the District has complied with the CAP.

70 days had elapsed between the Final Report and the filing of this Complaint. In those 70 days, the District has timely conferred with SESTA and the Department about engaging in system level support.

The District has not yet completed the identified sections of the Idaho SESTA Process Needs Assessment (ISPNA). The ISPNA was determined by the Department to be a necessary tool to determine the District's systemic needs and can provide the District with specific information about how the District with the assistance of SESTA and Department can identify the systemic and process needs so that the necessary technical assistance and systemic support is appropriately provided.

The identification of the District systemic improvement needs considering the development and maintenance of a Strong Educator Support System, Inclusive Academic and Behavior Instruction requires that the District complete the ISPNA.

The CAP in C-25-04-07e required the District to develop staffing plans and protocols and the implementation of a staffing plan. The benchmark date provided in the CAP was after the District had recruited potential special education teachers and administrators, had interviewed those potential employees which resulted in contract offers accepted by three special education teachers and a special education director.

Acknowledging that the District made its determination of staffing needs for the 2025-26 school year (SY), the Department Special Education Director, beyond the benchmark time provided in the CAP, began discussions with the District resulting in an Action Plan to address the systemic concerns which will include determining whether the District's special education programs and services needs are met by the present staffing determinations. That process should be ongoing to ensure that the District complies with the CAP staffing concerns.

The assessment of the District's staffing needs requires assessing the number and qualifications of classroom teachers, the number and qualifications of paraprofessionals and the circumstances and the qualifications of substitute special education teachers.

The District's Action Plan, though not subject to this investigation because of its development after the filing of the complaint, is an indication of the District's continuing efforts to comply with the CAP.

The District has also begun a strategic planning process which includes the District's obligation to provide special education. This process is ongoing, is public, and should result in a plan intended to address the District's long term strategic planning considerations including the staffing necessary to provide special education to the District's students.

Those District strategic planning activities should also include the information from the completion of the ISPNA and the Action Plan developed for the District's compliance with the CAP.

Completion of the ISPNA will also assist the District in its efforts to determine if the present staffing levels are adequate to serve the needs of the special education students.

The District, however, may not have hired Idaho certified teachers or teachers whose certification is dependent on meeting the Department's requirements as teachers on the alternative or nontraditional route to certification.

This is a concern on many levels, but here is indicative of the District's failure to consider and submit to the Department "teaching contract templates showing the support provisions for non-traditional certification pathways" required by the CAP.

The District prior to hiring its special education staff should have been able to demonstrate that sufficiently Idaho qualified teachers have been hired and the circumstances of supporting those teachers on the nontraditional route to certification and has not done so. (Two of the newly hired teachers attended the SESTA Special Education Essentials training which is part of the certification process for teachers on an alternative path to certification.)

Additionally, the District has not provided Department with training outlines and protocols for substitute teachers that reflect IEP-specific and behavioral support considerations as of the date of the Complaint.

The CAP provides that the District is to document those efforts by September 1, 2025, a date that is after the filing of this Complaint. However, the District (and the Department) is cautioned that the completion of this provision of the CAP should be addressed as soon as possible. (Note: Paraprofessional and substitute support is provided for in the September 17, 2025 Action Plan)

As discussed above in Allegation 1, the obligation of the District to meet the CAP is ongoing and requires the District over the next eight months to demonstrate it has complied with the CAP provisions.

The District is required to complete the Idaho SESTA Process Needs Assessment based on the C-25-04-07e CAP in order to gather sufficient information for the completion of the additional provisions of the CAP.

The Corrective Action ordered in C-25-04-07e is not modified or amended by the Analysis and Decision set out above. However additional corrective action is necessary to ensure the completion of CAP in C-25-04-07a.

The District has failed to document the support to be provided to teachers on the nontraditional certification pathways and may have hired teachers whose certification as of the date of this Report cannot be confirmed. Additionally, the District has failed to complete the ISPNA. As a result, the allegation is *founded* and the District is *out of compliance*.

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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- 4. Did the Idaho State Board of Education and/or the Idaho Department of Education fail to monitor and supervise the District's compliance with the CAP entered in C-25-04-07e? [34 CFR § 300.149 and 34 CFR § 300.600]**

Analysis and Decision as to the Idaho State Board of Education (ISBE)

The IDEA defines the “state educational agency or SEA as the state board of education or other agency or officer primarily responsible for state supervision of public elementary schools and secondary schools”. *34 CFR § 300.41*

I.C. §33-125 designates the Idaho Department of Education as the agency responsible for carrying out the policies, procedures and duties authorized by law or established by the state board of education for all elementary and secondary school matters.

[REDACTED]

[REDACTED]

[REDACTED]

The Governing Policies and Procedures of the Idaho State Board of Education (ISBE Governing Policies) indicates that the ISBE does not participate in the details of internal management of its institutions and agencies. *ISBE Governing Policies Sec. I. A.2*

The State Superintendent of Public Education, an elected public official, is responsible for carrying out the duties authorized by statute or policies and procedures for elementary and secondary schools in Idaho. *ISBE Governing Policies Sec IV.B.2*

U.S. Department of Education Office of Special Education Programs (OSEP) recently completed its IDEA compliance monitoring activities, providing to the State Superintendent as the head of the Department and the state educational agency, its monitoring report. OSEP consistent with the action of ISBE recognizes Department as the state educational agency, not the ISBE.

