

## 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  
[www.thelegalcenter.org](http://www.thelegalcenter.org)

### For Advocacy Assistance:

PEAK Parent Center  
611 North Weber, Suite 200  
Colorado Springs, CO 80903  
(719) 531-9400  
Hotline: 1-800-284-0251  
[www.peakparent.org](http://www.peakparent.org)

### 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  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

### Online Information:

The Colorado Department of Education  
Special Education Law Website  
<http://www.cde.state.co.us/spedlaw/>  
The U.S. Department of Education  
Office of Special Education Programs (OSEP)  
<http://www.ed.gov/about/offices/list/osers/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 or 303-866-6311  
TDD (303) 860-7060

### Recommended Forms for filing a due process complaint, state complaint or to request mediation can be found at:

<http://www.cde.state.co.us/spedlaw/info.htm>

### To request Mediation please call:

Colorado Department of Education  
Exceptional Student Leadership Unit  
Mediation Coordinator 303-866-6889

### To file a State Complaint:

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

#### State Complaints Officer

Colorado Department of Education  
Exceptional Student Leadership Unit  
1560 Broadway, Suite 1175  
Denver, CO 80202  
303-866-6685 or 303-866-6311  
**(Faxed or emailed complaints are not accepted.)**

### 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  
1560 Broadway, Suite 1175  
Denver, CO 80202  
Fax: 303-866-6767

COLORADO  
DEPARTMENT OF  
EDUCATION



# Dispute Resolution Rights

for  
Children with Disabilities  
and their Parents

cde

July 2011

## DISPUTE RESOLUTION<sup>1</sup>

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 the DIRECTOR OF SPECIAL EDUCATION for your administrative unit<sup>2</sup>. If that does not resolve your concerns, the following options may assist you in resolving disagreement(s) you may have with the administrative unit.

## MEDIATION

The Colorado Department of Education (CDE) strongly encourages the use of Mediation:

- Both parties must agree to voluntary Mediation;
- The CDE will arrange Mediation at no cost to the parties;
- An impartial mediator from the Office of Administrative Courts will be appointed;
- The mediator does not decide the dispute, but helps parents and the administrative unit reach agreements which are acceptable to both parties;
- A successful Mediation results in a written and signed agreement that is enforceable in federal or state court;
- If a written agreement is not reached in Mediation, you still have the right to file a State Complaint or a Due Process Complaint;
- Alternatively, Mediation can be requested after a State Complaint or Due Process Complaint has been filed; and

---

<sup>1</sup>This brochure briefly outlines the dispute resolution options available to parents. It is not intended to provide legal advice or to provide complete description of the dispute resolution procedures or services available. For complete information, please review the Individuals with Disabilities Education Act (IDEA) regulations and the Exceptional Children's Educational Act (ECEA) rules which are listed at the CDE website: <http://www.cde.state.co.us/spedlaw/>.

<sup>2</sup>A special education administrative unit is a school district, a Board of Cooperative Educational Services (BOCES) or the Charter School Institute (CSI). A list of administrative units and special education directors is available on the CDE website at: <http://www.cde.state.co.us/cdesped/SPED-Dir.asp>.

- If you would like to request Mediation, please call the CDE Mediation Coordinator at (303) 866-6889.

## STATE COMPLAINT

If you believe the administrative unit has violated special education rules or regulations, you have the option of filing a State Complaint. A State Complaint:

- Is a written and signed document;
- Specifying how the administrative unit is alleged to have violated the IDEA regulations or ECEA rules;
- Can be filed for any alleged violation of the IDEA that has occurred within one year of the date of the complaint;
- The State Complaints Officer (SCO) has 60 calendar days from the date the complaint is accepted to investigate the alleged violation(s) and issue a written decision;
- Cannot be filed electronically (i.e., via facsimile or email); and
- Before filing a State Complaint, it is advisable that you or your attorney carefully review the model State Complaint form and the State Complaint Procedures at CDE's dispute resolution website: <http://www.cde.state.co.us/spedlaw/>.

## DUE PROCESS COMPLAINT

You may file a Due Process Complaint regarding any matter related to:

- the identification of a child suspected of having a disability;
- the evaluation of the child;
- the educational placement of a child with a disability; or
- the provision of a free appropriate public education.

Prior to filing a Due Process Complaint, 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 may be able to assist you or refer you to other available resources. Con-

tact information for the Legal Center is listed in this brochure.

A due process hearing request:

- Requires a written complaint;
- Is limited to violations alleged to have occurred in the past two years;
- Is assigned to an Administrative Law Judge (ALJ), trained in special education law;
- Requires that the parties conduct a resolution meeting in an attempt to resolve the complaint allegations;
- That is not resolved, triggers a hearing, much like a formal court proceeding (e.g., the parties present evidence, confront, cross-examine and compel the attendance of witnesses, etc.); and
- Results in a written decision issued by the ALJ.

## EXPEDITED DUE PROCESS COMPLAINT

An Expedited Due Process Complaint;

- Requires a written complaint;
- Is limited only to allegations involving: (i) disciplinary removals for greater than 10 days (i.e., suspension or expulsion), or (ii) disagreements with a manifestation determination that occurred as a result of a disciplinary removal;
- Has much shorter timelines; and
- Results in a written decision issued by the ALJ.

## DISPUTES NOT PROTECTED UNDER THE IDEA

If a child has a disability but does not qualify for special education services under the IDEA, the child may be eligible for protection and services under Section 504. **Neither the CDE nor the SCO has authority to investigate Section 504 Complaints (e.g., complaints concerning, discrimination, etc.).** If you believe your child has been discriminated against, contact the administrative unit's Superintendent or the Section 504 Coordinator. Alternatively, you may file a Complaint with the Office for Civil Rights. Please see the contact information for the Office for Civil Rights listed on this brochure.

