

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

K.C., a minor, by and through his mother Mia Clements v. Denver Public Schools

K.C. v. Denver Public Schools · No. 1:23-cv-02782-DDD-SBP · Decided January 26, 2026

SUMMARY

The United States District Court for the District of Colorado granted Denver Public Schools’ motion to supplement the record with a later-filed due process complaint concerning the plaintiff’s treatment by another school district. The court held that the complaint constituted relevant supplemental evidence under the Burlington standard and 20 U.S.C. § 1415(i)(2)(C), and rejected the plaintiff’s arguments regarding relevance, timeliness, and additional briefing.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Susan Prose
JURISDICTION	United States District Court for the District of Colorado
DECIDED	January 26, 2026
DOCKET	1:23-cv-02782-DDD-SBP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff challenges an administrative decision concerning special-education services under the Individuals with Disabilities Education Act. Defendant moved to submit a later-filed due process complaint as supplemental evidence under 20 U.S.C. § 1415(i)(2)(C).
STANDARD OF REVIEW	Whether to admit additional evidence under the IDEA is committed to the district court's discretion, applying the standard described in Burlington v. Department of Education.
PRECEDENTIAL VALUE	unknown

TOPICS

- evidence
- administrative law
- judicial review of agency action
- civil procedure

PRACTICE AREAS

- education law
- administrative law
- civil procedure
- evidence

QUESTIONS PRESENTED

1. Whether a later-filed due process complaint containing allegations about K.C.'s educational progress constituted admissible supplemental evidence under the IDEA.
2. Whether the motion to submit the additional evidence was untimely or would improperly multiply the proceedings.
3. Whether allegations in a legal filing can be relevant or probative evidence even though the filing itself does not establish the truth of those allegations.

HOLDINGS

1. The due process complaint constituted supplemental evidence concerning relevant events occurring after the administrative hearing and could be submitted under 20 U.S.C. § 1415(i)(2)(C).
2. A legal filing may be relevant and probative to show that a party made particular assertions, even though the filing does not establish the truth of the allegations contained in it.
3. The motion was not untimely because Defendant filed it within a month after learning of the later-filed due process complaint, despite the complaint having been filed after the deadline for motions concerning additional evidence.

KEY QUOTATIONS

“Ultimately, “the district court has discretion to determine if such additional evidence is necessary.””

“The proffered evidence may be submitted and accepted by the court as supplemental evidence pursuant to 20 U.S.C. § 1415(i)(2)(C).”

FACTUAL BACKGROUND

Plaintiff filed a due process complaint against the Cherry Creek School District on October 25, 2025, asserting that K.C.'s treatment there was ineffective and that he experienced regression or deterioration. Denver Public Schools argued that those assertions conflicted with Plaintiff's positions in this case concerning K.C.'s improvement in writing and social-emotional functioning. The court found the complaint probative of whether Plaintiff had characterized K.C.'s improvement as negligible and whether Plaintiff had selectively interpreted the same evidence in proceedings involving different school districts.

PROCEDURAL HISTORY

After the parties completed merits briefing, Denver Public Schools moved to supplement the administrative record with a due process complaint that Plaintiff filed against another school district after the administrative hearing. Plaintiff opposed the motion as irrelevant, untimely, and unduly burdensome. The magistrate judge granted the motion.

DISPOSITION

other

CASES CITED

- Burlington v. Department of Education, 736 F.2d 773, 790-91 (1st Cir. 1984), *aff'd* on other grounds, 471 U.S. 359 (1985)
- L.B. v. Nebo School District, 379 F.3d 966, 974 (10th Cir. 2004)
- Murray By & Through Murray v. Montrose County School District RE-1J, 51 F.3d 921, 931 (10th Cir. 1995)
- L.S. v. Calhan School District RJ-1, No. 15-cv-00426-LTB-MJW, 2016 WL 541005, at *2 (D. Colo. Feb. 11, 2016)
- O'Toole By & Through O'Toole v. Olathe District Schools Unified School District No. 233, 144 F.3d 692, 708 (10th Cir. 1998)
- Sinclair Wyoming Refining Co. v. A & B Builders, Ltd., 989 F.3d 747, 783 (10th Cir. 2021)
- Morales-Fernandez v. INS, 418 F.3d 1116, 1119, 1122 (10th Cir. 2005)

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