The ISBE is not the state educational agency (SEA) designated by the State of Idaho to serve as the SEA as required by the IDEA.

ISBE does not have a statutory, legislative or administrative obligation to directly monitor and supervise public elementary and secondary schools including the District's compliance with the CAP entered in C-25-04-07b or the IDEA.

The Department is the state agency with the responsibility to monitor and supervise the District's compliance with the CAP issued under the Department's authority.

The IDBE without an obligation to directly monitor and supervise the District's compliance with the CAP is not the appropriate agency to ensure the District's IDEA compliance.

The allegation is *not founded* and the ISBE is *in compliance* with the IDEA.

Analysis and Decision as to the Idaho Department of Education (Department)

The IDEA requires the Department to ensure that the individual school districts who receive federal funding from the Department are under the general supervision of the Department and meet the educational standards adopted by Department. *34 CFR § 300.149*

In the context of a systemic complaint investigation, the Department is required to have procedures which permit an independent investigation, give the Complainant and the District the opportunity to submit information and for the Department to offer a resolution of the complaint, review all relevant information and make an independent determination whether the Department failed to comply with the IDEA, and issue a written decision. *34 CFR § 300.152(a)(1)*

Generally, the Department is required to use a variety of mechanisms to address a district's noncompliance including corrective action or improvement plans, conditions on funding, technical assistance and withholding funds. *34 CFR § 300.600*

The Department must include procedures for the effective implementation of the final decision including technical assistance, negotiations and corrective action to achieve a district's compliance with the IDEA. *34 CFR § 300.152(a)(2)*

The Idaho *Special Education Manual* (2024) provides:

11. The SDE will ensure the district takes corrective action if it is determined that the district was out of compliance through technical assistance activities, negotiations, and/or corrective actions no later than one year after the identification of non-compliance. A complaint investigation final report cannot amend a student's IEP.

12. The Dispute Resolution office ensures noncompliance has been corrected and verifies through review of documentation or interviews, or both, the corrective actions were implemented no later than one year (365 days) after the determination of noncompliance. If necessary, the SDE must use appropriate enforcement mechanisms such as the provision of technical assistance, conditions on funding, a corrective action, an improvement plan, and/or withholding funds, in whole or in part.
Ch 13, Sec 4, p 234.

The Department has sufficient available mechanisms to implement corrective action required of a district.

In the general supervision and monitoring context, the Office of Special Education Programs and Rehabilitative Services (OSERS) has advised that a District's "noncompliance must be corrected as soon as possible and in no case longer than one year from the identification" of the noncompliance. *OSEP Memo 09-02 October 17, 2008*. See also *Letter to Zirkel 68 IDELR 141 (OSEP 2016)*

The Complainant alleged that the Department has failed its obligation to monitor and enforce the District's compliance with the IDEA, by failing to require the District to comply with the C-25-04-07e CAP.

This analysis duplicates the analysis above in Allegation 3, but because compliance with a systemic allegation is being considered, the analysis addresses the Department activities in regard to the systemic CAP.

In particular the Complainant alleged that the Department failed to require the District to address the staffing issues identified in the C-25-04-07e CAP.

The District's efforts and progress toward addressing the CAP requirements of addressing staffing needs are addressed in the Analysis and Decision set out in Allegation 2. That analysis and discussion is incorporated here.

However, during the time frame of this complaint investigation, the Department had not documented its actions in a way that permitted in context a review of the date of its actions, the

actions taken and what actions are anticipated to be taken to ensure the compliance of the District with the CAP.

The CTT is a valuable compliance tool for the Department to monitor the District's compliance with a CAP and has the capability to address the documentation of the Department's ongoing efforts ensure the District's compliance with the CAP and to provide system wide support and provide technical assistance to the District.

The Department here has not documented within the timeframe of this complaint investigation actions which were taken either to provide additional support for the District or has in discussions with the District created a negotiated path to compliance which may be different than that anticipated in the CAP as ordered on June 20, 2025.

A contemporaneous description of the actions taken by the Department describing the continued use of the SESTA's technical support, the documentation of discussions and the result of those discussions and what is necessary for the District to compete is appropriate. Timely entries in CTT can provide that record.

The resulting documentation ensures that an appropriate and timely record of the Department's monitoring and supervision of the District's efforts to comply with CAP has been created including an explanation of its efforts to ensure the District's compliance with the CAP and the District's acknowledgment of what is expected.

This complaint investigation is limited to the compliance activities of the Department between June 20, 2025 and August 29, 2025. Progress toward compliance within that time frame not only is limited to what was done and recorded within that time frame but does not consider the entirety of the compliance activities that began during this timeframe and to be completed at a later date.

