

**Federal Complaint 99:519**  
(Division of Youth Corrections)

**DECISION**

**Findings of Fact**

Neither the Division of Youth Corrections (DYC) nor its grantee, Aspen Youth Alternatives (AYA), has ever implemented or created Individualized Education Programs (IEPs) for special education students sent to AYA.

**Conclusions of Law**

The Division of Youth Corrections is in violation of Sections 300.340 - 300.350 of the Individuals with Disabilities Education Act (IDEA) regulations, which address Individualized Education Programs, and therefore with the IDEA statute, found at 20 U.S.C. 1414(d). The Division of Youth Corrections is also in violation of 1CCR 301-8, 2220-R-4.02-4.02(9) of the Colorado Rules (for the) Administration of the Exceptional Children's Educational Act, which address Individualized Education Programs, and therefore with the Colorado Exceptional Children's Educational Act (ECEA), found at C.R.S. 22-20-108(4).

The violations have continued at least since DYC began contracting with Aspen Youth Alternatives. Copies of relevant legal provisions are appended to this Decision (Appendix A).

**Discussion**

In a letter dated June 16, 1999, Mr. [ ] filed a Federal Complaint alleging violations of law by the Division of Youth Corrections. A copy of that letter is appended to this Decision (Appendix B). In a letter dated June 28, 1999, the Federal Complaints Officer wrote Ms. Ann Milam, Education Director for the Division of Youth Corrections, notifying her that the Federal Complaints Officer was investigating the Complaint, and requesting that certain information be provided to the Federal Complaints Officer. A copy of that letter is appended to this Decision (Appendix C).

The information requested by the Federal Complaints Officer in his June 28, 1999 letter to Ms. Milam was subsequently provided. In a letter dated July 30, 1999 the Federal Complaints Officer requested further information from Ms. Milam. A copy of that letter is appended to this Decision (Appendix D). The information requested by the Federal Complaints Officer in his July 30, 1999 letter to Ms. Milam has never been provided.

Under IDEA, the State, in this case the State of Colorado, is responsible for insuring that relevant legal requirements are met. (See §300.600, IDEA Regulations) In Colorado, the Colorado Department of Education (CDE), is the State Education Agency (SEA), which has the responsibility to see that the relevant legal requirements are met. As a part of its effort to meet its responsibility, the Colorado Department of Education entered into an interagency agreement

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with the Division of Youth Corrections. A copy of that interagency agreement is appended to this Decision (Appendix E). For these reasons, the Colorado Division of Youth Corrections must abide by relevant law, and is subject to the jurisdiction of the Federal Complaint process. The Colorado Division of Youth Corrections has failed to abide by relevant law.

**Remedy**

The Colorado Division of Youth Corrections should receive no further funding through the Colorado Department of Education until it complies with the law. The Colorado Division of Youth Corrections is given sixty (60) days from the date of this Decision to bring itself into compliance. At that time, this Decision shall become final, and the thirty (30) day appeal time will begin. A copy of the appeal procedure is attached to this decision.

Dated this day the \_\_\_\_ of December 1999

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Charles M. Masner, Esq.  
Federal Complaints Officer  
Colorado Department of Education