

Colorado Department of Education
Decision of the Federal Complaints Officer
Under the Individuals with Disabilities Education Act (IDEA)

Federal Complaint 2000:503
(Adams/Arapahoe County School District 28J)

Decision

INTRODUCTION

This Complaint was dated January 24, 2000, and received by the Federal Complaints Officer on January 27, 2000. The school's response was dated February 18, 2000, and received by the Federal Complaints Officer on February 23, 2000. The complainant subsequently filed a response to the school's response, dated March 2, 2000, and received by the Federal Complaints Officer on March 13, 2000. The Federal Complaints Officer then closed the record.

COMPLAINANT'S ALLEGATION

The complainant alleged that she was denied the opportunity, as she requested, to have an IEP meeting. The complainant makes other allegations, but the Federal Complaints Officer has determined that the other allegations are not subject to the jurisdiction of the Federal Complaint process.

SCHOOL'S RESPONSE

The school responded that there was confusion about whether written notice of a meeting should have been mailed, and what was the intended purpose of the meeting. Given this confusion, and the fact that necessary staff were not present, the school agrees that no IEP meeting took place.

FINDINGS AND CONCLUSION

While the Federal Complaints Officer finds nothing in the IDEA regulations that specifies the school's responsibility to schedule an IEP review meeting at a parent request, the comments to the regulations state that "Public agencies are required under the statute and these final regulations to be responsive to parental requests for such reviews." See page 12581 of the Federal Register, Vol. 64, No. 48, Friday, March 12, 1999. In this case, the school has said there was a misunderstanding. The parent complainant has said there was no misunderstanding – the school made a mistake. Even if the parent is correct, the Federal Complaints Officer finds that nothing happened sufficient to warrant finding the school in violation of special education law subject to the jurisdiction of the Federal Complaint process.

CONCLUSION

This Decision will become final as dated by the Federal Complaints Officer's signature on this Decision. A copy of the appeal procedure is attached.

Dated today, March _____, 2000.

Charles M. Masner, Esq.
Federal Complaints Officer