Acknowledging that the Department is only a third of the way through addressing the District's compliance with the CAP at the time of this investigation, the Department is cautioned that the documentation of its activities in the past and the future efforts in ensuring the District's compliance will create a complete and verifiable source of its supervision and monitoring of the District's compliance with the CAP. The use of CTT for this purpose creates an appropriate record of Department's compliance activities.

The failure to document the Department's efforts in the first 70 days of monitoring and supervision of the District's CAP does not violate the IDEA.

The Department Special Education Director in consulting with and ultimately negotiating with the District appropriately considered the Department's obligation to respond to five individual student complaints and a systemic complaint and six resulting CAPs.

The Department has a obligation to support and provide technical assistance that may not be reflected in the six CAPs. The Department appropriately considered the monitoring and supervision tools available to address the District's noncompliance.

Ensuring that the District completes the CAPs also engages the Department in the continued monitoring and supervision necessary for the District to achieve compliance with the IDEA.

The Department's efforts to create an achievable method for the District's compliance with the IDEA have been appropriate and have included the District, Department and SESTA staff. The delivery of special education professional development to all of the District staff is an indication of the progress being made. Ongoing discussions of the development of an action plan are also indicative of progress toward completing the CAP

The Department has not released the District from the requirements of this CAP and still has eight months from the time of this Final Report to ensure that the District complies with the CAP.

To the extent that this Complaint raises issues with the supervision or enforcement of compliance to be taken by the Department after the date of the Complaint, the Complaint is premature.

The Department is cautioned that the documentation of its efforts documenting the compliance of the District during the relevant time frame of this complaint investigation were incomplete and should be addressed. However, the supervision and monitoring of the District has been appropriate and complies with the IDEA.

The Corrective Action ordered in C-25-04-07e is not modified or amended by the Analysis and Decision set out above.

The allegation is *not founded* and the Department is *in compliance*.

Corrective Action Plan

The District has been found out of compliance in Allegations 1 and 2 and is in violation of the IDEA. The following corrective actions are ordered by the Idaho Department of Education to address these findings of noncompliance.

For each required CAP item, the District shall provide evidence of correction within all timeframes by submitting each relevant document (in **pdf**, unless otherwise requested by the Department) via the Department's Special Education Compliance Tracking Tool (CTT).

Regarding Allegation 1:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Regarding Allegation 2:

This CAP is not intended to describe a different process that was required in the original C-25-04-07e CAP, but is intended to reflect the discussions that have occurred between the Department and the District.

Regarding the Completion of the Idaho SESTA Needs Assessment. The District will meet with a SESTA Coordinator to review criteria and complete the following sections:

- a. 7. Components of the IEP,
- b. Strong Educator Support System
- c. Inclusive Academic Instruction
- d. Inclusive Behavior Instruction

of the *Idaho SESTA Process Needs Assessment (ISPNA)*, to be provided by SESTA. The action plan team approved by the Department will develop an action plan to include activities such as training, resource review, policy and practice development, and other appropriate steps to modify

[REDACTED]

[REDACTED]

[REDACTED]

and/or implement systems and practices and monitor progress. The LEA must **upload a copy** of an action plan to the CTT by **November 21, 2025**.

The District will meet with the assigned SESTA Coordinator at least monthly to review implementation steps and progress. Following each monthly meeting, the LEA must upload an updated copy of the action plan with notes on progress made, barriers encountered, and any adjustments or modifications made. Monthly meeting notes must be uploaded by the **20th of each month for the 2025-2026 school year**.

Regarding the completion of training outlines and protocols for substitutes. The District will submit training outlines and protocols for substitutes that reflect IEP-specific and behavioral support considerations consistent with the District's completion of the ISPNA and the resulting Action Plan **within 7 days of the approval of the Action Plan by the Department**.


Regarding teachers on interim or alternative routes to certification. The District, by November 11, 2025, will provide confirmation that all newly hired special education teachers are certified by the Department to teach in Idaho. If any of the newly hired teachers are on an interim or alternative route to certification, the District **will provide signed amended contracts**, which include provisions for mentoring and support for teachers on interim or alternate certification to the Department **within 7 days of District Board action** approving the amended contracts.

Submission of Evidence of Compliance: For each required CAP item, the District shall provide evidence of correction within 10 days of the required action by submitting each relevant document (in pdf, unless otherwise requested by the Department) via the Department's Special Education **Compliance Tracking Tool (CTT)**.

After the District receives notification from the Department that it has successfully completed all of the corrective actions above, this complaint will be formally closed.

This *Final Report* marks the end of the Complaint Investigator's involvement in this matter. All future inquiries should be directed to the special education Dispute Resolution Coordinator, Idaho Department of Education.

Dated this 28th day of October, 2025.



JACQUELINE HYATT
Special Education Director, Idaho Department of Education

A complaint investigation report is final as of the date set forth in the report and is not subject to an appeal. A parent or LEA may submit a request for a due process hearing regarding any concerns related to the identification, evaluation, educational placement, or provision of free appropriate public education (FAPE) to a student. Any corrective action requirements and timelines set forth in the complaint investigation report will continue to run even if a due process hearing complaint is filed on the same issue(s). Idaho *Special Education Manual* (2024, Ch. 13, Sec. 5); 34 CFR § 300.507(a).