

William J. Moloney
Commissioner of Education
State of Colorado

Colorado State Board of Education

Pamela Jo Suckla, Chairman
3rd Congressional District

Jared Polis, Vice-Chairman
Member at Large

Randy DeHoff,
6th Congressional District

Karen Middleton
7th Congressional District

Peggy Littleton
5th Congressional District

Evie Hudak
2nd Congressional District

D. Rico Munn
1st Congressional District

Clair Orr
4th Congressional District



Mediation Coordinator

Colorado Department of Education
Exceptional Student Services Unit
201 East Colfax Ave.
Denver, CO 80203
(303) 866-6685
TDD (303) 860-7060

Federal Complaints Officer

Colorado Department of Education
Exceptional Student Services Unit
201 East Colfax Ave.
Denver, CO 80203
(303) 866-6685
TDD (303) 860-7060

**The Legal Center for People with
Disabilities and Older People**

455 Sherman St., Suite 130
Denver, CO 80203-4403
(303) 722-0300
(303) 722-0720 Fax
(800) 288-1376 Toll Free
TDD for Hearing Impaired

OR

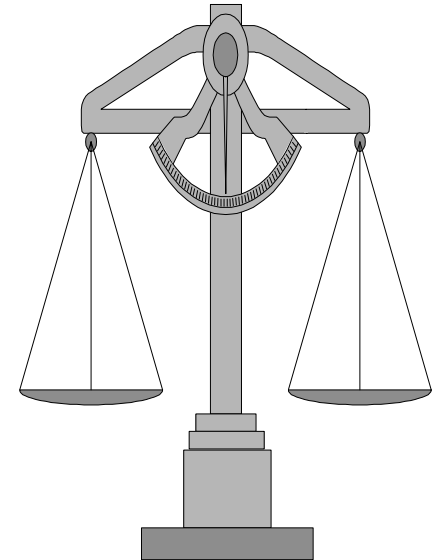
2829 North Avenue, Suite 205
Grand Junction, CO 81501-1501
(970) 241-6371
(970) 241-5324 Fax
(800) 531-2105 Toll Free

**US Department of Education
Office of Civil Rights**

1244 Speer Blvd., Suite 300
Denver, CO 80204-3582
(303) 844-5695
(303) 844-4303 Fax

SPECIAL EDUCATION LAW

Dispute Resolution **RIGHTS**
for Students with Disabilities
and their Parents



Colorado Department of Education
April 2005

If you have concerns about your son or daughter's special education services, it is advisable, before seeking remedies outside of your local school system, to next contact your local **DIRECTOR OF SPECIAL EDUCATION**. If that does not solve the problem, you have available to you the following ways of resolving your disagreement with the school.

MEDIATION

The Colorado State Department of Education (CDE) will pay for a Mediator to help you and the school resolve your disagreement, if you and the school agree to participate. The Mediator has no power to decide anything. However, CDE Mediators are experts in helping schools and parents reach agreements which are acceptable to both. CDE strongly encourages Mediation. If you and the school do not reach a voluntary agreement, you still have a right to file a Federal Complaint or ask for a Due Process Hearing. Also, Mediation can take place after a Federal Complaint is filed, or after a Due Process Hearing request is made. If you want a Mediator, call the telephone number listed for Mediation given on this brochure. A Mediator can only be assigned if both the school and the parent agree to participate in Mediation.

FEDERAL COMPLAINT

If you believe the school is violating special education law, you may file a Federal Complaint. You do this by sending a signed letter to the Federal Complaints Officer, at the address given on this brochure. A Federal Complaint can only be filed in writing. Your letter needs to state your concerns in your own words, or your attorney's or advocate's own words. A Federal Complaint is designed to resolve whether the school is correctly following the procedures of the law, and whether the requirements of the Individualized Education Program, the IEP, are being correctly followed. This is different from a Due Process Hearing. A Federal Complaint must be filed within one (1) year of the alleged violation, unless it is a continuing violation. When your Complaint is received by the Federal Complaints Officer, s/he will determine whether your

concerns could be a violation of special education law. If the Federal Complaints Officer needs more information to make this decision, s/he will contact you, or your attorney or advocate if you have one. If the Federal Complaints Officer does not need more information at this point, and s/he determines that your concerns could be a violation of special education law, s/he will send a copy of your Complaint to the school. The school has fifteen (15) days to respond. The general rule is that the Federal Complaint be resolved within sixty (60) days of the date it is received by the Federal Complaints Officer. However, the Federal Complaints Officer can extend the timelines in the Federal Complaints process, if necessary for an adequate resolution of the Complaint. Before filing a Federal Complaint, it is advisable for you, or your attorney or advocate, to contact the Federal Complaints Officer at the number given on this brochure, to make sure you understand the Federal Complaint Process, and to see if your concerns can be resolved without filing a Federal Complaint.

DUE PROCESS HEARING

If you believe the school is violating special education law, with regard to your son or daughter, you may also request a Due Process Hearing. You do this by making a written and signed request for a Due Process Hearing to your local Director of Special Education, or by following the procedures in the school district responsible for providing special education services for your son or daughter. The school district may have a form you need to complete and sign. A Due Process Hearing is designed to resolve not just whether the IEP is being correctly followed, but also what should be in the IEP in the first place. That is, what should be the appropriate educational program for the student. This includes issues of identification, evaluation, and educational placement for your son or daughter. At present, there is no acceptable rule for how long you have after you believe a violation has occurred in which to request a hearing. However, the longer you wait the more likely it is that your request for a hearing will be denied.

Once the school receives your written request for a Due Process Hearing, your request is sent to the Colorado Department of Education. Within ten (10) days of the receipt of your written request for a Due Process Hearing, a Hearing Officer is supposed to be selected. This is done by sending you a list of the next three available Hearing Officers, with a brief biographical description of each of them. You eliminate one of the three. The remaining two names are sent to the school district. The school district eliminates one of the two. The one that remains will be the Hearing Officer, and s/he will contact you and the school district on how next to proceed. The general rule is that the Hearing Officer is to reach a decision within forty-five (45) days of your request for a hearing. However, the Hearing Officer can extend this timeline, if necessary for an adequate resolution of the hearing. The Due Process Hearing is more complicated than Mediation or filing a Federal Complaint. The Due Process Hearing is like going to court. Before requesting a Due Process Hearing it is advisable to contact an attorney or advocate experienced in special education law and Due Process Hearings. The Legal Center for People with Disabilities and Older People is an organization to contact for this consultation, or to be referred to other organizations that might help you, and it is listed on this brochure.

SECTION 504 COMPLAINT

Section 504 of the Rehabilitation Act of 1973 is a federal law which prohibits discrimination against persons, including students, who are disabled. Some students who do not qualify for Special Education Services, may qualify for Section 504 services. If you believe this is true for your son or daughter, contact your local **SECTION 504 COORDINATOR**. If you do not know the **SECTION 504 COORDINATOR**, contact your local **DIRECTOR OF SPECIAL EDUCATION** and s/he will refer you to the appropriate person. If you believe your son or daughter is being discriminated against in school because of his or her disability, you can file a Section 504 Complaint. The place to file such a Complaint is with the Office of Civil Rights (OCR). If you want to file a Section 504 Complaint, you should contact OCR at the address and telephone number listed on this brochure.