

RESOURCES:

For Legal Assistance:

The Legal Center for People with Disabilities and Older People
455 Sherman St., Suite 130
Denver, CO 80203-4403
(303) 722-0300 or (800) 288-1376 Toll Free
TDD for Hearing Impaired
OR
2829 North Avenue, Suite 205
Grand Junction, CO 81501-1501
(970) 241-6371 or (800) 531-2105 Toll Free

To file a Section 504 Complaint:

Office for Civil Rights, Denver Office
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
(303) 844-5695
(303) 844-4303 Fax

ONLINE INFORMATION

More information about dispute resolution and special education law is available online at:

The Colorado Department of Education,
Special Education Law Website
<http://www.cde.state.co.us/spedlaw/>

The Due Process Hearing/Mediation Request form can be found at:
<http://www.cde.state.co.us/spedlaw/info.htm>

The U.S. Department of Education
Office of Special Education Programs
<http://www.ed.gov/about/offices/list/osep/>

View a Video Clip on Procedural Safeguards provided by OSEP:
<http://idea.ed.gov/explore/videoDownload/s/ProceduralSafeguards>

To discuss Dispute Resolution options please call:

Colorado Department of Education
Exceptional Student Leadership Unit
303-866-6685
TDD (303) 860-7060

To request Mediation please call:

Colorado Department of Education
Exceptional Student Leadership Unit
Mediation Project Director 303-866-6685
Or Mediation Coordinator 303-866-6889

To file a State Complaint:

Complaints Officer
Colorado Department of Education
Exceptional Student Leadership Unit
201 East Colfax Ave., Room 300
Denver, CO 80203
303- 866-6685
Fax: 303-866-6767

To file a Due Process Complaint:

(This must also be filed simultaneously with the Special Education Director of your Administrative Unit.)

Dispute Resolution Office

Colorado Department of Education
Exceptional Student Leadership Unit
201 East Colfax Ave., Room 300
Denver, CO 80203
Fax: 303-866-6767

COLORADO
DEPARTMENT OF
EDUCATION



Dispute Resolution Rights

for
Children with Disabilities
and their Parents

cde

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Dispute Resolution

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 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 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. A successful mediation results in a binding agreement that is signed by the parties and may be enforced in federal or state court. CDE strongly encourages Mediation. If you and the school do not reach a voluntary agreement, you still have a right to file a State 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.

STATE COMPLAINT

If you believe the school district is violating special education law, you may file a State Complaint. You do this by sending a signed letter to the State Complaints Officer, at the address given on this brochure. A State 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 State 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 State 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 State Complaints Officer, s/he will determine whether your concerns could be a violation of special education law. If the State 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 State 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 district has fifteen (15) days to respond. The general rule is that the State Complaint be resolved within sixty (60) days of the date it is received by the State Complaints Officer. However, the State Complaints Officer can extend the timelines in the State Complaints process, if necessary for an adequate resolution of the Complaint. Before filing a State Complaint, it is advisable for you, or your attorney or advocate, to contact the State Complaints Officer at the number given on this brochure, to make sure you understand the State Complaint Process, and to see if your concerns can be resolved without filing a State 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 filing a written and signed request for a Due Process Hearing with your local Director of Special Education and with the Colorado Department of Education at the address listed on the back of this brochure. 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. Under the current federal regulations there is a 2 year statute of limitations within which you can file a due process complaint, unless there are extenuating circumstances that necessitate going back further than 2 years. Once CDE receives your written request for a Due Process Hearing an Impartial Hearing Officer will be assigned to the case from a list of trained and qualified individuals. The Hearing

Officer oversees all aspects of the case and will contact the parties to advise how next to proceed.

RESOLUTION SESSION

Once your Due Process Complaint is filed, the school district has 15 days to schedule a Resolution Session. This is an opportunity for you and the school district to try to resolve the issues before it goes to a hearing. You can waive this right and proceed directly with a hearing or you can also request mediation in lieu of a resolution session.

The general rule is that the Hearing Officer is to render a written decision within forty-five (45) days after the completion of the resolution period (30 days from the time the request is received). However, the Hearing Officer can extend this timeline, if necessary for an adequate resolution of the issues. 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 that may help you with this consultation, or refer you to other organizations that might help you. It is listed on this brochure.

SECTION 504 COMPLAINT

Section 504 of the Rehabilitation Act of 1973 is a separate 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.